FEDERAL REGISTER

Vol. 80 Wednesday,
No. 101 May 27, 2015

Pages 30129–30326

OFFICE OF THE FEDERAL REGISTER

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 948

[Doc. No. AMS–FV–14–0092; FV15–948–1 FIR]

Irish Potatoes Grown in Colorado; Relaxation of the Handling Regulation for Area No. 3

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule implementing a recommendation from the Colorado Potato Administrative Committee, Area No. 3 (Committee) that relaxed the minimum quantity exception for potatoes handled under the Colorado potato marketing order, Area No. 3 (order). The Committee locally administers the order and is comprised of producers and handlers of potatoes operating within the production area. This rule increases the quantity of potatoes that may be handled under the order without regard to the order's handling regulation requirements from 1,000 to 2,000 pounds. This action is expected to benefit producers and handlers.

DATES: Effective May 28, 2015.

FOR FURTHER INFORMATION CONTACT: Sue Coleman, Marketing Specialist, or Gary D. Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *Sue.Coleman@ams.usda.gov* or *GaryD.Olson@ams.usda.gov.*

Small businesses may obtain information on complying with this and other marketing order and agreement regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide* ; or by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

The handling of Colorado Area No. 3 potatoes is regulated by 7 CFR part 948. Prior to this change, the minimum quantity exception for potatoes was 1,000 pounds. The Committee unanimously recommended increasing the minimum quantity exception to be consistent with the approximate weight of one pallet of potatoes. The recommendation was made at the request of producers and handlers who wanted greater flexibility in distributing smaller quantities of potatoes. Therefore, this rule continues in effect the rule that relaxed the quantity of potatoes that may be handled without regard to the requirements of § 948.387(a) and (b) of the order from 1,000 to 2,000 pounds.

In an interim rule published in the **Federal Register** on January 22, 2015, and effective on January 23, 2015, (80 FR 3140, Doc. No. AMS–FV–14–0092; FV15–948–1 IR), § 948.387(f) was amended by increasing the minimum quantity from 1,000 to 2,000 pounds of potatoes.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 6 handlers of Colorado Area No. 3 potatoes subject to regulation under the order and approximately 6 producers in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

During the 2013–2014 fiscal period, the most recent for which statistics are available, 663,025 hundredweight of Colorado Area No. 3 potatoes were inspected under the order and sold into the fresh market. The USDA Market News Service reported a 2013–2014 average f.o.b. price of $10.70 per hundredweight. Multiplying $10.70 by the shipment quantity of 663,025 hundredweight yields a shipping point revenue estimate of $7,094,368. The average annual fresh potato revenue for each of the 6 Colorado Area No. 3 potato handlers is therefore calculated to be approximately $1,182,395 ($7,094,368 divided by 6), which is less than the SBA threshold of $7,000,000. In view of the foregoing, the majority of Colorado Area No. 3 potato handlers may be classified as small entities.

In addition, based on information provided by the National Agricultural Statistics Service, the average producer price for the 2013 Colorado fall potato crop was $7.25 per hundredweight. Multiplying $7.25 by the shipment quantity of 663,025 hundredweight yields an annual crop revenue estimate of $4,806,931. The average annual fresh potato revenue for each of the 6 Colorado Area No. 3 potato producers is therefore calculated to be approximately $801,155 ($4,806,931 divided by 6), which is greater than the SBA threshold of $750,000. Consequently, on average, most of the Colorado Area No. 3 potato

producers may not be classified as small entities.

This rule continues in effect the action that relaxed the quantity of potatoes that may be handled without regard to the requirements of § 948.387(a) and (b) of the order from 1,000 to 2,000 pounds. Authority for the establishment and modification of a minimum quantity exception is provided in § 948.22(b)(2) of the order. This rule amends the provisions in § 948.387(f).

This action is not expected to increase the costs associated with the order's requirements. Rather, it is anticipated that this change will have a beneficial impact. The Committee believes it will provide greater flexibility in the distribution of small quantities of potatoes. Currently, the distribution of potatoes between 1,000 and 2,000 pounds requires an inspection and certification that the product conforms to the grade, size, and maturity requirements of the order. This translates into a cost for handlers of both time and inspection fees, which is high in relation to the small value (approximately $214.00 per pallet) of these transactions. This action will allow shipments of up to 2,000 pounds of potatoes without regard to the order's handling requirements and the related costs. The benefits for this rule are expected to be equally available to all fresh potato producers and handlers, regardless of their size.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178 (Generic Vegetable and Specialty Crops). No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large Colorado Area No. 3 potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the Colorado Area No. 3 potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the May 14, 2014, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

Comments on the interim rule were required to be received on or before March 23, 2015. One comment was received during the comment period in response to the proposal. The commenter opposed the proposed relaxation. The recommendations made by the commenter were to withdraw the change or to increase the exemption to 20,000 pounds. An increase of the minimum quantity exception to 20,000 pounds would eliminate the need for the order, which is not the recommendation of the industry. Also, this action was initiated from a unanimous recommendation of the Committee, which represents a cross-section of the Colorado Area No. 3 potato industry. Accordingly, no changes will be made to the rule.

To view the interim rule, go to: *http://www.regulations.gov/#!docketDetail;D=AMS-FV-14-0092*.

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, 13175, and 13563; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (80 FR 3140, January 22, 2015) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

Accordingly, the interim rule that amended 7 CFR part 948 and that was published at 80 FR 3140 on January 22, 2015, is adopted as a final rule, without change.

Dated: May 21, 2015.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–12751 Filed 5–26–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Doc. No. AMS–FV–13–0087; FV14–985–1B FIR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2014–2015 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule recommended by the Spearmint Oil Administrative Committee (Committee) that revised the quantity of Class 3 (Native) spearmint oil that handlers may purchase from, or handle on behalf of, producers during the 2014–2015 marketing year under the Far West spearmint oil marketing order. The Committee locally administers the order and is comprised of spearmint oil producers operating within the production area. The interim rule increased the Native spearmint oil salable quantity from 1,090,821 pounds to 1,280,561 pounds and the allotment percentage from 46 percent to 54 percent. This change is expected to help maintain orderly marketing conditions in the Far West spearmint oil market.

DATES: Effective May 27, 2015.

FOR FURTHER INFORMATION CONTACT: Barry Broadbent, Senior Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *Barry.Broadbent@ams.usda.gov* or *GaryD.Olson@ams.usda.gov.*

Small businesses may obtain information on complying with this and other marketing order regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide;* or by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No.

985 (7 CFR part 985), as amended, regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866, 13563, and 13175.

The handling of spearmint oil produced in the Far West is regulated by the order and is administered locally by the Committee. Under the authority of the order, salable quantities and allotment percentages were established for both Scotch and Native spearmint oil for the 2014–2015 marketing year. However, during the course of the 2014–2015 marketing year, it became evident to the Committee and the industry that demand for Native spearmint oil was greater than previously projected and an intra-seasonal increase in the salable quantity and allotment percentage for Native spearmint oil was necessary to adequately supply the increased demand. Therefore, this rule continues in effect the rule that increased the Native spearmint oil salable quantity from 1,090,821 pounds to 1,280,561 pounds and the allotment percentage from 46 percent to 54 percent.

In an interim rule published in the **Federal Register** on January 22, 2015, effective on January 22, 2015, and applicable to the 2014–2015 marketing year (80 FR 3142, Doc. No. AMS–FV–13–0087, FV14–985–1B IR), § 985.233 was amended to reflect the aforementioned increase in the salable quantity and allotment percentage for Native spearmint oil for the 2014–2015 marketing year.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are 8 spearmint oil handlers subject to regulation under the order, and approximately 39 producers of Scotch spearmint oil and approximately 91 producers of Native spearmint oil in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

Based on the SBA's definition of small entities, the Committee estimates that only two of the eight handlers regulated by the order could be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 22 of the 39 Scotch spearmint oil producers and 29 of the 91 Native spearmint oil producers could be classified as small entities under the SBA definition. Thus, the majority of handlers and producers of Far West spearmint oil may not be classified as small entities.

The use of volume control regulation allows the spearmint oil industry to fully supply spearmint oil markets while avoiding the negative consequences of over-supplying these markets. Without volume control regulation, the supply and price of spearmint oil would likely fluctuate widely. Periods of oversupply could result in low producer prices and a large volume of oil stored and carried over to future crop years. Periods of undersupply could lead to excessive price spikes and could drive end users to source their flavoring needs from other markets, potentially causing long-term economic damage to the domestic spearmint oil industry. The order's volume control provisions have been successfully implemented in the domestic spearmint oil industry since 1980 and provide benefits for producers, handlers, manufacturers, and consumers.

This rule increases the quantity of Native spearmint oil that handlers may purchase from or handle on behalf of producers during the 2014–2015 marketing year, which ends on May 31, 2015. The 2014–2015 Native spearmint oil salable quantity was initially established at 1,090,821 pounds and the allotment percentage initially set at 46 percent. This rule increases the Native spearmint oil salable quantity to 1,280,561 pounds and the allotment percentage to 54 percent.

The Committee reached its decision to recommend an increase in the salable quantity and allotment percentage for Native spearmint oil after careful consideration of all available information. With the increase, the Committee believes that the industry will be able to satisfactorily meet the current market demand for this class of spearmint oil. This rule amends the salable quantities and allotment percentages previously established in § 985.233. Authority for this action is provided in §§ 985.50, 985.51, and 985.52 of the order.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178, Vegetable and Specialty Crop Marketing Orders. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the spearmint oil industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the November 5, 2014, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

Comments on the interim rule were required to be received on or before March 23, 2015. No comments were received. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *http://www.regulations.gov/#!documentDetail;D=AMS-FV-13-0087-0004.*

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, 13175, and 13563; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal**

Register (80 FR 3142, January 22, 2015) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

Accordingly, the interim rule that amended 7 CFR part 985 and that was published at 80 FR 3142 on January 22, 2015, is adopted as a final rule, without change.

Dated: May 21, 2015.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–12758 Filed 5–26–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2015–1819; Special Conditions No. 25–583–SC]

Special Conditions: Bombardier Aerospace, Models BD–500–1A10 and BD–500–1A11 Series Airplanes; Operation Without Normal Electrical Power

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Bombardier Aerospace Models BD–500–1A10 and BD–500–1A11 series airplanes. These airplanes will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These design features are electrical and electronic systems that perform critical functions, the loss of which could be catastrophic to the airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Bombardier Aerospace on May 27, 2015. We must receive your comments by June 26, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–1819 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Massoud Sadeghi, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone 425–227–2117; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplanes. In addition, the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On December 10, 2009, Bombardier Aerospace applied for a type certificate for their new Models BD–500–1A10 and BD–500–1A11 series airplanes (hereafter collectively referred to as ''CSeries''). The CSeries airplanes are swept-wing monoplanes with an aluminum alloy fuselage, sized for 5-abreast seating. Passenger capacity is designated as 110 for the Model BD–500–1A10 and 125 for the Model BD–500–1A11. Maximum takeoff weight is 131,000 pounds for the Model BD–500–1A10 and 144,000 pounds for the Model BD–500–1A11. The CSeries airplanes will have an electronic flight control system.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Bombardier Aerospace must show that the CSeries airplanes meet the applicable provisions of 14 CFR part 25 as amended by Amendments 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the CSeries airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model.

In addition to the applicable airworthiness regulations and special conditions, the CSeries airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory

adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The CSeries will incorporate the following novel or unusual design features: Electrical and electronic flight control systems that perform critical functions, the loss of which may result in loss of flight controls and other critical systems and may be catastrophic to the airplane.

The applicable airworthiness regulations do not contain adequate or appropriate safety standards for these design features. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion

The CSeries airplanes have a fly-by-wire flight control system that requires a continuous source of electrical power in order to maintain an operable flight control system. Section 25.1351(d), *Operation without normal electrical power,* requires safe operation in visual flight rule (VFR) conditions for at least five minutes after loss of normal electrical power excluding the battery. This rule was structured around a traditional design using mechanical control cables and linkages for flight control. These manual controls allowed the crew to maintain aerodynamic control of the airplane for an indefinite period of time after loss of all electrical power. Under these conditions, a mechanical flight control system provided the crew with the ability to fly the airplane while attempting to identify the cause of the electrical failure, restart engine(s) if necessary, and attempt to re-establish some of the electrical power generation capability.

A critical assumption in § 25.1351(d) is that the airplane is in VFR conditions at the time of the failure. This is not a valid assumption in today's airline operating environment where airplanes fly much of the time in instrument meteorological conditions on air traffic control defined flight paths. Another assumption in the existing rule is that the loss of all normal electrical power is the result of the loss of all engines. The five-minute period in the rule is to allow at least one engine to be restarted following an all-engine power loss in order to continue the flight to a safe landing. However, service experience on airplane models with similar electrical power-system architecture as the CSeries has shown that at least the temporary loss of all electrical power for causes other than all-engine failure is not extremely improbable. In addition, Bombardier is applying for extended operations (ETOPS) type design approval. In order to meet the applicable ETOPS requirements, the electrical power generation system must be able to power all of the electrically powered equipment required for a maximum-length ETOPS diversion.

In order to maintain the same level of safety envisioned by the existing rule with traditional mechanical flight controls in a non-ETOPS operating environment, the CSeries design must not be time-limited in its operation under all reasonably foreseeable conditions, including loss of all normal sources of engine or auxiliary-power-unit (APU)-generated electrical power. Unless Bombardier can show that the non-restorable loss of the engine and APU power sources is extremely improbable, Bombardier must demonstrate that the airplanes can maintain safe flight and landing (including steering and braking on the ground for airplanes using steer/brake-by-wire and/or fly-by-wire speed brake panels) with the use of its emergency/alternate electrical power systems. These electrical power systems, or the minimum restorable electrical power sources, must be able to power loads that are essential for continued safe flight and landing, including those required for a maximum length ETOPS diversion.

Applicability

As discussed above, these special conditions are applicable to the Model No. BD–500–1A10 and BD–500–1A11 series airplanes. Should Bombardier Aerospace apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on two model series of airplanes. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier BD–500–1A10 and BD–500–1A11 series airplanes.

Operation Without Normal Electrical Power

In lieu of Title 14 Code of Federal Regulations (14 CFR) 25.1351(d) the following special conditions apply:

1. Bombardier must show by test or a combination of test and analysis that the airplane is capable of continued safe flight and landing with all normal electrical power sources inoperative, as prescribed by paragraphs 1a and 1b below. For purposes of these special conditions, normal sources of electrical power generation do not include any alternate power sources such as the battery, ram air turbine, or independent power systems such as the flight-control permanent magnet generating system. In showing capability for continued safe flight and landing, Bombardier must account for systems capability, effects on crew workload and operating conditions, and the physiological needs of the flightcrew and passengers for the longest diversion time for which Bombardier is seeking approval.

a. In showing compliance with this requirement, Bombardier must account for common-cause failures, cascading failures, and zonal physical threats.

b. Bombardier may consider the ability to restore operation of portions of the electrical power generation and distribution system if it can be shown that unrecoverable loss of those portions of the system is extremely improbable. The design must provide an alternative source of electrical power for the time required to restore the minimum electrical power generation capability

required for safe flight and landing. Bombardier may exclude unrecoverable loss of all engines when showing compliance with this requirement.

2. Regardless of any electrical generation and distribution system recovery capability shown under paragraph 1 of these special conditions, sufficient electrical system capability must be provided to:

a. Allow time to descend, with all engines inoperative, at the speed that provides the best glide distance, from the maximum operating altitude to the top of the engine restart envelope, and

b. Subsequently allow multiple start attempts of the engines and auxiliary power unit (APU). The design must provide this capability in addition to the electrical capability required by existing part 25 requirements related to operation with all engines inoperative.

3. The airplane emergency electrical power system must be designed to supply:

a. Electrical power required for immediate safety, which must continue to operate without the need for crew action following the loss of the normal electrical power, for a duration sufficient to allow reconfiguration to provide a non-time-limited source of electrical power.

b. Electrical power required for continued safe flight and landing for the maximum diversion time.

4. If Bombardier uses APU-generated electrical power to satisfy the requirements of these special conditions, and if reaching a suitable runway for landing is beyond the capacity of the battery systems, then the APU must be able to be started under any foreseeable flight condition prior to the depletion of the battery or the restoration of normal electrical power, whichever occurs first. Flight test must demonstrate this capability at the most critical condition.

a. Bombardier must show that the APU will provide adequate electrical power for continued safe flight and landing.

b. The operating limitations section of the airplane flight manual (AFM) must incorporate non-normal procedures that direct the pilot to take appropriate actions to activate the APU after loss of normal engine-driven generated electrical power.

5. As part of showing compliance with these special conditions, the tests to demonstrate loss of all normal electrical power must also take into account the following:

a. The assumption that the failure condition occurs during night instrument meteorological conditions (IMC) at the most critical phase of the flight, relative to the worst possible electrical power distribution and equipment-loads-demand condition.

b. After the un-restorable loss of normal engine generator power, the airplane engine restart capability is provided and operations continued in IMC.

c. The airplane is demonstrated to be capable of continued safe flight and landing. The length of time must be computed based on the maximum diversion time capability for which the airplane is being certified. Bombardier must account for airspeed reductions resulting from the associated failure or failures.

d. The airplane must provide adequate indication of loss of normal electrical power to direct the pilot to the non-normal procedures, and the operating limitations section of the AFM must incorporate non-normal procedures that will direct the pilot to take appropriate actions.

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–12698 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2015–0455; Special Conditions No. 25–584–SC]

Special Conditions: Bombardier Aerospace, Models BD–500–1A10 and BD–500–1A11; Electronic Flight Control System: Lateral-Directional and Longitudinal Stability and Low-Energy Awareness

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Bombardier Aerospace Models BD–500–1A10 and BD–500–1A11 series airplanes. These airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is a fly-by-wire electronic flight control system that provides an electronic interface between the pilot's flight controls and the flight control surfaces for both normal and failure states. The system generates the actual surface commands that provide for stability augmentation and control about all three airplane axes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective July 13, 2015.

FOR FURTHER INFORMATION CONTACT: Joe Jacobsen, FAA, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2011; facsimile 425–227–1320.

SUPPLEMENTARY INFORMATION:

Background

On December 10, 2009, Bombardier Aerospace applied for a type certificate for their new Models BD–500–1A10 and BD–500–1A11 series airplanes (hereafter collectively referred to as ''CSeries''). The CSeries airplanes are swept-wing monoplanes with an aluminum alloy fuselage, sized for 5-abreast seating. Passenger capacity is designated as 110 for the Model BD–500–1A10 and 125 for the Model BD–500–1A11. Maximum takeoff weight is 131,000 pounds for the Model BD–500–1A10 and 144,000 pounds for the Model BD–500–1A11.

The CSeries flight control system design incorporates normal load factor limiting on a full time basis that will prevent the pilot from inadvertently or intentionally exceeding the positive or negative airplane limit load factor. The FAA considers this feature to be novel and unusual in that the current regulations do not provide standards for maneuverability and controllability evaluations for such systems.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.17, Bombardier Aerospace must show that the CSeries airplanes meet the applicable provisions of 14 CFR part 25 as amended by Amendments 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the CSeries airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to

include any other model that incorporates the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the CSeries airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The CSeries airplanes will incorporate the following novel or unusual design feature: Fly-by-wire electronic flight control system that provides an electronic interface between the pilot's flight controls and the flight control surfaces for both normal and failure states. The system generates the actual surface commands that provide for stability augmentation and control about all three airplane axes.

Discussion

In the absence of positive lateral stability, the curve of lateral control surface deflections against sideslip angle should be in a conventional sense and reasonably in harmony with rudder deflection during steady heading sideslip maneuvers.

Since conventional relationships between stick forces and control surface displacements do not apply to the ''load factor command'' flight control system on the CSeries airplanes, Bombardier should evaluate the longitudinal stability characteristics by assessing the airplane handling qualities during simulator and flight test maneuvers appropriate to the operation of the airplane. Bombardier may accomplish this by using the Handling Qualities Rating Method presented in appendix 5 of Advisory Circular (AC) 25–7C, *Flight Test Guide for Certification of Transport Category Airplanes,* dated October 16, 2012, or they may propose an acceptable alternative method. Important considerations are as follows:

(a) Adequate speed control without creating excessive pilot workload;

(b) Acceptable high- and low-speed protection; and

(c) Provision of adequate cues to the pilot of significant speed excursions beyond V_{MO}/M_{MO} and low-speed awareness flight conditions.

The airplane should provide adequate awareness cues to the pilot of a low-energy (*i.e.,* a low-speed, low-thrust, or low-height) state to ensure that the airplane retains sufficient energy to recover when flight control laws provide neutral longitudinal stability significantly below the normal operating speeds. This may be accomplished as follows:

(a) Adequate low-speed/low-thrust cues at low altitude may be provided by a strong positive static stability force gradient (1 pound per 6 knots applied through the sidestick); or

(b) Low-energy awareness may be provided by an appropriate warning with the following characteristics:

(i) It should be unique, unambiguous, and unmistakable.

(ii) It should be active at appropriate altitudes and in appropriate configurations (*i.e.,* at low altitude, in the approach and landing configurations).

(iii) It should be sufficiently timely to allow recovery to a stabilized flight condition inside the normal flight envelope while maintaining the desired flight path and without entering the flight control's angle-of-attack protection mode.

(iv) It should not be triggered during normal operation, including operation in moderate turbulence, for recommended maneuvers at recommended speeds.

(v) It should not be cancelable by the pilot other than by achieving a higher-energy state.

(vi) There should be an adequate hierarchy among the warnings so that the pilot is not confused and led to take inappropriate recovery action if multiple warnings occur.

Bombardier should use simulator and flight tests in the whole take-off and landing altitude range for which certification is requested to evaluate global energy awareness and non-nuisance of low-energy cues. This would include all relevant combinations of weight, center-of-gravity position, configuration, airbrakes position, and available thrust, including reduced and de-rated take-off thrust operations and engine failure cases. Bombardier should conduct a sufficient number of tests to assess the level of energy awareness and the effects of energy management errors.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

Notice of proposed special conditions No. 25–15–04–SC for the Bombardier CSeries airplanes was published in the **Federal Register** on March 5, 2015 (80 FR 11958). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the Bombardier BD–500–1A10 and BD–500–1A11. Should Bombardier Aerospace apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on two model series of airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Bombardier Aerospace Models BD–500–1A10 and BD–500–1A11 series airplanes.

1. Electronic Flight Control System: Lateral-Directional and Longitudinal Stability and Low-Energy Awareness. In lieu of the requirements of §§ 25.171, 25.173, 25.175, and 25.177:

(a) The airplane must be shown to have suitable static lateral, directional, and longitudinal stability in any condition normally encountered in service, including the effects of atmospheric disturbance. The showing of suitable static lateral, directional, and longitudinal stability must be based on the airplane handling qualities, including pilot workload and pilot compensation, for specific test procedures during the flight test evaluations.

(b) The airplane must provide adequate awareness to the pilot of a low-energy (low-speed/low-thrust/low-height) state when fitted with flight control laws presenting neutral longitudinal stability significantly below the normal operating speeds.

''Adequate awareness'' means warning information must be provided to alert the crew of unsafe operating conditions and to enable them to take appropriate corrective action.

(c) The static directional stability (as shown by the tendency to recover from a skid with the rudder free) must be positive for any landing gear and flap position and symmetrical power condition, at speeds from 1.13 V_{SR1}, up to V_{FE}, V_{LE}, or V_{FC}/M_{FC} (as appropriate).

(d) The static lateral stability (as shown by the tendency to raise the low wing in a sideslip with the aileron controls free), for any landing-gear and wing-flap position and symmetric-power condition, may not be negative at any airspeed (except that speeds higher than V_{FE} need not be considered for wing-flaps-extended configurations nor speeds higher than V_{LE} for landing-gear-extended configurations) in the following airspeed ranges:

(i) From 1.13 V_{SR1} to V_{MO}/M_{MO}.

(ii) From V_{MO}/M_{MO} to V_{FC}/M_{FC}, unless the divergence is—

(1) Gradual;

(2) Easily recognizable by the pilot; and

(3) Easily controllable by the pilot.

(e) In straight, steady sideslips over the range of sideslip angles appropriate to the operation of the airplane, but not less than those obtained with one half of the available rudder control movement (but not exceeding a rudder control force of 180 pounds), rudder control movements and forces must be substantially proportional to the angle of sideslip in a stable sense; and the factor of proportionality must lie between limits found necessary for safe operation. This requirement must be met for the configurations and speeds specified in paragraph (c) of this section.

(f) For sideslip angles greater than those prescribed by paragraph (e) of this section, up to the angle at which full rudder control is used or a rudder control force of 180 pounds is obtained, the rudder control forces may not reverse, and increased rudder deflection must be needed for increased angles of sideslip. Compliance with this requirement must be shown using straight, steady sideslips, unless full lateral control input is achieved before reaching either full rudder control input or a rudder control force of 180 pounds; a straight, steady sideslip need not be maintained after achieving full lateral control input. This requirement must be met at all approved landing gear and wing-flap positions for the range of operating speeds and power conditions appropriate to each landing gear and wing-flap position with all engines operating.

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–12699 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1737; Directorate Identifier 2015–CE–014–AD; Amendment 39–18164; AD 2015–11–01]

RIN 2120–AA64

Airworthiness Directives; Slingsby Aviation Ltd. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Slingsby Aviation Ltd. Models T67M260 and T67M260–T3A airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of a brake master cylinder pivot pin. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective June 16, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 16, 2015.

We must receive comments on this AD by July 13, 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 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Marshall Aerospace and Defence Group, The Airport, Newmarket Road, Cambridge, CB5 8RX, UK; telephone: +44 (0) 1223 399856; fax: +44 (0) 7825365617; email: *mark.bright@marshalladg.com;* Internet: *www.marshalladg.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for locating Docket No. FAA–2015–1737.

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–2015–1737; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket 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: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No.: 2015–0065–E, dated April 24, 2015, to correct an unsafe condition for the specified products. The MCAI states:

> An occurrence was reported where pivot pin Part Number (P/N) T67M–45–539, of rudder pedal assembly #4, installed on the right hand (RH) side of the aeroplane (RH seat, RH pedal) failed during taxi. This caused the rudder pedal mechanism to detach from the brake master cylinder.
>
> This condition, if not detected and corrected, could cause the rudder linkages to rotate out of their normal orientation, possibly resulting in jammed rudder controls and consequent loss of control of the aeroplane.
>
> To address this potential unsafe condition, Slingsby Advanced Composites Ltd, trading as Marshall Aerospace and Defence Group (hereafter called 'Marshall' in this AD) issued Service Bulletin (SB) SBM200 to provide inspection instructions.

For the reason described above, this AD requires repetitive inspections of the brake master cylinder pivot pins of rudder pedal assemblies #1 and #4 and, depending on findings, replacement of the affected pivot pins(s).

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1737.

Relevant Service Information Under 1 CFR Part 51

Marshall Aerospace and Defence Group Service Bulletin SBM 200, Revision 1, dated April 2015. The transmittal letter for Marshall Aerospace and Defence Group SBM 200, Revision 1, incorrectly states it transmits the Initial Issue; page 1 of this service bulletin is dated April 2015; pages 2 through 8 are dated March 2015. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. The service bulletin describes procedures for inspecting the brake master cylinder pivot pins, part number (P/N) T67M–45–539, that are installed on rudder pedal assemblies #1 and #4 for cracks and distortion and replacing any damaged pivot pins. 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 AD.

FAA's Determination and Requirements of the 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 this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because failure of a brake master cylinder pivot pin could cause the rudder pedal mechanism to detach from the brake master cylinder, which could result in jammed rudder controls and consequent loss of control. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–1737; Directorate Identifier 2015–CE–014–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD will affect 2 products of U.S. registry. We also estimate that it will take about 6 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts would cost about $50 per product.

Based on these figures, we estimate the cost of the AD on U.S. operators to be $1,120, or $560 per product.

In addition, we estimate that any necessary follow-on actions will take about .5 work-hours and require parts costing $100, for a cost of $142.50 per product. We have no way of determining the number of products that may need these actions.

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

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

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

(2) Is not a ''significant rule'' under 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.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2015–11–01 Slingsby Aviation Ltd.: Amendment 39–18164; Docket No. FAA–2015–1737; Directorate Identifier 2015–CE–014–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective June 16, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Slingsby Aviation Ltd. Models T67M260 and T67M260–T3A airplanes, all serial numbers, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as failure of a brake master cylinder pivot pin. We are issuing this AD to prevent failure of a brake master cylinder pivot pin, which could cause the rudder pedal mechanism to detach from the brake master cylinder. This failure could result in jammed rudder controls and consequent loss of control.

(f) Actions and Compliance

Unless already done, do the actions in paragraphs (f)(1) and (f)(2) of this AD.

(1) Before further flight after June 16, 2015 (the effective date of this AD) and repetitively thereafter every 300 hours time-in-service or 12 months, whichever occurs first, inspect the brake master cylinder pivot pins, part number T67M–45–539, installed on rudder pedal assemblies #1 and #4. Do the inspections following the Accomplishment Instructions in Marshall Aerospace and Defence Group Service Bulletin SBM 200, Revision 1, dated April 2015. This AD does not require the retention and reporting requirements of paragraph (2) of F. COMPLETION in the Accomplishment Instructions of this service bulletin.

(2) If, during any inspection required in paragraph (f)(1) of this AD, any crack or distortion to a brake master cylinder pivot pin is found, or a pivot pin fails the dimensional check, before further flight, replace the affected pivot pin with a serviceable part. Do the replacement as specified in paragraph C.(1)(j) of the Inspection section of the Accomplishment Instructions in Marshall Aerospace and Defence Group Service Bulletin SBM 200, Revision 1, dated April 2015. After doing this replacement, continue with the repetitive inspection requirement in paragraph (f)(1) of this AD.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2015–0065–E, dated April 24, 2015, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1737.

(i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Marshall Aerospace and Defence Group Service Bulletin SBM 200, Revision 1, dated April 2015.

Note 1 to paragraph (i)(2)(i): The transmittal letter for Marshall Aerospace and Defence Group SBM 200, Revision 1, dated April 2015, incorrectly states it transmits the Initial Issue; page 1 is dated April 2015; pages 2 through 8 are dated March 2015.

(ii) Reserved.

(3) For Slingsby Aviation Ltd. service information identified in this AD, contact Marshall Aerospace and Defence Group, The Airport, Newmarket Road, Cambridge, CB5 8RX, UK; telephone: +44 (0) 1223 399856; fax: +44 (0) 7825365617; email: *mark.bright@marshalladg.com;* Internet: *www.marshalladg.com.*

(4) You may view this service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for locating Docket No. FAA–2015–1737.

(5) You may view this service information that is incorporated by reference 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/cfr/ibr-locations.html.*

Issued in Kansas City, Missouri, on May 18, 2015.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–12448 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2009–1100; Directorate Identifier 2009–NE–37–AD; Amendment 39–18159; AD 2015–10–04]

RIN 2120–AA64

Airworthiness Directives; International Aero Engines AG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2012–09–09 for all International Aero Engines AG (IAE) V2500–A1, V2525–D5, and V2528–D5 turbofan engines, and certain serial numbers (S/Ns) of IAE V2522–A5, V2524–A5, V2527–A5, V2527E–A5, V2527M–A5, V2530–A5, and V2533–A5 turbofan engines. AD 2012–09–09 required cleaning, eddy current inspection (ECI) or fluorescent penetrant inspection (FPI), and initial and repetitive ultrasonic inspections (USIs) of certain high-pressure compressor (HPC) stage 3 to 8 drums, as well as replacement of the drum attachment nuts. This new AD expands the affected population for initial and repetitive USIs of the HPC stage 3 to 8 drum, revises the inspection intervals, requires performing ECI or FPI, requires removal of the affected attachment nuts and any HPC stage 3 to 8 drum found cracked, and adds a mandatory terminating action. This AD was prompted by the discovery that additional attachment nuts for certain HPC stage 3 to 8 drums are affected. We are issuing this AD to prevent failure of the HPC stage 3 to 8 drum, which could result in uncontained drum failure, damage to the engine, and damage to the airplane.

DATES: This AD is effective July 1, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 1, 2015.

ADDRESSES: For service information identified in this AD, contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: 860–368–3700; fax: 860–368–4600; email: *iaeinfo@iaev2500.com;* Internet: *https://www.iaeworld.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125. It is also available on the Internet at *http://*

www.regulations.gov by searching for and locating Docket No. FAA–2009–1100

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–2009–1100; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Martin Adler, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7157; fax: 781–238–7199; email: *martin.adler@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012–09–09, Amendment 39–17044 (77 FR 30371, May 23, 2012), (''AD 2012–09–09''). AD 2012–09–09 applied to all IAE V2500–A1, V2525–D5, and V2528–D5 turbofan engines, and certain S/Ns of IAE V2522–A5, V2524–A5, V2527–A5, V2527E–A5, V2527M–A5, V2530–A5, and V2533–A5 turbofan engines. The NPRM published in the **Federal Register** on December 24, 2014 (79 FR 77411). The NPRM was prompted by the discovery that partially silver-plated nuts for certain HPC stage 3 to 8 drums cause the drum to corrode and crack. The NPRM proposed to perform ECI or FPI, and initial and repetitive USIs of certain HPC stage 3 to 8 drums. The NPRM also proposed to expand the affected population for initial and repetitive USIs of the HPC stage 3 to 8 drum, revise the inspection intervals, require removal of the affected attachment nuts and any HPC stage 3 to 8 drum found cracked, and add a mandatory terminating action. We are issuing this AD to prevent failure of the HPC stage 3 to 8 drum, which could result in uncontained drum failure, damage to the engine, and damage to the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 77411, December 24, 2014) and the FAA's response to each comment.

Request To Change Compliance Paragraph

One commenter requested that paragraph (f)(3) of the NPRM (79 FR 77411, December 24, 2014) be changed from ''If you inspect the HPC stage 3–8 drum at shop visit . . .'' to ''If you have previously inspected the HPC stage 3–8 drum at piece-part exposure as shown in the Grace Periods Table for each compliance group listed in paragraph 1.E. in IAE Alert Non-Modification Service Bulletin (NMSB) No. V2500–ENG–72–A0615, Revision 6, dated September 4, 2014.'' The justification for this comment is that the AD wording is not clear enough for the actual work performed.

We partially agree. We agree with referring to piece-part exposure instead of shop visit. We disagree with referencing the service bulletin (SB) because the AD wording is otherwise clear in its reference to the Grace Periods Table for each compliance group. We changed paragraph (f)(3) of this final rule by changing ''at shop visit'' to ''at piece-part exposure.''

Request for Paragraph Clarification

The same commenter suggested adding engine manual (EM) Task No. or SB reference to paragraphs (g)(2), (g)(3)(i), and (g)(3)(ii) because these paragraphs do not provide the specific method to perform the stated requirements.

We do not agree. The SB and EM tasks for these operations are not mandated. Therefore, they are referenced in the Related Information section of the AD. We did not change the AD.

Request To Clarify Terminating Action

Lufthansa, United Airlines (UA), and another commenter, asked that the AD be clarified that if the terminating actions were performed prior to the effective date of the AD, credit may be taken and no further action would be required. The commenter's justification is that the AD should be clear that if the parts are installed prior to effective date of the AD, the parts installation should be considered as terminating action.

We do not agree because paragraph (e), Compliance, states to perform the requirements of the AD ''unless already done.'' This statement applies to all requirements of the AD including the terminating action. No additional clarification is needed. We did not change the AD.

Request To Change Compliance Time

An anonymous commenter requested that repetitive inspections not start until after the threshold for the initial inspection has been reached. The justification for this request is that many unnecessary extra inspections would have to be performed if the initial inspection is performed early, and the AD requires repeat inspections to follow immediately.

We agree. This final rule was changed as follows: Paragraphs (f)(1) and (f)(2) were changed from ''. . . of the last USI.'' to ''. . . of the last USI after the initial inspection required by paragraph (e) of this AD.''

Agreement With Proposed AD

The Boeing Company agreed with the NPRM (79 FR 77411, December 24, 2014) as written.

Request Change to Costs of Compliance

Lufthansa and Wizz Air stated that the terminating action will result in many unplanned extra shop visits to remove parts. The cost analysis does not include the cost associated with these extra shop visits.

We do not agree. The Costs of Compliance in the AD includes prorated part costs based on early removal of parts. Our cost calculations do not include costs associated with engine removal, down time, or scheduling. We did not change the AD.

Request To Include Revision and Date Information for Service Information

Lufthansa and IAE requested that service information include revision and date information. They suggested that the service information does not list the latest revision information or, in some cases, any revision information at all.

We partially agree. We agree that the SB references should reflect the latest revision. We disagree with adding the revision and/or date to all instances of SBs referenced in the Related Information paragraph because the revision date is listed on the first instance of each SB referenced in the paragraph. We changed the Related Information paragraph by changing the date of IAE NMSB No. V2500–ENG–72–0625 to October 8, 2014.

Request To Change Applicability

Lufthansa stated that the compliance categories (applicability) are based on engine serial number. The commenter suggested defining the categories based on drum serial number rather than engine serial number because the inspection times and intervals should be based on the drum history. The correct

inspection times and intervals may not be utilized for the affected drums if a drum moves from one engine to another.

We do not agree. We evaluated use of drum serial numbers versus engine serial numbers and chose engine serial numbers based on the increased complexity associated with tracking drum serial numbers. It was also noted that it is more likely that an engine, as opposed to an individual used drum, would be moved. The engine groups in the AD reflect the unsafe condition as it exists today. If the engine distributions change significantly in the future, we would consider additional rulemaking. We did not change the AD.

Request To Change Service Information

Rolls Royce plc proposed that revision 6 of IAE Alert NMSB No. V2500–ENG–72–0615 be quoted in the AD, and that all references to it, including engine groups affected, be aligned to this latest revision. The justification for this request is that the current AD references IAE NMSB No. V2500–ENG–72–0615, Revision 3. This NMSB is now at revision 6.

We do not agree because the AD already references Revision 6 of IAE Alert NMSB No.V2500–ENG–72–A0615. We did not change the AD.

Request Clarification of Material Incorporated by Reference

UA and Delta Airlines requested clarification of whether IAE NMSB No. V2500–ENG–72–0638 is considered incorporated by reference. This AD will incorporate by reference IAE Alert NMSB No. V2500–ENG 72–0615, Revision 6, dated September 4, 2014, which refers to IAE NMSB No. V2500–ENG–72–0638 for instructions on performing the USI. IAE NMSB No. V2500–ENG–72–0638 contains instructions and procedures that do not affect failure mode detection, prevention or elimination of the unsafe condition identified in the NPRM (79 FR 77411, December 24, 2014) and should not be mandated by the AD.

We agree that IAE Alert NMSB No.V2500–ENG–72–0638 should not be incorporated by reference. We changed the AD to remove the requirement to use IAE NMSB No. V2500–ENG–72–0638. We also added a new paragraph (g) to this AD that provides specific information from IAE NMSB No. V2500–ENG–72–0638 to perform the USI.

Request Change to Relevant Service Information

UA and Delta Airlines requested that IAE NMSB No. V2500–ENG–72–0638 be added to the Relevant Service Information paragraph.

We partially agree. We do not agree with adding IAE NMSB No. V2500–ENG–72–0638 to the Relevant Service Information paragraph because that paragraph is not in the final rule. We agree that the service information should be included in the AD, elsewhere. We added IAE NMSB No. V2500–ENG–72–0638 to the Related Information paragraph.

Request Clarification of Compliance Time

UA and LATAM Airlines requested clarification on the difference between the AD and SB terminating actions for compliance time to incorporate terminating action. The AD requires accomplishment within 9,450 cycles after the effective date of the AD, while the SB requires accomplishment by December 31, 2021. The commenter said shop visits were planned based on the end date in the SB. The AD limit of 9,450 cycles will force engines off wing earlier than planned.

We do not agree. The cycle limit in the AD represents fleet average utilization up to the SB 'accomplish by' date. We did not change the AD.

Request Clarification for Terminating Action

UA requested clarification that inspections are not required after the terminating action has been performed. UA suggested that this clarification was required because the SB Grace Periods Tables include timing for any drum fitted with non-silver nuts. It is not explicit that the table does not apply to a new drum with non-silver nuts.

We do not agree. Terminating action means that no further action is required. Therefore, the AD does not require any additional inspections after the terminating action has been accomplished. We did not change the AD.

Request Deletion of Service Information

UA identified that IAE NMSB No. V2500–ENG–72–0638, Part B paragraph (3)Y.(3) states that an engine be rejected if staining and/or cracking of the ceramic liner is found. This requirement should not be mandated because this concern was addressed in AD 2012–09–09 which was superseded. The FAA agreed that there was not clear acceptance criteria to mandate engine rejection based on staining and axial cracking of the HPC stage 7 to 8 drum ceramic liner.

We agree. We changed this final rule by deleting reference to IAE NMSB No. V2500–ENG–72–0638 in paragraph (e) of this AD.

Request To Include a Ferry Flight

UA requested that the AD be changed to allow a one-cycle ferry flight. No justification was given.

We do not agree. Per 14 CFR 39.23, an AD only addresses ferry flights if they are prohibited. We did not prohibit ferry flights in this AD. We did not change the AD.

Request Clarification of Compliance Time

UA commented that some grace periods in AD 2012–09–09 are different from the NPRM (79 FR 77411, December 24, 2014). UA requested clarification that the older compliance times in AD 2012–09–09 are no longer applicable or available and let ''Credit for Previous Actions'' allow the longer compliance times of the NPRM. The clarification was requested since, for compliance intervals that have been shortened, the commenter can see no way to address those engines, particularly if the engine has already exceeded the shortened interval. For intervals that have been extended, inspection intervals can easily be extended to agree.

We do not agree. AD 2012–09–09 is being superseded by this AD; therefore, the previous compliance times are inapplicable after the effective date of this AD. This final rule allows 200 cycles after the effective date of the AD to perform the initial USI if the cycles since new threshold has been passed. If the cyclic interval allowed by this AD for the next USI based on the last part inspection has been surpassed, then the initial inspection requirements would apply. This means you must inspect within 200 cycles after the effective date of this AD. We did not change the AD.

Request To Change Service Information

UA stated that the USI procedures, as defined in IAE NMSB No. V2500–ENG–72–0638, which lift the probe off the surface of the drum, should not be mandated. The USI procedures, in IAE NMSB No. V2500–ENG–72–0638, use a ''clamp'' added to the USI probe to lift the probe off of the drum. This procedure relies on couplant to fill the gaps to the drum and any missing drum coatings. UA is not confident that accurate measurements can be consistently achieved using this procedure, especially in areas that have been repaired.

We partially agree. We agree that the USI procedures in IAE NMSB No. V2500–ENG–72–0638, and those referenced in superseded AD 2012–09–09, are valid methods of inspection. We

disagree that the procedure in IAE NMSB No. V2500–ENG–72–0638 would not provide accurate measurements. We changed this AD by removing IAE NMSB No. V2500–ENG–72–0638 and adding a paragraph that provides specific information to perform the USI.

Request To Change Service Information

Jetstar Group Airways requested that allowance for future SB revisions be included in the AD.

We do not agree. We cannot mandate documents which do not yet exist. We did not change the AD.

Request To Change the Applicability

Jetstar Group Airways requested that the applicability for V2500–A5 engines be revised to exclude Engine Serial Number (ESN) V16660 and higher as the introduction of the terminating action configuration began with ESN V16660 based on the applicability of IAE SB V2500–ENG–72–0632 that introduced silver free nuts.

We do not agree. The AD applicability is correct. The applicability defined in IAE SB V2500–ENG–72–0632 does not reflect actual part installations. We did not change the AD.

Request To Allow Repetitive Inspections

Lufthansa, Jetstar Group Airways, Wizz Air, and MTU Maintenance (MTU) requested to remove ''within 9,450 cycles after the effective date of the AD'' for terminating action and allow unlimited USI. The commenters pointed out that the unsafe condition results from a corrosive operating environment, and the amount of corrosion varies with time and location. The commenters also pointed to the lack of data to support a calendar end date of 2021, and that the hard time for part removals will drive younger parts off wing early, with no additional benefits to safety. Finally, the commenters offered that if the USI and the ECI provide sufficient safety against an uncontained failure, this should also be the case after 9,450 flight cycles (FC). Additionally, the overall risk in the fleet will decrease due to the number of planned shop visits.

We do not agree. The ongoing repetitive inspections do not provide sufficient safety by themselves and are considered interim actions. The previous ADs did not include an end date because no terminating action was available. This AD includes mandatory terminating action that completely removes the noted unsafe condition and restores an acceptable level of safety. We did not change the AD.

Request To Change Terminating Action

Wizz Air, Lufthansa, and Delta Airlines requested the compliance time for terminating action be changed from ''9,450 FC after the effective date of the AD'' to ''at next piece-part exposure.'' This will eliminate extra shop visits solely for drum replacement.

We do not agree. This change would significantly increase the need for spare parts in the near term, which cannot be supported by industry at this time. We did not change the AD.

Request To Change Compliance

IAE requested that the Compliance phrase ''If cracks are found . . .'' be changed to ''if crack indications or inspection rejections are found . . .''. The reason for this request is that FPI, USI, and ECI only indicate a crack may be present. Cracks typically can only be confirmed via lab destructive testing.

We do not agree. If a part fails the inspection it is assumed to be cracked. No additional testing is requested or required to prove a crack exists. We did not change the AD.

Request To Change Compliance

IAE and MTU requested that ''cycles since new'' (CSN) refer to cycles on the specific drum and not engine cycles since new. If drums are replaced, there could be confusion on when a part must be inspected.

We agree. We changed paragraphs (e)(1) through (e)(5) from ''within 200 cycles of accumulating xxxx CSN'' to ''within 200 cycles of the drum accumulating xxxx cycles.''

Request To Change Compliance Time

IAE and MTU requested an end date of December 31, 2025 be added to the compliance time in addition to the existing cycle limit. This request was justified because low utilization operators will not be required to upgrade their engines until well beyond 2040 with only the cycle limit. IAE is concerned that after the larger operators have completed the upgrades to their fleets, the expertise and equipment required to perform the required inspections will no longer be available.

We agree. We changed the Mandatory Terminating Action paragraph to include an end date of December 31, 2025.

Request Change To Credit for Previous Actions Paragraph

IAE requested that IAE NMSBs No. V2500–ENG–72–0594, No. V2500–ENG–72–0603, No. V2500–ENG–72–0608, Revision 2 and earlier, and No.V2500–ENG–72–0615, Revision 2 and earlier, be removed from the ''Credit for Previous Actions'' paragraph because these SB revisions do not require complete inspection of the drum circumference in areas of liner loss. Incomplete inspections are not effective at detecting cracks and compromises safety.

We agree. We removed IAE NMSB No. V2500–ENG–72–0594, IAE NMSB No. V2500–ENG–72–0603, IAE NMSB No. V2500–ENG–72–0608, Revision 2 and earlier, and IAE NMSB No.V2500–ENG–72–A0615, Revision 2 and earlier, from the Credit for Previous Actions paragraph.

Request To Simplify Compliance

Delta Airlines commented that the compliance plan as proposed in the NPRM (79 FR 77411, December 24, 2014), is too complicated. Delta said that it requires: (1) Knowledge of where the HPC 3-8 drum(s) have operated by flight number for the V2500–A1 and V2500–A5 engine models; (2) tracking the inspections performed at shop level for the HPC 3-8 drum(s); (3) tracking the HPC module assembly for the 3-8 drum(s) installed and the configuration at the last shop visit of the HPC module; and (4) operators to trace documents of HPC 3-8 drum(s) that exchanged between HPC modules and from other operators. Without those trace documents, operators will be forced to obtain new HPC 3-8 drum(s) to prevent recontamination of their respective fleets.

We do not agree. The changes we proposed in this AD, expanding the population, changing the inspection interval, etc., are not complex changes to the compliance program. We also evaluated the original compliance program requirements. We did not conclude that they were so complex that operators would find them difficult to understand, particularly since the information needed to comply with the AD is available in operator records. We did not change the AD.

Request Clarification of Service Information

Delta Airlines stated that IAE Alert NMSB No. V2500–ENG–72–A0615, Revision 6, has lists of engine models and drum part numbers. The SB lists drum part numbers as associated with the V2500–D5 engine that are not approved for installation on the V2500–D5 engine. The SB could be misinterpreted as allowing use of part numbers on the V2500–D5 engine model that have not actually been approved for use.

We do not agree. The SB separates engine applicability into six groups. The drum part numbers listed for each group

represent the possible drum part numbers for all the noted engine models listed in the group. These groupings do not otherwise indicate that part numbers are interchangeable among the engine models. The groups that include V2500–D5 (Group E and group F) also include other engine models. We did not change the AD.

Request Clarification of Mandatory Terminating Action Paragraph

Lufthansa requested clarification of the Mandatory Terminating Action paragraph. The commenter stated that the paragraph directing the installation of HPC stage 3 to 8 drum is not clear if the mandatory terminating action is meant to be a hard-time limit which requires removal of drums from service by means of a shop visit. The commenter suggested that the terminating action for drum replacement may be substituted by an on-wing USI. On-wing USI could occur after 9,450 FC from the effective date of this AD until the engine has a shop visit.

We do not agree. The mandatory terminating action has a hard-time limit of 9,450 FC after the effective date of this AD. The terminating actions must be performed within this time. The AD does not give allowance to perform inspections in place of performing the terminating actions. We did not change the AD.

Request To Revise Mandatory Terminating Action

MTU requested that the mandatory terminating action be delayed based on the appropriate inspection grace period listed in the service information. The grace period extension would eliminate extra shop visits for only drum replacement.

We do not agree. The cyclic intervals listed in the service information, based on piece-part inspection, apply to the threshold for performing the next USI. The compliance time for completing the terminating actions is not related to when or what inspections were performed. We did not change the AD.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 77411, December 24, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 77411, December 24, 2014).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

International Aero Engines Alert NMSB No. V2500–ENG–72–A0615, Revision 6, dated September 4, 2014. The NMSB describes procedures for inspecting the engine front support pins. 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 AD.

Costs of Compliance

We estimate that this AD will affect 956 engines installed on airplanes of U.S. registry. We estimate that it will take about 3 hours per engine to perform the USI and about 2 hours per engine to perform the FPI or ECI of the HPC stage 3 to 8 drum. We also estimate that removing silver residue from the HPC stage 3 to 8 drum will cost about $2,600 per engine and a set of silver free nuts will cost about $1,060 per engine. We estimate the pro-rated replacement cost to replace an HPC stage 3 to 8 drum to be $52,014. Based on these figures, we estimate the cost of this AD on U.S. operators to be $53,630,644.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–09–09, Amendment 39–17044 (77 FR 30371, May 23, 2012), and adding the following new AD:

2015–10–04 International Aero Engines AG: Amendment 39–18159 Docket No. FAA–2009–1100; Directorate Identifier 2009–NE–37–AD.

(a) Effective Date

This AD is effective July 1, 2015.

(b) Affected ADs

This AD replaces AD 2012–09–09, Amendment 39–17044 (77 FR 30371, May 23, 2012).

(c) Applicability

This AD applies to:

(1) All International Aero Engines AG (IAE) V2500–A1 turbofan engines; and

(2) All IAE V2525–D5 and V2528–D5 turbofan engines; and

(3) IAE V2522–A5, V2524–A5, V2527–A5, V2527E–A5, V2527M–A5, V2530–A5, and V2533–A5 turbofan engines with serial numbers (S/Ns) V10001 through V13190, and V15001 through V16728, excluding V16707.

(d) Unsafe Condition

This AD was prompted by the discovery that additional attachment nuts for certain high-pressure compressor (HPC) stage 3 to 8 drums cause the drum to corrode and crack. We are issuing this AD to prevent failure of the HPC stage 3 to 8 drum, which could result in uncontained drum failure, damage to the engine, and damage to the airplane.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done. You may use the inspections listed in paragraph (h)(3) of this AD instead of an ultrasonic inspection (USI) for the initial inspection required by paragraphs (e)(1) through (e)(5). If cracks are found during any of the inspections required by this AD, remove the drum from service before further flight.

(1) Initial USI of the HPC Stage 3 to 8 Drum—Group ''A'' and Group ''B''

For IAE V2500–A1 turbofan engines with S/Ns listed in ''Group A'' or ''Group B'' in paragraph 1.E. in IAE Alert Non-Mandatory Service Bulletin (NMSB) No. V2500–ENG–72–A0615, Revision 6, dated September 4, 2014, perform an initial USI of the HPC stage 3 to 8 drum within 200 cycles of the drum accumulating 8,000 cycles or within 200 cycles from the effective date of this AD, whichever occurs later.

(2) Initial USI of the HPC Stage 3 to 8 Drum—Group ''C''

For IAE V2500–A5 turbofan engines with S/Ns listed in ''Group C'' in paragraph 1.E. in IAE Alert NMSB No. V2500–ENG–72–A0615, Revision 6, dated September 4, 2014, perform an initial USI of the HPC stage 3 to 8 drum within 200 cycles of the drum accumulating 6,250 cycles or within 200 cycles from the effective date of this AD, whichever occurs later.

(3) Initial USI of the HPC Stage 3 to 8 Drum—Group ''D''

For IAE V2500–A5 turbofan engines with S/Ns listed in ''Group D'' in paragraph 1.E. in IAE Alert NMSB No. V2500–ENG–72–A0615, Revision 6, dated September 4, 2014, perform an initial USI of the HPC stage 3 to 8 drum within 200 cycles of the drum accumulating 3,750 cycles or within 200 cycles from the effective date of this AD, whichever occurs later.

(4) Initial USI of the HPC Stage 3 to 8 Drum—Group ''E''

For IAE V2500–A1, –A5, and –D5 turbofan engines not listed in ''Group A,'' ''Group B,'' ''Group C,'' or ''Group D,'' and with drum assembly part numbers (P/Ns) listed in ''Group E'' in paragraph 1.E. in IAE Alert NMSB No. V2500–ENG–72–A0615, Revision 6, dated September 4, 2014, perform an initial USI of the HPC stage 3 to 8 drum within 200 cycles of the drum accumulating 12,500 cycles or within 200 cycles from the effective date of this AD, whichever occurs later.

(5) Initial USI of the HPC Stage 3 to 8 Drum—Group ''F''

For IAE V2500–A1, –A5, and –D5 turbofan engines not listed in ''Group A,'' ''Group B,'' ''Group C,'' or ''Group D,'' and with drum assembly P/Ns listed in ''Group F'' in paragraph 1.E. in IAE Alert NMSB No. V2500–ENG–72–A0615, Revision 6, dated September 4, 2014, perform an initial USI of the HPC stage 3 to 8 drum within 200 cycles of the drum accumulating 9,000 cycles or within 200 cycles from the effective date of this AD, whichever occurs later.

(f) Repetitive USIs of the HPC Stage 3 to 8 Drum

(1) For engines included in ''Group A,'' ''Group B,'' ''Group C,'' ''Group E,'' or ''Group F,'' as defined in paragraph (e) of this AD, perform repetitive USIs of the HPC stage 3 to 8 drum within every 750 cycles of the last USI after the initial inspection required by paragraph (e) of this AD.

(2) For engines included in ''Group D,'' as defined in paragraph (e) of this AD, perform repetitive USIs of the HPC stage 3 to 8 drum within every 500 cycles of the last USI after the initial inspection required by paragraph (e) of this AD.

(3) If you inspect the HPC stage 3 to 8 drum at piece-part exposure, you may delay the next USI as shown in the ''Grace Periods Table'' for each compliance group listed in paragraph 1.E. in IAE Alert NMSB No. V2500–ENG–72–A0615, Revision 6, dated September 4, 2014.

(g) USI Procedure for the Inspection of the HPC Stage 3 to 8 Drum

For the USI inspections required by this AD, do the following. Inspect the stage 8 disk of the HPC stage 3 to 8 drum on the outer diameter adjacent to the stage 7 to 8 electron beam weld land using ultrasonic probe manipulator assembly P/N IAE2R19865 for IAE V2500–A1 engines, P/N IAE2R19852 or IAE2R19879 for IAE V2500–A5 engines, and P/N IAE2R19874 for IAE V2500–D5 engines. Inspect the stage 8 disk of the HPC stage 3 to 8 drum on the inner diameter at the inner radius position using ultrasonic probe manipulator assembly P/N IAE2R19870 for IAE V2500–A1 engines, P/N IAE2R19859 or IAE2R19880 for IAE V2500–A5 engines, and P/N IAE2R19876 for IAE V2500–D5 engines. Inspect the full circumference of both the inner and outer diameters. If the entire circumference cannot be inspected, remove the drum from the engine before further flight.

(1) Calibrate the ultrasonic equipment using the following parameters and the acceptance criteria listed in paragraph 3.A.(1)(a) of IAE Alert NMSB No. V2500–ENG–72–A0615, Revision 6, dated September 4, 2014. Use working standard P/N IAE2R19854 for outer diameter inspection and working standard P/N IAE2R19860 for inner diameter inspection:

(i) Set Frequency to 5 Mhz.

(ii) Set Rectify to Full Wave.

(iii) Set Pulser to Single Crystal.

(iv) Maximize the signal response to achieve 70 percent full screen height.

(v) Adjust the range control to position the target signal at 5.0 time base position based on ten division time base.

(vi) For outer diameter inspection, set Gate Position to 3.5–7.0 time base position based on ten division time base.

(vii) For inner diameter inspection, set Gate Position to 3.0–8.0 time base position based on ten division time base.

(2) Inspect the HPC stage 3 to 8 drum using the acceptance criteria listed in paragraph 3.A.(1)(a) of IAE Alert NMSB No. V2500–ENG–72–A0615, Revision 6, dated September 4, 2014.

(3) After completing the inspection of each feature, verify the calibration of the ultrasonic equipment. If the calibration is under sensitivity by more than 3db, then repeat the calibration and inspection of the feature.

(h) Removal of Silver-Plated Nuts

At the next piece-part exposure of the HPC stage 3 to 8 drum after the effective date of this AD, do the following before returning any HPC stage 3 to 8 drum to service:

(1) Remove from service all silver-plated nuts (fully or partially-plated), P/Ns AS44862 or AS64367, that attach the HPC stage 3 to 8 drum to the HPC stage 9 to 12 drum.

(2) Clean the HPC stage 3 to 8 drum to remove the silver residue.

(3) Inspect the HPC stage 3 to 8 drum using at least one of the following methods:

(i) Fluorescent penetrant inspection (FPI) of the HPC stage 3 to 8 drum for cracks, or

(ii) Eddy current inspection (ECI) of the HPC stage 3 to 8 drum for cracks.

(i) Installation Prohibition

After the effective date of this AD, do not install any silver-plated nuts, P/N AS44862 or AS64367, into any engine.

(j) Mandatory Terminating Action

Within 9,450 cycles after the effective date of this AD, but not later than December 31, 2025, install:

(1) An HPC stage 3 to 8 drum that has never operated with silver-plated nuts (fully or partially plated) to attach the HPC stage 3 to 8 drum to the HPC stage 9 to 12 drum, with

(2) silver-free nuts to attach the HPC stage 3 to 8 drum to the HPC stage 9 to 12 drum.

(k) Definition

For the purpose of this AD, ''piece-part exposure'' is removal of the HPC stage 3 to 8 drum from the engine, removal of all blades from the drum, and separation of the HPC stage 3 to 8 drum from the stage 9 to 12 drum.

(l) Credit for Previous Actions

If you performed an inspection of the HPC stage 3 to 8 drum before the effective date of this AD using one of the following IAE NMSBs, you met the initial inspection requirement of paragraph (e) of this AD:

(i) IAE NMSB No. V2500–ENG–72–0608, Revision 3, dated September 20, 2011.

(ii) IAE NMSB No. V2500–ENG–72–0615, Revision 3, dated September 20, 2011; IAE Alert NMSB No. V2500–ENG–72–0615, Revision 4, dated May 2, 2013; and IAE Alert NMSB No. V2500–ENG–72–0615, Revision 5, dated August 5, 2014.

(iii) IAE NMSB No. V2500–ENG–72–0638, dated April 11, 2013.

(m) Alternative Methods of Compliance (AMOCs)

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

(n) Related Information

(1) For more information about this AD, contact Martin Adler, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7157; fax: 781–238–7199; email: *martin.adler@faa.gov.*

(2) IAE NMSB No. V2500–ENG–72–0638, dated April 11, 2013; IAE NMSB No. V2500–ENG–72–0637, dated May 2, 2013; IAE NMSB No. V2500–ENG–72–0625, dated October 8, 2014; IAE EM Task 72–41–11–200–001; and IAE EM Task 72–41–11–110–001, which are not incorporated by reference in this AD, can be obtained from IAE, using the contact information in paragraph (o)(3) of this AD. IAE NMSB No. V2500–ENG–72–0638, dated April 11, 2013 provides guidance on performing the USI. IAE NMSB No. V2500–ENG–72–0637 and IAE EM Task 72–41–11–200–001 provide guidance on performing the FPI. Guidance on performing the ECI can be found in IAE NMSB No. V2500–ENG–72–0625. IAE Engine Manual Task 72–41–11–110–001 provides guidance on cleaning the HPC stage 3 to 8 drum.

(o) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) International Aero Engines Alert Non-Modification Service Bulletin No. V2500–ENG–72–A0615, Revision 6, dated September 4, 2014.

(ii) Reserved.

(3) For IAE service information identified in this AD, contact International Aero Engines AG, 400 Main Street, East Hartford, CT 06118; phone: 860–368–3700; fax: 860–368–4600; email: *iaeinfo@iaev2500.com;* Internet: *https://www.iaeworld.com.*

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

(5) You may view this service information 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/cfr/ibr-locations.html.*

Issued in Burlington, Massachusetts, on April 30, 2015.

Colleen M. D'Alessandro,

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

[FR Doc. 2015–12068 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Parts 250, 254 and 383

[Docket DOT–OST–2015–0104]

RIN 2105–AE39

Revisions to Denied Boarding Compensation, Domestic Baggage Liability Limits, and Civil Penalty Amounts

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: In accordance with existing regulations, this final rule raises the maximum denied boarding compensation (DBC) amounts that have been in effect since August 2011, raising the maximum DBC amounts from the current figures of $650/$1,300 to $675/$1,350. Also, in accordance with existing regulations, this final rule raises the minimum liability limit air carriers may impose for mishandled baggage in domestic air transportation, adjusting the minimum limit of liability from the current amount of $3,400 to $3,500. To account for inflation, this rule also raises the maximum civil penalties that can be assessed as a result of DOT aviation enforcement actions for violations of certain economic provisions of Title 49 of the U.S. Code from $2,500 to $2,750.

DATES: This rule is effective on August 25, 2015.

FOR FURTHER INFORMATION CONTACT: Clereece Kroha, Senior Attorney, Office of the General Counsel, Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590; 202–366–9041, *clereece.kroha@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Revision of Maximum Denied Boarding Compensation Amounts

In its rule ''Enhancing Airline Passenger Protections'' (76 FR 23110, Apr. 25, 2011), the Department raised the limits on denied boarding compensation (DBC) due to passengers from the previous amounts of $400/$800 to the current amounts of $650/$1,300. The rule also requires that these maximum DBC amounts be adjusted to reflect changes in the Consumer Price Index for All Urban Consumers (CPI–U). Under 14 CFR 250.5(e), the review of denied boarding compensation was to take place every 2 years, with the first such review occurring in July 2012, to coincide with our review of the baggage liability amount. Section 250.5(e) prescribes the use of a specific formula to calculate the revised maximum DBC amounts when making these periodic adjustments. The formula is below.

Current DBC limit in section 250.5(a)(2) multiplied by (a/b) rounded to the nearest $25

where:

a = July CPI–U of year of current adjustment

b = the CPI–U figure in August 2011 when the inflation adjustment provision was added to Part 250

Section 250.5(e) specifies that the DBC limit in section 250.5(a)(3) shall be twice the revised limit for section 250.5(a)(2).

We reviewed the compensation amounts in 2012 and found that according to the formula set out in section 250.5(e), no change in the DBC amounts was called for. However, the 2014–2015 review indicated that an inflation adjustment is required. Applying the formula to consumer price index changes occurring between August 2011 (the basis month required by the formula) and July 2014,[1] the appropriate inflation adjustment is $650 × 238.250/226.545 [$650 × 1.0517], which yields $683.60. (The base amount of $650 in the formula was the maximum denied boarding compensation in section 250.5(a)(2)[2] at the time that this biennial indexing provision was added to the rule, 238.250 was the CPI–U for July 2014, and 226.545 was the CPI–U for August 2011.) Section 250.5(e) requires us to round the adjustment to the nearest $25, or to $675 in this case. Section 250.5(a)(3) provides that for passengers who are not rerouted to reach their destination within two hours the maximum DBC amount is twice the

[1] The next review of the denied boarding compensation amounts will occur after the CPI–U for July 2016 is released.

[2] 14 CFR 250.5(a)(2) provides that the maximum amount of DBC is $650 for passengers who are denied boarding involuntarily on a domestic flight by a carrier who offers alternate transportation that is planned to arrive at the passenger's first stopover or final destination more than one hour but less than two hours after the planned arrival time of the passenger's original flight. 14 CFR 250.5(a)(3) provides that the maximum amount of DBC is $1,300 for passengers who are denied boarding involuntarily on a domestic flight by a carrier who offers alternate transportation that is planned to arrive at the passenger's first stopover or final destination more than two hours after the planned arrival time of the passenger's original flight.

amount provided by section 250.5(a)(2); therefore, under the formula adjustment, this amount is twice $675, or $1,350.

In this final rule, we are also correcting an editorial error in section 250.5(e). When issuing the 2011 final rule prescribing the formula for inflation adjustment for DBC limits, we inadvertently referred only to section 250.5(a) for involuntary denied boarding on domestic flights and omitted section 250.5(b) [3] for involuntary denied boarding on international flights outbound from U.S. airports. We intend to apply the periodic inflation adjustment to both sections because the inflation adjustment is applicable to ''DBC limits'' without distinguishing domestic and international flights as noted by the Department in the preamble to the 2011 final rule. We are correcting this error by adding another paragraph to this rule, section 250.5(e)(3), to provide that the DBC inflation adjustment also applies to section 250.5(b) regarding passengers involuntarily denied boarding on an international flight outbound from a U.S. airport.

II. Revision of Minimum Domestic Baggage Liability Limit

Part 254 of the Department's rules (14 CFR part 254) establishes minimum baggage liability limits that air carriers may apply to domestic air service. Section 254.6 of this domestic baggage liability limit rule requires the Department to review every two years the minimum limit of liability prescribed in Part 254 in light of changes in the CPI–U and to revise the limit of liability to reflect changes in that index as of July of each review year. Section 254.6 prescribes the use of a specific formula to calculate the revised minimum liability amount when making these periodic adjustments. The formula is below.

$2500 × (a/b) rounded to the nearest $100

where:

a = July CPI–U of year of current adjustment

b = the CPI–U figure in December 1999 when the inflation adjustment provision was added to Part 254.

The application of the formula during the 2012 review of the minimum domestic baggage liability limit raised the amount from $3,300 to the current amount of $3,400. The 2014–2015 review indicates that another inflation adjustment is required. Applying the formula using the consumer price index changes occurring between December 1999 (the basis month required by the formula) and July 2014,[4] the appropriate inflation adjustment is $2,500 × 238.250/168.30 [$2,500 × 1.4156], which yields $3,539.07. (The base amount of $2,500 in the formula was the minimum liability limit in Part 254 at the time that this biennial indexing provision was added to the rule, 238.250 was the CPI–U for July 2014, and 168.30 was the CPI–U for December 1999.). Section 254.6 requires us to round the adjustment to the nearest $100, or to $3,500 in this case.

III. Revision of Maximum Civil Penalties

The maximum civil penalty amounts for violations of aviation economic and consumer rules and statutes administered by the Department appear in 14 CFR part 383. The Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410) provides a detailed formula on how Federal monetary civil penalties should be adjusted for inflation. The Debt Collection Improvement Act of 1996 (Pub. L. 104–134, sec. 31001) requires each agency to adjust monetary civil penalties within its jurisdiction at least once every four years. It also limits the initial adjustment to a civil penalty pursuant to the 1996 Act to no more than 10 percent of such penalty. The adjustment is based on changes to the CPI–U from June of the year when these civil penalties were last adjusted to June of the year prior to the current adjustment.

Notwithstanding the formula provided by the 1990 Act, the civil penalty amounts in Part 383 were set by Vision 100—Century of Aviation Reauthorization Act (Pub. L. 108–176; 117 Stat. 2490, December 12, 2003). Subsequently, these civil penalty amounts were reviewed by the Department in 2008. In a final rule issued on November 21, 2008, the Department adjusted three of the five civil penalties under Part 383: Raising the general civil penalty from $25,000 to $27,500; raising the general civil penalty for small businesses or individuals from $10,000 to $11,000; and raising the civil penalty for violations of section 41719 and rules and orders issued under that section from $5,000 to $5,500. According to the formula provided by the 1990 Act, the comparison between the CPI–U index for June 2008 and June 2014 results in an inflation factor of 1.089. This current review determines that none of the three civil penalties that were raised in 2008 are due for another increase.

The current review also determines that only one of the two civil penalties that were set by Vision-100 in 2003, and were not raised in 2008, is due for an increase. The comparison between the CPI–U index for June 2003 (the year when these two civil penalties were last set by Vision-100) and June 2014 results in an inflation factor of 1.297. As such, the current $2,500 maximum civil penalty amount is raised to $2,750 for violations of section 41712 or consumer protection rules or orders by small businesses and individuals ($2,500 multiplied by the inflation factor of 1.297 which results in a raw increase of $742.50, rounded to the nearest $1,000 then capped by the 10 percent increase limitation for the initial adjustment under the 1990 Act.)

IV. Regulatory Analyses and Notices

The Administrative Procedure Act (APA) (5 U.S.C. 553) contains a ''good cause'' exemption which allows agencies to dispense with notice and comment if those procedures are impracticable, unnecessary or contrary to the public interest. We have determined that under 5 U.S.C. 553 (b)(3)(B) good cause exists for dispensing with a notice of proposed rulemaking and public comment for the inflation adjustments herein as the application of this rule does not involve any agency discretion. Those adjustments are simply a ministerial inflation update based on the terms and formulas set by 14 CFR 250.5, as most recently amended in 76 FR 23110 (April 25, 2011), and by 14 CFR 254.6, as most recently amended in 73 FR 70591 (November 21, 2008). Those formulas were subject to notice and comment in the rulemaking proceedings during which they were added to these baggage liability and oversales rules. Similarly, the clarification of the applicability of the inflation adjustment provision in section 250.5(e) to international transportation simply corrects an incomplete internal citation in the rule text where the Department's intent as expressed in the preamble to the 2011 rule was clear. The adjustment to a certain civil penalty is also a ministerial action required by the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Debt Collection Improvement Act of 1996, and it is based on a statutory formula. Accordingly, we find that prior notice and comment are unnecessary, and we are issuing these revisions to Parts 250, 254, and 383 as a final rule.

[3] 14 CFR 250.5(b)(2) addresses DBC on outbound international flights. The provision is identical to section 250.5(a)(2) [see footnote 2] except that the threshold for alternate transportation at which the DBC limit doubles from $650 to $1,300 is four hours rather than two hours.

[4] Similar to the DBC adjustment, the next review of the domestic baggage liability limit will occur after the CPI–U for July 2016 is released.

This final rule will become effective with respect to transportation taking place on August 25, 2015. This means that any compensation due to passengers in instances of involuntary denied boarding, or any compensation due to domestic passengers because of loss, delay or damage to baggage, with respect to transportation taking place on or after the effective date (as opposed to tickets sold on or after the effective date) will be covered by this final rule. All notices to passengers required by the rules (Part 250 and Part 254) as they pertain to the new maximum DBC amounts and domestic baggage liability limit must be updated by the effective date of this final rule. The increased maximum civil penalty amount will become applicable to all violations that occur on or after the effective date of this final rule.

V. Executive Order 12866

This final rule has been evaluated in accordance with existing policies and procedures and is considered not significant under both Executive Order 12866 and DOT's Regulatory Policies and Procedures; therefore, the rule has not been reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

Denied Boarding Compensation

The revision of 14 CFR part 250 provides for an inflation adjustment to the maximum DBC amounts that air carriers and foreign air carriers are required by 14 CFR 250.8 to tender to passengers who are involuntarily denied boarding. The provisions are required by current regulatory language, and require no exercise of discretion or interpretation.

This rule will pose minor additional costs to airlines only in those instances in which carriers oversold a flight, there was not a sufficient number of passengers who volunteered to give up their seats, and the carriers failed to arrange alternative transportation for passengers denied boarding that is scheduled to transport them to the next destination within a certain number of hours. The maximum potential impact in those instances is $25–$50 per affected passenger, depending on the delay in getting the passenger to the next destination and whether the flight is a domestic flight or outbound international flight. Reports filed each quarter with the Department by U.S. airlines that each account for at least one percent of total domestic scheduled-service passenger revenues show that, in 2013, approximately 0.0092 percent (.000092) of passengers transported on their scheduled domestic and outbound international flights were involuntarily denied boarding. The total number of domestic and international outbound scheduled passenger enplanements for those carriers in 2013 was 620.5 million. This means that approximately 57,000 passengers experienced involuntarily denied boarding last year on domestic or international outbound scheduled flights operated by these U.S. carriers (.000092 multiplied by 620.5 million). As the Department does not have a rule requiring foreign air carriers to report the number of passengers on their U.S.-outbound international flights who were involuntarily denied boarding, we do not have statistics on that number. However, the total 2013 annual enplanements for international outbound flights operated by foreign carriers is 41.7 million. Using the same rate of involuntarily denied boarding for U.S. carriers (0.0092 percent), the estimated number of passengers who were involuntarily denied boarding from foreign carrier-operated outbound international flights for 2013 is approximately 3,800. Therefore, we expect that the increase in the maximum DBC amounts will cost the affected carriers (both U.S. and foreign air carriers) no more than $3.04 million a year based on 60,800 total affected passengers (57,000 plus 3,800) multiplied by the maximum increase of $50 per passenger. The actual cost will be significantly less than that, since many passengers who are involuntarily denied boarding qualify for less than the maximum amount of DBC and their compensation will not be affected by this increase in the limits. There would be a benefit to passengers for the same amount.

Domestic Baggage Liability

The revision of 14 CFR 254.4 provides for an inflation adjustment to the amount of the minimum limit on baggage liability that air carriers may assert in cases of mishandled baggage, as required by section 254.6. The provisions are also required by current regulatory language, without interpretation.

This rule will pose minor additional costs to airlines only in those instances in which carriers lose, damage or delay baggage and where the amount of the passenger's claim in those instances exceeds the prior minimum liability limit of $3,400. The maximum potential impact in those instances is $100 on each such claim. Reports filed each month with the Department by U.S. airlines that each account for at least one percent of total domestic scheduled-service passenger revenues show that, in 2013, approximately 0.3 percent (.003) of domestic passengers of these carriers experienced a mishandled bag. The total number of domestic scheduled passenger enplanements for these carriers in 2013 was 590.8 million. This means that approximately 1.77 million domestic scheduled passengers experienced a mishandled bag last year (.003 multiplied by 590.8). However, the vast majority of the instances of mishandled baggage do not result in a claim in an amount that is affected by the liability limit in this rule. Based on the information provided to us in 2013 by several carriers, we believe a little more than one half percent (0.0058) of the domestic passengers who experience a mishandled bag would benefit from an increase in the minimum limit on baggage liability, *i.e.,* about 10,266 passengers per year. Therefore, we expect that there would be a cost to the airline industry of a little over $1 million each year—the number of domestic passengers who have a baggage claim that exceeds the prior minimum liability limit of $3,400 (10,266 passengers) multiplied by the maximum potential impact in those instances ($100). There would also be a benefit to passengers for the same amount. Since the rule is limited to domestic transportation, it does not affect foreign air carriers.

Civil Penalties

The increase of the maximum civil penalty will impact entities and individuals that are found to be in violation of section 41712 and consumer protection rules and orders. There is no direct cost to any regulated entity or individual unless the entity or individual is found to have committed a violation.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612) requires an assessment of the impact of proposed and final rules on small entities unless the agency certifies that the proposed regulation will not have a significant economic impact on a substantial number of small entities. An air carrier or a foreign air carrier is a small business if it provides air transportation only with small aircraft (*i.e.,* aircraft with up to 60 seats/18,000 pound payload capacity). See 14 CFR 399.73. The revisions of the DBC and baggage liability amounts principally affect flight segments operated with large aircraft. As a result, many operations of small entities, such as air taxis and many commuter air carriers, are not covered by the rule. Moreover, any additional costs for small entities associated with the rule would be

minimal and, in the case of baggage liability, may be covered by insurance.

The revision of the civil penalty amount will raise potential penalties for individuals and small businesses with regard to violations of section 41712 or consumer protection rules and orders. Because the maximum civil penalty amount is only increased by $250 from the current amount, the aggregate economic impact of this rulemaking on small entities should be minimal and would only be borne by those entities found in violation of the regulations.

Accordingly, I hereby certify that this action will not have a significant economic impact on a substantial number of small entities.

VII. Paperwork Reduction Act

This final rule imposes no new reporting or record keeping requirements necessitating clearance by OMB.

List of Subjects

14 CFR Part 250

Air carriers, Consumer protection, Reporting and recordkeeping requirements.

14 CFR Part 254

Air carriers, Administrative practice and procedure, Consumer protection, Transportation.

14 CFR Part 383

Administrative practice and procedure, Penalties.

Accordingly, the Department of Transportation amends 14 CFR parts 250, 254, and 383 as follows:

PART 250—OVERSALES

■ 1. The authority citation for part 250 continues to read as follows:

Authority: 49 U.S.C. 329 and chapters 41102, 41301, 41708, and 41712.

■ 2. Section 250.5 is amended by:
■ a. Removing ''$650'' wherever it appears and adding ''$675'' in its place.
■ b. Removing ''$1,300'' wherever it appears and adding ''$1,350'' in its place.
■ c. Adding a new paragraph (e)(3) to read as follows:

§ 250.5 Amount of denied boarding compensation for passengers denied boarding involuntarily.

* * * * *

(e) * * *

(3) The Denied Boarding Compensation limit in paragraph (b)(2) shall be the same as the revised limit for paragraph (a)(2) of this section, and the Denied Boarding Compensation limit in paragraph (b)(3) shall be twice the revised limit for paragraph (a)(2) of this section.

* * * * *

§ 250.9 [Amended]

■ 3. Section 250.9 is amended by removing ''$650'' wherever it appears and adding ''$675'' in its place and by removing ''$1,300'' wherever it appears and adding ''$1,350'' in its place.

PART 254—DOMESTIC BAGGAGE LIABILITY

■ 4. The authority citation for part 254 continues to read as follows:

Authority: 49 U.S.C. 40113, 41501, 41504, 41510, 41702 and 41707.

§ 254.4 [Amended]

■ 5. Section 254.4 is amended by removing ''$3,400'' and adding ''$3,500'' in its place.

§ 254.5 [Amended]

■ 6. Section 254.5(b) is amended by removing ''$3,400'' and adding ''$3,500'' in its place.

PART 383—CIVIL PENALTIES

■ 8. The authority citation for part 383 continues to read as follows:

Authority: Sec. 503, Pub. L. 108–176, 117 Stat. 2490; Pub. L. 101–410, 104 Stat. 890; Pub. L. 104–134 § 31001.

§ 383.2 [Amended]

■ 9. Section 383.2(b)(3) is amended by removing ''$2,500'' and adding ''$2,750'' in its place.

Issued in Washington, DC, on May 18, 2015 pursuant to authority delegated in 49 CFR 1.27(c) and (n).

Kathryn B. Thomson,

General Counsel.

[FR Doc. 2015–12789 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 401, 413 and 414

[Docket No.: FAA–2015–1745; Amdt. No(s). 413–11 and 414–3]

RIN 2120–AK58

Electronic Applications for Licenses, Permits, and Safety Approvals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: Currently, an application for a license or experimental permit, or for a safety approval must be submitted to the FAA in paper form. This rule will make the application process more flexible and efficient by providing applicants with an option to submit these applications to the FAA electronically (either via email or on an electronic storage device) rather than submitting a paper application.

DATES: Effective July 27, 2015.

Submit comments on or before June 26, 2015. If we receive an adverse comment or notice of intent to file an adverse comment, we will advise the public by publishing a document in the **Federal Register** before the effective date of the final rule. This document may withdraw the direct final rule in whole or in part.

ADDRESSES: You may send comments identified by docket number FAA–2015–1745 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this action, contact Shirley McBride, Office of Commercial Space Transportation,

Regulations and Analysis Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–7470; email *Shirley.McBride@faa.gov.*

For legal questions concerning this action, contact Alex Zektser, Office of Chief Counsel, International Law, Legislation, and Regulations Division, AGC–250, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3073; email *Alex.Zektser@faa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The Commercial Space Launch Act of 1984, as amended and re-codified at 51 United States Code (U.S.C.) Subtitle V—Commercial Space Transportation, ch.509, Commercial Space Launch Activities, 51 U.S.C. 50901–50923 (the Act), authorizes the Department of Transportation (DOT) and thus the FAA, through delegations, to oversee, license, and regulate commercial launch and reentry, and the operation of launch and reentry sites as carried out by U.S. citizens or within the United States. 51 U.S.C. 50904, 50905. Section 50905(a)(2) also authorizes the FAA to establish procedures for safety approvals of launch vehicles, reentry vehicles, safety systems, processes, services, or personnel that may be used to conduct a licensed launch or reentry.

The Direct Final Rule Procedure

The FAA is issuing this direct final rule without prior notice and prior public comment. The Administrative Procedure Act provides that an agency may publish a final rule without prior notice and comment if the agency for good cause finds that the notice and comment procedure is unnecessary.[1] This rule will not make any substantive changes to the requirements that must be met in order to obtain a commercial-space license, experimental permit, or safety approval. Rather, this rule will simply add an option for applicants for a license, permit, or safety approval to submit their applications electronically. Accordingly, the FAA does not believe that any adverse comments will be filed in response to this rulemaking, and consequently, notice and comment is unnecessary.

The Regulatory Policies and Procedures of the Department of Transportation (DOT), 44 FR 1134, February 26, 1979, provide that to the maximum extent possible, operating administrations for the DOT should provide an opportunity for public comment on regulations issued without prior notice. Accordingly, the FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views.

The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting this final rule.

A direct final rule will take effect on a specified date unless the FAA receives an adverse comment or notice of intent to file an adverse comment within the comment period. An adverse comment explains why a rule would be inappropriate, or would be ineffective or unacceptable without a change. It may challenge the rule's underlying premise or approach. Under the direct final rule process, we do not consider the following types of comments to be adverse:

(1) A comment recommending another rule change, in addition to the change in the direct final rule at issue. We consider the comment adverse, however, if the commenter states why the direct final rule would be ineffective without the change.

(2) A frivolous or insubstantial comment.

If we receive an adverse comment or notice of intent to file an adverse comment, we will advise the public by publishing a document in the **Federal Register** before the effective date of the final rule. This document may withdraw the direct final rule in whole or in part. If we withdraw a direct final rule because of an adverse comment, we may incorporate the commenter's recommendation into another direct final rule or may publish a notice of proposed rulemaking.

If we do not receive an adverse comment or notice of intent to file an adverse comment, we will publish a confirmation document in the **Federal Register**, generally within 15 days after the comment period closes. The confirmation document tells the public the effective date of the rule.

See the ''Additional Information'' section for information on how to comment on this direct final rule and how the FAA will handle comments received. The ''Additional Information'' section also contains related information about the docket, privacy, and the handling of proprietary or confidential business information. In addition, there is information on obtaining copies of related rulemaking documents.

I. Background

The FAA currently issues licenses for the launch of a launch vehicle, the operation of a launch site, the reentry of a reentry vehicle, and the operation of a reentry site.[2] The FAA also issues experimental permits that allow a person to launch or reenter a reusable suborbital rocket.[3] Finally, the FAA issues safety approvals that may be used in conducting a licensed launch or reentry.[4]

To obtain a license, experimental permit, or safety approval, an applicant must first submit an application in writing to the FAA.[5] Currently, this application may not be submitted electronically, but must instead be mailed to the FAA on paper and in duplicate.[6]

The FAA has determined that this paper-based submission process is unduly burdensome because an electronically-submitted application would provide the FAA with the same information as a paper application. In addition, the Government Paperwork Elimination Act (GPEA) requires that, when practicable, a Federal agency must provide the public with an option to transact with the agency electronically.[7]

Accordingly, this rulemaking will relieve the burden imposed by the FAA's current paper-submission application processes and bring the FAA's application processes into compliance with GPEA by providing an option for license, experimental permit, and safety approval applicants to submit their applications electronically.

II. Discussion of the Direct Final Rule

This rule amends §§ 413.7 and 414.11 to allow applicants for a license, experimental permits or safety approval to file their applications to the FAA by paper or by electronic means. The new electronic filing options provided by this rule will be: (1) Simply emailing the application to the FAA; or (2) providing the application to the FAA on a physical electronic storage device rather than submitting the application in paper form. Under this rule, ''physical electronic storage'' is an electronic storage device that can store electronic documents and files. Examples of

[1] *See* 5 U.S.C. 553(b)(B).

[2] *See* 14 CFR 413.3.

[3] *See* 14 CFR 437.5.

[4] *See* 14 CFR 414.1.

[5] 14 CFR 413.7(a) and 414.11(a).

[6] *Id. See also* Memorandum to Kenneth Wong from Rebecca MacPherson, Assistant Chief Counsel for Regulations (Nov 30, 2011) (concluding that the current regulations do not allow the FAA to accept applications electronically). *http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/agc200/interpretations/.*

[7] Office of Management and Budget, *Implementation of the Government Paperwork Elimination Act, http://www.whitehouse.gov/omb/fedreg_gpea2* (explaining implementation of Pub. L. 105–277, sec. 1704).

physical electronic storage devices include optical discs, memory cards, USB flash drives, and external hard drives.[8]

The FAA emphasizes that this rule will not make electronic submission of applications mandatory. Thus, applicants who wish to submit their applications in paper form will be able to continue doing so under this rule. However, applicants who prefer to submit their applications electronically will now be able to do so instead of having to submit those applications in paper form.

To ensure the authenticity and security of electronically-submitted applications, this direct final rule specifies certain requirements for electronically-submitted applications. For an application submitted via email, the application will have to satisfy the following criteria. First, the application must be sent via email as an email attachment to the following email address: *ASTApplications@faa.gov.* Second, the email to which the application is attached must be sent from an email address controlled by the person who signed the application or by an authorized representative of the applicant. The FAA anticipates that this will usually be that person's official work-related email address. Finally, the application must be provided in a format that cannot be altered, such as a PDF document or a read-only Word file.

An application submitted via a physical electronic storage device will be subject to the following criteria. First, the submission package must include a cover letter identifying each document and file that is being submitted on the physical electronic storage device. The cover letter must be in paper form and it must be signed either by the person who signed the application or by an authorized representative of the applicant. Second, the physical electronic storage device must be submitted in a format that does not allow the contents of the device to be altered. For example, the application could be submitted on a write-protected USB flash drive or a CD–ROM disk that does not allow additional data to be written onto the disk.

Finally, the physical electronic storage device and cover letter must either be: (1) Hand-delivered to an authorized FAA representative; or (2) mailed to the FAA's Office of Commercial Space Transportation (AST). If opting to mail the application to AST, the applicant must use the same mailing address that he or she would use to submit a paper application. This address is: Federal Aviation Administration, Associate Administrator for Commercial Space Transportation, Room 331, 800 Independence Avenue SW., Washington, DC 20591. Attention: Application Review.

[8] This list of examples is not intended to be exhaustive.

III. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this direct final rule.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this direct final rule. The reasoning for this determination follows:

This direct final rule will permit, but not require, an application for a license, an experimental permit, or a safety approval to be submitted electronically to the FAA rather than by mailing in a paper application. This will make the application process more efficient and flexible.

This direct final rule does not impose any incremental costs because it will provide an additional method of submitting applications to the FAA. Therefore, the expected outcome will be a minimal impact with positive net benefits, and a full regulatory evaluation was not prepared. The FAA requests comments with supporting justification about the FAA determination of minimal impact.

The FAA has, therefore, determined that this direct final rule is not a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, and is not ''significant'' as defined in DOT's Regulatory Policies and Procedures.

B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.'' To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

This direct final rule does not impose any incremental costs because it will provide an additional method of submitting applications to the FAA.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under

section 605(b) of the RFA. Therefore, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the potential effect of this direct final rule and determined that it will have only a domestic impact and therefore no effect on international trade.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $151 million in lieu of $100 million.

This direct final rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this direct final rule.

F. International Compatibility and Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

G. Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this rulemaking action qualifies for the categorical exclusion identified in paragraph 312f and involves no extraordinary circumstances.

IV. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use. The agency has determined that it is not a ''significant energy action'' under the executive order and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

V. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the rulemaking action in this document. The most helpful comments reference a specific portion of the rulemaking action, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit only one time.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking. Before acting on this rulemaking action, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The agency may change this rulemaking action in light of the comments it receives.

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or

3. Accessing the Government Printing Office's Web page at *http://www.gpo.gov/fdsys/.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Commenters must identify the docket or amendment number of this rulemaking.

All documents the FAA considered in developing this rulemaking action, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

List of Subjects

14 CFR Part 401

Organization and functions (Government agencies), Space transportation and exploration.

14 CFR Part 413

Confidential business information, Human space flight, Reporting and recordkeeping requirements, Space safety, Space transportation and exploration.

14 CFR Part 414

Airspace, Aviation Safety, Space transportation and exploration.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter III of title 14, Code of Federal Regulations as follows:

PART 401—ORGANIZATION AND DEFINITIONS

■ 1. The authority citation for part 401 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 2. In § 401.5, add a definition in alphabetical order for *physical electronic storage* to read as follows:

§ 401.5 Definitions.

* * * * *

Physical electronic storage means a physical device that can store electronic documents and files including but not limited to an optical disc, a memory card, a USB flash drive, or an external hard drive.

* * * * *

PART 413—LICENSE APPLICATION PROCEDURES

■ 3. The authority citation for part 413 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 4. In § 413.7, revise paragraph (a) to read as follows:

§ 413.7 Application.

(a) An applicant must make an application in writing and in English. The applicant must file the application with the Federal Aviation Administration either by paper, by use of physical electronic storage, or by email in the following manner:

(1) For applications submitted on paper, an applicant must send two copies of the application to the Federal Aviation Administration, Associate Administrator for Commercial Space Transportation, Room 331, 800 Independence Avenue SW., Washington, DC 20591. Attention: Application Review.

(2) For an application submitted by use of physical electronic storage, the applicant must either mail the application to the address specified in paragraph (a)(1) of this section or hand-deliver the application to an authorized FAA representative. The application and the physical electronic storage containing the application must also satisfy all of the following criteria:

(i) The application must include a cover letter that is printed on paper and signed by the person who signed the application or by an authorized representative of the applicant;

(ii) The cover letter must identify each document that is included on the physical electronic storage; and

(iii) The physical electronic storage must be in a format such that its contents cannot be altered.

(3) For an application submitted by email, an applicant must send the application as an email attachment to *ASTApplications@faa.gov.* The application and the email to which the application is attached must also satisfy the following criteria:

(i) The email to which the application is attached must be sent from an email address controlled by the person who signed the application or by an authorized representative of the applicant; and

(ii) The application must be in a format that cannot be altered.

* * * * *

PART 414—SAFETY APPROVALS

■ 5. The authority citation for part 414 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 6. In § 414.11, revise paragraph (a) to read as follows:

§ 414.11 Application.

(a) An applicant must make an application in writing and in English. The applicant must file the application with the Federal Aviation Administration either by paper, by use of physical electronic storage, or by email in the following manner:

(1) For an application submitted on paper, an applicant must send two copies of the application to the Federal Aviation Administration, Associate Administrator for Commercial Space Transportation, Room 331, 800 Independence Avenue SW., Washington, DC 20591. Attention: Application Review.

(2) For an application submitted by use of physical electronic storage, the applicant must either mail the application to the address specified in paragraph (a)(1) of this section or hand-deliver the application to an authorized FAA representative. The application and the physical electronic storage containing the application must also satisfy all of the following criteria:

(i) The application must include a cover letter that is printed on paper and signed by the person who signed the application or by an authorized representative of the applicant;

(ii) The cover letter must identify each document that is included on the physical electronic storage; and

(iii) The physical electronic storage must be in a format such that its contents cannot be altered.

(3) For an application submitted by email, an applicant must send the application as an email attachment to *ASTApplications@faa.gov.* The application and the email to which the application is attached must also satisfy the following criteria:

(i) The email to which the application is attached must be sent from an email address controlled by the person who signed the application or by an authorized representative of the applicant; and

(ii) The application must be in a format that cannot be altered.

* * * * *

Issued under authority provided by 49 U.S.C. 106(f), and 51 U.S.C. 50904–50905 in Washington, DC, on April 30, 2015.

Michael P. Huerta,

Administrator.

[FR Doc. 2015–12556 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 310, 314, 329, and 600

[Docket No. FDA–2008–N–0334]

RIN 0910–AF96

Postmarketing Safety Reports for Human Drug and Biological Products; Electronic Submission Requirements; Delay of Compliance Date; Safety Reporting Portal of Electronic Submission of Postmarketing Safety Reports for Human Drugs and Nonvaccine Biological Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; delay of compliance date.

SUMMARY: The Food and Drug Administration (FDA or Agency) is delaying the compliance date for the final rule for the electronic submission of postmarketing safety reports for human drugs and biological products that published in the **Federal Register** of June 10, 2014. The rule amended FDA's postmarketing safety reporting regulations for human drugs and biological products to require that persons subject to mandatory reporting requirements submit safety reports in an electronic format that FDA can process, review, and archive. FDA is also announcing the availability of the Safety

Reporting Portal (SRP), a Web-based electronic submission system, for the electronic submission of postmarketing individual case safety reports (ICSRs) of adverse events for human drug and nonvaccine biological products. The SRP is intended to facilitate the secure electronic submission of postmarketing ICSRs and ICSR attachments to the FDA Adverse Event Reporting System (FAERS) database. The SRP creates a simple and efficient mechanism for electronic reporting of ICSRs that does not require an internal database that is compatible with the International Conference on Harmonisation-based direct submission system. FDA is delaying the compliance date for the final rule because FDA understands that not all persons subject to mandatory postmarketing reporting requirements who wish to use the newly available Safety Reporting Portal (SRP) will have the opportunity to register for an account and test the submission process prior to June 10, 2015, the effective date of the final rule.

DATES: *Effective Date:* This final rule is effective June 10, 2015. *Compliance Date:* The compliance date for the final rule published at 79 FR 33072 on June 10, 2014, is delayed until September 8, 2015.

FOR FURTHER INFORMATION CONTACT: Suranjan De, Office of Surveillance and Epidemiology, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4307, Silver Spring, MD 20993–0002, 240–402–0498, email: *FAERSEUBS@fda.hhs.gov,* or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA published in the **Federal Register** of June 10, 2014 (79 FR 33072), a final rule requiring electronic submission of certain postmarketing submissions (the final rule) and also published an accompanying revised draft guidance for industry ''Providing Submissions in Electronic Format—Postmarketing Safety Reports'' (79 FR 33200) (June 2014 revised draft guidance).[1] The final rule becomes effective June 10, 2015. Under the final rule, persons subject to mandatory postmarketing reporting requirements are required to submit postmarketing ICSRs to FDA in an electronic format that the Agency can process, review, and archive. Postmarketing ICSRs and ICSR attachments sent to FDA for human drug and nonvaccine biological products are processed into the FAERS database. As discussed in the preamble to the final rule, FDA provides two options for electronic submission of ICSRs to FAERS to satisfy the requirement in the final rule that persons subject to mandatory postmarketing reporting requirements submit postmarketing ICSRs to FDA in an electronic format that the Agency can process, review, and archive: (1) Direct submission through the Electronic Submissions Gateway, and (2) submission through the SRP. Persons subject to mandatory postmarketing reporting requirements can choose to use these options to meet the requirements of the final rule to electronically submit postmarketing ICSRs to FAERS.

At this time, FDA is announcing the availability of the SRP, a Web-based electronic submission system, for the electronic submission of postmarketing ICSRs of adverse events for human drug and nonvaccine biological products.

To use the SRP, the ICSR information is entered manually into a Web-based form and then submitted to FDA to be uploaded into the FAERS database. The SRP may be used by any persons subject to mandatory postmarketing safety reporting requirements, including manufacturers, packers, and distributors, and applicants with approved new drug applications (NDAs), abbreviated new drug applications (ANDAs), and biologics license applications (BLAs), those that market prescription drugs for human use without an approved application including entities that are registered with FDA as outsourcing facilities under section 503B of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 353b), and those subject to the reporting requirements in section 760 of the FD&C Act (21 U.S.C. 379aa).

II. Discussion of Rationale for Delay

The Agency believes that the SRP may be particularly useful for those entities that submit a small volume of ICSRs because the SRP does not require an internal database that is compatible with the ICH-based direct transmission system. FDA understands that not all persons subject to mandatory postmarketing reporting requirements who wish to use the SRP will have the opportunity to register for an account and test the submission process prior to June 10, 2015, the effective date of the final rule. Therefore, while persons subject to mandatory postmarketing reporting requirements are going through the registration process, FDA is delaying the compliance date of the final rule until September 8, 2015. FDA will continue to accept postmarketing ICSRs submitted on paper Forms FDA 3500A for 90 calendar days from the June 10, 2015, effective date of the final rule. FDA expects full compliance with the final rule by Tuesday, September 8, 2015. FDA is delaying the compliance date for this rule directly, without issuing notice of proposed rulemaking or taking comments on this action, for good cause. Because not all persons who want to use the SRP will be able to do so prior to the June 10, 2015, effective date for this rule, and because this effective date is now imminent, we find that issuing notice and taking comments are impracticable, unnecessary, and contrary to the public interest with respect to this action.

III. Overview of the SRP

The SRP originated as a collaborative initiative developed by a multi-agency Federal Adverse Event Task Force, which included FDA as part of the Agency's MedWatch Plus strategic effort, starting in 2004. Submission of safety reports through the SRP is described on the FDA SRP Web page (the SRP is available on the SRP Web page at *https://www.safetyreporting.hhs.gov/fpsr/WorkflowLoginIO.aspx?metinstance=0AA0751AD2587A59D28B14D5C764AC7CA68678FE*). The SRP is intended to create greater harmonization among Federal Agencies for adverse event and product problem reporting by streamlining and coordinating the currently diverse Federal requirements for the reporting and the review of adverse events.[2] Further information on submitting ICSRs through the SRP is included in FDA's June 2014 revised draft guidance.

Dated: May 20, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–12753 Filed 5–26–15; 8:45 am]

BILLING CODE 4164–01–P

[1] The June 2014 revised draft guidance is available on the Drugs guidance Web page at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* and on the FAERS Electronic Submissions Web page at *http://www.fda.gov/drugs/guidancecomplianceregulatoryinformation/surveillance/adversedrugeffects/ucm115894.htm.*

[2] The origins and purpose of the SRP are discussed on the SRP Web page at *https://www.safetyreporting.hhs.gov/fpsr/About.aspx.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. FDA–2015–N–1072]

Medical Devices; Immunology and Microbiology Devices; Classification of Multiplex Nucleic Acid Assay for Identification of Microorganisms and Resistance Markers From Positive Blood Cultures

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying multiplex nucleic acid assay for identification of microorganisms and resistance markers from positive blood cultures into class II (special controls). The special controls that will apply to this device are identified in this order and will be part of the codified language for the multiplex nucleic acid assay for identification of microorganisms and resistance markers from positive blood cultures. The Agency is classifying the device into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective May 27, 2015. The classification was applicable June 26, 2012.

FOR FURTHER INFORMATION CONTACT: Kimberly J. Sconce, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5506, Silver Spring, MD 20993–0002, 301–796–6679.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976 (the date of enactment of the Medical Device Amendments of 1976), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of the regulations.

Section 513(f)(2) of the FD&C Act, as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144, July 9, 2012), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1). Under the first procedure, the person submits a premarket notification under section 510(k) of the FD&C Act for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1) of the FD&C Act, the person requests a classification under section 513(f)(2). Under the second procedure, rather than first submitting a premarket notification under section 510(k) of the FD&C Act and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence and requests a classification under section 513(f)(2) of the FD&C Act. If the person submits a request to classify the device under this second procedure, FDA may decline to undertake the classification request if FDA identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence with the device or if FDA determines that the device submitted is not of ''low-moderate risk'' or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

In response to a request to classify a device under either procedure provided by section 513(f)(2) of the FD&C Act, FDA will classify the device by written order within 120 days. This classification will be the initial classification of the device.

In accordance with section 513(f)(1) of the FD&C Act, FDA issued an order on June 12, 2012, classifying the Verigene® Gram Positive Blood Culture Nucleic Acid Test (BC–GP) into class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device which was subsequently reclassified into class I or class II. On June 15, 2012, Nanosphere, Inc., submitted a request for classification of Verigene® Gram Positive Blood Culture Nucleic Acid Test (BC–GP) under section 513(f)(2) of the FD&C Act. The manufacturer recommended that the device be classified into class II.

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act. FDA classifies devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the de novo request, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

The device is assigned the generic name multiplex nucleic acid assay for identification of microorganisms and resistance markers from positive blood cultures, and it is identified as a qualitative in vitro device intended to simultaneously detect and identify microorganism nucleic acids from blood cultures that test positive by Gram stain or other microbiological stains. The device detects specific nucleic acid sequences for microorganism identification as well as for antimicrobial resistance. This device aids in the diagnosis of bloodstream infections when used in conjunction with other clinical and laboratory findings. However, the device does not replace traditional methods for culture and susceptibility testing.

Multiplex nucleic acid assay for identification of microorganisms and resistance markers from positive blood cultures is a prescription device.

FDA has identified the following risks to health associated with this type of device and the measures required to mitigate these risks in table 1:

TABLE 1—IDENTIFIED RISKS AND REQUIRED MITIGATIONS

Identified risks	Required mitigations
False negative result	The FDA document entitled ''Class II Special Controls Guideline: Multiplex Nucleic Acid Assay for Identification of Microorganisms and Resistance Markers from Positive Blood Cultures,'' which addresses this risk through: Device description containing the information specified in the special control guideline, performance characteristics, and labeling.
False positive result	The FDA document entitled ''Class II Special Controls Guideline: Multiplex Nucleic Acid Assay for Identification of Microorganisms and Resistance Markers from Positive Blood Cultures,'' which addresses this risk through: Device description containing the information specified in the special control guideline, performance characteristics, and labeling.
Errors in interpretation	The FDA document entitled ''Class II Special Controls Guideline: Multiplex Nucleic Acid Assay for Identification of Microorganisms and Resistance Markers from Positive Blood Cultures,'' which addresses this risk through: Device description containing the information specified in the special control guideline, performance characteristics, and labeling.

FDA believes that the measures set forth in the special controls guideline entitled ''Class II Special Controls Guideline: Multiplex Nucleic Acid Assay for Identification of Microorganisms and Resistance Markers from Positive Blood Cultures'' are necessary, in addition to general controls, to mitigate the risks to health described in table 1.

Therefore, effective June 26, 2012, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding § 866.3365.

II. 510(k) Premarket Notification

Following the effective date of this final classification order, any firm submitting a 510(k) premarket notification for this device type will need to comply with the special controls.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, this device type is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the multiplex nucleic acid assay for identification of microorganisms and resistance markers from positive blood cultures they intend to market.

III. Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final administrative order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 50 and 56 have been approved under OMB control number 0910–0755; the collections of information in 21 CFR part 807, subpart E, regarding premarket notification submissions have been approved under OMB control number 0910–0120; the collections of information in 21 CFR parts 801 and 809 regarding labeling have been approved under OMB control number 0910–0485; the collections of information in 21 CFR part 812 regarding investigational device exemptions have been approved under OMB control number 0910–0078; the collections of information in 21 CFR part 820 regarding quality systems have been approved under OMB control number 0910–0073; and the collections of information regarding Requests for Feedback (''presubmissions'') have been approved under OMB control number 0910–0756.

V. Clarifications to Special Controls Guidelines

This special controls guideline reflects changes the Agency is making to clarify its position on the binding nature of special controls. The changes include referring to the document as a ''guideline,'' as that term is used in section 513(a) of the FD&C Act, which the Secretary has developed and disseminated to provide a reasonable assurance of safety and effectiveness for class II devices, and not a ''guidance,'' as that term is used in 21 CFR 10.115. The guideline uses mandatory language to emphasize that firms must comply with special controls to legally market their class II devices. The guideline clarifies that firms will need either to: (1) Comply with the particular mitigation measures set forth in the special controls guideline or (2) use alternative mitigation measures, but demonstrate to the Agency's satisfaction that those alternative measures identified by the firm will provide at least an equivalent assurance of safety and effectiveness. These revisions do not represent a change in FDA's position about the binding effect of special controls, but rather are intended to address any possible confusion or misunderstanding.

List of Subjects in 21 CFR Part 866

Biologics, Laboratories, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 866 is amended as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

■ 1. The authority citation for 21 CFR part 866 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

■ 2. Add § 866.3365 to subpart D to read as follows:

§ 866.3365 Multiplex nucleic acid assay for identification of microorganisms and resistance markers from positive blood cultures.

(a) *Identification.* A multiplex nucleic acid assay for identification of microorganisms and resistance markers from positive blood cultures is a qualitative in vitro device intended to simultaneously detect and identify microorganism nucleic acids from blood

cultures that test positive by Gram stain or other microbiological stains. The device detects specific nucleic acid sequences for microorganism identification as well as for antimicrobial resistance. This device aids in the diagnosis of bloodstream infections when used in conjunction with other clinical and laboratory findings. However, the device does not replace traditional methods for culture and susceptibility testing.

(b) *Classification.* Class II (special controls). The special control for this device is FDA's guideline document entitled ''Class II Special Controls Guideline: Multiplex Nucleic Acid Assay for Identification of Microorganisms and Resistance Markers from Positive Blood Cultures.'' For availability of the guideline document, see § 866.1(e).

Dated: May 20, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–12741 Filed 5–26–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF STATE

22 CFR Part 172

[Public Notice: 9144]

RIN 1400–AD75

Service of Process; Address Change; Correction

AGENCY: Department of State.

ACTION: Final rule; correcting amendment.

SUMMARY: This document contains a correction to the address for service of process on the Department of State (Public Notice 9045).

DATES: Effective May 27, 2015.

FOR FURTHER INFORMATION CONTACT: Alice Kottmyer, Office of the Legal Adviser, Department of State; phone: 202–647–2318, *kottmyeram@state.gov.*

SUPPLEMENTARY INFORMATION: The Department of State published a final rule on March 6, 2015 (80 FR 12081–12082), changing the address for service of process on the Department. This document corrects the zip code in that address.

List of Subjects in 22 CFR Part 172

Service of process.

As stated above, title 22, part 172, is amended by making the following correcting amendment:

PART 172—SERVICE OF PROCESS; PRODUCTION OR DISCLOSURE OF OFFICIAL INFORMATION IN RESPONSE TO COURT ORDERS, SUBPOENAS, NOTICES OF DEPOSITIONS, REQUESTS FOR ADMISSIONS, INTERROGATORIES, OR SIMILAR REQUESTS OR DEMANDS IN CONNECTION WITH FEDERAL OR STATE LITIGATION; EXPERT TESTIMONY

■ 1. The authority citation for part 172 continues to read as follows:

Authority: 5 U.S.C. 301; 8 U.S.C. 1202(f); 22 U.S.C. 2658, 2664, 3926

§ 172.2 [Amended]

■ 2. In § 172.2, in paragraph (a), correct the zip code ''20036'' to read ''20522''.

Date: May 18, 2015.

Alice Kottmyer,

Attorney Adviser, Office of the Legal Adviser.

[FR Doc. 2015–12650 Filed 5–26–15; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2015–0453]

RIN 1625–AA08

Special Local Regulation, Annual Dragon Boat Races, Portland, Oregon

AGENCY: Coast Guard, DHS.

ACTION: Interim final rule.

SUMMARY: The Coast Guard is permanently amending the Annual Dragon Boat Races, Portland, Oregon special local regulation. This regulation is enforced annually during the Dragon Boat Races on the waters of the Willamette River between the Hawthorne and Marquam Bridges. This final rule will eliminate inconsistencies with the event dates and the published enforcement period. This will serve to better inform the public of the regulated race area.

DATES: This rule is effective on May 27, 2015.

Comments and related material must be received by the Coast Guard on or before June 26, 2015.

Requests for public meetings must be received by the Coast Guard June 3, 2015.

ADDRESSES: Documents mentioned in this preamble are part of Docket Number CGD13–06–007. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Open Docket Folder'' on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

You may submit comments, identified by docket number, using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* (202) 493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ken Lawrenson, Waterways Management Division, MSU Portland, Oregon, Coast Guard; telephone 503–240–9319, email *MSUPDXWWM@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking, indicate the specific section

of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

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

3. Privacy Act

Anyone can search the electronic form of comments received into 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, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Regulatory History and Information

This final rule amends 33 CFR 100.1302 Special Local Regulation; Annual Dragon Boat Races, Portland, Oregon.

The Coast Guard is issuing this final rule without prior notice pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. The Coast Guard did not receive all of the details about this year's Dragon Boat race until it was too late to publish an NPRM and receive comments before the event this July 6th and 7th. However, as this is a permanent rule addressing a recurring annual event, the Coast Guard is seeking comments from the public before a final rule for all subsequent iterations of this annual event is issued. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section above for further instructions on submitting comments.

C. Basis and Purpose

The basis for this rule is 33 U.S.C. 1233. Coast Guard Captains of the Port are granted authority to establish special local regulations in 33 CFR 1.05–1(i).

This final rule will eliminate inconsistencies with the event dates and the published enforcement period. This will serve to better inform the public of the regulations in the race area.

D. Discussion of the Interim Rule

This rule will revise 33 CFR 100.1302 paragraph (c) to read as set forth in the regulatory text of this rule.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The Coast Guard bases this finding on the fact that the no changes to the regulation were made beyond clarifying the enforcement period.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities some of which may be small entities: The owners and operators of vessels intending to transit or anchor in the race are during the times this regulation is enforced. This special local regulation will not have a significant economic impact on a substantial number of small entities for the following reasons: Vessels desiring to transit this area of the Willamette River may do so by scheduling their trips in the early morning or evening when the restrictions on general navigation imposed by this section will not be in effect.

3. Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the revision of the enforcement period of a special local regulation in 33 CFR 100.1302(c). This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Amend § 100.1302 by revising paragraph (c) to read as follows:

§ 100.1302 Special Local Regulation, Annual Dragon Boat Races, Portland, Oregon.

* * * * *

(c) *Enforcement period.* The event is a two-day event which will be enforced one weekend in June each year. The specific dates will be published each year in the **Federal Register**. In 2015, this section will be enforced from 7:00 a.m. until 6:00 p.m. on Saturday June 6, 2015 and Sunday June 7, 2015.

* * * * *

Dated: May 7, 2015.

D.J. Travers,

Captain, U.S. Coast Guard, Captain of the Port, Sector Columbia River.

[FR Doc. 2015–12639 Filed 5–26–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0402]

Drawbridge Operation Regulations; James River, Isle of Wight and Newport News, VA

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 James River Draw Bridge across the James River, mile 5.0, between Isle of Wight and Newport News, VA. This deviation is necessary to facilitate electrical repairs to the south tower of the bridge. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: This deviation is effective from 8 a.m. to 8 p.m. on June 8, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0402], 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. Hal R. Pitts, Bridge Administration Branch Fifth District, Coast Guard; telephone (757) 398–6222, email *Hal.R.Pitts@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Virginia Department of Transportation, who owns and operates the James River Draw Bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.5, to facilitate electrical repairs on the south tower of the bridge.

Under the regular operating schedule, the James River Draw Bridge, mile 5.0, between Isle of Wight and Newport News, VA, opens on signal. The bridge is a vertical lift draw bridge and has a vertical clearance in the closed position of 60 feet above mean high water.

Under this temporary deviation, the bridge will be closed to navigation from 8 a.m. to 8 p.m. on June 8, 2015.

The James River is used by a variety of vessels including freighters, tugs, and recreational vessels. The Coast Guard has carefully coordinated the restrictions with commercial and recreational waterway users.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies and there is no alternate route for vessels to pass for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impacts 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 effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: May 15, 2015.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2015–12737 Filed 5–26–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–1069]

RIN 1625–AA00

Safety Zones, Captain of the Port New Orleans Zone

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety zones for multiple locations and dates within the Captain of the Port New Orleans zone. These safety zones are necessary to protect persons and vessels from potential safety hazards associated with fireworks displays on or over Federal waterways. Entry into these zones is prohibited unless specifically authorized by the Captain of the Port (COTP) New Orleans or a designated representative.

DATES: This rule is effective without actual notice from May 27, 2015 until July 4, 2015. For the purposes of enforcement, actual notice will be used from April 24, 2015 until May 27, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2014–1069]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander (LCDR) James Gatz, Sector New Orleans, at (504) 365–2281 or *James.C.Gatz@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

AHP Above Head of Passes
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
MM Mile Marker
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

On March 25, 2015, the Coast Guard published an NPRM entitled Safety Zones; Captain of the Port New Orleans Zone in the **Federal Register** (80 FR 15705). We did not receive any comments in response to the proposed rule. No public meeting was requested and none were held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Providing a full 30 days notice is contrary to the public interest as it would delay the effectiveness of a portion of the safety zones until after the planned fireworks events. Immediate action is needed to protect vessels and mariners from the safety hazards associated with aerial fireworks displays over a waterway when large concentrations of spectators are expected. The Coast Guard did not receive any comments on the proposed rule following the publication of the NPRM. The Coast Guard will give actual notice to the public and maritime community that each safety zone will be in effect and of the enforcement periods via broadcast notices to mariners.

B. Basis and Purpose

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

The Coast Guard has determined that temporary safety zones are necessary to promote the safety of life on navigable waterways within the COTP New Orleans Zone during these events due to the potentially hazardous conditions caused by the fireworks and the high volume of spectators that are anticipated.

C. Discussion of the Final Rule

The Coast Guard is establishing five temporary safety zones within the Captain of the Port (COTP) New Orleans Zone between April 27, 2015 and July 4, 2015.

The events to be covered by this rule will be enforced on the respective dates listed in the table below.

Item No.	Name of event	Date and location
1	New Orleans Navy Week	Date: April 27, 2015. Location: The entire width of the Lower Mississippi River between MM 94 and MM 96 Above Head of Passes.
2	Hosts Global	Date: April 28, 2015. Location: The entire width of the Lower Mississippi River between MM 94 and MM 96 Above Head of Passes.
3	Madisonville 4th of July	Date: July 4, 2015. Location: The entire width of the Tchefuncta River between the confluence of the Tchefuncta River and Lake Pontchartrain, extending one mile north.
4	Mandeville City Seafood Festival	Date: July 4, 2015. Location: 350 feet in all directions from the end of the Fountainbleau State Park Pier in Lake Pontchartrain.
5	Mandeville Lakefront Fireworks	Date: July 4, 2015. Location: 350 feet in all directions from the fireworks barge, which will be positioned offshore of Mandeville, LA in Lake Pontchartrain.

Entry into these zones is prohibited unless permission has been granted by the COTP New Orleans, or a designated representative.

The COTP New Orleans will inform the public through broadcast notices to mariners of the enforcement period for the safety zones as well as any changes in the planned schedule. Mariners and other members of the public may also contact Coast Guard Sector New Orleans Command Center to inquire about the status of the safety zone, at (504) 365–2200.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. These temporary safety zones will restrict navigation on the Lower Mississippi River in the vicinity of New Orleans, Louisiana, the southern end of the Tchefuncta River near Madisonville, Louisiana, and Lake Pontchartrain in vicinity of Mandeville, Louisiana. No safety zone will be established for longer than one hour. Due to the limited scope and short duration of each temporary safety zone, the impacts on routine navigation are expected to be minimal.

2. Impact on Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because it is limited in scope and each temporary safety zone will only be in effect for approximately one hour on one day. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit the following waterways on the listed dates: The Lower Mississippi River in New Orleans, Louisiana on April 27, 2015 and April 28, 2015; the Tchefuncta River near Madisonville, Louisiana on July 4, 2015, and the north shore of Lake Pontchartrain in the vicinity of Mandeville, LA on July 4, 2015. Before enforcement, COTP New Orleans will issue maritime advisories widely available to users of the impacted waterways and will make notifications to the public through marine band radio when the temporary safety zones are being enforced. Additionally, deviation from this rule may be requested and will be considered on a case by case basis by COTP New Orleans or a COTP New Orleans designated representative.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the

person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04.6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T08–1069 is added to read as follows:

§ 165.T08–1069 Safety Zones, Captain of the Port New Orleans Zone, LA.

(a) *Locations.* The following areas are safety zones:

(1) All waters of the Lower Mississippi River from mile marker 94 to mile marker 96 above Head of Passes, New Orleans, LA. This location will be used for the New Orleans Navy Week and Hosts Global events.

(2) All waters of the Tchefuncta River from the confluence of the Tchefuncta River and Lake Pontchartrain, extending one mile north into the Tchefuncta River, Madisonville, LA. This location will be used for the Madisonville Fourth of July event.

(3) All waters of Lake Pontchartrain extending 350 feet in all directions from the end of the Fountainbleau State Park Pier in Mandeville, LA. This location will be used for the Mandeville City Seafood Festival.

(4) All waters of Lake Pontchartrain extending 350 feet in all directions from a fireworks barge located offshore of Mandeville, LA. This location will be used for the Mandeville Lakefront Fireworks event.

(b) *Effective Dates and Enforcement Periods.* This rule is effective during five individual events occurring on three separate dates from April 27, 2015 through July 4, 2015. The temporary safety zones will be enforced during the following dates and times:

(1) April 27, 2015, in the evening for one hour or less in the location noted in section a.1.

(2) April 28, 2015, in the evening for one hour or less in the location noted in section a.1.

(3) July 4, 2015, in the evening for one hour or less in the location noted in section a.2.

(4) July 4, 2015, in the evening for one hour or less the locations noted in section a.3 and a.4.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into these zones is prohibited unless specifically authorized by the Captain of the Port (COTP) New Orleans or designated personnel. Designated personnel include commissioned, warrant and petty officers of the U.S. Coast Guard assigned to units under the operational control of Sector New Orleans.

(2) Persons and vessels requiring deviation from this rule must request permission from the COTP New Orleans or a COTP New Orleans designated representative. They may be contacted on VHF–FM Channel 16 or 67, or through Coast Guard Sector New Orleans at 504–365–2200.

(3) Persons and vessels permitted to deviate from this rule must transit at the slowest safe speed and comply with all lawful directions issued by the COTP New Orleans or designated representative.

(d) *Information Broadcasts.* The COTP New Orleans or a COTP New Orleans designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zones as well as any changes in the planned schedule.

Dated: April 24, 2015.

P.C. Schifflin,

Captain, U.S. Coast Guard, Captain of the Port New Orleans.

[FR Doc. 2015–12735 Filed 5–26–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2014–0532; FRL–9928–17–Region 10]

Approval and Promulgation of Implementation Plans; Alaska

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Alaska State Implementation Plan (SIP) submitted on July 1, 2014 and October 24, 2014. These revisions primarily update the adoption by reference of Federal regulations and definitions into the Alaska SIP. The revisions also clarify stationary source permitting rules governing owner-requested emission limits and revise the SIP to reflect the redesignation of the Eagle River area of Anchorage. Upon the effective date, the Alaska SIP will be updated to reflect recent Federal regulatory changes and actions.

DATES: This final rule is effective on June 26, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA–R10–OAR–2014–0532. All documents in the docket are listed on the *http://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 the disclosure of which 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 *http://www.regulations.gov* or in hard copy at EPA Region 10, Office of Air, Waste, and Toxics, AWT–150, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that 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: Kristin Hall at (206) 553–6357, *hall.kristin@epa.gov,* or by using the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us'' or ''our'' is used, it is intended to refer to the EPA.

Table of Contents

I. Background

In a notice of proposed rulemaking published in the **Federal Register** at 80 FR 14038, March 18, 2015, the EPA proposed to approve and incorporate by reference revisions to the Alaska SIP submitted on July 1, 2014 and October 24, 2014. Please see our March 18, 2015, proposed rulemaking for further explanation and the basis for our finding. The public comment period for the proposal ended on April 17, 2015. We received a comment letter from the Alaska Department of Environmental Conservation, dated April 16, 2015, acknowledging our work and supporting the proposal. We received no other comments.

II. Final Action

The EPA is approving and incorporating by reference into the Alaska SIP changes to the following provisions submitted on July 1, 2014 and October 24, 2014:

- 18 AAC 50.015 ''Air Quality Designations, Classifications, and Control Regions'' (State effective 10/6/2013);
- 18 AAC 50.040 ''Federal Standards Adopted by Reference'' (State effective 10/6/2013);
- 18 AAC 50.225 ''Owner-Requested Limits'' (State effective 10/6/2013);
- 18 AAC 50.260 ''Guidelines for Best Available Retrofit Technology under the Regional Haze Rule'' (State effective 10/6/2013);
- 18 AAC 50.502 ''Minor Permits for Air Quality Protection'' (State effective 11/9/2014); and
- 18 AAC 50.990 ''Definitions'' (State effective 11/9/2014).

We note that this action does not address the submitted revisions related to Alaska's nonattainment NSR permitting program because we approved those changes on January 7, 2015 (80 FR 832). This action is being taken under section 110 and part C of title I of the CAA.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the provisions of 18 AAC 50 set forth below. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

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 CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the 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 this action does not involve technical standards; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human

health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 27, 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, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: May 7, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

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 C—Alaska

■ 2. In section 52.70, the table in paragraph (c) is amended by revising entries 18 AAC 50.015, 18 AAC 50.040, 18 AAC 50.225, 18 AAC 50.260, 18 AAC 50.502, and 18 AAC 50.990 to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED ALASKA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
Alaska Administrative Code Title 18 Environmental Conservation, Chapter 50 Air Quality Control (18 AAC 50)				
*	*	*	*	*
18 AAC 50.015	Air Quality Designations, Classifications, and Control Regions.	10/6/13	05/27/15 [Insert **Federal Register** citation].	
*	*	*	*	*
18 AAC 50.040	Federal Standards Adopted by Reference.	11/9/14 10/6/13 12/3/05	1/7/15, 80 FR 832; 05/27/15 [Insert **Federal Register** citation] 8/14/07, 72 FR 45378.	except (a), (b), (c), (d), (e), (g), (h)(21), (j), and (k).
*	*	*	*	*
18 AAC 50 Article 2. Program Administration				
*	*	*	*	*
18 AAC 50.225	Owner-Requested Limits	10/6/13	05/27/15 [Insert **Federal Register** citation].	
*	*	*	*	*
18 AAC 50.260	Guidelines for Best Available Retrofit Technology under the Regional Haze Rule.	10/6/13	05/27/15 [Insert **Federal Register** citation].	
*	*	*	*	*
18 AAC 50 Article 5. Minor Permits				
18 AAC 50.502	Minor Permits for Air Quality Protection.	11/9/14	05/27/15 [Insert **Federal Register** citation].	

EPA-APPROVED ALASKA REGULATIONS AND STATUTES—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
*	*	*	*	*
18 AAC 50 Article 9. General Provisions				
18 AAC 50.990	Definitions	11/9/14	1/7/15, 80 FR 832; 05/27/15 [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2015–12655 Filed 5–26–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 383

Commercial Driver's License Standards; Regulatory Guidance Concerning the Passenger Endorsement Requirements

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of regulatory guidance.

SUMMARY: FMCSA responds to a question whether a commercial driver's license (CDL) passenger endorsement is required for drivers of certain custom motorcoaches designed or used to transport fewer than 16 passengers, including the driver. The guidance explains that a passenger endorsement is required because the vehicle is intended to transport passengers rather than cargo.

DATES: This guidance is effective May 27, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Selden Fritschner, Chief, Commercial Driver's License Division, Office of Safety Programs, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Telephone (202) 366–0677 or *Selden.Fritschner@dot.gov*. Office hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays. If you have questions on the docket, call Ms. Barbara Hairston, Docket Operations, telephone 202–366–3024.

SUPPLEMENTARY INFORMATION:

I. Legal Basis

The CDL program was established by the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 U.S.C. chapter 313). The CMVSA authorizes the Secretary of Transportation to set minimum standards for the CDL. The Administrator of FMCSA has been delegated the authority to carry out the functions vested in the Secretary by the CMVSA (49 Code of Federal Regulations [CFR] 1.87(e)(1)).

Parts 383 and 384 of Title 49, CFR, implement the CMVSA requirements. Part 383 prohibits any person who does not hold a valid CDL or commercial learner's permit (CLP) issued by his/her State of domicile from operating a commercial motor vehicle (CMV) that requires a driver with a CDL. This regulatory guidance is based on that authority and is intended to ensure that CDL holders obtain the proper endorsements before operating a CMV.

II. Background

The American Bus Association (ABA) asked if drivers of certain custom motorcoaches require passenger endorsements. These motorcoaches are used primarily to transport entertainers to performance venues throughout the United States. Because these vehicles have gross vehicle weights (GVWs) and gross vehicle weight ratings (GVWRs) greater than 26,000 pounds, the driver must have a CDL. However, the vehicles are not designed or used to transport 16 or more passengers. Each vehicle begins as a motorcoach chassis and body shell which is then customized by a second-stage manufacturer that installs beds, couches, sinks, kitchen cabinets, and other furnishings. ABA notes that the maximum passenger capacity of these vehicles is approximately 10–12 persons, plus the driver. The ABA asked whether the drivers must have passenger endorsements on their CDLs. ABA estimates that approximately 1,000 entertainer motorcoaches are currently in operation.

III. Applicable Regulations

The CDL rules in 49 CFR 383.23(a) require individuals to pass written and driving tests for a CLP or CDL to operate commercial motor vehicles (CMVs). Section 383.5 defines a CMV.

The customized motorcoaches described by the ABA are Group B Heavy Straight Vehicles, within the CMV definition under § 383.5 and under § 383.91 concerning endorsements. They are used in commerce to transport passengers, and have GVWRs and GVWs of 26,001 pounds or more. Section 383.93(b)(2) requires CDL holders who operate or expect to operate ''passenger vehicles'' to obtain a passenger endorsement requiring a knowledge and skills test (§ 383.93(c)(2)). Neither these sections nor the passenger endorsement provisions in § 383.117 specifies a minimum number of passengers needed to trigger the endorsement requirement. Drivers of the customized motorcoaches used by the entertainment industry, which are designed or used to transport between 10 and 12 passengers, including the driver, are therefore required to have a CDL with a passenger endorsement.

It should be noted that FMCSA and its predecessor agency, the Federal Highway Administration, have held for more than 20 years that drivers of recreational vehicles used strictly for non-commercial purposes are not required to obtain a CDL [Question 3 under § 383.3, 58 FR 60734, 60735, November 17, 1993; available on the Agency's Web site: *www.fmcsa.dot.gov*]. Such vehicles are not ''used in commerce'' in the sense intended by the definition of ''commercial motor vehicle'' in 49 U.S.C. 31301(4) and 49 CFR 383.5. Today's regulatory guidance is therefore limited to the issue of the passenger endorsement for individuals who are already required to possess a CDL.

IV. FMCSA Decision

In consideration of the above, FMCSA has determined that the requirements under 49 CFR part 383 require CDL-holders to have a passenger endorsement when operating a vehicle that exceeds the 26,000-pound threshold, and is designed to transport passengers rather than property. FMCSA

therefore includes the following as new Guidance to 49 CFR 383.93:

Commercial Driver's License Standards, Endorsements; Regulatory Guidance for 49 CFR 383.93

Question 15: Is a person who operates a custom motorcoach in commerce with a gross vehicle weight rating or gross vehicle weight greater than 26,001 pounds required to have a passenger endorsement for his or her CDL if the vehicle is designed or used to transport less than 16 passengers, including the driver?

Guidance: Yes. The motorcoach is a Heavy Straight Vehicle (Group B) under 49 CFR 383.91 that is designed to transport passengers in commerce. The driver is, therefore, required by § 383.93(b)(2) to have a passenger endorsement.

Issued on: May 18, 2015.

T.F. Scott Darling, III,

Chief Counsel.

[FR Doc. 2015–12641 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 390

[Docket No. FMCSA–2012–0103]

RIN 2126–AB44

Lease and Interchange of Vehicles; Motor Carriers of Passengers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule.

SUMMARY: FMCSA adopts regulations governing the lease and interchange of passenger-carrying commercial motor vehicles (CMVs) to: Identify the motor carrier operating a passenger-carrying CMV that is responsible for compliance with the Federal Motor Carrier Safety Regulations (FMCSRs); and ensure that a lessor surrenders control of the CMV for the full term of the lease or temporary exchange of CMVs and drivers. This action is necessary to ensure that unsafe passenger carriers cannot evade FMCSA oversight and enforcement by entering into a questionable lease arrangement to operate under the authority of another carrier that exercises no actual control over those operations. This rule will enable the FMCSA, the National Transportation Safety Board (NTSB), and our Federal and State partners to identify motor carriers transporting passengers in interstate commerce and correctly assign responsibility to these entities for regulatory violations during inspections, compliance investigations, and crash investigations. It also provides the general public with the means to identify the responsible motor carrier at the time transportation services are provided.

DATES: *Effective date:* July 27, 2015. *Compliance date:* Motor carriers of passengers operating CMVs under a lease or interchange agreement are subject to this rule on or after January 1, 2017.

Petitions for reconsideration must be received by June 26, 2015 and must be filed in accordance with 49 CFR 389.35.

FOR FURTHER INFORMATION CONTACT: Ms. Loretta Bitner, (202) 366–2400, *loretta.bitner@dot.gov*, Office of Enforcement and Compliance. FMCSA office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Acronyms and Abbreviations

1935 Act Motor Carrier Act of 1935
1984 Act Motor Carrier Safety Act of 1984
Advocates Advocates for Highway and Auto Safety
ABA American Bus Association
BASICs Behavioral Analysis and Safety Improvement Categories
CDL Commercial Driver's License
CMV Commercial Motor Vehicle
CSA Compliance, Safety, Accountability
DOT United States Department of Transportation
FMCSA Federal Motor Carrier Safety Administration
FMCSRs Federal Motor Carrier Safety Regulations, 49 CFR parts 350 through 399
FR Federal Register
FRFA Final Regulatory Flexibility Analysis
Gobbell Gobbell Transportation Services
LLCs Limited Liability Companies
MCMIS Motor Carrier Management Information System
MCSAP Motor Carrier Safety Assistance Program
MAP–21 Moving Ahead for Progress in the 21st Century Act
NPRM Notice of Proposed Rulemaking
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OOIDA Owner-Operator Independent Drivers Association
OOS Out of Service
PRA Paperwork Reduction Act of 1995
QALY Quality-Adjusted Life-Year
RFA Regulatory Flexibility Act
SMS Safety Measurement System
SBA Small Business Administration
STB Surface Transportation Board
UMA United Motorcoach Association
VSL Value of a Statistical Life
VMT Vehicle Miles Traveled
VIN Vehicle Identification Number

II. Executive Summary

A. Purpose of the Final Rule

FMCSA adopts regulations governing the lease and interchange of passenger-carrying CMVs to ensure that passenger carriers cannot evade FMCSA oversight and enforcement by entering into questionable lease arrangements to operate under the authority [1] of another carrier that exercises no actual control over these operations. The rule is based on the broad authority of the Motor Carrier Safety Act of 1984 as amended

[1] While this statement refers to the operating authority issued to for-hire motor carriers by FMCSA, the rule would also apply to private carriers, which are not required to have operating authority. If a private carrier leased a bus from another private carrier, the parties would be required to complete a lease, and the lessee would be responsible for safety and regulatory compliance.

(49 U.S.C. 31136) and the Motor Carrier Act of 1935 (49 U.S.C. 31502).

B. Summary of the Major Provisions

The rule (1) identifies the motor carrier operating a passenger-carrying CMV that is responsible for compliance with the Federal Motor Carrier Safety Regulations (FMCSRs), and (2) ensures that a lessor surrenders control of the CMV for the full term of the lease or temporary exchange of CMVs and drivers; and (3) requires motor carriers originally hired to provide charter transportation of passengers that subcontract this work to another motor carrier of passengers to notify the tour operator or group of passengers about the role of, and certain information about, the subcontracted motor carrier of passengers.

C. Costs and Benefits

The Agency has revised some of its cost calculations from the NPRM based on comments received. The estimated costs of the final rule consist of the following: (1) Trip- or longer-term lease negotiation; (2) lease documentation; (3) lease copying; (4) receipt documentation; (5) vehicle marking; and (6) documentation as per the common ownership and control and revenue pooling exceptions, in place of a copy of the lease. The analysis also provides a cost estimate of the notification requirement described in the previous paragraph. The analysis considered a no-action alternative (Option 1). It also considered two regulatory options (Options 2 and 3), each with three rates of leasing frequency—low, medium, and high. Other cost elements were considered but eliminated because of their insignificance or because they had already been incurred in the normal course of business. These costs include document storage and disposal of discarded CMV marking materials.

The annualized costs of the Agency-selected option (Option 2, hereafter ''the rule'' or ''final rule'') (at a seven-percent discount rate) from 2017 through 2026 are summarized in Table 1 below. The annualized cost of the final rule at the low-leasing frequency is $4.1 million, at the *medium*-leasing frequency it is *$8.0 million,* and at the high-leasing frequency it is $15.7 million.[2]

TABLE 1—ANNUALIZED COSTS (7% DISCOUNT RATE) OF THE RULE FROM 2017 THROUGH 2026

[In millions of 2013$]

Lease frequency	Selected option
Low	$4.1
Medium	8.0
High	15.7

The anticipated motorcoach-related fatality reductions over the ten-year period from 2017 through 2026 as a result of the rule are presented in Table 2 below for each of the three lease frequencies.

TABLE 2—THRESHOLD ANALYSIS: SAFETY BENEFITS NECESSARY TO OFFSET THE COSTS OF THE RULE

Lease frequency	Prevented fatal crashes necessary over 10 year period of 2017 to 2026 for cost-neutrality	Prevented fatalities necessary over 10 year period of 2017 to 2026 for cost-neutrality
Low	1.65	3.46
Medium	3.24	6.78
High	6.41	13.42

In order for the final rule to achieve cost neutrality across the range of leasing frequencies considered, the rule must prevent between 4 and 14 (determined as 3.46 and 13.42 rounded up to whole numbers) motorcoach-related fatalities, respectively, between 2017 and 2026.

Therefore the plausible range of crash reductions from 2017 to 2026 necessary to achieve cost neutrality with respect to this rule is between 2 and 7 (rounding up to whole numbers and based on 2.09413 statistical fatalities per fatal motorcoach crash, documented in detail in Appendix A of the Regulatory Evaluation). Given the Agency's central assumption of a medium-leasing frequency, the FMCSA analysis shows that the prevention of 4 fatal crashes (3.24 rounded up)—approximately equivalent to the prevention of 7 fatalities (6.78 rounded up) over the ten years from 2017 through 2026 will be sufficient to offset the costs of the rule.

III. Legal Basis for the Rulemaking

This rule is based on the authority of the Motor Carrier Act of 1935 (1935 Act) and the Motor Carrier Safety Act of 1984 (1984 Act), as amended.

The 1935 Act authorizes DOT to ''prescribe requirements for—(1) qualifications and maximum hours of service of employees of, and safety of operation and equipment of, a motor carrier; and (2) qualifications and maximum hours of service of employees of, and standards of equipment of, a motor private carrier, when needed to promote safety of operation'' (49 U.S.C. 31502(b)).[3]

The 1984 Act confers on DOT authority to regulate drivers, motor carriers, and vehicle equipment. ''At a minimum, the regulations shall ensure that—(1) commercial motor vehicles are maintained, equipped, loaded, and operated safely; (2) the responsibilities imposed on operators of commercial motor vehicles do not impair their ability to operate the vehicles safely; (3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely . . .; and (4) the operation of commercial motor vehicles does not have a deleterious effect on the physical condition of the operators'' (49 U.S.C. 31136(a)). Section 32911 of the Moving Ahead for Progress in the 21st Century Act (MAP–21) [Pub. L. 112–141, 126 Stat. 405, 818, July 6, 2012] enacted a fifth requirement, *i.e.,* to ensure that ''(5) an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation promulgated under this

[2] On a strictly unrounded basis, the costs associated with the low-, medium-, and high-frequency lease scenarios would be even multiples of each other (*e.g.,* the medium-frequency cost = 2 times the low-frequency cost, while the high-frequency cost = 2 times the medium-frequency cost). Tables 12 and 13 of the Regulatory Evaluation document in the rulemaking docket detail the 10-year costs of this rule. For presentation purposes, the values in Tables 12 and 13 of the Regulatory Evaluation are rounded to the nearest $1,000. The sums of these rounded costs serve as the basis for calculating the annualized values shown in Table 1 above. The use of rounding accounts for the slight variations in the annualized values relative to the use of unrounded data.

[3] See *http://www.gpo.gov/fdsys/pkg/USCODE-2013-title49/pdf/USCODE-2013-title49-subtitleVI-partB-chap315.pdf.*

section, or chapter 51 or chapter 313 of this title'' [49 U.S.C. 31136(a)(5)].[4]

The 1984 Act also includes more general authority to ''(8) prescribe recordkeeping . . . requirements; . . . and (10) perform other acts the Secretary considers appropriate'' (49 U.S.C. 31133(a)).[5]

This rule imposes legal and recordkeeping requirements consistent with the 1935 and 1984 Acts on for-hire and private passenger carriers that operate CMVs, in order to enable investigators and the general public to identify the passenger carrier responsible for safety. Currently, passenger-carrying CMVs and drivers are frequently rented, loaned, leased, interchanged, assigned, and reassigned with few records and little formality, thus obscuring the operational safety responsibility of many industry participants. Because this rule has only indirect and minimal application to drivers of passenger-carrying CMVs—at most, their employers might require them to pick up a lease document and place it on the vehicle, though that task could also be assigned to other employees—FMCSA believes that coercion of drivers to violate the rule will not occur.

Before prescribing any regulations, FMCSA must also consider their ''costs and benefits'' (49 U.S.C. 31136(c)(2)(A) and 31502(d)). Those factors are also discussed in this final rule.

IV. Proposal

On September 20, 2013, FMCSA published a notice of proposed rulemaking (NPRM) (78 FR 57822). The NPRM discussed the National Transportation Safety Board's (NTSB) recommendation that FMCSA regulate the leasing of passenger carriers in much the same way as it regulates the leasing of for-hire property carriers.

V. Discussion of Comments to NPRM

Twelve submissions were received from the following parties: American Bus Association (ABA), United Motorcoach Association (UMA), Owner-Operator Independent Drivers Association (OOIDA), Greyhound Lines, Peter Pan Bus Lines, Coach USA, Adirondack Trailways, GE Capital, Dawson Bus Service, Advocates for Highway and Auto Safety (Advocates), NTSB, and Gobbell Transportation Services (Gobbell) on behalf of the Tennessee Motor Coach Association, and the motor coach operators that belong to the National Association of Small Trucking Companies.

Impact on Safety

UMA, ABA, Greyhound, Coach USA, and Gobbell argued that the crashes discussed in the NPRM would not have been prevented by the proposed rule, had it been in effect; that the Agency has not demonstrated that the rule will improve safety; and that the rule has no clear safety benefits.

FMCSA Response

As the NPRM said, ''this action is necessary to ensure that unsafe passenger carriers cannot evade FMCSA oversight and enforcement . . . This action will enable the FMCSA, the National Transportation Safety Board (NTSB), and our Federal and State partners to identify motor carriers transporting passengers in interstate commerce and correctly assign responsibility to those entities for regulatory violations . . .'' [78 FR at 57822].

Unlike rules that require specific actions that would help to prevent crashes, such as the requirement for properly-adjusted brakes or rest opportunities for drivers, this final rule improves safety less directly and immediately by imposing new requirements to ensure the proper identity of the motor carrier responsible for the operation of the passenger-carrying vehicle. Through the proper identification of the entity, FMCSA and its State partners are in a better position to monitor the safety performance of the entity and remove from service unsafe passenger carriers. Therefore, the rule will improve safety, although not in the same manner as rules concerning vehicle maintenance and hours of service for drivers.

The USDOT identification number allows the Agency to track the safety records of hundreds of thousands of different motor carriers and to assign to each of them the appropriate inspection and violation information. These data in turn feed the Agency's Safety Measurement System (SMS) and Pre-Employment Screening (PSP) programs. Similarly, the leasing requirements of this rule improve the ability of the Agency to attribute the inspection, compliance, and enforcement data collected by the Agency and its State partners to the correct carrier and driver, allowing FMCSA more accurately to identify unsafe and high risk carriers and initiate appropriate interventions.

Exception for Replacement Vehicles

ABA, UMA, Greyhound, and Coach USA noted that mechanical failures can unexpectedly strand passengers at places where safe accommodations may not exist. The commenters argued that, in order to minimize the resulting inconvenience and possible danger to passengers, the carrier must obtain a replacement vehicle as quickly as possible, sometimes from an unknown lessor, and without waiting to negotiate and exchange written lease documents. These commenters requested an exception to the proposed leasing requirements for emergency situations. ABA requested an exemption for leased operation of another carrier's vehicle for a period of less than 30 days as a result of ''a mechanical breakdown or accident while a passenger-carrying commercial vehicle was en-route.''

FMCSA Response

FMCSA agrees that negotiating and writing a lease for a replacement vehicle (perhaps with a driver) from a local passenger carrier and exchanging the appropriate documents could unnecessarily prolong the delays in acquiring alternative transportation for passengers, especially when there are no safe accommodations at the location where the vehicle became disabled. However, the benefits the Agency expects to derive from this rule would be lost if the requirement for a lease were simply waived for 30 days, as requested by ABA. To address these situations, FMCSA has adopted an exception that gives the operating carrier and the lessor up to 48 hours after the lessee takes possession of the replacement vehicle to put in writing the terms of their lease agreement [§ 390.303(a)(2)]. Because the replacement vehicle will pick up the stranded passengers and resume the interrupted trip almost immediately, a lessee may not be able to ensure that a copy of the lease is carried on the vehicle, as required by § 390.303(f)(2). In this limited situation, a lessee that cannot transmit an electronic copy of the executed lease to the driver's wireless device (either because no such device is carried on the vehicle or no wireless connectivity is available) may carry a statement signed by the driver or any available company official that ''[Carrier A] has leased this vehicle to [Carrier B] pursuant to 49 CFR 390.303(a)(2).'' The Agency believes the 48-hour window provides ample time for the parties to document the transaction, given that it is unlikely the driver would have difficulty receiving

[4] See *http://www.gpo.gov/fdsys/pkg/USCODE-2013-title49/pdf/USCODE-2013-title49-subtitleVI-partB-chap311-subchapIII-sec31136.pdf.*

[5] See *http://www.gpo.gov/fdsys/pkg/USCODE-2013-title49/pdf/USCODE-2013-title49-subtitleVI-partB-chap311-subchapIII-sec31133.pdf.*

electronic information for more than 2 calendar days.

This exception should be helpful to the many small companies that comprise most of the passenger carrier industry. This exception could also be used when a passenger vehicle is placed out-of-service (OOS) under the North American Standard OOS Criteria and a replacement vehicle is needed to resume the trip.

Financial v. Operational Leases

GE Capital, UMA, and Coach USA disagreed with proposed § 390.301(b), which would have excluded from the scope of the rule any lease-financing arrangement with a duration of 5 years or longer. GE Capital—''on behalf of GE Capital business units that engage in lease-financing of passenger-carrying commercial motor vehicles''—said that ''the proposed draft is not clear enough to also exclude leases in the nature of a lease-financing of CMVs provided by independent and captive leasing and finance companies, banks, financial services corporations, broker/packagers and investment banks. . . . Financing Lessors are . . . not motor carriers . . . but passive owners/lessors of CMVs for the purpose of providing lease-financing of CMVs for the CMV industry without assuming any operational control, responsibility or oversight of the lease-financed CMVs . . .'' UMA said that ''Commercial institution leasing is certainly dominant; however, leasing by private investors, limited liability corporations, and limited partnerships remain commonplace. . . . Currently, it is routine practice for bus manufacturers or dealers to loan, rent, and lease buses for periods as short as a day.'' Coach USA stated that all of its buses are leased.

FMCSA Response

The Agency never intended the proposed rule to be applicable to leases with non-carrier financial entities. The definition of a *Lease* in proposed § 390.5 was ''a contract or arrangement in which a *motor carrier grants the use of a passenger-carrying commercial motor vehicle to another motor carrier . . .*'' [emphasis added]. To reinforce the point that the rule does not apply unless both parties to the lease are motor carriers, the text of the NPRM's § 390.301(b) has been slightly modified to make it clear that the new requirements do not apply to a contract (however designated, *e.g.,* lease, closed-end lease, hire purchase, lease purchase, purchase agreement, installment plan, etc.) between a motor carrier and a manufacturer or dealer of passenger-carrying commercial motor vehicles, provided the financial organization, manufacturer or dealer is not itself a motor carrier. Assuming that GE Capital, banks, private investors, etc., are not themselves motor carriers, their lease-financing contracts with passenger carriers will not be subject to this rule. And even if bus manufacturers or dealers operate as passenger motor carriers, their leasing activity may well be managed by separately incorporated non-carrier financial subsidiaries whose lease contracts would not be subject to this rule.

The NPRM limited the lease-financing exception in § 390.301(b) to leases with a period of 5 years or longer, but in view of UMA's comment that financial leases may have very short terms, FMCSA has removed the 5-year limit; § 390.301(b)(1) applies to a financial lease of any duration.

Revenue Pooling Agreements

ABA pointed out that ''[u]nder 49 U.S.C. 14302(b), an agreement to pool or divide services and earnings may be approved if the carrier participants assent and if the United States Surface Transportation Board finds that the agreement will be in the interest of better service to the public or of economy of operations and will not unreasonably restrain competition. . . . The proposal in the NPRM does not reference the STB, Section 14302 or any provision of the ICC Termination Act. Thus, there is a substantial issue as to whether and how any pooling agreement can be viewed or interpreted in connection with the NPRM.''

Adirondack Trailways indicated that it is ''party to long-standing agreements for Through Service and Revenue Pooling (approved by the Surface Transportation Board) which account for tens of thousands of additional interchanges between and among other well-established and safe passenger carriers who are long-standing parties to such agreements.'' Adirondack argued that these agreements ''do not, and arguably cannot, contain all of the elements required by the newly proposed rules, *e.g.,* to 'specify the time and date when, and the location where the lease, interchange or other agreement begins and ends.' The nature of the interchanges under all of these agreements is such that interchanges often occur in remote locations, with a frequency that is both scheduled and unscheduled (often with no prior notice at all) for durations that are incapable of being predicted in advance due to spontaneous, ever-changing and unpredictable passenger demands.''

Greyhound wrote that, in 2012, it ''operated a total of 8,089 trips with buses leased on an interchange basis from its pool or interline partners.'' It provided no details about these pool agreements.

FMCSA Response

Although the NPRM would have exempted parties to a revenue pooling agreement approved by the Surface Transportation Board (STB) or an interline agreement from the requirement to provide receipts [§ 390.303(d)(4)], the commenters almost unanimously recommended a broader exemption.[6] FMCSA agrees that operations under revenue pooling agreements approved by the STB should be exempt from the lease and receipt requirements of this rule. Revenue pooling allows separate passenger carriers to offer essentially the same service as a single carrier on approved routes. Because the number of carriers in a pool is small, and the parties to the pool typically run the same trips on a daily basis (or even more frequently), the carrier responsible for safety on a particular trip can be narrowed to several carriers at most and often only two carriers. The final rule therefore imposes only a few requirements to enable the agency to track the safety performance of all members of the pool and specifically identify the carrier responsible for safety. Each vehicle must have available, either in hard copy or electronically, the number and date of the STB decision approving the pool and the names of the pool members. In addition, each vehicle must have available a list of (1) all routes covered by the pooling agreement, (2) the carrier or carriers authorized to operate on each route or portion of a route, and (3) all points of origin, destination, or interchange (should interchanges be part of the agreement). This list avoids the time, date, and location information to which Adirondack objected in its comments. However, all members of the revenue pool must mark the vehicles with the name of the operating carrier, as required by § 390.21(f). The advantage of this exception is that the parties to a pooling agreement need not exchange lease documents and receipts.

Cost of the Rule

Greyhound was critical of the NPRM's cost estimates. It commented, among other things, that:

[6] It should be noted that the NPRM's references to ''interline agreements,'' usually paired with a discussion of ''revenue pooling agreements,'' were erroneous and have been removed from this final rule. Since ''interline agreements'' involve the transfer of passengers between motor carriers, but not the exchange of vehicles between those carriers, this rule does not apply to ''interline agreements.''

''FMCSA has estimated annual recurring costs implementing all of the rules for 6,328 carriers to be $4,422,513 or an average cost per carrier of $698.88. Greyhound's estimate of the recurring costs of just the rules that would require new activities for Greyhound would be up to *336 times* the average cost per carrier estimated by FMCSA. Even given that Greyhound is substantially larger than the average carrier, there clearly is a disconnect somewhere. The primary difference appears to be the very minimal personnel cost FMCSA attributes to preparing the detailed information required in the leases or in the trip information sheet required in the interchange situations in lieu of master lease agreements, and then tying that information directly to the receipts.''

Greyhound also stated that: ''In addition, FMCSA attributes zero cost to the preparation, affixing and removal of the required bus signage and to the preparation, signing and storage of the receipts and the supervision of these activities. Clearly, both costs are far from negligible.''

''Greyhound estimates that to complete all of these activities for each trip will require an average of 15–30 minutes per trip,'' and given the number of leased trips Greyhound made in 2012, its labor costs to comply with the new requirements would be $98,000 to $196,000. Adding 20% for supervision, supplies, filing and storage would bring those figures up to $118,000 to $235,000 per year.

In short, Greyhound argued that ''FMCSA severely underestimates the costs through miscalculation of some costs and disregard of others.''

Peter Pan supplied no details, but said that, ''[g]iven our level of leasing, even if we could comply, we have estimated our cost of compliance at over $100,000 annually.''

FMCSA Response

The Agency has revised some of its cost calculations based on comments from Greyhound and others. The Agency updated the time frame of this analysis to consider the 10 year span of 2017 to 2026, which led to increases in certain components of the rule's costs and benefits. Projected growth in the motor carrier industry led to an increased number of affected carriers, thereby increasing the rule's costs. Similarly, inclusion of estimated lease counts provided by Greyhound raised the number of projected leases, adding to the rule's costs. Application of the most recent guidance from the Office of the Secretary of Transportation regarding the value of a statistical life (VSL) in future years increased the monetized benefit resulting from reductions in fatal crashes. A summary of the new estimates contained in the separate Regulatory Evaluation for this rule is presented below in Section VII.A. The cost of this rule depends primarily on the number of lease transactions subject to its requirements. That number is not precisely known, either by FMCSA or—it would appear—by the passenger carrier industry. Greyhound and Peter Pan provided information about their own operations (which cannot be extrapolated to the rest of the industry, given the unusually large size of these two companies), but no commenter took issue with the Agency's three-tier estimates of leasing volume. The final rule, therefore, retains the NPRM's assumptions about low-, medium-, and high-frequency leasing. Our cost analysis assigns a completion time for each separate task needed to comply with the rule. We believe that these times are conservative, especially after repetition makes the requirements familiar to carrier employees, and that the corresponding costs are also conservatively high. Nonetheless, the Agency's threshold analysis, discussed in Section VII.A., shows that the rule would be cost-neutral if it prevented approximately 4 fatal passenger carrier crashes (3.24 rounded up) between 2017 and 2026. This is mathematically equivalent to the prevention of one fatal passenger carrier crash every 3.09 years (3.09 years = 1 crash ÷ (3.24 crashes ÷ 10 years)). In other words, the annual cost of the rule is approximately one-quarter of the cost of a single passenger carrier crash. FMCSA believes that enhanced monitoring of passenger carrier leasing, and of the carriers involved in such leasing, will have beneficial effects that readily cover these costs.

Common Ownership and Control

Coach USA, a non-carrier that controls many passenger carriers, requested ''an exemption from the requirements of proposed section 390.303 for vehicle exchanges between affiliated companies. By 'affiliated companies,' Coach USA means companies that share a common parent company.''

Coach USA described the situations that it believes demand and justify an exemption.

> For example, Megabus Southeast LLC . . . and Megabus Northeast LLC . . . currently engage in an interline-type arrangement for transporting passengers between Atlanta, Georgia and Washington, DC. Under this arrangement, Megabus Southeast transports passengers from Atlanta to Christiansburg, Virginia. In Christiansburg, a Megabus Northeast driver assumes control of the vehicle and the vehicle is leased to Megabus Northeast for the trip from Christiansburg to Washington and back to Christiansburg. This leasing of vehicles from Megabus Southeast to Megabus Northeast occurs 14 times per week (7 times in each direction). Coach USA expects to set up similar interline arrangements among its Megabus companies in the near future. In addition, the issue of leases among affiliated Coach USA companies arises on a regular basis in situations where a carrier providing scheduled service needs to add extra sections to accommodate higher than normal volume of passengers. This typically occurs around weekends and holidays. In such situations, the provider of scheduled service will lease a bus from an affiliated provider of charter service. In a typical week, approximately 40 buses are leased by Coach USA companies from an affiliated company for this purpose. On holidays, it can be as many as 50 buses a day. Attempting to comply with the proposed regulations in the situations described above would create an enormous administrative and paperwork burden on the Coach USA companies while serving no useful purpose.

Similar comments were submitted by Adirondack Trailways, which is commonly owned and controlled with two other carriers, Pine Hill Trailways and New York Trailways. Adirondack stated that:

> [t]hese three companies interchange buses and drivers on a regular basis every single day. On a slow day there are about two dozen such instances, and on weekends and holidays that number is much greater. In other words, these three commonly owned passenger carriers interchange buses and drivers more than ten thousand times every year. The proposed regulations do not appear to consider this in the analysis or in the regulations. . . . These agreement[s] (for commonly owned and controlled carriers, through service, revenue pooling, etc.) do not, and arguably cannot, contain all of the elements required by the newly proposed rules, *e.g.,* to 'specify the time and date when, and the location where the lease, interchange or other agreement begins and ends.' The nature of the interchanges under all of these agreements is such that interchanges often occur in remote locations, with a frequency that is both scheduled and unscheduled (often with no prior notice at all) for durations that are incapable of being predicted in advance due to spontaneous, ever-changing and unpredictable passenger demands. These pre-existing agreements among commonly owned and controlled passenger carriers and other well established safe passenger carriers are not the problem FMCSA is attempting to solve and should not be affected by the proposed regulations.

FMCSA Response

FMCSA agrees that there is no need for individual leases and receipts when vehicles are interchanged between or among commonly owned and controlled passenger carriers. Such a requirement would add nothing to these carriers' standard business practices and impose unnecessary paperwork. It is likely that all of the ''family'' members are operating according to the same administrative procedures and safety standards. However, FMCSA is imposing a few limits on this exception

to ensure the Agency's ability to identify the carrier responsible for safety and regulatory compliance. This is necessary because large holding companies seek to minimize their regulatory and tort exposure by dividing their motor carrier business into multiple limited liability companies (LLCs) while operating them very much like a single corporation. Therefore, each driver in a group of commonly owned and controlled motor carriers must carry a summary document listing all members of the corporate family, along with their USDOT numbers, business addresses, and contact telephone numbers. The document must also identify the operating carrier, the trip (by charter number, run number, or some other identifier), the vehicle (by at least the last 6 digits of the Vehicle Identification Number (VIN) [7]), and the date of the trip. This document is subject to the record retention requirements of § 390.303(d). Like the parties to a pooling agreement, however, commonly owned and controlled carriers need not prepare leases or receipts when they exchange vehicles.

Passenger Carriers Chartering Other Passenger Carriers

ABA said that the NPRM ''does not define, or even mention, the term 'charter,' which is how motorcoach carriers of passengers view the hiring or interchange of vehicles. Therefore, there is a substantial issue as to the relation of 'charter' to 'lease' and how these terms will be interpreted for purposes of the regulation.''

UMA commented that:

> Interstate passenger carriers routinely charter the services of other passenger carriers for emergencies or capacity reasons. Once the compensatory amounts and arrangements are confirmed, a charter contract is often executed, and an insurance certificate is obtained. It is generally considered that the chartered company assumes all responsibilities for regulatory compliance. Thousands of buses and motorcoaches are inspected annually operating under a charter contract from another passenger carrier while the chartered carrier assumes responsibility for their bus and driver regulatory compliance. This system is so effective, FMCSA should completely evaluate the positive attributes of these charter arrangements versus the possibilities that a lease may actually reduce an otherwise compliant chartered passenger carrier's responsibilities and motives; thereby reducing their safety and compliance concerns.

[7] The vehicle identification number (VIN) is a series of Arabic numbers and Roman letters that is assigned by a motor vehicle manufacturer to a motor vehicle for identification purposes in accordance with 49 CFR part 565, Vehicle Identification Number (VIN) Requirements.

FMCSA Response

The NPRM did not specifically discuss ''passenger carriers chartering other passenger carriers'' because the Agency believed it was sufficiently clear that such arrangements, depending on their specific terms, either would not be subject to the proposed rule at all because they involved no leases, or would be subject to the rule because the ''chartered'' carrier was leasing vehicles and drivers to another passenger carrier. Based upon the comments received, it is apparent that clarification is needed.

A passenger carrier that agrees to transport a tour or travel group on a particular trip may find itself without the capacity to accommodate the group. In that case, the carrier might transfer the contract to a second carrier that has the necessary capacity. The second carrier may or may not pay a fee to the transferring passenger carrier. In any case, this rule would not apply to that transaction because the first carrier has not leased equipment from the second. The contract has been reassigned and the second carrier has undertaken the trip in its own name on its own authority with its own vehicle(s), and is therefore responsible for compliance with the FMCSRs. As a good business practice, the transferring passenger carrier should of course immediately notify the tour or travel group that another carrier will provide the transportation. Disgruntled customers have occasionally contacted FMCSA when such notification does not occur and an unknown carrier arrives unexpectedly to pick up a group of passengers. While the final rule does not address communication when a passenger transportation contract is completely transferred to another carrier, the industry should note that the interests of tour operators and their customers are not adequately protected when such contracts are transferred among carriers without prior notice to the passengers affected by the change.

On the other hand, a passenger carrier that needs one or more additional vehicles may subcontract with another carrier to supply the vehicle(s) and possibly also driver(s) while still nominally performing the contract with the tour or travel group. When a passenger carrier hires or charters (*i.e.,* contracts for) the services of another passenger carrier to help perform a contract, it has leased vehicles and services from that carrier. In these circumstances, a lease must be prepared and receipts exchanged in compliance with this rule to indicate that the prime contractor is responsible for the lessor's (*i.e.,* subcontractor's) regulatory compliance. A copy of the lease or written agreement must be on the vehicle obtained from the subcontracted lessor, and the hiring passenger carrier's legal name and USDOT number must be marked on the vehicle as prescribed in 49 CFR 390.21. While the prime contractor (*i.e.,* the lessee carrier) may require the subcontractor to comply with all applicable provisions of the FMCSRs and to indemnify it for any civil penalties assessed for violations of those provisions by the subcontracted lessor, FMCSA and its State partners will hold both the prime contractor and its subcontractor responsible for completion of the lease described in this final rule.

In this situation described above, the lessee carrier is fully responsible for the regulatory compliance of the lessor carrier and must mark the vehicles leased from the lessor with the information required by 49 CFR 390.21(f). However, because the name and/or logo of the chartered or hired passenger carrier is likely to be displayed prominently on the vehicles, passengers might overlook the smaller placard required by § 390.21(f)(2) and assume that a different carrier was providing the transportation. To reduce the possibility of confusion, FMCSA has added a provision to the rule that requires a passenger carrier that subcontracts all or a portion of a transportation service to notify the tour or travel group within 24 hours of establishing the subcontracting arrangement that all or some of the transportation will be performed by a lessor subcontractor.

This rule holds the lessee carrier directly responsible for violations of the FMCSRs. While UMA asserted that the chartered passenger carrier generally assumes all responsibilities for regulatory compliance, this final rule does not prevent the two carriers from including in the charter (*i.e.,* lease) contract a provision making the chartered carrier responsible for such compliance, with appropriate indemnification language for penalties imposed by regulatory agencies. The relationship between the two parties remains that of a lessor and lessee. The ''charter contract'' described by UMA appears to involve negotiation and paperwork burdens similar to those associated with a lease. The net burden imposed by this rule therefore should be minor.

Penalties

Advocates generally supported the NPRM, but argued that ''because of the seriousness of the abuses that the provisions are intended to prevent,

including, potentially, willful misconduct that attempts to evade FMCSA out-of-service orders, . . . specific criminal and civil penalties should be referenced as applicable to the more serious violations of the lease/interchange restrictions.''

FMCSA Response

FMCSA does not believe that the regulatory language in subpart F of part 390 should include the maximum applicable statutory penalties. The penalties available to the Agency are adequately described in subpart G and appendices A and B of part 386. However, while considering this comment, it became apparent that the NPRM was not sufficiently explicit in assigning responsibility for violations of the proposed rule. We have therefore added paragraph (c) to § 390.301 to clarify that both the lessor and lessee are liable for civil penalties if they exchange vehicles without the required documentation, or prepare a lease, interchange agreement, or other agreement that fails to meet the requirements of subpart F.

Lease Disclosure on Tickets

Advocates argued that the vehicle marking required by the NPRM is insufficient to provide notice of the arrangement to the public prior to the purchase of tickets. Advocates stated:

> At the very least, the public must be given notice of the lease/interchange arrangements at the point of sale including locations such as terminals and passenger-carrying motor carrier and associated broker Web sites where tickets are available for sale, as soon as the lease/interchange agreement is signed. This will allow consumers at the point of sale the opportunity to decide whether to purchase tickets for that trip. Similar to online disclosure by airlines that certain flights will be crewed and operated by another airline, or using equipment provided by another airline, motorcoach riders should have the same notice and opportunity to decide whether to nevertheless purchase tickets for that bus ride or to make other travel arrangements. Moreover, consumers who purchased tickets and were not provided with disclosure of the lease/interchange arrangement, or were unaware of the lease/interchange arrangement until arrival at the departure location, at the time of boarding, should be afforded the option of a refund if they decide at that point not to travel on the leased CMV.

FMCSA Response

The Agency does not agree that advance notice of lease and interchange arrangements must be provided to customers. Many of the motorcoach services that have expanded significantly in recent years are so-called curbside operations that do not require, and sometimes do not allow, advance ticketing. Because demand for service cannot always be predicted, these carriers may need to obtain additional vehicles from other carriers on short notice. This rule requires lessors and lessees to document these arrangements and mark the vehicles appropriately, but changing the curbside, on-demand business model is not within the rule's scope or purpose. These carriers may not know until shortly before a trip whether they will need to operate leased vehicles on that trip and therefore cannot give potential customers advance notice of the lease arrangement. Such notice may be more compatible with other types of motorcoach operation, especially those involving commonly owned and controlled carriers and revenue pooling agreements, but even a segment-specific notice requirement would involve significant changes in operating practices. This issue was not raised in the NPRM and, given its far-reaching implications for the industry, cannot be included in today's final rule because the public was not provided with an opportunity to comment on a regulatory proposal to address the issue. The Agency does not find it advisable to delay this rule, and thus defer its benefits, while considering whether to expand its reach as recommended by Advocates.

Out-of-Service Carriers

NTSB supported the NPRM but said that

> the FMCSA should do more to protect passenger safety. The FMCSA should require passenger carriers that have been prohibited from operating in interstate commerce for any reason and that intend to lease, rent, interchange, or otherwise convey the control of any of their vehicles to another carrier to obtain written authorization from the FMCSA to conduct such transactions. This will enable the FMCSA to research the safety history of the prospective lessee and determine if it has demonstrated adequate safety practices for its vehicles and drivers.

FMCSA Response

Section 390.305 of the NPRM proposed to require passenger carriers that had been placed out of service to notify FMCSA by email or U.S. Mail, either 3 or 5 business days, respectively, before transferring control of its vehicles to another passenger carrier. The FMCSA has decided that notification and related issues would be best addressed in another rulemaking. Therefore, the language of § 390.305 proposed in the NPRM has been removed.

Miscellaneous Comments

OOIDA asked several questions and provided comments about the NPRM: (1) Why did the Agency limit the rule to motor carrier lessors rather than all lessors of passenger vehicles? (2) Proposed § 390.303(f)(3) said that nothing required by paragraph (f) was ''intended to affect whether the lessor of the passenger-carrying commercial motor vehicle or a driver provided by the lessor is an independent contractor or an employee of the motor carrier lessee.'' OOIDA asserted that paragraph (f)(3) had no legal effect. (3) ''FMCSA should clarify that the Lessee's responsibility to maintain public liability insurance required by federal law means that it cannot delegate such responsibility, including delegating the cost of such insurance, to any other party, including the Lessor. . . . OOIDA believes FMCSA does not need to revise the proposed language, but should explain that it means that by having the responsibility to maintain public liability insurance, the Lessee may not avoid responsibility for the cost of the insurance by passing it on to another party, directly or indirectly.''

FMCSA Response

(1) The 1984 Act (49 U.S.C. 31136) gives the Agency jurisdiction over operators of commercial motor vehicles, but not over equipment lessors generally. The rule is therefore limited to motor carrier lessors. (2) Section 390.303(f)(3) did not claim to have legal effect. On the contrary, it was and is a disclaimer of any such effect. The provision has been re-designated as § 390.303(b)(4)(iii) in the final rule. (3) While the lessee must maintain the evidence of financial responsibility required by 49 CFR part 387, FMCSA has no authority to change a contractual term that obligates the lessor to pay the cost of the insurance the lessee is required to maintain.

MCSAP State Enforcement Plans

No comments were received about the Agency's intention to require our State and local partners to adopt this final rule pursuant to the Motor Carrier Safety Assistance Program (MCSAP) (49 CFR part 350). Therefore, as proposed, State and local agencies participating in MCSAP will be required to include the passenger-carrying CMV lease and marking requirements of this rule in their annual enforcement plans. As mentioned in the NPRM, our MCSAP partners are not required to enforce the CMV leasing regulations in part 376. However, the focus of this final rule is safety, and FMCSA believes that States

must adopt and enforce compatible leasing and marking regulations for all motor carriers operating passenger-carrying CMVs in interstate commerce.

VI. Section-by-Section Description of Final Rule

Section 390.5 is amended to add definitions for *lease, lessee,* and *lessor,* all of which are based (with changes) on the same definitions in part 376—Lease and Interchange of Vehicles. Because both parties to the lease required by subpart F of part 390 are motor carriers of passengers, rather than owners of equipment (as in part 376), the terms *lease, lessee,* and *lessor* here apply specifically to motor carriers of passengers and are applicable only to §§ 390.21(f) and 390.301 through 390.305. All three terms are amended to include *interchange* of passenger-carrying CMVs. In § 390.5, *interchange* is currently defined as the tendering of intermodal chassis to a motor carrier; that meaning is retained as paragraph (1), and paragraph (2) is added to describe the exchange of passenger-carrying CMVs between motor carriers continuing a through movement on a particular route. We have also included a cross-reference to § 376.2, where the same terms are defined for purposes of the lease and interchange of property-carrying vehicles.

Section 390.21(e), dealing with the marking of rented CMVs *for periods of 30 calendar days or less,* is amended to limit its application to ''property-carrying CMVs,'' as intended when this paragraph was adopted in 1990 in response to a petition from the Truck Rental and Leasing Association. The Federal Highway Administration noted in the preamble to the final rule that ''[t]he petition articulated compliance problems with a segment of the trucking industry that had not been considered during the promulgation of the marking requirement.'' Paragraph (e) was added to provide an alternative method for compliance with the previous marking requirements in § 390.21 (55 FR 6991, February 28, 1990). Under today's rule, that alternative method is not available in the case of rented passenger-carrying CMVs.

Instead, current paragraphs (f) and (g) of § 390.21 are redesignated as paragraphs (g) and (h), and a new paragraph (f) is added to cover the marking of *Leased and interchanged passenger-carrying commercial motor vehicles.* The marking in new paragraph (f) must meet the requirements of § 390.21(b) *Nature of marking,* (c) *Size, shape, location, and color of marking,* except that marking is required only on the right (curb) side of the vehicle on or near the front passenger door, and (d) *Construction and durability.* Carriers operating leased or interchanged passenger-carrying CMVs as defined in § 390.5 must also display a placard, sign, or other permanent or removable device on the right (curb) side of the passenger-carrying CMV on or near the front passenger door. The device must show the name and USDOT number of the carrier operating the vehicle, preceded by the words ''operated by,'' *e.g.,* ''Operated by ABC Motorcoach, Inc., USDOT 12345678.''

The final rule adds to part 390 a new subpart F entitled ''Lease and Interchange of Passenger-Carrying Commercial Motor Vehicles.'' The ''Applicability'' statement in § 390.301(a) makes clear that—with the exceptions noted—the subpart applies to all leases or interchanges of passenger-carrying CMVs between motor carriers, no matter how brief. Paragraph (b), however, explains (1) that the rule does not cover leases between carriers and vehicle manufacturers or dealers (providing they are not themselves motor carriers) because most of these contracts are likely to be in the nature of purchase agreements, unlike the routine or casual transfers of vehicles between passenger carriers to meet temporary fluctuations in demand; (2) that leases and receipts are not required when passenger vehicles are exchanged between or among commonly owned and controlled motor carriers; and (3) that leases and receipts are not required when passenger carriers that are party to a revenue pooling agreement approved by the Surface Transportation Board exchange or interchange passenger vehicles between or among themselves on routes subject to the pooling agreement and mark the vehicle appropriately. Paragraph (c) provides that if the use of a passenger-carrying commercial motor vehicle requires a lease, but the motor carriers fail to make the lease or fail to meet all applicable requirements of subpart F, both motor carriers shall be subject to a civil penalty specified in 49 CFR part 386, Appendix B, paragraphs (a)(1) or (a)(3).

Section 390.303 specifies the contents of lease and interchange documents. Paragraph (a)(1) requires a written lease or interchange document, or a written agreement covering any less formal temporary transfer of a passenger-carrying CMV.

Paragraph (a)(2) creates an exception to the requirement that the lease or interchange agreement be signed before the vehicle is operated under the terms of the agreement. When a passenger vehicle is disabled during a trip, the lessor and lessee of the replacement vehicle may postpone the completion of a written lease for up to 48 hours.

Paragraph (b) requires the lease, interchange agreement, or other agreement to contain: (1) The name of the vehicle manufacturer, the year of manufacture, and the last 6 digits of the Vehicle Identification Number; (2) the legal names, contact information, and signatures of both parties; (3) the time and date when the lease begins and ends and other specific information; (4) a statement that the lessee has exclusive possession and control of the leased vehicle and is responsible for regulatory compliance; and (5) a statement that the lessee is responsible for compliance with the insurance requirements of 49 CFR part 387.

Paragraph (c) requires an original and two copies of each lease, *etc.*, with one copy to be kept on the leased passenger vehicle. The parties may prepare, sign, exchange, and maintain the lease (and any other documents required by this rule) in electronic [8] or paper format. Leases generated, exchanged, or maintained using electronic methods do not satisfy FMCSA requirements unless they are legible and capable of being retained and accurately reproduced for reference by any party entitled to access them.

Paragraph (d) requires that copies of each lease or other agreement or statement must be retained for one year after expiration of the lease or agreement.

Paragraph (e) includes detailed requirements for the preparation of receipts when vehicles are surrendered to the lessee and returned to the lessor.

Paragraph (f) specifies how the leased equipment is to be marked and identified in leases or other agreements.

Section 390.305 requires that, when a passenger carrier with an original charter contract leases vehicles from a subcontractor carrier to perform the charter, it must notify the charter party within 24 hours after hiring the subcontractor that the transportation will be provided by the subcontractor.

VII. Regulatory Analyses

A. Regulatory Planning and Review

FMCSA has determined that this action is a non-significant regulatory

[8] Electronic Signatures in Global and National Commerce Act (Pub. L. 106–229, 114 Stat. 464, 15 U.S.C. 7001–7031) was signed into law on June 30, 2000. This act promotes the use of electronic contract formation, signatures, and recordkeeping in private commerce by establishing legal equivalence between traditional paper-based methods and electronic methods. See 76 FR 411 (January 4, 2011) for FMCSA regulatory guidance concerning electronic signatures and documents.

action under Executive Order 12866, as supplemented by Executive Order 13563 (76 FR 3821, January 18, 2011), and DOT regulatory policies and procedures (44 FR 1103, February 26, 1979). The estimated economic costs of the rule do not exceed the $100 million annual threshold. Moreover, the Agency does not expect the rule to generate substantial congressional or public interest. This rule has not been reviewed formally by the Office of Management and Budget (OMB).

Due to the lack of data that would enable FMCSA to quantify the safety benefits of this final rule, the separate Regulatory Evaluation in the docket relies upon a threshold analysis. There are no statistical or empirical studies that directly link the written documentation of a vehicle lease agreement to enhanced motor carrier safety. And though the Agency has described above the many practical, informational, and administrative benefits of this final rule, it is unable to quantify its safety benefits, typically measured in terms of avoided crashes. In accordance with OMB guidance (Circular A–4),[9] a Federal regulatory agency has the option to conduct a threshold analysis in lieu of a cost-benefit analysis in cases in which either the benefits (as in this case) or the costs are unquantifiable, or difficult to quantify. A threshold analysis estimates the quantified costs of a rule in terms of the non-quantified benefits (in this instance, the number of passenger-carrier crashes that would have to be prevented by the rule to equal its costs). The rule is expected to provide safety benefits that are not directly or easily quantifiable. Hence, the estimated costs of the regulatory options in this final rule are compared to the number of passenger-carrier-related fatalities, currently estimated at $20.3 million per crash [10] during calendar year 2017 [11] that would have to be avoided to make the rule cost-neutral.

Additionally, the final rule is expected to provide many practical benefits to the public and to FMCSA. These benefits include more effective oversight and enforcement, through proper identification of passenger carriers and proper documentation of lease agreements—both of which help ensure accurate identification of the carrier responsible and liable for operation of the leased vehicle. Additionally, the proper marking of vehicles provides useful information to the traveling public and State and Federal enforcement personnel.

Passenger Carriers Subject to This Final Rule

Passenger carriers provide many types of service, including transit, school, charter, tour, sightseeing, airport shuttle, commuter, and scheduled intercity routes. The motorcoach industry, which largely provides scheduled service, charter, tour and sightseeing services, provided more than 637 million passenger trips in 2012. FMCSA has jurisdiction over 29,000 passenger carriers of various types, including, but not limited to, carriers that are authorized for-hire, exempt for-hire, private (business), and private (non-business).

The carrier population impacted by this rule consists of motor carriers transporting passengers in interstate commerce in CMVs that either (1) have a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater; (2) are designed or used to transport more than 8 passengers (including the driver) for compensation; or (3) are designed or used to transport more than 15 passengers (including the driver) and are not used to transport passengers for compensation [49 U.S.C. 31132(1)(A)–(C)]. For purposes of the Regulatory Evaluation the total number of private carriers that meet the terms of § 31132(1)(C) (16+ passengers) was reduced by 90 percent because private passenger carriers do not lease vehicles to a significant degree.

Table 3 below shows the number of passenger carriers considered for such inclusion, based on the carrier population in FMCSA's Motor Carrier Management Information System as of June, 2014. Passenger motor carriers of five types are listed in Table 3 below: (1) For-hire motor carrier,[12] authorized by FMCSA under 49 U.S.C. chapter 135; (2) For-hire motor carrier, exempt under 49 U.S.C. chapter 135, but subject to chapters 311, 313, and 315, and using CMVs designed to transport 9 or more passengers (including the driver); (3) For-hire motor carrier, exempt under 49 U.S.C. chapter 135, but subject to chapters 311, 313, and 315, and using CMVs designed to transport 16 or more passengers (including the driver); (4) Private motor carrier of passengers (business); [13] and (5) Private motor carrier of passengers (non-business).[14] The private passenger carriers in categories (4) and (5) are reduced by 90 percent, as referred to in the previous paragraph and in the final rule's Regulatory Evaluation.[15]

TABLE 3—ESTIMATED NUMBER OF PASSENGER CARRIERS FULLY SUBJECT TO FINAL RULE BASED ON CARRIER POPULATION AS OF JUNE 2014

	For hire			Private (not for compensation)	
	Authorized	Exempt 9+ passengers	Exempt 16+ passengers	Business	Non-business
Carriers in 2014 [16]	5,945	296	180	2,605	3,673
Percentage Excluded	n/a	n/a	n/a	90%	90%
Carriers Affected by the Rule	5,945	296	180	261	367
Total Affected	7,049				

[9] *www.whitehouse.gov/omb/circulars_a004_a-4.*

[10] The FMCSA estimate for calendar year 2013 is $19.5 million. The fatal crash estimate is based on the current VSL of $9.2 million, plus other cost elements, such as injuries, medical, emergency services, property damage, pollution, and delay. See Appendix A—Motorcoach Crash Cost Estimation Methodology at the end of the final Regulatory Evaluation for a detailed analysis of this estimate. Source: Zaloshnja, E. and Miller, T. (2006). ''Unit Costs of Medium and Heavy Truck Crashes,'' Final Report for FMCSA, Federal Highway Administration. Accessed December 16, 2013, at: *http://mcsac.fmcsa.dot.gov/documents/Dec09/UnitCostsTruck%20Crashes2007.pdf.*

[11] The first full year during which the rule is expected to be in effect is 2017.

[12] Defined at 49 CFR 390.5.

[13] Defined at 49 CFR 390.5.

[14] Defined at 49 CFR 390.5.

[15] See the final rule's Regulatory Evaluation in the docket.

[16] The count of passenger carriers in the first row of Table 3 is 12,699. This count is greater than the count of the unique number of passenger carriers (11,183, based on the same source data) because carriers operating in more than one of the roles presented in Table 3 are counted here as distinct carriers for each role. This approach potentially overstates the number of affected carriers, depending on the degree to which carriers engaged in multiple roles divide driver and vehicle time between roles.

The Regulatory Evaluation in the docket estimates that 7,049 passenger carriers will be affected by this rule in 2017: (1) 5,945 authorized for-hire (they have operating authority from FMCSA), (2) 296 exempt 9+ for-hire motor carriers, (3) 180 exempt 16+ for-hire motor carriers, (4) 261 private business motor carriers, and (5) 367 private non-business motor carriers.

The Regulatory Evaluation considers a baseline no-action alternative (Option 1) and two regulatory options (Options 2 and 3). The threshold analysis considers three scenarios [17] intended to capture the possible variations in leasing frequency. The scenarios are based on the frequency with which the average passenger carrier with 6.6 power units [18] leases other passenger-carrying power units. The rates are: (1) Low frequency, (2) medium frequency, and (3) high frequency. No commenter took issue with the Agency's three-tier estimates of leasing volume. The final rule, therefore, retains the NPRM's assumptions about low-, medium-, and high-frequency leasing. The frequency assumptions are listed below in Table 4.

TABLE 4—TOTAL LEASES PER YEAR

	Lease frequency			Notes
	Low	Medium	High	
Peak Leases Per Month	4	8	16	
Peak Months	4	4	4	May–August.
Off-Peak Leases Per Month	2	4	8	
Off-Peak Months	8	8	8	September–April.
Total	32	64	128	$(8 \times 4) + (4 \times 8)$.

Source: FMCSA Commercial Passenger Carrier Safety Division staff experience and contacts with industry.

Estimated Costs of the Final Rule

The estimated costs of the final rule are presented in three parts: (1) The annual cost to active passenger carriers; (2) the one-time cost in year one; and (3) the annual cost for passenger carriers with original charter contracts to notify the charter party within 24 hours after hiring a subcontractor. The first part is an estimate of the four cost components mentioned above—(a) lease documentation, (b) lease copying, (c) lease receipt documentation, and (d) vehicle marking. Table 5 below [19] summarizes the costs.

TABLE 5–BREAKOUT OF COSTS OF THE RULE IN 2017

	Option 3			Notes
	Low	Medium	High	
Lease Documentation	$1,648,000	$3,221,000	$6,368,000	$6.54 \times 492,578.
Lease Copying	76,000	148,000	292,000	0.30 × 492,578.
Lease Receipt Copy	151,000	296,000	584,000	0.60 × 492,578.
Vehicle Marking	10,000	20,000	39,000	0.04 × 492,578.
Cost to All Carriers in 2017	1,885,000	3,685,000	7,283,000	Sum of the above 4.
One-Time Cost to All-Carriers	9,889,000	19,329,000	38,209,000	Lease Negotiation.
Annual Cost to Notify Charter Parties	401,000	795,000	1,581,000	Charter Party Notification.
	Option 3			Notes
	Low	Medium	High	
Lease Documentation	$1,648,000	$3,221,000	$6,368,000	$6.54 \times 492,578.
Lease Copying	76,000	148,000	292,000	0.30 × 492,578.
Lease Receipt Copy	151,000	296,000	584,000	0.60 × 492,578.
Vehicle Marking	2,016,000	3,941,000	7,790,000	8.00 × 492,578.
Cost to All Carriers in 2017	3,891,000	7,606,000	15,034,000	Sum of the above 4.
One-Time Cost to All-Carriers	9,889,000	19,329,000	38,209,000	Lease Negotiation.
Annual Cost to Notify Charter Parties	401,000	795,000	1,581,000	Charter Party Notification.

The second part is the one-time cost of lease negotiation (from Tables 7, 8, and 9 in the final rule's Regulatory Evaluation).[20] The third part is an estimate of the cost to passenger carriers to notify contracted passenger groups (from Table 10 in the final rule's Regulatory Evaluation).[21] As mentioned above, this cost applies to a small proportion of the impacted population of passenger carriers. The *estimated cost of the final rule* is thus the sum of these three parts.

The annualized costs of the rule discounted at seven percent for Options 2 and 3 for low-, medium-, and high-leasing frequency for the period from 2017 through 2026 are given in Table 1 of the Executive Summary above. For preferred Option 2 given medium-leasing frequency, the annualized cost over the period is $8.0 million.

The ten-year estimated costs of Option 2 are summarized in Table 12 of

[17] Scenarios determined by FMCSA experts and contacts with industry.

[18] See Section 2.3 of this final rule's Regulatory Evaluation for detail; the estimate of average passenger carriers operating of 6.6 power units is derived from MCMIS and SMS snapshots as of June 20, 2014.

[19] Costs, benefits, and net benefits are not shown for the no-action (Option 1) alternative, as they are zero in all instances.

[20] See the final rule's Regulatory Evaluation in the docket.

[21] Ibid.

the final rule's Regulatory Evaluation (a set of nine tables).[22] The costs are calculated for each of the three leasing frequency scenarios (low, medium, high), at zero-percent (not discounted), three-percent, and seven-percent discount rates (9 = 3 × 3). The total estimated ten-year cost for the low-frequency scenario, not discounted, is $35.1 million. The total estimated ten-year cost for the low-frequency scenario, at the three-percent discount rate is $31.9 million, and at a seven-percent discount rate is $28.6 million. Under the medium-frequency scenario, not discounted, the ten-year cost is $68.8 million. Under the medium-frequency scenario, at the three-percent discount rate the ten-year cost is $62.5 million, and at a seven percent discount rate is $56.0 million. Under the high-frequency scenario, not discounted, it is $136.0 million, at the three percent discount rate it is $123.5 million, and at a seven percent discount rate is $110.6 million. Table 12 of the final rule's Regulatory Evaluation provides a full breakdown by year for all components of the costs for the nine scenarios at low, medium, and high lease and subcontract agreement frequencies, and on not discounted, three-percent discounted, and seven-percent discounted bases.

Estimated Benefits and Threshold Analysis Results

The Regulatory Evaluation develops a threshold analysis. Fatal motorcoach crashes are valued at different amounts for each year from 2017 through 2026 because the VSL, the key component of the cost of a fatal crash, increases at a rate of 1.18 percent annually.

The average cost of a fatal motorcoach crash, which has an average of 2.09413 equivalent statistical lives lost,[23] is estimated at $19,500,000 (in 2013 dollars), $19,266,000 of which is the monetized quality-adjusted life-year (QALY). The remaining $234,000 is comprised of medical costs, emergency services, property damages, lost productivity from roadway congestion, and environmental costs. It is assumed that the VSL—and thus the QALY component—increases at a rate of 1.18 percent annually. By 2017, the QALY component (in 2013 dollars) increases from $19,266,000 to $20,192,000 ($20,192,000 = $19,266,000 × ($1.0118^4$)). Together with the remaining $234,000 in costs, the cost of a fatal crash in 2017 is estimated to be $20,426,000 in 2013 dollars ($20,426,000 = $20,192,000 + $234,000). This cost increases analogously for the next nine years from 2018 through 2026. For example, in 2018, the cost is $20,664,000, which is $20,192,000 (the QALY costs in 2017) times 1.0118, then adding on the $234,000.

For each year, the cost of the rule that year is divided by the cost of a fatal crash in that year. For example, in 2017, for Option 2, not discounted and at low-leasing frequency, the cost is estimated at $12,175,000 (from Table 12 of the final rule's Regulatory Evaluation, for 2017, second column, last row of the first part of the table), and the cost of a crash is estimated at $20,426,000 (from the previous paragraph), so for 2017, a reduction of 0.597 fatal crashes (about sixty percent of a fatal crash, or alternately 1.25 fatalities) is necessary for the costs of the rule to be covered (0.597 crashes = $12,175,000 cost ÷ $20,426,000 cost per fatal crash; 1.25 fatalities = 2.09413 fatalities per fatal crash × 0.597 fatal crashes). For 2018, the cost is estimated at $2,335,000 (from Table 12 of the final rule's Regulatory Evaluation, for 2018, third column, last row of the first part of the table), and the cost of a crash at $20,664,000 (from the last paragraph), so for 2018, 0.1130 fatal crashes, equivalent to 0.24 fatalities, must be prevented to offset the costs of the rule (0.1130 crashes = $2,335,000 cost ÷ $20,664,000 cost per fatal crash; 0.24 fatalities = 2.09413 fatalities per fatal crash × 0.1130 fatal crashes). Remember, there is a large decrease after the first year because the one-time cost of negotiation is no longer in effect. This process is analogous for the remaining eight years of the projection. The ten individual annual fatal crash reductions (and corresponding number of fatalities prevented) that are necessary to achieve cost neutrality in each year are then summed up to arrive at the total crash reduction needed to achieve cost neutrality over the ten-year period spanning 2017 through 2026. In the case of Option 2 at medium-leasing frequency, this amounts to 3.24 crashes over ten years, which the Agency rounds up to 4 in the summary discussion following Table 2 above. This process is independent of the discount rate as discounting adjusts costs and benefits by equal proportions, leaving the ratio of the two unchanged. Table 6 below summarizes these necessary crash reductions and corresponding number of statistical fatalities prevented, similarly to as in Table 2 above, with an added column showing the corresponding ten-year cost estimates under each scenario.

TABLE 6—THRESHOLD ANALYSIS: SAFETY BENEFITS NECESSARY TO OFFSET THE COSTS OF THE RULE

Option	Lease frequency	Ten-year costs (in millions of 2013$, not discounted)	Prevented fatal crashes necessary for cost-neutrality	Prevented fatalities necessary for cost-neutrality
2 (Agency-Selected Option)	Low	$35.1	1.65	3.46
	Medium	68.8	3.24	6.78
	High	136.0	6.41	13.42
3	Low	57.3	2.68	5.61
	Medium	112.0	5.25	10.99
	High	221.6	10.38	21.74

Please review the final rule's Regulatory Evaluation in docket FMCSA–2012–0103 for a thorough discussion of the assumptions the Agency made, the public comments the Agency considered, the options/alternatives considered in developing this final rule, the analysis conducted, and the details for the estimates presented here.

B. Regulatory Flexibility Act

Section 603 of the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub.

[22] Ibid.

[23] For an explanation of how the average equivalent statistical lives lost and average cost of a fatal motorcoach crash were calculated, see Appendix A of the Regulatory Evaluation for this final rule in the docket.

L. 104–121, 110 Stat. 857, March 29, 1996) and the Small Business Jobs Act of 2010 (Pub. L. 111–240, September 27, 2010), requires FMCSA to perform a detailed analysis of the potential impact of the final rule on small entities. Accordingly, DOT policy requires that agencies shall strive to lessen any adverse effects on these businesses and other entities. Each final regulatory flexibility analysis [24] required under this section must contain the following:

Final Regulatory Flexibility Analysis (FRFA)

(1) A statement of the need for, and objectives of, the rule.

Passenger carriers lease, rent, interchange, and loan passenger-carrying CMVs to each other with great frequency, on short notice, and often for short periods of time and with minimal legal formality. As a result, it is difficult for the general public and enforcement personnel to determine which carrier is actually operating the passenger-carrying CMV and responsible for compliance with safety regulations. The written lease required by this final rule for most transactions involving the renting, leasing, interchanging, and loaning of passenger carrying CMVs would eliminate any confusion about who is responsible for crashes and enable the Agency to identify the appropriate motor carrier operating the vehicle and thus responsible for its safe operation. Similarly, the notification requirement for subcontracted passenger charter service would promote passenger awareness of the lessor/lessee relationship in the event that an original charter contract holder subcontracts some or all of a charter group's service to another carrier.

This action is necessary to ensure that unsafe passenger carriers cannot evade FMCSA oversight and enforcement by operating under the authority of another carrier that exercises no actual control over those operations. For FMCSA's authority to take this action, see the section earlier in this final rule titled, ''III. Legal Basis for the Rulemaking.''

(2) A statement of the significant issues raised by the public comments in response to the IRFA, a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments.

The public comments raised no significant issues in response to the IRFA.

(3) The response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments.

The Chief Counsel for Advocacy of the Small Business Administration filed no comments to the proposed rule. Thus, FMCSA has nothing to respond to from the Chief Counsel for Advocacy of the Small Business Administration.

(4) A description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available.

Generally, motor carriers are not required to report their annual revenue to the Agency, but all carriers are required to provide the Agency with the number of power units they operate when they apply for operating authority and to update this figure biennially. Because FMCSA does not have direct revenue figures, power units serve as a proxy to determine the carrier size that would qualify as a small business, given the Small Business Administration's (SBA) prescribed revenue threshold of $15 million (See the U.S. Small Business Administration's ''Table of Small Business Size Standards Matched to North American Industry Classification Codes'' for Subsector 485, Transit and Ground Transportation). In order to produce this estimate, it is necessary to determine the average annual revenue generated by a single power unit.

With regard to passenger-carrying vehicles, the Agency conducted an analysis to estimate the average number of power units for a small entity earning $15 million annually, based on an assumption that passenger carriers generate annual revenues of $161,000 per power unit. This estimate compares reasonably to the estimated average annual revenue per power unit for the trucking industry ($186,000). A lower estimate was used because passenger-carrying CMVs generally do not accumulate as many vehicle miles traveled (VMT) per year as trucks,[25] and it is therefore assumed that they would generate less revenue per power unit on average. The analysis concluded that passenger carriers with 93 power units or fewer ($15,000,000 divided by $161,000/power-unit = 93.2 power units) would be considered small entities. The Agency then looked at the number and percentage of passenger carriers registered with FMCSA that have no more than 93 power units. The results show that about 97% of active passenger carriers have 93 power units or less.[26] Therefore, the overwhelming majority of passenger carriers would be considered small entities to which this final rule would apply.

(5) A description of the reporting, recordkeeping and other compliance requirements of the final rule, including an estimate of the classes of small entities subject to the requirements and the type of professional skills necessary for preparation of the report or record.

The exact regulatory burden of this final rule is difficult to estimate considering the lack of specific information on the prevalence and frequency of vehicle leasing among passenger carriers. There is also the added complexity of the wide variation in size, business model, and fleet vehicle configuration. The Agency, however, believes that the practical regulatory burden of this final rule will be relatively small. Written documentation of business transactions and retention and availability of work documents (*i.e.,* lease agreements and receipts) are hallmarks of professional management. Additionally, businesses are required to prepare, retain, and submit receipts of various business transactions to the Internal Revenue Service and other agencies. Furthermore, the practical requirements of the final rule (*i.e.,* lease and receipt preparation, copying, storage, and vehicle marking) are easily satisfied through a wide array of flexible options. The Agency estimates that the financial burden of the final rule, per carrier (per leased power unit), is not significant. As stated above, the estimated per unit cost of a lease agreement, in terms of the lessee and the lessor, is $7.48, which is the sum of 4 cost components: (1) Lease documentation ($6.54), (2) Lease copying ($0.30), (3) Receipt documentation ($0.60) and (4) Leased vehicle marking ($0.04). FMCSA does not believe this per-unit cost to be significant. Furthermore, this per-unit cost may effectively be lower, if a durable marking sign were to be re-used multiple times, a receipt were combined with a lease, and/or the preparation time for a lease were reduced through the use of generic or master-type lease forms. In addition, and as stated above, the analysis assumes a one-time lease negotiation cost, which the Agency believes is minimal, considering that several leases can be combined and negotiated as one (master) lease and many lease forms are available online and do not require legal assistance.

[24] ''A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act, May 2012'' at *http://www.sba.gov/sites/default/files/rfaguide_0512_0.pdf.*

[25] FMCSA Commercial Motor Vehicle Facts—March 2013.

[26] MCMIS snapshot as of January 23, 2015.

The final rule also includes a notification requirement for passenger carriers with original charter contracts that lease vehicles from a subcontractor carrier to perform the charter. In such instances, the original charter contract holder must notify the charter party within 24 hours after hiring the subcontractor that the transportation will be provided by the subcontractor. The primary purpose of this notification provision is to further reduce the chance of confusion among passengers as to the carrier responsible for regulatory compliance (the lessee). While the marking requirement included in this rule aids in this purpose, passengers may overlook the smaller placard required by § 390.21(f)(2) and assume that a different carrier is providing the transportation. The requirement included in this final rule helps ensure that the charter group's representative will be informed of the nature of the subcontract agreement, thereby promoting passenger awareness should passengers overlook the placard on the vehicle. Compliance with this requirement is projected to involve minimal time and cost on a per-subcontracted-charter basis, constituting 5 minutes of office staff time to send an email notification. Carriers which routinely utilize such subcontract agreements (that is, at the medium assumed frequency involving 64 charter group notifications per year) are projected to incur a 5.33 hour annual compliance burden (5.33 hours = 64 notifications per year × 5 minutes per notification ÷ 60 minutes per hour). Charter service is a relatively greater component of fleet VMT for the smallest carriers than that of the larger carriers.[27] Therefore while the analysis presented in Table 10 of this final rule's Regulatory Evaluation assumes that half of passenger carriers subject to the final rule utilize subcontract agreements, it is estimated that approximately 75 percent of small entities subject to this final rule will incur this 5.33 hour burden (76.7 percent is the average percentage of motorcoach service mileage categorized as charter, tour, and sightseeing in Figure 2.5 of the ABA's Motorcoach Census 2013 among fleet sizes 99 and fewer (the closest proxy to the group constituting carriers with 93 or fewer PUs), weighted by the vehicle mileage according to respective fleet size as shown in Table 2–4 of the same ABA publication).[28] The Agency considers it a conservatively high estimate that 75 percent of small entities subject to this final rule will incur this 5.33 hour burden for the following reasons: (1) It is assumed that all charter, tour, and sightseeing VMT are incurred in the course of subcontracted service agreements; (2) it assumes one vehicle per subcontract agreement.

(6) A description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

The Agency did not identify any significant alternatives to the rule that could lessen the burden on small entities without compromising the goals of the rule or the Agency's statutory safety mandate. Because small businesses are such a large part of the demographic the Agency regulates, providing alternatives to small business to permit noncompliance with FMCSA regulations is not feasible and not consistent with sound public policy.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, FMCSA wants to assist small entities in understanding this rule so that they can better evaluate its effects on themselves. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the FMCSA point of contact, Loretta Bitner, listed in the **FOR FURTHER INFORMATION CONTACT** section of this rule.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the SBA's Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy ensuring the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

C. Federalism (Executive Order 13132)

A rule has federalism implications if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on the States. FMCSA analyzed this rule under E.O. 13132 and has determined that it has no federalism implications.

D. Unfunded Mandates Reform Act of 1995

This final rule does not impose an unfunded Federal mandate, as defined by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532 *et seq.*), that would result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $151.1 million (which is the value of $100 million in 2012 after adjusting for inflation) or more in any 1 year.

E. Executive Order 12988 (Civil Justice Reform)

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

F. Executive Order 13045 (Protection of Children)

FMCSA analyzed this action under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. The Agency has determined that this rule does not create an environmental risk to health or safety that would disproportionately affect children.

G. Executive Order 12630 (Taking of Private Property)

FMCSA reviewed this final rule in accordance with Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and has determined it would not effect a taking of private property or otherwise have taking implications.

H. Privacy Impact Assessment

Section 522 of title I of division H of the Consolidated Appropriations Act, 2005, enacted December 8, 2004 (Pub. L. 108–447, 118 Stat. 2809, 3268, 5 U.S.C. 552a note), requires the Agency to conduct a privacy impact assessment (PIA) of a regulation that will affect the privacy of individuals. This final rule does not require the collection of any personally identifiable information.

[27] Motorcoach Census 2013, ABA, *http://www.buses.org/files/Foundation/Census2013.pdf* (accessed February 13, 2015). ''Fixed-route services' share of motorcoach service mileage increases with fleet-size category, accounting for only 10.4% of mileage for the smallest carriers to 79.5% for the largest carriers.''

[28] The full calculation of the 76.7 percent value is documented in this final rule's Regulatory Evaluation.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency which receives records contained in a system of records from a Federal agency for use in a matching program. FMCSA has determined this final rule does not result in a new or revised Privacy Act System of Records for FMCSA.

I. Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

J. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the OMB for each collection of information they conduct, sponsor, or require through regulations. This final rule amends two OMB approved information collections titled ''Commercial Motor Vehicle Marking Requirements,'' OMB No. 2126–0054, and ''Lease and Interchange of Motor Vehicles,'' OMB No. 2126–0056. The annual burdens for these information collections are estimated to be about 14,000 hours (rounded up to the next higher thousand from the 13,543 hour value shown in the CMV Marking PRA supporting statement) and 602,500 hours (rounded up to the nearest hundred from the 602,435 hour value shown in the Lease and Interchange of Vehicles PRA supporting statement).

Lease Preparation Information Collection Analysis

For lease preparation, the Agency estimates the cost of obtaining and preparing a standard generic template that is freely available on the Internet, or through trade organizations or existing passenger carriers. The total number of pages of one such template is two, which is the number used in the Agency's estimate. The estimated annual number of burden hours depends on the estimated annual frequency of leasing. Assuming lease frequency is medium, the Agency assumes that the average passenger carrier (6.6 power units) will engage in 64 lease agreements per year. This estimate consists of 8 leases per peak month (May through August) and 4 leases per off-peak month (September through April). The total annual number of leases estimated in 2017 is 492,578—that is, 64 lease agreements for each the 7,518 carriers estimated to be affected by this rule in 2017 (492,578 = 64 × 7,518 plus 11,426 leases for Greyhound). The Agency assumes 5 minutes of documentation time per lease agreement. This amounts to 5 and ⅓ hours per carrier per year (5⅓ = 64 × 5 ÷ 60) and amounts to an industry total of about 41,048 hours (41,048.2 = 492,578 × (5 ÷ 60). This total is multiplied by two, since the cost burden applies to both the lessees and the lessors. Thus, the total is 82,096 hours (82,096 = 41,048.2 × 2). Table 2 of the final rule's supporting statement for OMB Control Number 2126–0056, ''Lease and Interchange of Vehicles'' presents these calculations.

Regarding documentation of receipts, the Agency estimates the cost of their transcription, but does not assign burden hours to the task. The receipts do not have to adhere to a certain format, length, or complexity, as long as they meet the requirements of the rule. The receipts are sometimes replicas or portion of ''master leases,'' which make for easy and quick documentation.

Notification

Under the final rule, when a passenger carrier with a charter contract leases vehicles from a subcontractor carrier to perform the charter, it must notify the charter party within 24 hours after hiring the subcontractor that the transportation will be provided by the subcontractor.

The estimated annual number of passenger carriers that lease vehicles from a subcontractor to perform a charter is estimated to be 3,759 in 2017, the first year of the rule. It is assumed that virtually all of those carriers will elect to use the electronic notification option, since it is the most convenient, quickest, and least costly. The average number of notifications per year is 242,996 (3,759 carriers × 64 notifications per carrier + 2,420 notifications specific to Greyhound). Given the 5 minutes needed to complete the notification, this amounts to 5.33 hours per carrier per year (excluding Greyhound from this average as it is an outlier) for the 3,759 carriers and an industry total of 20,250 hours (20,250 = 242,996 notifications × 5 minutes per notification ÷ 60 minutes per hour).

OMB No. 2126–0056, New IC–2 Summary

- Annual Burden Hours (in 2017): 602,500 [602,435 = 7,518 (master lease) + 492,572 (negotiation) + 82,095 (documentation) + 20,250 (charter group notification)]
- Annual Number of Respondents (in 2017): 2,887,000 [2,886,912 = 7,518 carriers × up to 6 people per lease × 64 leases annually per carrier]
- Annual Number of Responses (in 2017): 2,706,000 [2,705,796 = 492,572 (leases) + 985,144 (transcription of lease agreements) + 985,144 (transcription of receipts) + 242,996 (charter group notification)]

OMB No. 2126–0056, Total for Both IC–1 and New IC–2

- Estimated Average Total Annual Burden Hours (in 2017): 677,000 [= 74,500 + 602,500]
- Estimated Annual Number of Respondents (in 2017): 2,923,000 [= 36,000 + 2,887,000]
- Estimated Annual Number of Responses (in 2017): 3,384,000 [= 678,000 + 2,706,000]

Passenger-Carrying CMV Marking Information Collection Analysis

The final rule requires every leased passenger vehicle to be properly marked with the name of the carrier prefaced with ''operated by'' and the carrier's USDOT number. The proposed rule requires a marking which would be affixed on one side of the passenger vehicle. The markings are presumed to be temporary and removable, though some may be permanent or re-usable, depending on the preferences of the carrier. The Agency assumed that carriers will use a paper marking option, *i.e.,* two letter-size sheets or one legal-size sheet affixed with adhesive tape to the vehicle. The burden hours of writing the signage and affixing it are negligible. Therefore, none are attributed to this rulemaking.

OMB No. 2126–0054, New IC–2 Summary

- Annual Burden Hours (in 2017): 14,000
- Annual Number of Respondents (in 2017): 5,000
- Annual Number of Responses (in 2017): 36,000

OMB No. 2126–0054, Total for Both IC–1, New IC–2, and IC–3

- Estimated Average Total Annual Burden Hours: 851,000
- Estimated Annual Number of Respondents: 287,000
- Estimated Annual Number of Responses: 1,928,000

We particularly request your comments on whether the collection of information is necessary for the FMCSA to meet the goal of this proposed rule to inform the traveling public and Federal, State, and local law enforcement officers to identify the passenger carrier responsible for safety, including: (1) Whether the information is useful to this goal; (2) the accuracy of the estimate of the burden of the information collection; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the

collection of information on respondents, including the use of automated collection techniques or other forms of information technology. You may submit comments on the information collection burden addressed by this final rule to OMB. The OMB must receive your comments by June 26, 2015. You must mail or hand deliver your comments to: Attention: Desk Officer for the Department of Transportation, Docket Library, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, 725 17th Street NW., Washington, DC 20503. Please also provide a copy of your comments on the information collection burden addressed by this proposed rule to docket FMCSA–2012–0103 in *www.regulations.gov* by one of the four ways shown above under the **ADDRESSES** heading.

K. National Environmental Policy Act and Clean Air Act

FMCSA analyzed this final rule in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). The Agency has determined under its environmental procedures Order 5610.1, published March 1, 2004, in the **Federal Register** (69 FR 9680), that this action is categorically excluded from further environmental documentation under Appendix 2, Paragraphs y(2) and y(7) of the Order (69 FR 9702). These categorical exclusions relate to:

- y(2) Regulations implementing motor carrier identification and registration reports; and
- y(7) Regulations implementing prohibitions on motor carriers, agents, officers, representatives, and employees from making fraudulent or intentionally false statements on any application, certificate, report, or record required by FMCSA.

Thus, the final action will not require an environmental assessment or an environmental impact statement.

FMCSA also analyzed this proposed rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C. 7401 *et seq.*), and implementing regulations promulgated by the Environmental Protection Agency. Approval of this action is exempt from the CAA's general conformity requirement since it does not affect direct or indirect emissions of criteria pollutants.

L. Executive Order 13211 (Energy Effects)

FMCSA has analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Agency has determined that it is not a ''significant energy action'' under that Executive Order because it is not economically significant and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

List of Subjects in 49 CFR Part 390

Highway safety, Intermodal transportation, Motor carriers, Motor vehicle safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons stated in the preamble, FMCSA amends 49 CFR part 390 in title 49, Code of Federal Regulations, chapter III, subchapter B, as follows:

PART 390—FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL

■ 1. The authority citation for part 390 continues to read as follows:

Authority: 49 U.S.C. 504, 508, 31132, 31133, 31136, 31151, 31502; sec. 114, Pub. L. 103–311, 108 Stat. 1673, 1677–1678; sec. 212, 217, 229, Pub. L. 106–159, 113 Stat. 1748, 1766, 1767; sec. 4136, Pub. L. 109–59, 119 Stat. 1144, 1745; sections 32101(d) and 32934, Pub. L. 112–141, 126 Stat. 405, 778, 830; sec. 2, Pub. L. 113–125, 128 Stat. 1388; and 49 CFR 1.87.

■ 2. Amend § 390.5 by revising the definition of ''Interchange'' and adding definitions of ''Lease,'' ''Lessee,'' and ''Lessor'' in alphabetical order to read as follows:

§ 390.5 Definitions.

* * * * *

Interchange means—

(1) The act of providing intermodal equipment to a motor carrier pursuant to an intermodal equipment interchange agreement for the purpose of transporting the equipment for loading or unloading by any person or repositioning the equipment for the benefit of the equipment provider, but it does not include the leasing of equipment to a motor carrier for primary use in the motor carrier's freight hauling operations; or

(2) The act of providing a passenger-carrying commercial motor vehicle by one motor carrier of passengers to another such carrier, at a point which both carriers are authorized to serve, with which to continue a through movement.

(3) For property-carrying vehicles, see § 376.2 of this subchapter.

* * * * *

Lease, as used in § 390.21(f) and subpart F of this part, means a contract or arrangement in which a motor carrier grants the use of a passenger-carrying commercial motor vehicle to another motor carrier, with or without a driver, for a specified period for the transportation of passengers, in exchange for compensation. The term *lease* includes an interchange, as defined in this section, or other agreement granting the use of a passenger-carrying commercial motor vehicle for a specified period, with or without a driver, whether or not compensation for such use is specified or required. For a definition of *lease* in the context of property-carrying vehicles, see § 376.2 of this subchapter.

Lessee, as used in subpart F this part, means the motor carrier obtaining the use of a passenger-carrying commercial motor vehicle, with or without the driver, from another motor carrier. The term *lessee* includes a motor carrier obtaining the use of a passenger-carrying commercial motor vehicle from another motor carrier under an interchange or other agreement, with or without a driver, whether or not compensation for such use is specified. For a definition of *lessee* in the context of property-carrying vehicles, see § 376.2 of this subchapter.

Lessor, as used in subpart F of this part, means the motor carrier granting the use of a passenger-carrying commercial motor vehicle, with or without a driver, to another motor carrier. The term *lessor* includes a motor carrier granting the use of a passenger-carrying commercial motor vehicle to another motor carrier under an interchange or other agreement, with or without a driver, whether or not compensation for such use is specified. For a definition of *lessor* in the context of property-carrying vehicles, see § 376.2 of this subchapter.

* * * * *

■ 3. Amend § 390.21 by revising paragraph (e) introductory text; redesignating paragraphs (f) and (g) as paragraphs (g) and (h); and adding new paragraph (f) to read as follows:

§ 390.21 Marking of self-propelled CMVs and intermodal equipment.

* * * * *

(e) *Rented property-carrying commercial motor vehicles.* A motor carrier operating a self-propelled property-carrying commercial motor vehicle under a rental agreement having a term not in excess of 30 calendar days meets the requirements of this section if:

* * * * *

(f) *Leased and interchanged passenger-carrying commercial motor vehicles.* A motor carrier operating a

leased or interchanged passenger-carrying commercial motor vehicle meets the requirements of this section if:

(1) The passenger-carrying CMV is marked in accordance with the provisions of paragraphs (b) through (d) of this section, except that marking is required only on the right (curb) side of the vehicle; and

(2) The passenger-carrying CMV is marked with a single placard, sign, or other device affixed to the right (curb) side of the vehicle on or near the front passenger door. The placard, sign or device must display the legal name or a single trade name of the motor carrier operating the CMV and the motor carrier's USDOT number, preceded by the words ''Operated by.''

* * * * *

■ 4. Add subpart F, consisting of §§ 390.301 through 390.305, to part 390 to read as follows:

Subpart F—Lease and Interchange of Passenger-Carrying Commercial Motor Vehicles

Sec.

Subpart F—Lease and Interchange of Passenger-Carrying Commercial Motor Vehicles

§ 390.301 Applicability.

(a) *General.* Except as provided in paragraphs (b)(1) through (3) of this section, this subpart applies to the following actions, irrespective of duration, or the presence or absence of compensation, by motor carriers operating commercial motor vehicles to transport passengers:

(1) The lease of passenger-carrying commercial motor vehicles; and

(2) The interchange or loan of passenger-carrying commercial motor vehicles or drivers between motor carriers.

(b) *Exceptions*—(1) *Financial leases.* This subpart does not apply to a contract (however designated, *e.g.,* lease, closed-end lease, hire purchase, lease purchase, purchase agreement, installment plan, etc.) between a motor carrier and a financial organization or a manufacturer or dealer of passenger-carrying commercial motor vehicles (provided the financial organization, manufacturer or dealer is not itself a motor carrier) allowing the motor carrier to use the passenger-carrying commercial motor vehicle.

(2) *Common Ownership and Control.* (i) Passenger-carrying commercial motor vehicles may be exchanged or interchanged without leases or receipts between or among commonly owned and controlled motor carriers, provided the driver of each such carrier carries, and upon demand of a Federal, State, or local law enforcement official produces, a summary document listing:

(A) All motor carriers subject to common ownership and control, including their USDOT numbers, business addresses, and telephone numbers;

(B) The name and telephone numbers of the motor carrier operating the vehicle for the current trip;

(C) The vehicle used for the trip, identified by the last 6 digits of the Vehicle Identification Number (VIN);

(D) The trip, identified by the carrier's charter number, run number, or other means specifically to identify the trip; and

(E) The date of the trip.

(ii) Each commercial motor vehicle exchanged or interchanged pursuant to this paragraph (b)(2) must be marked as required in § 390.21(f) to show the name of the responsible motor carrier operating the vehicle.

(3) *Revenue pooling.* (i) Passenger-carrying commercial motor vehicles may be exchanged or interchanged without leases or receipts between or among motor carriers that are party to a revenue pooling agreement approved by the Surface Transportation Board (STB) in accordance with 49 U.S.C. 14302, provided the driver of each vehicle operating under the agreement carries, and upon demand of a Federal, State, or local law enforcement official displays:

(A) The number and date of the STB decision approving the revenue pooling agreement and the names of the parties to the agreement; and

(B) A summary document showing:

(*1*) All routes covered by the pooling agreement;

(*2*) The carrier or carriers authorized to operate on each route or portion of a route and the telephone numbers of each carrier; and

(*3*) All points of origin, destination, or interchange (if interchanges are part of the agreement).

(ii) Each commercial motor vehicle exchanged or interchanged pursuant to this paragraph (b)(3) must be marked as required in § 390.21(f) to show the name of the responsible motor carrier operating the vehicle.

(c) *Penalties.* If the use of a passenger-carrying commercial motor vehicle is conferred on one motor carrier subject to this subpart by another such motor carrier without a lease, interchange agreement, or other agreement, or pursuant to a lease, interchange agreement, or other agreement that fails to meet all applicable requirements of subpart F, both motor carriers shall be subject to a civil penalty.

§ 390.303 Written lease and interchange requirements.

Except as provided in § 390.301(b) and paragraph (a)(2) of this section, a motor carrier may transport passengers in a leased or interchanged commercial motor vehicle only under the following conditions:

(a) *In general*—(1) *Written lease or agreement required.* There shall be in effect either:

(i) A written lease granting the use of the passenger-carrying commercial motor vehicle and meeting the conditions of paragraphs (b) through (f) of this section. The provisions of the lease shall be adhered to and performed by the lessee;

(ii) A written agreement meeting the conditions of paragraphs (b) through (f) of this section and governing the interchange of passenger-carrying commercial motor vehicles between motor carriers of passengers conducting through service on a route or series of routes. The provisions of the interchange agreement shall be adhered to and performed by the lessee; or

(iii) A written agreement meeting the conditions of paragraphs (b) through (f) of this section and governing the renting, borrowing, or loaning, or similar transfer of a passenger-carrying commercial motor vehicle from another party. The provisions of the agreement shall be adhered to and performed by the motor carrier lessee.

(2) *Exception.* When an event occurs while passengers are on a passenger-carrying commercial motor vehicle (*e.g.,* a crash, the vehicle is disabled, the driver is ill) that requires a motor carrier immediately to obtain a replacement vehicle from another motor carrier, the two carriers may postpone the writing of the lease or written agreement for the replacement vehicle for up to 48 hours after the time the lessee takes exclusive possession and control of the replacement vehicle. The driver of the vehicle must carry for the duration of the lease, and upon demand of an enforcement official produce, a document signed and dated by the lessee's driver or available company official stating: ''[Carrier A, USDOT number, telephone number] has leased this vehicle to [Carrier B, USDOT number, telephone number] pursuant to 49 CFR 390.303(a)(2).'' The lessee must also mark the vehicle in accordance with § 390.21(f) before operating it.

(b) The written lease, interchange agreement, or other agreement required by paragraph (a)(1) of this section shall contain:

(1) *Vehicle identification information.* The name of the vehicle manufacturer, the year of manufacture, and at least the last 6 digits of the Vehicle Identification Number (VIN) of each passenger-carrying commercial motor vehicle transferred between motor carriers pursuant to the lease, interchange agreement, or other agreement.

(2) *Parties.* The legal name and telephone number of the motor carrier providing passenger transportation in a commercial motor vehicle (lessee) and the legal name and telephone number of the motor carrier providing the equipment (lessor), and signatures of both parties or their authorized representatives.

(3) *Specific duration.* The time and date when, and the location where, the lease, interchange agreement, or other agreement begins and ends. These times and locations shall coincide with the times for the providing of receipts required by paragraph (e) of this section, unless the parties wish to end the lease, interchange agreement, or other agreement prematurely; in that case, the receipt required by paragraph (e) of this section showing the date, time of day, and location where the lessor recovers possession of the passenger-carrying commercial motor vehicle shall supersede the date, time of day, and location for termination specified by the lease, interchange agreement, or other agreement.

(4) *Exclusive possession and responsibilities.* (i) A clear statement that the motor carrier obtaining the passenger-carrying commercial motor vehicle (the lessee) has exclusive possession, control, and use of the passenger-carrying commercial motor vehicle for the duration of the lease, interchange agreement, or other agreement. Such lease or written agreement shall further provide that the lessee shall assume complete responsibility for operation of the passenger-carrying commercial motor vehicle and compliance with all applicable Federal regulations for the duration of the lease, interchange agreement, or other agreement.

(ii) Provision may be made in the lease, interchange agreement, or other agreement for considering the lessee as the owner of the equipment for the purpose of subleasing it to other motor carriers of passengers during the period of such lease or agreement. In the event of a sublease, all of the requirements of this section shall apply to the parties to the sublease.

(iii) Nothing in the provisions required by this paragraph is intended to affect whether the lessor of the passenger-carrying commercial motor vehicle or a driver provided by the lessor is an independent contractor or an employee of the motor carrier lessee.

(5) *Insurance.* A clear specification of the legal obligation of the lessee to maintain insurance coverage for the vehicle being operated for the protection of the public pursuant to 49 CFR part 387. The lease, interchange agreement, or other agreement shall further specify who is responsible for providing any other insurance coverage for the operation of the leased, interchanged, or otherwise procured equipment.

(c) *Copies of the lease.* A signed original and two copies of each lease, interchange agreement, or other agreement shall be produced. The lessee shall keep the original and, except as otherwise permitted by paragraph (f)(2) of this section, shall place a copy of the lease, interchange agreement, or other agreement on the passenger-carrying commercial motor vehicle during the period of the lease, interchange agreement, or other agreement. The lessor shall keep the other copy of the lease.

(d) *Record retention.* Copies of each lease (including the alternative statement required by § 390.303(a)(2)), interchange agreement, or other agreement, and the receipts required by paragraph (e) of this section, shall be retained by the lessor and lessee for one year after the expiration date of the lease, interchange agreement, or other agreement. The summary documents required by § 390.301(b)(2) and (3) shall be retained by the motor carrier performing the trip identified in each such document for one year after the final date of such trip.

(e) *Receipts for passenger-carrying commercial motor vehicle.* Except as otherwise provided in § 390.301(b)(2) and (3), receipts specifically identifying the passenger-carrying commercial motor vehicle to be leased or otherwise temporarily transferred and stating the date, time of day, and location where possession is transferred, shall be given as follows:

(1) When the lessee takes possession of the passenger-carrying commercial motor vehicle, it shall give the lessor a receipt. The receipt may be transmitted by email, mail, facsimile, or other physical or electronic means of communication.

(2) When the lessor recovers possession of the passenger-carrying commercial motor vehicle, it shall give the lessee a receipt. The receipt may be transmitted by email, mail, facsimile, or other physical or electronic means of communication.

(3) Authorized representatives of the lessee and the lessor may take possession of leased equipment and give and receive the receipts required under this section.

(f) *Identification of equipment.* The motor carrier lessee shall identify the commercial motor vehicle as being in its service as follows:

(1) During the period of the lease, interchange agreement, or other agreement, the lessee shall mark the passenger-carrying commercial motor vehicle in accordance with the requirements of § 390.21(f) (Leased and interchanged passenger-carrying commercial motor vehicles).

(2) Except as otherwise indicated in paragraph (a)(2) of this section and in this paragraph, a copy of the lease, interchange agreement, or other agreement shall be carried on the passenger-carrying commercial motor vehicle.

(i) A copy of a master lease applicable to more than one vehicle that is carried on the passenger-carrying commercial motor vehicle meets the requirements of this paragraph provided it complies with all other requirements of this section.

(ii) In lieu of a copy of an interchange agreement, a written statement meets the requirements of this paragraph if it identifies the parties to the agreement by company name and USDOT number, states the use to be made of the passenger-carrying commercial motor vehicle and the duration of the agreement, is signed by the parties' authorized representatives, and is carried on the passenger-carrying commercial motor vehicle.

§ 390.305 Notification.

Within 24 hours after a motor carrier of passengers originally hired to provide charter transportation of passengers subcontracts, *i.e.,* leases, the services of another motor carrier of passengers to provide that transportation, the motor carrier originally chartered by the tour operator or passenger group must notify the operator or group, or their representative(s), about the role of the subcontractor and provide the legal name, USDOT number, and telephone number of the subcontracted, *i.e.,* leased, motor carrier of passengers.

Issued under the authority delegated in 49 CFR 1.87 on: May 7, 2015.

T.F. Scott Darling, III,

Chief Counsel.

[FR Doc. 2015–12644 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–EX–P

Proposed Rules

Federal Register
Vol. 80, No. 101
Wednesday, May 27, 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 71

[Docket No. FAA–2014–1134; Airspace Docket No. 15–ANM–7]

Proposed Amendment of Class E Airspace; Chehalis, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Chehalis—Centralia Airport, Chehalis, WA, to enhance the safety and management of Instrument Flight Rules (IFR) operations for Standard Instrument Approach Procedures (SIAPs) at the airport.

DATES: Comments must be received on or before July 13, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2015–1134; Airspace Docket No. 15–ANM–7, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this proposed incorporation by reference 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, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783.

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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2015–1134; Airspace Docket No. 15–ANM–7.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the **ADDRESSES** section of this proposed rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface at Chehalis-Centralia Airport, Chehalis, WA. After a review of the airspace, the FAA found modification of the airspace necessary for the safety and management of IFR operations for SIAPs at the airport. Class E airspace extending upward from 700 feet above the surface would be modified to within a 4-mile radius of Chehalis-Centralia Airport, with a segment extending from the 4-mile radius to 8.1 miles north of the airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y, dated August 6, 2014 and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations

listed in this document will be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend controlled airspace at Chehalis-Centralia Airport, Chehalis, WA.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 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 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, 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 Chehalis, WA [Modified]

Chehalis, Chehalis-Centralia Airport, WA
(Lat. 46°40′37″ N., long. 122°58′58″ W.)

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Chehalis-Centralia Airport, and within 1 mile each side of the 358° bearing of the airport extending from the 4-mile radius to 8.1 miles north of the airport.

Issued in Seattle, Washington, on May 12, 2015.

Christopher Ramirez,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2015–12570 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2015–1481; Airspace Docket No. 15–AWP–1]

Proposed Amendment of Class E Airspace; Santa Rosa, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at the Charles M. Schulz-Sonoma County Airport, Santa Rosa, CA. The FAA found modification of the airspace area above 1,200 feet is no longer needed for standard instrument approach procedures at the airport. This action is necessary for the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before July 13, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2015–1481; Airspace Docket No. 15–AWP–1, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this proposed incorporation by reference 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, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783.

FOR FURTHER INFORMATION CONTACT: Rob Riedl, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; Telephone (425) 203–4534.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped

postcard on which the following statement is made: ''Comments to Docket No. FAA–2015–1481/Airspace Docket No. 15–AWP–1.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the **ADDRESSES** section of this proposed rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface at Charles M. Schulz-Sonoma County Airport, Santa Rosa, CA. After a review of the airspace, the FAA found removal of the airspace above 1,200 feet AGL necessary as this airspace is no longer required for standard instrument approach procedures at the airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y, dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend controlled airspace at Charles M. Schulz-Sonoma County Airport, Santa Rosa, CA.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 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 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, as amended as follows:

Paragraph 6005 Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP CA E5 Santa Rosa, CA [Amended]

Charles M. Schulz-Sonoma County Airport, CA
(Lat. 38°30′35″ N., long. 122°48′46″ W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 38°53′25″ N., long. 122°52′34″ W.; to lat. 38°37′07″ N., long. 122° 46′02″ W.; to lat. 38°22′08″ N., long. 122°38′28″ W.; to lat. 38°06′41″ N., long. 122°29′59″ W.; to lat. 38°02′10″ N., long. 122°44′09″ W.; to lat. 38°17′57″ N., long. 122°54′37″ W.; to lat. 38°22′58″ N., long. 123°02′34″ W.; lat. 38°29′12″ N., long. 122°56′32″ W.; lat. 38°33′48″ N., long. 123°00′47″ W.; lat. 38°50′14″ N., long. 123°07′20″ W.; thence to the point of origin.

Issued in Seattle, Washington, on May 14, 2015.

Christopher Ramirez,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2015–12567 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–1133; Airspace Docket No. 15–ANM–8]

Proposed Amendment of Class E Airspace; Kelso, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Southwest Washington Regional Airport, Kelso, WA, to enhance the

safety and management of Instrument Flight Rules (IFR) operations for Standard Instrument Approach Procedures (SIAPs) at the airport.

DATES: Comments must be received on or before July 13, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2015–1133; Airspace Docket No. 15–ANM–8, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this proposed incorporation by reference 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, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8783.

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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2015–1133/Airspace Docket No. 15–ANM–8.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the **ADDRESSES** section of this proposed rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface at Southwest Washington Regional Airport, Kelso, WA. After a review of the airspace, the FAA found modification of the airspace necessary for the safety and management of IFR operations for SIAPs at the airport. Class E airspace extending upward from 700 feet above the surface would be modified to within a 4-mile radius of the Southwest Washington Regional Airport, with segments extending from the 4-mile radius to 14.8 miles northwest of the airport, and 20.7 miles north of the airport, and 13.2 miles northeast of the airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y, dated August 6, 2014 and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish controlled airspace at Southwest Washington Regional Airport, Kelso, WA.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 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 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, 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 Kelso, WA [Modified]

Southwest Washington Regional Airport, WA
(Lat. 46°07′05″ N., long. 122°53′54″ W.)

That airspace extending upward from 700 feet above the surface within a 4-mile radius of Southwest Washington Regional Airport beginning at lat. 46°07′51″ N., long. 122°48′16″ W., clockwise along the 4-mile radius of the airport to lat. 46°04′25″ N., long. 122°58′10″ W.; to lat. 46°14′02″ N., long. 123°12′43″ W.; to lat. 46°24′21″ N., long. 123°10′19″ W.; to lat. 46°20′04″ N., long. 122°50′07″ W.; thence to the point of beginning.

Issued in Seattle, Washington, on May 12, 2015.

Christopher Ramirez,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2015–12568 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–1135; Airspace Docket No. 15–ANM–9]

Proposed Amendment of Class E Airspace; Toledo, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify Class E airspace extending upward from 700 feet above the surface at Ed Carlson Memorial Field-South Lewis County Airport, Toledo, WA. The FAA found modification of the airspace necessary for the safety and management of Instrument Flight Rules (IFR) operations for Standard Instrument Approach Procedures (SIAPs) at the airport.

DATES: Comments must be received on or before July 13, 2015.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2015–1135; Airspace Docket No. 15–ANM–9, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/*. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this proposed incorporation by reference 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, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 20591; telephone: 202–267–8783.

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:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2015–1135/Airspace Docket No. 15–ANM–9.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory

Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Availability and Summary of Documents Proposed for Incorporation by Reference

This document proposes to amend FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the **ADDRESSES** section of this proposed rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface at Ed Carlson Memorial Field-South Lewis County Airport, Toledo, WA. After a review of the airspace, the FAA found modification of the airspace necessary for the safety and management of IFR operations for SIAPs at the airport. The Class E airspace area would be modified to a 4-mile radius of the Ed Carlson Memorial-South Lewis County Airport, with segments extending from the 4-mile radius to 8 miles northeast of the airport, and 7 miles southwest of the airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y, dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend controlled airspace at Ed Carlson Memorial-South Lewis County Airport, Toledo, WA.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 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 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, 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 Toledo, WA [Modified]

Ed Carlson Memorial Field-South Lewis County Airport, WA
(Lat. 46°28′38″ N., long. 122°48′23″ W.)

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Ed Carlson Memorial Field-South Lewis County Airport, and within 1.2 miles each side of the 073° bearing from the airport extending from the 4-mile radius to 8 miles northeast of the airport, and within 1.8 miles each side of the 256° bearing from the airport extending from the 4-mile radius to 7 miles southwest of the airport.

Issued in Seattle, Washington, on May 12, 2015.

Christopher Ramirez,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2015–12569 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Chapters I, II, III, V, VI, and VII

[156D0102DM DS6CS00000 DLSN00000.000000 DX6CS25]

Reducing Regulatory Burden; Retrospective Review

AGENCY: Office of the Secretary, Interior.

ACTION: Request for public input.

SUMMARY: The Department of the Interior is requesting public input on selected regulations as part of its plan to review significant regulations in response to the President's Executive Order on Improving Regulation and Regulatory Review.

DATES: Please submit any comments on or before July 13, 2015 for immediate consideration.

ADDRESSES: Submit comments only by one of the following methods:

Email: RegsReview@ios.doi.gov.

Mail: Regulatory Review, Office of the Executive Secretariat and Regulatory Affairs, Department of the Interior, 1849 C Street NW., Mail Stop 7328, Washington, DC 20240.

Hand Delivery or Courier: Regulatory Review, Office of the Executive Secretariat and Regulatory Affairs, Department of the Interior, Room 7311, 1849 C Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mark Lawyer, Office of the Secretary, 202–208–3181, *Mark_Lawyer@ios.doi.gov*.

SUPPLEMENTARY INFORMATION: The Department of the Interior (DOI) published a notice on February 25, 2011 (76 FR 10526), asking the public for ideas and information as it prepared a preliminary plan for retrospective regulatory review to comply with President Obama's Executive Order 13563 dated January 18, 2011, ''Improving Regulation and Regulatory Review.'' We received helpful

information in response to this request, which we considered in preparing our plan for retrospective regulatory review. The plan is available on DOI's Open Government Web site at: *http://www.doi.gov/open/regsreview/*. This Web site provides links to the plan, the Department's regulations, and an email in-box at *RegsReview@ios.doi.gov* that interested parties may use to suggest, on an ongoing basis, improvements to DOI's regulations.

We continue to invite comment on all of our regulations but are specifically asking for public comment on the following regulations or policy documents at this time:

25 CFR part 169—Rights-of-Way on Indian Land (1076–AF20)
25 CFR part 23—Indian Child Welfare Act (1076–AF25)
25 CFR part 256—Housing Improvement Program (1076–AF22)
Expanding Incentives for Voluntary Conservation Actions Under the Endangered Species Act (1018–AY29)

Ongoing Public Engagement

DOI views retrospective regulatory review as a continuing process. Public engagement is an essential element, and the public may submit feedback at any time via email at *RegsReview@ios.doi.gov*.

At this time, we are asking for comments related to the following questions:

(1) Are there any specific changes we could make to these regulations that would make them more effective or less burdensome in achieving their regulatory objectives?

(2) DOI has proposed specific rules to review over the next two years. Are there other rules that could benefit from retrospective review in the near future? If so, please identify the rules by their CFR citation (*e.g.,* 25 CFR part 39) or by their subject matter (*e.g.,* forestry rules) and give us detailed ideas on how we can streamline, consolidate, or make these regulations more efficient. Please suggest specific language that would make these rules or guidance more efficient and less burdensome where possible.

(3) Are there ways DOI can better scale its regulations to lessen the burdens imposed on small entities within the existing statutory requirements? Please suggest specific things we could do to exempt small entities or provide more flexible or less-burdensome requirements while still satisfying the requirements of the law.

(4) Are DOI regulations and guidance written in language that is clear and easy to understand? Please suggest which regulations and guidance are good candidates for a rewriting in plain language.

(5) How can we ensure that our regulations promote our mission in ways that are most efficient and least burdensome to the public?

The Department is issuing this request solely to seek useful information as part of its ongoing public engagement process. Responses to this request do not bind DOI to any further actions related to the response.

Before including your 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 pursuant to the Freedom of Information Act. While you can ask us in your comment to withhold your personal identifying information from the public review, we would seek to honor your request to the extent allowable under the law but we cannot guarantee that we will be able to do so.

Authority: E.O. 13653, 76 FR 3821, Jan. 21, 2011; E.O. 12866, 58 FR 51735, Oct. 4, 1993.

Dated: May 20, 2015.

Michael L. Connor,

Deputy Secretary.

[FR Doc. 2015–12622 Filed 5–22–15; 8:45 am]

BILLING CODE 4334–34–P

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

32 CFR Part 1701

Privacy Act of 1974: Implementation

AGENCY: Office of the Director of National Intelligence.

ACTION: Proposed rule.

SUMMARY: The Office of the Director of National Intelligence (ODNI) proposes to exempt two new systems of records from subsections (c)(3); (d)(1),(2),(3),(4); (e)(1) and (e)(4)(G),(H),(I); and (f) of the Privacy Act. With respect to the existing system of records named ODNI Information Technology Systems Activity and Access Records (ODNI–19), the ODNI proposes to invoke subsection (k)(2) as an additional rationale for exempting records from these provisions of the Privacy Act. The ODNI has previously established a rule, published on March 28, 2008, that will preserve the exempt status of records it receives when the reason for the exemption remains valid.

DATES: Submit comments on or before July 6, 2015.

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

Federal eRulemaking Portal: http://www.regulations.gov.

Email: DNI-FederalRegister@dni.gov.

Mail: Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511.

FOR FURTHER INFORMATION CONTACT: Jennifer L. Hudson, Director, Information Management Division, Office of the Chief Information Officer, Office of the Director of National Intelligence, Washington, DC 20511; 703–874–8085.

SUPPLEMENTARY INFORMATION: In compliance with the Privacy Act, 5 U.S.C. 552a(e)(4), the ODNI describes in the notice section of this **Federal Register** the following two new systems of records: Counterintelligence Trends Analyses Records (ODNI/NCSC–002) and Insider Threat Program Records (ODNI–22). As permitted by the Privacy Act, 5 U.S.C. 552a(k), pursuant to this rulemaking, the Director of National Intelligence (DNI) is invoking exemption of records in these systems from the requirements of certain provisions of the Privacy Act, as described herein. In addition, the DNI is invoking subsection 552a(k)(2) as a further basis of exemption for records contained in the existing system entitled Information Technology Systems Activity and Access Records (ODNI–19).

Regulatory Flexibility Act

This proposed rule affects the manner in which the ODNI collects and maintains information about individuals. The ODNI certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities. Accordingly, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, no regulatory flexibility analysis is required for this rule.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the ODNI to comply with small entity requests for information and advice about compliance with statutes and regulations within the ODNI's jurisdiction. Any small entity that has a question regarding this document may address it to the information contact listed above. Further information regarding SBREFA is available on the Small Business Administration's Web page at *http://www.sga.gov/advo/law/law_lib.html*.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the

ODNI consider the impact of paperwork and other burdens imposed on the public associated with the collection of information. There are no information collection requirements associated with this proposed rule and therefore no analysis of burden is required.

Executive Order 12866, Regulatory Planning and Review

This proposed rule is not a ''significant regulatory action'' within the meaning of Executive Order 12866. This rule will not have an annual effect on the economy of $100 million or more or otherwise adversely affect the economy or sector of the economy in a material way; will not create inconsistency with or interfere with other agency action; will not materially alter the budgetary impact of entitlements, grants, fees, or loans or the right and obligations of recipients thereof; or raise legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. Accordingly, further regulatory evaluation is not required.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, 109 Stat. 48 (Mar. 22, 1995) requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. This proposed rule imposes no Federal mandate on any State, local, or tribal government or on the private sector. Accordingly, no UMRA analysis of economic and regulatory alternatives is required.

Executive Order 13132, Federalism

Executive Order 13132 requires the ODNI to examine the implications for the distribution of power and responsibilities among the various levels of government resulting from this proposed rule. The ODNI concludes that the proposed rule does not affect the rights, roles, and responsibilities of the States, involves no preemption of State law, and does not limit State policymaking discretion. This rule has no federalism implications as defined by the Executive Order.

Environmental Impact

The ODNI has reviewed this action for purposes of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4347 and has determined that this action will not have a significant effect on the human environment.

Energy Impact

The energy impact of this action has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Public Law 94–163, as amended, 42 U.S.C. 6362. This rulemaking is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 32 CFR Part 1701

Records, Privacy Act.

For the reasons stated in the preamble, the ODNI proposes to amend 32 CFR part 1701 as follows:

PART 1701—ADMINISTRATION OF RECORDS UNDER THE PRIVACY ACT OF 1974

■ 1. The authority citation for part 1701 continues to read as follows:

Authority: 50 U.S.C. 401–442; 5 U.S.C. 552a.

■ 2. Revise § 1701.24 to read as follows:

§ 1701.24 Exemption of Office of the Director of National Intelligence (ODNI) systems of records.

(a) The ODNI may invoke its authority to exempt the following systems of records from the requirements of subsections (c)(3); (d)(1),(2),(3) and (4); (e)(1) and (e)(4)(G),(H),(I); and (f) of the Privacy Act to the extent that information in the system is subject to exemption pursuant subsections (k)(1), (k)(2), or (k)(5) of the Act as noted in the existing system notice entitled ODNI Information Technology Systems Activity and Access Records (ODNI–19) and in the following new systems notices:

(1) Counterintelligence Trends Analyses Records (ODNI/NCSC–002).

(2) Insider Threat Program Records (ODNI–22).

(b) Exemptions of records in these systems from any or all of the enumerated requirements may be necessary for the following reasons:

(1) From subsection (c)(3) (accounting of disclosures) because an accounting of disclosures from records concerning the record subject would specifically reveal an intelligence or investigative interest on the part of the ODNI or recipient agency and could result in release of properly classified national security or foreign policy information.

(2) From subsections (d)(1), (2), (3) and (4) (record subject's right to access and amend records) because affording access and amendment rights could alert the record subject to the investigative interest of intelligence or law enforcement agencies or compromise sensitive information classified in the interest of national security. In the absence of a national security basis for exemption, records in this system may be exempted from access and amendment to the extent necessary to honor promises of confidentiality to persons providing information concerning a candidate for position. Inability to maintain such confidentiality would restrict the free flow of information vital to a determination of a candidate's qualifications and suitability.

(3) From subsection (e)(1) (maintain only relevant and necessary records) because it is not always possible to establish relevance and necessity before all information is considered and evaluated in relation to an intelligence concern. In the absence of a national security basis for exemption under subsection (k)(1), records in this system may be exempted from the relevance requirement pursuant to subsections (k)(2) and (k)(5) because it is not possible to determine in advance what exact information may assist in non-criminal law enforcement investigations or in determining the continued eligibility of an individual for access to classified information. Seemingly irrelevant details, when combined with other data, can provide a useful composite for investigatory and evaluation purposes.

(4) From subsections (e)(4)(G) and (H) (publication of procedures for notifying subjects of the existence of records about them and how they may access records and contest contents) because the system is exempted from subsection (d) provisions regarding access and amendment, and from the subsection (f) requirement to promulgate agency rules. Nevertheless, the ODNI has published notice concerning notification, access, and contest procedures because it may in certain circumstances determine it appropriate to provide subjects access to all or a portion of the records about them in a system of records.

(5) From subsection (e)(4)(I) (identifying sources of records in the system of records) because identifying sources could result in disclosure of properly classified national defense or foreign policy information, intelligence sources and methods, and investigatory techniques and procedures. Notwithstanding its proposed exemption from this requirement, ODNI identifies record sources in broad categories sufficient to provide general notice of the origins of the information it maintains in its systems of records.

(6) From subsection (f) (agency rules for notifying subjects to the existence of records about them, for accessing and amending records, and for assessing

fees) because the system is exempt from subsection (d) provisions regarding access and amendment of records by record subjects. Nevertheless, the ODNI has published agency rules concerning notification of a subject in response to his request if any system of records named by the subject contains a record pertaining to him and procedures by which the subject may access or amend the records. Notwithstanding exemption, the ODNI may determine it appropriate to satisfy a record subject's access request.

Dated: May 19, 2015.

Mark W. Ewing,

Chief Management Officer.

[FR Doc. 2015–12767 Filed 5–26–15; 8:45 am]

BILLING CODE 9500–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 101 and 105

[Docket No. USCG–2013–1087]

Seafarers' Access to Maritime Facilities

AGENCY: Coast Guard, DHS.

ACTION: Notice to reopen public comment period.

SUMMARY: The Coast Guard is reopening the public comment period for the notice of proposed rulemaking (NPRM) entitled ''Seafarers' Access to Maritime Facilities,'' which published in the **Federal Register** on December 29, 2014. The NPRM proposed to require each owner or operator of a facility regulated by the Coast Guard to implement a system that provides seafarers and other individuals with access between vessels moored at the facility and the facility gate, in a timely manner and at no cost to the seafarer or other individual. As originally published, the comment period for the NPRM closed on February 27, 2015. Several members of the public have requested additional time to comment on the NPRM, citing various timing constraints. In order to provide interested members of the public an additional opportunity to submit comments on the NPRM, the Coast Guard is reopening the public comment period for 60 days. We are particularly interested in comments on our estimate that there is a 10.3 percent non-compliance rate of facilities with respect to providing seafarers' access. In addition to comments on this topic, we will consider all public comments on the NPRM received during the reopened comment period. We request that you not re-submit comments already in the docket.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before July 1, 2015 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2013–1087 using any one of the following methods:

(1) Federal eRulemaking Portal: *http://www.regulations.gov;*

(2) Fax: 202–493–2251;

(3) Mail: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001; or

(4) Hand delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, call or email LCDR Kevin McDonald, Cargo and Facilities Division (CG–FAC–2), Coast Guard; telephone 202–372–1168; email *Kevin.J.McDonald2@uscg.mil.* If you have questions on viewing material in the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting comments: If you submit a comment, please include the docket number for this rulemaking (USCG–2013–1087) and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and use ''USCG–2013–1087'' as your search term. Locate the docket for this rulemaking and follow the instructions on that Web site for submitting public comments. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Viewing comments and documents: To view comments, as well as documents mentioned in the NPRM as being available in the docket, go to *http://www.regulations.gov* and use ''USCG–2013–1087'' as your search term. Locate the docket for this rulemaking and follow the instructions on that Web site for viewing comments and documents in the docket. If you do not have access to the Internet, you may view the docket online by visiting 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. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act: Anyone can search the electronic form of comments received into 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, labor union, etc.). You may review a Privacy Act system of records notice regarding our public dockets in the January 17, 2008, issue of the *Federal Register* (73 FR 3316).

Regulatory History and Information

On December 29, 2014, the Coast Guard published an NPRM entitled ''Seafarers' Access to Maritime Facilities'' (79 FR 77981). The NPRM proposed to require each owner or operator of a facility regulated by the Coast Guard to implement a system that provides seafarers and other individuals with access between vessels moored at the facility and the facility gate in a timely manner and at no cost to the seafarer or other individual. As originally published, the comment

period for the NPRM expired on February 27, 2015. To date, the Coast Guard has received approximately 150 public submissions, which are available for viewing in the online docket for this rulemaking.

Additionally, on January 23, 2015, the Coast Guard held a public meeting in Washington, DC, to solicit comments on the proposals in the NPRM. Approximately 11 parties provided oral comments at the meeting, and more than 500 parties viewed the meeting online via live video feed. A video recording of the public meeting is available for viewing at *https://www.youtube.com/embed/1hAjrvUNylY?rel=0.*

Background and Purpose

Since publication of the NPRM, the Coast Guard has received several written and oral comments requesting an extension of the public comment period. Commenters cited different reasons for the request to extend the public comment period, including the timing of the publication, a delay in submitted comments posting to the electronic docket, and the complexity of the NPRM's proposals and economic analysis. The commenters requesting an extended public comment period either requested an additional 60 days, or they did not specify a number of additional days. In response to these requests, the Coast Guard is reopening the public comment period for an additional 60 days. The Coast Guard will consider all of the public comments posted to the docket, including those already submitted. We request that you not re-submit comments that are already in the docket. You may, however, comment on other documents and comments that are in the docket. If you choose to do so, please ensure you identify which document or comment you are responding to.

Request for Comments

We encourage your participation by submitting your comments to the Docket Management Facility as specified in the **ADDRESSES** section above. Please refer to the NPRM for a detailed discussion of the proposals, as well as the list of topics included in the request for comments on specific issues (79 FR 77981, 77987).

We also encourage you to view the NPRM's accompanying Preliminary Regulatory Analysis and Initial Regulatory Flexibility Analysis (Regulatory Analysis), available for viewing in the docket. To view the Regulatory Analysis, go to *http://www.regulations.gov* and use ''USCG–2013–1087'' as your search term. Once you locate and open the docket folder for this rulemaking, click on ''View all documents and comments in this Docket.'' From there check the box, ''Supporting & Related Material,'' on the left side of the screen. This will display a link to the Regulatory Analysis. We are particularly interested in comments from the public on our estimate that there is a 10.3 percent non-compliance rate of facilities with respect to providing seafarers' access.[1] Some commenters have suggested that the 10.3 percent non-compliance rate estimate is too low. We are interested in learning if there is a better estimate or if there are other sources of information for obtaining the non-compliance rate. In addition to comments on this topic, we will consider all public comments on the NPRM received during the reopened comment period.

Authority

We issue this notice under the authority of 5 U.S.C. 553, 46 U.S.C. 70103 (Note), 46 U.S.C. 70124, 33 U.S.C. 1226, 33 U.S.C. 1231, and Department of Homeland Security Delegation 0710.1(II)(70, 71, and 97).

Dated: May 20, 2015.

J.C. Burton,

Captain, U.S. Coast Guard, Director of Inspections & Compliance.

[FR Doc. 2015–12657 Filed 5–26–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 70

RIN 2900–AO92

Veterans Transportation Service

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to amend its medical regulations concerning the transportation of persons for the purposes of examination, treatment, and care. Public Law 112–260, as amended, authorized VA to carry out a program to transport any person to or from a VA facility or other place, among other things, for the purpose of examination, treatment, or care. This authority expires on December 31, 2015. These regulations would provide guidelines for veterans and the public regarding VA's Veterans Transportation Service (VTS).

[1] *See* NPRM (79 FR 77987), Item 5 from our list of specific requests for comments.

DATES: *Comment Date:* Comments must be received on or before July 27, 2015.

ADDRESSES: Written comments may be submitted through *http://www.regulations.gov*; by mail or hand-delivery to Director, Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AO92-Veterans Transportation Service.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1068, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: David Riley, Director, Veterans Transportation Program, Chief Business Office (10NB2G), 2957 Clairmont Rd., Atlanta, GA 30329–1647, (404) 828–5601. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Executive Summary: Purpose of This Regulatory Action: We would create new regulations concerning the Veterans Transportation Service (VTS), a program where the Department of Veterans Affairs (VA) directly transports veterans and other persons to or from VA or VA-authorized facilities for the purposes of examination, treatment, or care. Specifically, these regulations would define which persons are eligible, how they may apply for transportation benefits, and how VA would provide transportation, including such limitations as are necessary for the safe and effective operation of the program.

Summary of the Major Provisions of this Regulatory Action: This proposed rule would—

- Modify VA's existing transportation regulations by including new content specific to VA's direct transportation of veterans and other persons for the purposes of examination, treatment, or care.
- Define key terms used throughout the regulation. These terms would include attendant, which would be similar to the term used in VA's beneficiary travel program and refer to a person who is required to aid or assist another person; guest, which would be a person whose presence is not medically required; scheduled visit,

which would be an appointment arranged prior to a person's appearance at a VA or VA-authorized facility; and unscheduled visit, which would be a visit that was not recorded in VA's scheduling system prior to the visit.

- Define eligible persons, which would include enrolled and non-enrolled veterans; servicemembers; prospective and approved family caregivers; attendants; persons receiving counseling, training, or mental health services; beneficiaries of the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA); and guests. The regulation would also define limitations on eligibility, such as if the person's behavior has jeopardized or could jeopardize the health or safety of others, or could interfere with the safe transportation of persons. The regulations also would limit access so that only one person may accompany a veteran or servicemember unless a VA clinician determines that more than one person should attend the visit. The regulation also would provide some restrictions for persons under the age of 18.
- Identify and describe the types of transportation authorized under VTS, including door-to-door service, travel to and from designated locations, service between VA facilities, and travel to and from other locations.
- Explain the process for arranging transportation services and how VA would determine which persons can travel if demand for VTS services exceeds supply.

Costs and Benefits: As further detailed in the *Regulatory Impact Analysis,* which can be found as a supporting document at *http://www.regulations.gov* and is available on VA's Web site at *http://www.va.gov/orpm/*, by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date,'' the proposed rule would expand access to transportation options for veterans and other persons. Increasing transportation options should allow more veterans and other beneficiaries to access VA health care services and reduce demand for travel reimbursement under the beneficiary travel program.

General Discussion: In section 202 of the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (the Act), Public Law 112–260, 126 Stat. 2417 (2013), as amended by Public Law 113–59, 127 Stat. 658 (2013) and Public Law 113–175, 128 Stat. 1901 (2014), Congress codified a new statute, 38 U.S.C. 111A, which authorizes the Department of Veterans Affairs (VA), until December 31, 2015, to transport any person to or from a VA facility or other place in connection with vocational rehabilitation, counseling required by chapters 34 or 35 of title 38, U.S.C., or for the purpose of examination, treatment, or care. Vocational rehabilitation is authorized by chapter 31 of title 38, U.S.C., and assists veterans with service-connected disabilities in preparing for, finding, and keeping suitable employment. Chapters 34 and 35 of title 38, U.S.C., authorize education benefits for eligible veterans and their survivors and dependents. Vocational rehabilitation and the education benefits provided under chapters 34 and 35 are administered by the Veterans Benefits Administration (VBA), and are not typically provided at VA health care facilities. Moreover, almost all VA health care facilities administer transportation programs in the form of beneficiary travel payments, and many have already begun addressing transportation service issues by developing infrastructure or identifying the travel needs of their patients as a result of this authority. Consequently, VA is limiting this rulemaking to health care access (meaning any hospital care or medical services under the medical benefits package in 38 CFR 17.38), and we do not include transportation for vocational rehabilitation or education benefits under chapters 34 and 35. VA has promulgated regulations in part 70 of 38 CFR governing transportation benefits for travel to health care facilities, and this rulemaking is consistent with those existing rules. We would use the term ''VA facility'' rather than the more specific ''VA health care facility'' in this regulation because the term ''VA facility'' is already a defined term in 38 CFR 70.2 that refers to health care facilities.

We propose organizing these regulations in 38 CFR part 70, which also contains regulations governing the Veterans Health Administration's (VHA) beneficiary travel program, so that eligible persons and members of the public who are interested in VA transportation benefits could find all relevant information in one location in VA's regulations. Accordingly, we would amend the title for part 70 to read, ''Veterans Transportation Programs,'' to indicate that it contains regulations related to more than one transportation program. Under this heading, there would be two subheadings. The first would identify a new subpart for the current part 70 regulations related to beneficiary travel (§§ 70.1–70.50). This subheading would read, ''Subpart A-Beneficiary Travel and Special Mode Transportation under 38 U.S.C. 111.'' The second subheading, ''Subpart B-Veterans Transportation Service under 38 U.S.C. 111A,'' would contain the regulations promulgated by this proposed rule. We also would modify the list of authorities for part 70 to include 38 U.S.C. 111A.

This rulemaking is intended to cover only those transportation services provided to eligible persons by the Veterans Transportation Service (VTS) pursuant to 38 U.S.C. 111A. The Veterans Transportation Service is a program where VA transports eligible persons to and from VA or VA-authorized health care facilities and other locations for the purpose of examination, treatment or care. The current regulations governing the beneficiary travel program, located at §§ 70.1 through 70.50, contain numerous references to part 70. For example, § 70.1(a) states that ''[t]his part [*i.e.,* part 70] provides a mechanism under 38 U.S.C. 111 for the Veterans Health Administration (VHA) to make payments for travel expenses,'' and § 70.1(b) states that part 70 does not cover payment for certain other specified transportation. Section 70.2 provides definitions applicable to all of part 70. Because we are organizing the VTS regulations under part 70, these part 70 references and definitions also apply to the VTS program. We have carefully reviewed part 70 and believe that all of the references are appropriate and will not create confusion. For example, the definitions in § 70.2 generally are consistent with the proposed VTS regulations that would be promulgated with this rulemaking, with one exception as noted below. Also, the references in §§ 70.1 and 70.10 clearly refer to beneficiary travel, and VTS is not part of the beneficiary travel program. We are not revising the beneficiary travel regulations at this time. Commenters who identify confusing or contrary sections in part 70 are encouraged to provide comments to this rulemaking. We are currently reviewing the other regulations in part 70 and will make appropriate revisions in a future action. We do not intend to make any changes to the beneficiary travel program as a result of this rulemaking, and this rulemaking should not be interpreted to modify the current beneficiary travel regulations in any way.

70.70 Purpose and Definitions

Paragraph (a) of § 70.70 states that this subpart would apply to VTS, a program that transports eligible persons to or from a VA or VA-authorized facility or other place for the purpose of

examination, treatment, or care. A VA-authorized health care facility is defined in § 70.2 as a non-VA health care facility where VA has approved care for an eligible beneficiary at VA expense. Travel to such facilities would be covered under VTS as it currently is under the beneficiary travel program.

In § 70.70(b), we would set forth definitions applicable to VTS. The definition of ''attendant'' for purposes of VTS would include, but not be limited to, the definition used in 38 CFR 70.2. Under § 70.2, an attendant is ''an individual traveling with a beneficiary who is eligible for beneficiary travel and requires the aid and/or physical assistance of another person.'' Because VTS is intended to support a broader population, VA is not limiting attendants for purposes of VTS to only those persons who are eligible for beneficiary travel. Thus, for purposes of VTS, an attendant also would mean an individual traveling with a veteran or servicemember who is eligible for VTS and requires the aid and/or assistance of another person. This definition would ensure that VA may transport attendants through VTS for all veterans and servicemembers who are eligible for VTS on their own.

We would define an ''eligible person'' as one described in § 70.71, which would define categories of eligible persons in detail.

We would define a ''guest'' as any individual the veteran or servicemember would like to have accompany him or her to an appointment but whose presence is not medically required. Some examples of guests who might be asked to attend would be a general caregiver (that is, not a Family Caregiver, which is described later and in regulations at 38 CFR part 71) who provides supervision or other basic support or a friend who can provide emotional support during an appointment.

We also would define ''scheduled visit'' and ''unscheduled visit.'' A scheduled visit would mean that a VA beneficiary had an appointment that was made before she or he appeared at a VA or VA-authorized facility, or that a VA beneficiary was specifically authorized to appear at such facility on the date of the visit in order to obtain examination, treatment, or care. Examples of scheduled visits include: Regular appointments for examination, treatment, or care; visits to undergo laboratory work; or doctor-recommended visits to clinics with open hours. This definition would be consistent with common usage of the term in the health care community. An unscheduled visit would be when a veteran travels to a VA or VA-authorized facility for purposes of examination, treatment, or care not recorded in VA's scheduling system prior to the veteran's visit. An unscheduled visit is commonly made for mental health visits, counseling sessions, or other types of clinical interventions, such as weight management counseling or smoking cessation. These visits need not be for an appointment with a VA clinician; for example, a veteran may be traveling to attend a peer-led counseling session. These definitions would allow VA to ensure veterans are able to travel using VTS for the full array of services we provide.

70.71 Eligibility

Section 70.71 would define the categories of persons eligible for transportation services under this authority. Eligibility for VTS would be broader than eligibility for the beneficiary travel program for a number of reasons. First, 38 U.S.C. 111A authorizes VA to provide transportation to ''any person'' to or from a VA facility or other place, among other things, for the purpose of examination, treatment, or care. In other provisions of title 38, U.S.C., the term person is defined as being broader than the term veteran. For example, in 38 U.S.C. 1708(b), persons eligible for temporary lodging in a Fisher House or other appropriate facility include veterans, family members, and others who accompany a veteran and provide the equivalent of familial support within that definition. We interpret the broad term ''any person'' to authorize VA to provide VTS to the widest possible range of individuals, including former members of the Armed Forces, family members, and other beneficiaries. In addition, veterans may be eligible for VTS whether they are enrolled in VA's health care system or not.

VA also would include additional persons as eligible for VTS because 38 U.S.C. 111A does not require VA to provide direct transportation to specific types of persons, as the law did for beneficiary travel payments in 38 U.S.C. 111(b). Moreover, VTS has a negligible marginal cost for each new user of the service compared to beneficiary travel recipients. VTS is designed to provide transportation to several people at once using a single vehicle, and provided that vehicles are not full, adding one more passenger results in extremely small cost increases for VA.

Furthermore the purpose of 38 U.S.C. 111A is to expand transportation options for persons who receive certain benefits from VA. During the House of Representatives' consideration of the bill, the Chairman of the Veterans' Affairs Committee described the intent of this provision as being to complement, and not replace, existing programs that offer transportation assistance to veterans. See 158 Cong. Rec. H7445 (Dec. 30, 2012). This regulation would achieve that goal. Consequently, we would interpret the term ''any person'' in 38 U.S.C. 111A more broadly than the same term in 38 U.S.C. 111.

Paragraph (a) of § 70.71 would define all persons eligible for beneficiary travel as also being eligible for VTS benefits. This definition would be consistent with the statutory authorities for VTS and the beneficiary travel program. Specifically, the language in 38 U.S.C. 111(a) that authorizes VA to make beneficiary travel payments is the same as the language in 38 U.S.C. 111A in terms of the purpose for the travel. Thus, VA is interpreting 38 U.S.C. 111A as authorizing VTS benefits to the categories of persons eligible for beneficiary travel payments under § 70.10.

Because some individuals will be eligible for transportation benefits under both VTS and the beneficiary travel program, paragraph (a) would prohibit beneficiaries from claiming more than one type of transportation benefit for the same travel. Essentially, this provision would prohibit a beneficiary from receiving direct transportation services through VTS under subpart B of part 70 while also filing a claim for mileage reimbursement or special mode transportation under VA's beneficiary travel program in subpart A of part 70 for the same travel. However, participation in VTS would not prevent a person eligible for beneficiary travel from receiving benefits under that program for travel expenses actually incurred. For example, if veterans eligible for mileage reimbursement under the beneficiary travel program drove from their residences to a designated location where they boarded a van that took them to a VA facility, these veterans would receive mileage reimbursement for their travel from their residences to the designated location and back, but would not be eligible for reimbursement for the portion of the trip provided by VA. This would be consistent with VA's requirements in regulations at § 70.30(a) that VA will pay for beneficiary travel by an eligible beneficiary when travel expenses are actually incurred.

Enrolled veterans would be eligible under paragraph (b) if they are traveling for a scheduled visit or urgent care; for retrieval, adjustment, or training

concerning medications or prosthetic appliances; to acquire and become adjusted to a service dog provided pursuant to 38 CFR 17.148; for an unscheduled visit; or to participate and attend other events or functions for the purposes of examination, treatment, or care. Some of these visits are recorded in the files of the specific clinical practice or service line but may not be recorded as a clinical encounter in VA's scheduling package. Veterans may travel to other events or functions, such as Stand Downs for homeless veterans and special events like the Wheelchair Games and the Summer and Winter Sports Clinics, when VA has clinically determined that the event or function is for the purpose of examination, treatment, or care.

VA staff would work to ensure appropriate accommodations are made for veterans traveling with a service animal.

Urgent care may also qualify as an unscheduled visit; however, veterans with emergent care needs should call 911. VTS is not equipped to provide the level of care and services that veterans in a medical emergency require.

Veterans who are not enrolled in VA's health care system also would be eligible for transportation by VTS under paragraph (c) if they are travelling for an unscheduled or walk-in visit. This type of visit will often result from direct interaction with a VA employee or a solicitation by VA to apply for enrollment or other health care benefits for which the person is eligible, but a veteran could choose to come to VA independently. Establishing this category would ensure that VA is able to transport veterans seeking enrollment in the VA health care system or access to other veterans' benefits (such as for compensation and pension) and those who qualify for VA assistance (such as homeless veterans) but who are not currently in VA's health care system. Veterans, whether they are enrolled or not, also would be eligible if they are traveling for a medical examination related to a claim for compensation or pension benefits from the Veterans Benefits Administration. Veterans who are not enrolled also would be allowed to travel to other events or functions VA has clinically determined are for the purpose of examination, treatment, or care.

Paragraph (d) would establish eligibility for active duty servicemembers and members of the National Guard or Reserve traveling to a VA or VA-authorized facility for the purpose of examination, treatment, or care; for a compensation and pension examination; or to enroll or otherwise receive benefits for which they are eligible from a VA or VA-authorized facility. In many locations across the country, active duty personnel receive health care from a VA facility pursuant to a sharing agreement or other arrangement. In other cases, servicemembers may be in the process of transitioning from the Armed Forces to the VA system. Including these individuals would facilitate the delivery of health care and improve access for persons transitioning from military service.

Paragraph (e) would authorize VA to transport prospective and designated Family Caregivers under 38 CFR 71.25. Family caregivers could travel either to receive their own benefits or to accompany the veteran or servicemember to whom they are furnishing caregiver services. Under paragraph (j)(2) of this section, only one person, whether an attendant, Family Caregiver, or guest would be able to travel at a time for the care of an eligible veteran or servicemember, unless a VA clinician determines that more than one Family Caregiver should be present when services are provided to the eligible veteran or servicemember. This limitation is intended to ensure that eligible veterans and servicemembers have the support of their family caregivers and allow for training and education of Family Caregivers, while still ensuring other veterans and servicemembers are able to access transportation services. The Family Caregiver would not need to travel with the eligible veteran or servicemember. For example, an eligible veteran or servicemember may be receiving inpatient care, and the Family Caregiver may need to travel back and forth to the facility several times during the patient's admission.

Family Caregivers also would be able to travel for receipt of benefits made available to them under the Family Caregivers Program in part 71. When traveling in connection with the examination, treatment, or care of a veteran or servicemember, the Family Caregiver is essentially traveling as an attendant, and VA may limit the number of attendants who can accompany a veteran or servicemember. VA would limit travel to one Family Caregiver per veteran or servicemember at a time when the Family Caregiver is accompanying the veteran or servicemember in the interest of ensuring that veterans or servicemembers have sufficient access to VTS for their own health care needs. This limitation also would apply when a Family Caregiver is traveling without an eligible veteran or servicemember but in connection with the examination, treatment, or care of an eligible veteran or servicemember. In both circumstances, if a VA clinician determined that more than one Family Caregiver should travel in connection with the examination, treatment, or care of a veteran or servicemember, all of the Family Caregivers requested by the clinician would be able to travel. If the Family Caregiver were traveling for benefits available under the Family Caregivers Program, he or she would be able to travel independent of the veteran or servicemember, and the limitation of only one Family Caregiver per trip would no longer apply. Specifically, prospective Family Caregivers would be able to travel for an initial mandatory assessment and training under 38 CFR 71.25(c)–(d), and Family Caregivers would be able to travel for benefits in 38 CFR 71.40(b), which includes general caregiver benefits; continuing instruction, preparation, or training related to the care of the veteran or servicemember; ongoing technical support in a timely manner; and counseling, training, or mental health services as described in 38 CFR 71.50 and 71.40(b)(5). Family Caregivers also would be able to travel if they were designated as Primary Family Caregivers and were seeking benefits in 38 CFR 71.40(c)(1) or (2), which includes all of the Family Caregiver benefits just described and respite care. VA also would provide transportation to a VA facility if the Primary Family Caregiver is eligible under 38 CFR 71.40(c)(3) to receive health care under the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) and if such care is being delivered at a VA facility under the CHAMPVA Inhouse Treatment Initiative (CITI). CITI is an initiative through which VA provides eligible non-veterans with care in VA facilities. Although this program is not available at every facility, extending transportation to these individuals would result in no additional expenditure of resources while providing greater access to health care.

Paragraph (f) would authorize VA to transport an attendant. For purposes of VTS, an attendant, as defined in § 70.70(b), would have the meaning set forth in § 70.2 and also mean an individual traveling with a veteran or servicemember who is eligible for travel under VTS and requires the aid and/or assistance of another person. Such travel would be permitted when it is in connection with the examination, treatment, or care of any enrolled or non-enrolled veteran or servicemember.

Paragraph (g) would authorize VA to transport persons receiving counseling, training, or mental health services under 38 U.S.C. 1782 and 38 CFR 71.50. Under these authorities, VA provides consultation, professional counseling, marriage and family counseling, training, and mental health services to family members of veterans when necessary in connection with the treatment of a disability (both service-connected and non-service connected) for which the veteran is receiving treatment through VA. These services are offered as an extension to the care provided for veterans, and access to these services by family members can be improved by offering direct transportation services to them. For purposes of 38 CFR 71.50, the term ''family member'' means ''(1) A person related to the veteran by birth or marriage who lives with the veteran or has regular personal contact with the veteran; (2) The veteran's legal guardian or surrogate; (3) A Primary or Secondary Family Caregiver or a General Caregiver; or (4) The individual in whose household the veteran has certified an intention to live.'' 38 CFR 71.50(b). The terms ''primary family caregiver,'' ''secondary family caregiver,'' and ''general caregiver'' are defined and described in §§ 71.25 and 71.30. Under 38 CFR 71.50(c), VA may provide referral services for family members who cannot be provided benefits under that section because their need is not necessary in connection with the treatment of the veteran. VA would not provide VTS services to aid these family members in following up on these referrals because by definition it lacks authority to provide care to these persons.

Paragraph (h) would authorize VA to transport certain CHAMPVA beneficiaries, specifically those eligible for and receiving care through CITI. CHAMPVA beneficiaries are the spouses or dependents of certain veterans, or as noted previously, the designated Primary Family Caregiver of an eligible veteran. Few CHAMPVA beneficiaries receive care at VA facilities through this program, but including them as eligible persons for VTS will help ensure access to health care. VA would not extend transportation services under this authority to allow transportation to non-VA facilities for CHAMPVA beneficiaries because these persons could receive care at a number of different locations, and providing transportation to these various facilities would be too costly and time-consuming, ultimately depriving veterans and servicemembers of transportation resources. VA Mobility Managers or other designated personnel could assist CHAMPVA beneficiaries receiving care at non-VA facilities in accessing other resources to travel for their care. Throughout the regulation, we refer to the ''facility director or designee'' as the responsible official; in almost all cases, this would be the facility's Mobility Manager.

Paragraph (i) would authorize VA to transport a guest of a veteran or servicemember who is traveling for the purpose of examination, treatment, or care. Section 70.70(b) includes a definition of the word guest. A guest would be a person who accompanies an eligible person but who is not providing necessary clinical support. In contrast, an attendant would be someone who has been determined to be clinically needed to aid and assist another person. Including these individuals is important to the care and treatment of veterans because it can provide comfort to the veteran during the clinical encounter and can assist with the veteran's care after the veteran has returned home by either training the guest or supporting the veteran's recollection of the provider's instructions. Transporting one additional individual on a vehicle represents only a marginal cost to VA and can provide a significant benefit to the veteran. However, guests would be transported only as resources permit. Consequently, if a veteran requested transportation for a guest, VA could decline to transport that person if it could not accommodate all veterans, servicemembers, Family Caregivers, attendants, and other CHAMPVA beneficiaries who have requested transportation services. VA Mobility Managers or other designated personnel would provide referrals to other non-VA transportation resources for guests in such a scenario. VA believes this limitation is important because it would allow VA to transport others for the benefit of the veteran, without compromising access for veterans, servicemembers, Family Caregivers, attendants, or other CHAMPVA beneficiaries.

Paragraph (j) would define limitations on eligibility. Under paragraph (j)(1), VA would have the authority to restrict access to VTS when VA has determined that transporting a person has jeopardized or could jeopardize the health or safety of other eligible users of VTS or VA staff. A person may also be ineligible if the person's behavior has interfered or could interfere with the safe transportation of eligible persons to or from a VA facility or other place. Decisions to limit access under this paragraph would be made after considering, for example, the nature of the risk to other VTS users and VA staff, the individual's particular circumstances, and any prior decisions to restrict access to VTS. This provision is intended to balance an otherwise eligible individual's need for VTS services and the safety and well-being of veterans, other VTS users, and VA employees.

Paragraph (j)(2) would limit the number of Family Caregivers, attendants, or guests that may travel with an eligible person on a given trip. Unless otherwise indicated by a VA clinician, a veteran or servicemember would not be able to be accompanied by more than one Family Caregiver, one attendant, or one guest per trip. This limitation is intended to preserve transportation resources for veterans and servicemembers, while allowing flexibility to ensure that patient needs are appropriately satisfied. However, more than one Family Caregiver may travel for receipt of his or her own benefits under § 70.71(e)(1) or (e)(2)(ii).

Finally, paragraph (j)(3) would provide conditions under which a person under the age of 18 may accompany another person using VTS. Specifically, a parent or legal guardian would have to consent to the transportation, and the facility director or designee would have to consent to the transportation as well. The facility director or designee would consider the special transportation needs of the child, if any; the ability to transport the child safely using the available resources; the availability of services at the facility to accommodate the needs of the child; the appropriateness of transporting the child; and any other relevant factors. Applying these criteria, a facility director or designee may not consent to the transport of a child for several reasons. For example, if the person is an infant or small child, he or she may require a special car seat or other restraining device to ensure safe transportation. VA transportation of children would not be available if State law required the use of a child restraint, such as a child safety seat or booster seat. This limitation would be specifically noted in this paragraph, due to the potential dangers and liabilities that could result from improper use of a child's car seat or use of an improper child's car seat.

Children could be accompanying another person using VTS because child care services could not be arranged. VA notes that a limited number of VA facilities offer child care services through a pilot program authorized by Public Law 111–163, 124 Stat. 1130 (2010), the Caregivers and Veterans

Omnibus Health Services Act of 2010. VA also could consider any other relevant factors on a case-by-case basis when making these determinations. VA does not provide benefits through CITI to persons under the age of 18, and as a result, this section would not address their eligibility.

70.72 Types of Transportation

Under 38 CFR 70.72, VTS would be operated in one or more of the following types: Door-to-door service, designated location service, service between VA facilities, and other locations.

Door-to-door service, as defined in paragraph (a), would consist of transporting an eligible person between a VA or VA-authorized facility and his or her residence or place where the person is staying. The eligible person could select a location other than his or her residence or place where the person is staying, but the selection of any other location would be subject to the approval of the facility director or designee assessing whether such a location is financially favorable to VA. The focus of this type of transportation is transporting the eligible person between a VA or VA-authorized facility and his or her home. This arrangement is the most patient-centered option and can allow VA to make multiple stops along the way to ensure as many persons are transported for care as possible. This type of transportation is likely to be particularly effective when persons are geographically concentrated in one location, as well as for persons with limited mobility or other disabilities, such as visual impairment, that would make transportation for health care services more difficult. VA could use this type of transportation to transport a patient who is being discharged from inpatient care and requests door-to-door service on an unscheduled basis. This is designed to ensure that veterans who have received inpatient care and may not have another means of returning home can do so safely.

The default location for transportation would be the eligible person's residence or place where the person is staying, as it is with other VA transportation programs, most notably the beneficiary travel program. Under VTS, VA could transport persons from another location when such transportation is financially favorable to VA. For example, if a veteran lives in a remote area but works in an urban center and requests transportation from his or place of employment to a VA medical facility, VA could approve the requested transportation even though the departure location is the person's place of employment as it would require fewer miles driven and fewer resources used by VA. Determinations regarding financial favorability to the Department are currently made for VA's beneficiary travel program under § 70.30(b)(8), and.VA would apply these same criteria in the context of VTS.

VA could also identify designated locations in communities from which it would transport eligible persons on a scheduled basis to VA or VA-authorized health care facilities and to which they would be transported under paragraph (b). This type of transportation moves eligible persons between VA or VA-authorized facilities and designated locations in the community. Veterans or other eligible persons wishing to ensure transport should contact the facility's Mobility Manager or other designated personnel using the process described in § 70.73 to reserve a seat on the vehicle. Decisions regarding reservations and allocation of seats when demand for transportation services exceeds supply would be made in accordance with established guidelines and criteria, as discussed in § 70.73, but eligible persons generally would be accommodated on a first come, first served basis. VA intends that designated locations generally would be identified based upon convenience of access for persons and the consent of the property owner. In some communities, a private shopping complex might be the best location for persons to meet for transportation services, and in such a situation, the VA facility would need to agree with the property owner on the use of the property. Alternatively, a military base or a VA Regional Office may be ideally located, in which case such an agreement would not be necessary, provided the eligible VTS users otherwise have access to the area.

Under paragraph (c), VA could transport eligible persons between VA or VA-authorized health care facilities either on a scheduled or unscheduled basis. An eligible person may need to travel from one VA building to another within a single VA campus for scheduled or unscheduled visits, for example, or a VA facility may wish to transport a veteran to another VA or VA-authorized facility for care that cannot be provided at one location but that could be accommodated at another. Any persons requiring emergency care that could be accommodated at the facility would be transported by ambulance (not a VTS vehicle) to the nearest VA or non-VA medical facility capable of delivering the required care. Payment of the ambulance costs would be determined in accordance with existing regulations in part 70. As indicated above, paragraph (c) also would authorize transportation from one building to another on a single VA campus. This is intended to ensure eligible veterans and other health care beneficiaries can safely access treatment and services.

Finally, under paragraph (d), VA could transport eligible persons to and/or from a VA or VA-authorized facility or other locations. This type of transportation would allow VA to move eligible persons from one location to another when a VA clinician has determined that such transport is needed to promote, preserve, or restore the health of the individual and is in accord with generally accepted standards of medical practice as defined in § 17.38(b). This is consistent with 38 U.S.C. 111A, which requires that transportation be for the purpose of examination, treatment or care, and with VA's standards for the delivery of care in the medical benefits package in 38 CFR 17.38(b). Eligible persons could be transported from their home to another location, or from a VA or VA-authorized facility to another location, to promote, preserve, or restore the health of the individual. For example, blind or visually impaired veterans often need assistance in learning or updating navigation skills, and clinicians in VA's Blind Rehabilitation Center provide this support. Other transportation, such as day trips for nursing home patients or trips to retreat settings for persons undergoing counseling, could also be undertaken using VTS because the transportation would be considered treatment or care, authorized by chapter 17 of title 38. Travel under paragraph (d) would be permissible only for veterans and servicemembers and any attendants because the basis for transportation is to promote, preserve, or restore the health of an individual seeking or receiving VA care. VA could also transport a CHAMPVA beneficiary receiving health care benefits under the CITI program.

70.73 Arranging Transportation Services

Eligible persons should contact the facility director or designee, in many cases the Mobility Manager, at the VA facility that is providing or authorizing the examination, treatment, or care for which the person is traveling to request transportation services. Persons could make a reservation by requesting transportation and providing the necessary information, including their name, the basis for the eligibility for transportation (as defined in § 70.71), the name of the veteran or

servicemember they are accompanying (if applicable), the time of the appointment (if known), the location from and to which they will require transportation, any special needs that must be accommodated to allow for transportation (*e.g.,* wheelchair, oxygen tank, service or guide dog), and other relevant information.

Under paragraph (b), persons could travel without a reservation if they were being discharged from an inpatient setting or were traveling for an unscheduled visit pursuant to a recommendation by an attending VA clinician. Eligible persons could also travel without a reservation from one VA or VA-authorized facility to another, such as when a patient needs transportation from one building on campus to another. Eligible persons, whether requesting scheduled or unscheduled transport, would have to provide the necessary information described above. This information is needed to ensure a proper accounting of the program and to identify unmet transportation needs within the eligible population.

Generally, transportation services under this authority would be provided on a first come, first served basis. However, paragraph (c) states that, when there are more requests for transportation than available resources, VA could prioritize the provision of transportation services using several criteria. These criteria are not listed in order of importance or consideration, and decisions would be made based on the totality of the circumstances so that no one factor is determinative. Requests made first in time generally would be prioritized over later requests, but VA could consider the clinical needs of each patient, the inability of a person to transport him or herself, the eligibility of a person for other transportation services and benefits, the availability of other transportation services, and the Department's ability to maximize the use of available resources.

Under paragraph (c)(1), VA also could prioritize according to the eligibility bases for those seeking transportation services. Within this criterion, there would be a hierarchy: Enrolled veterans would receive first priority, followed, in order, by non-enrolled veterans; servicemembers; Family Caregivers; persons receiving counseling, training, or mental health services under 38 U.S.C. 1782 and 38 CFR 71.50; CHAMPVA beneficiaries participating in the CITI program; and guests. VA realizes that some veterans are eligible for examination, treatment, care, or other services without enrolling. However, as a general practice, VA encourages veterans who seek care to enroll, so we believe the population of unenrolled veterans who would be affected by this hierarchy would be quite small. Based on past experience, VA anticipates the vast majority of eligible veterans would be enrolled but VA wishes to ensure that unenrolled veterans who have not previously come to VA for care or benefits have access to transportation to do so. VA understands that some eligible veterans may nonetheless choose to not enroll for various reasons, and we note that an unenrolled veteran who would be eligible for care notwithstanding his or her enrollment likely would receive priority after consideration of other criteria included here, including the clinical needs of the patient, the inability of the person to transport him or herself, and the availability of other transportation services.

If a veteran or servicemember requires an attendant and is provided transportation through VTS, VA would provide transportation to the attendant as well because by definition, the veteran would be unable to travel without the aid of the attendant. This hierarchy reflects VA's core mission, to provide health care for veterans. Family Caregivers travel for purposes related to a veteran's or servicemember's conditions, and consequently would be prioritized next. Similarly, persons receiving counseling, training, or mental health services under 38 U.S.C. 1782 and 38 CFR 71.50 are receiving these benefits as an extension of care for veterans. CHAMPVA beneficiaries participating in the CITI program are traveling for their own health care conditions and independent of a veteran's care, and consequently would follow. Finally, guests would be accommodated on an ''as available'' basis.

Persons who are eligible under more than one designation (*e.g.,* a veteran serves as a Family Caregiver for another veteran) would be considered based on the highest priority category applicable to that trip. For example, CHAMPVA beneficiaries participating in the CITI program traveling for their own benefits would qualify only under that designation, but if they were traveling to assist an eligible veteran or servicemember for that person's appointment, they would be traveling as an attendant. Similarly, if a Family Caregiver is also a veteran and is traveling for his or her own medical care, he or she would be traveling as a veteran. VA's Mobility Managers or other designated personnel would work with those seeking to arrange transportation services to determine the proper basis for eligibility.

VA could also consider other criteria. These criteria would allow VA to ensure those with the greatest need are able to access these services. For example, an enrolled veteran in need of urgent care could be given priority over an enrolled veteran in need of non-urgent care. VA facilities also could make decisions to maximize the use of available resources. For example, if a group of veterans located in the same area request transportation and one veteran in another area several hours away also requests transportation, VA could choose to serve the similarly located veterans using VTS to ensure maximum access to its facilities and health care, and assist the remote veteran with finding transportation alternatives.

VA would endeavor to maintain a greater supply of transportation slots than demand in all locations, but in cases where demand exceeds supply, VA Mobility Managers or other designated personnel at each facility would be responsible for informing persons whose transportation request cannot be accommodated by VTS that VA would not be able to transport them as requested. The Mobility Managers or other designated personnel would be responsible for assisting eligible persons with alternative transportation options.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as proposed to be revised by this proposed rulemaking, would represent VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures on this subject would be authorized. All VA guidance would be read to conform with this rulemaking if possible or, if not possible, such guidance would be superseded by this rulemaking.

Paperwork Reduction Act

This proposed rule includes a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) that requires approval by the Office of Management and Budget (OMB). Accordingly, under 44 U.S.C. 3507(d), VA has submitted a copy of this rulemaking to OMB for review.

OMB assigns a control number for each collection of information it approves. VA 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. Section 70.73 contains a collection of information under the

Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). If OMB does not approve the collection of information as requested, VA will immediately remove the provisions containing a collection of information or take such other action as is directed by OMB.

Comments on the collection of information contained in this proposed rule should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies sent by mail or hand delivery to the Director, Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; fax to (202) 273–9026; or through *www.Regulations.gov*. Comments should indicate that they are submitted in response to ''RIN 2900–AO92–Veterans Transportation Service.''

OMB is required to make a decision concerning the collections of information contained in this rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the rule.

VA considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of VA, including whether the information will have practical utility;
- Evaluating the accuracy of VA's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collections of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The amendments to title 38 CFR part 70 contain collections of information under the Paperwork Reduction Act of 1995 for which we are requesting approval by OMB. These collections of information are described immediately following this paragraph, under their respective titles.

Title: Veterans Transportation Service.

Summary of collection of information: Section 70.73 would require eligible persons requesting transportation services from VA to provide their name, the basis of their eligibility (veteran, servicemember, Family Caregiver, attendant, CITI beneficiary, or guest), the name of the veteran or servicemember they are accompanying (if applicable), the time of the appointment (if known), the location of the person's arrival or departure, any special needs that must be accommodated to allow for transportation (*e.g.,* wheelchair, oxygen tank, service or guide dog), and other relevant information.

Description of the need for information and proposed use of information: The information is needed to ensure that only eligible persons are receiving VTS benefits, and to ensure the integrity of related transportation programs such as beneficiary travel. It is also necessary to measure and evaluate VTS to determine the effectiveness and need for the program, especially as it relates to the possibility of eligible persons also being eligible for beneficiary travel benefits. This information is also needed to ensure the safety of veterans in the event of an accident or other problem in the operation of the vehicle, and to ensure VA is prepared to assist the person in entering, exiting, and riding in the vehicle safely. VA may use this information to identify trends in usage of transportation services and make decisions on the allocation of resources to maximize benefits to the eligible population.

Description of likely respondents: Eligible persons seeking transportation services from VA.

Estimated number of respondents per year: 100,872 eligible persons.

Estimated frequency of responses per month: 3.32 times per month.

Estimated average burden per response: 5 minutes.

Estimated total annual reporting and recordkeeping burden: 334,895 hours.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action'' requiring review by OMB, unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov*, usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www.va.gov/orpm/*, by following the link for VA Regulations Published from FY 2004 through FYTD.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule 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 (adjusted annually for inflation) in any one year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This proposed rule would authorize VA to transport eligible persons to and from VA or VA-authorized health care

facilities for the purposes of examination, treatment, or care. The proposed rule would affect individuals and have no impact on any small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are as follows: 64.007, Blind Rehabilitation Centers; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.013, Veterans Prosthetic Appliances; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; and 64.022, Veterans Home Based Primary Care.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, Department of Veterans Affairs, approved this document on January 9, 2015, for publication.

List of Subjects in 38 CFR Part 70

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-Veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Dated: May 21, 2015 .

Michael Shores,

Chief Impact Analyst, Office of Regulation Policy & Management, Office of the General Counsel, U.S. Department of Veterans Affairs.

For the reasons set forth in the preamble, VA proposes to amend 38 CFR part 70 as follows:

PART 70—VETERANS TRANSPORTATION PROGRAMS

■ 1. The authority citation for part 70 is revised to read as follows:

Authority: 38 U.S.C. 101, 111, 111A, 501, 1701, 1714, 1720, 1728, 1782, 1783, and E.O. 11302.

■ 2. Revise the heading of part 70 to read as set forth above.

■ 3. Add a heading for subpart A immediately before § 70.1 to read as follows:

Subpart A—Beneficiary Travel and Special Mode Transportation under 38 U.S.C. 111

■ 4. Designate §§ 70.1 through 70.50 as subpart A.

■ 5. Add subpart B to read as follows:

Subpart B—Veterans Transportation Service under 38 U.S.C. 111A

Sec.

Subpart B—Veterans Transportation Service under 38 U.S.C. 111A

§ 70.70 Purpose and definitions.

(a) *Purpose.* This subpart implements the Veterans Transportation Service (VTS), through which VA transports eligible persons to or from a VA or VA-authorized facility or other place for the purpose of examination, treatment, or care.

(b) *Definitions.* For purposes of this subpart:

Attendant has the meaning set forth in § 70.2, and also means an individual traveling with a veteran or servicemember who is eligible for travel under VTS and requires the aid and/or assistance of another person.

Eligible person means a person described in § 70.71.

Guest means any individual the veteran or servicemember would like to have accompany him or her to an appointment but whose presence is not medically required.

Scheduled visit means that a VA beneficiary had an appointment that was made before she or he appeared at a VA, or VA-authorized, facility, or that a VA beneficiary was specifically authorized to appear at such facility on the date of the visit in order to obtain examination, treatment, or care. Examples of scheduled visits include: regular appointments for examination, treatment, or care; visits to undergo laboratory work; or doctor-recommended visits to clinics with open hours.

Unscheduled visit means a visit to a VA, or VA-authorized, facility for purposes of examination, treatment, or care that was not recorded in VA's scheduling system prior to the veteran's visit. For example, an unscheduled visit may be for a simple check of a person's blood pressure, for counseling, or for clinical intervention.

(Authority: 38 U.S.C. 111A, 501, 1714)

§ 70.71 Eligibility.

Except as provided in paragraph (j) of this section, VA facilities may provide VTS benefits to the following:

(a) *Persons eligible for beneficiary travel.* All persons eligible for beneficiary travel benefits in § 70.10 are eligible for VTS benefits (however, persons cannot claim benefits under both programs for the same trip or portion of a trip).

(b) *Enrolled veterans.* Regardless of a veteran's eligibility for beneficiary travel, VA may provide VTS to veterans enrolled in VA's health care system who need transportation authorized under § 70.72 for:

(1) A scheduled visit or urgent care;

(2) Retrieval of, adjustment of, or training concerning medications, prosthetic appliances, or a service dog (as defined in 38 CFR 17.148);

(3) An unscheduled visit; or

(4) To participate and attend other events or functions, as clinically determined by VA, for the purposes of examination, treatment, or care.

(c) *Non-enrolled veterans.* VA may provide VTS to veterans not enrolled in VA's health care system who need transportation authorized under § 70.72 for:

(1) A compensation and pension examination;

(2) An unscheduled or walk-in visit;

(3) To apply for enrollment or health care benefits; or

(4) To participate and attend other events or functions, as clinically determined by VA, for the purposes of examination, treatment, or care.

(d) *Servicemembers.* VA may provide VTS to a member of the Armed Forces (including the National Guard or Reserve) traveling to a VA or VA-authorized facility for VA hospital care or medical services, including examination, treatment or care, a compensation and pension examination, or to enroll or otherwise receive benefits for which they are eligible.

(e) *Prospective Family Caregivers and Family Caregivers.* (1) VA may provide VTS to a prospective Family Caregiver who has applied for designation as a Family Caregiver under 38 CFR 71.25(a) when the travel is for purposes of assessment and training under 38 CFR 71.25(c) and (d).

(2) VA may provide VTS to a Family Caregiver (who is approved and designated under 38 CFR 71.25) of veteran or servicemember described in

paragraphs (b) through (d) of this section to:

(i) Accompany or travel independently from a veteran or servicemember for purposes of examination, treatment, or care of the veteran or servicemember; or

(ii) Receive benefits under 38 CFR 71.40(b) or 71.40(c). For health care benefits provided under 38 CFR 71.40(c)(3), Primary Family Caregivers may travel using VTS for care only if it is provided at a VA facility through the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) Inhouse Treatment Initiative (CITI).

(f) *Attendants.* VA may provide VTS to an attendant of a veteran or servicemember described in paragraphs (b) through (d) of this section.

(g) *Persons receiving counseling, training, or mental health services.* VA may provide VTS to persons receiving counseling, training, or mental health services under 38 U.S.C. 1782 and 38 CFR 71.50.

(h) *CHAMPVA beneficiaries.* VA may provide VTS to persons eligible for health care under the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) under 38 CFR 17.270 through 17.278, provided that such care is being provided at a VA facility through the CHAMPVA Inhouse Treatment Initiative (CITI).

(i) *Guests.* For each veteran described in paragraph (b) or (c) of this section or member of the Armed Forces described in paragraph (d) of this section, a guest may travel with the veteran or servicemember provided resources are still available after providing services to individuals identified in paragraphs (b) through (h) of this section.

(j) *Limitations on eligibility.* Notwithstanding an individual's eligibility under this section:

(1) A person may be ineligible for transportation services if VA determines the person's behavior has jeopardized or could jeopardize the health or safety of other eligible users of VTS or VA staff, or otherwise has interfered or could interfere with the safe transportation of eligible persons to or from a VA facility or other place.

(2) Only one person may travel with an eligible veteran or servicemember as a Family Caregiver, attendant, or guest, unless a VA clinician determines that more than one such person is needed or would otherwise be beneficial to the examination, treatment, or care of the eligible veteran or servicemember. Family Caregivers traveling for benefits under paragraph (e)(1) or (e)(2)(ii) of this section are not subject to this limitation.

(3) Persons under the age of 18 may accompany another person using VTS with the consent of their parent or legal guardian and the medical facility director or designee. VA transportation of children is not available if State law requires the use of a child restraint, such as a child safety seat or booster seat. In making determinations under this provision, the medical facility director or designee will consider:

(i) The special transportation needs of the child, if any;

(ii) The ability to transport the child safely using the available resources;

(iii) The availability of services at the facility to accommodate the needs of the child;

(iv) The appropriateness of transporting the child; and

(v) Any other relevant factors.

(Authority: 38 U.S.C. 111A, 1714, 1720G, 1781, 1782, 501)

§ 70.72 Types of transportation.

The following types of transportation may be provided by VA facilities through VTS:

(a) *Door-to-door service.* VA facilities may use VTS to transport, on a scheduled or unscheduled basis, eligible persons between a VA or VA-authorized facility and their residence or a place where the person is staying. VA facilities may use VTS to transport eligible persons to and from a VA or VA-authorized facility and another location identified by the person when it is financially favorable to the government to do so.

(b) *Travel to and from designated locations.* VA facilities may use VTS to provide transportation between a VA or VA-authorized facility and a designated location in the community on a scheduled basis.

(c) *Service between VA facilities.* VA facilities may use VTS to provide scheduled or unscheduled transportation between VA or VA-authorized health care facilities. This includes travel from one building to another within a single VA campus.

(d) *Other locations.* VA facilities may use VTS to provide scheduled or unscheduled transportation to and/or from a VA or VA-authorized facility or other places when a VA clinician has determined that such transportation of the veteran, servicemember, their attendant(s), or CHAMPVA beneficiary receiving benefits through the CITI program would be needed to promote, preserve, or restore the health of the individual and is in accord with generally accepted standards of medical practice, as defined in 38 CFR 17.38(b).

(Authority: 38 U.S.C. 111A, 501, 1718, 7301)

§ 70.73 Arranging transportation services.

(a) *Requesting VTS.* An eligible person may request transportation services by contacting the facility director or designee at the VA facility providing or authorizing the examination, treatment, or care to be delivered. The person must provide the facility director or designee with information necessary to arrange these services, including the name of the person, the basis for eligibility, the name of the veteran or servicemember they are accompanying (if applicable), the time of the appointment (if known), the eligible person's departure location and destination, any special needs that must be accommodated to allow for transportation (*e.g.,* wheelchair, oxygen tank, service or guide dog), and other relevant information. Transportation services generally will be provided on a first come, first served basis.

(b) *Travel without a reservation.* Eligible persons who have provided the facility director or designee with the information referred to in the previous paragraph may travel without a reservation for the purpose of examination, treatment, or care when, for example:

(1) The person is being discharged from inpatient care;

(2) The person is traveling for an unscheduled visit, pursuant to a recommendation for such a visit by an attending VA clinician; or

(3) The person is being transported to another VA or VA-authorized facility.

(c) *Determining priority for transportation.* When the facility director or designee determines there are insufficient resources to transport all persons requesting transportation services, he or she will assist any person denied VTS in identifying and accessing other transportation options. VTS resources will be allocated using the following criteria, which are to be assessed in the context of the totality of the circumstances, so that no one factor is determinative:

(1) The eligible person's basis for eligibility. Enrolled veterans will receive first priority, followed in order by non-enrolled veterans; servicemembers; Family Caregivers; persons receiving counseling, training, or mental health services under 38 U.S.C. 1782 and 38 CFR 71.50; CITI beneficiaries; and guests. Persons eligible under more than one designation will be considered in the highest priority category for which that trip permits. VA will provide transportation to any attendant accompanying a veteran or servicemember who is approved for transportation.

(2) First in time request.

(3) An eligible person's clinical need.

(4) An eligible person's inability to transport him or herself (*e.g.,* visual impairment, immobility, etc.).

(5) An eligible person's eligibility for other transportation services or benefits.

(6) The availability of other transportation services (*e.g.,* common carriers, veterans' service organizations, etc.).

(7) The VA facility's ability to maximize the use of available resources. (The Office of Management and Budget has approved the information collection requirements in this section under control number XXXX–XXXX.)

(Authority: 38 U.S.C. 111A, 501)

[FR Doc. 2015–12724 Filed 5–26–15; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0329, FRL–9928–32–Region 10]

Approval and Promulgation of Implementation Plans; Washington: Interstate Transport Requirements for the 2008 Lead and 2010 Nitrogen Dioxide National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a submittal by the Washington Department of Ecology (Ecology) demonstrating that the State Implementation Plan (SIP) meets certain interstate transport requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for lead (Pb) on October 15, 2008, and nitrogen dioxide (NO_2) on January 22, 2010. Specifically, Ecology conducted an emissions inventory analysis and reviewed monitoring data to show that sources within Washington do not significantly contribute to nonattainment, or interfere with maintenance, of the Pb and NO_2 NAAQS in any other state.

DATES: Comments must be received on or before June 26, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2015–0329, by any of the following methods:

- *Email: R10-Public_Comments@epa.gov.*
- *www.regulations.gov*: Follow the on-line instructions for submitting comments.
- *Mail:* Jeff Hunt, EPA Region 10, Office of Air, Waste and Toxics (AWT–150), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- *Hand Delivery:* EPA Region 10 Mailroom, 9th floor, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Jeff Hunt, Office of Air, Waste and Toxics, AWT–150. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2015–0329. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the 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 *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 disk or CD–ROM 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.

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 the disclosure of which 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. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt at: (206) 553–0256, *hunt.jeff@epa.gov*, or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us'' or ''our'' is used, it is intended to refer to the EPA. Information is organized as follows:

Table of Contents

I. Background

On October 15, 2008 (73 FR 66964) and January 22, 2010 (75 FR 6474), the EPA revised the Pb and NO_2 NAAQS, respectively. Within three years after promulgation of a new or revised standard, states must submit SIPs meeting the requirements of CAA sections 110(a)(1) and (2), often referred to as ''infrastructure'' requirements. On May 11, 2015, Ecology submitted a SIP revision including an emissions inventory and monitoring data analysis to demonstrate that sources within Washington do not significantly contribute to nonattainment, or interfere with maintenance, of the Pb and NO_2 NAAQS in any other state to address the CAA section 110(a)(2)(D)(i)(I) requirements for those pollutants.[1]

II. Analysis of the State's Submittal

CAA section 110(a)(2)(D)(i)(I) requires state SIPs to contain adequate provisions prohibiting any source or other type of emissions activity within a state from contributing significantly to nonattainment, or interfering with maintenance of the NAAQS in any other state.

A. 2008 Pb NAAQS

State submittal: Washington's submittal cites the EPA's guidance to address Pb infrastructure SIP elements under CAA sections 110(a)(1) and (2).[2]

[1] Washington's May 11, 2015 submittal also included an interstate transport analysis for the ozone standard promulgated by the EPA in 2008. The EPA is not acting on the ozone interstate transport analysis at this time.

[2] Stephen D. Page, Director, Office of Air Quality Planning and Standards. 1.) ''Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under Sections 110(a)(1) and (2) for the 2008 Lead (Pb) National Ambient Air Quality Standards.'' Memorandum to EPA Air Division Directors, Regions I–X, October 14, 2011,

The EPA's Pb infrastructure guidance states, ''[t]he physical properties of Pb prevent Pb emissions from experiencing the same travel or formation phenomena as $PM_{2.5}$ or ozone. More specifically, there is a sharp decrease in Pb concentrations, at least in the coarse fraction, as the distance from a Pb source increases. Accordingly, while it may be possible for a source in a state to emit Pb in a location and in quantities that may contribute significantly to nonattainment in, or interfere with maintenance by, any other state, EPA anticipates that this would be a rare situation, *e.g.,* where large sources are in close proximity to state boundaries.'' The Pb infrastructure guidance also notes, ''EPA's experience with initial lead designations suggests that sources that emit less than 0.5 tpy [tons per year] or that are located more than 2 miles from a state border generally appear unlikely to contribute significantly to nonattainment in another state.''

In order to evaluate possible emissions impacts in neighboring states, Ecology reviewed the 2011 National Emissions Inventory (NEI) for facilities located in all Washington counties within 2 miles of the state border reporting lead emissions. As shown in table A1 of Washington's submittal, all of these facilities had Pb emissions of 0.16 tpy or less. Based on this information, Ecology determined that these sources are unlikely to contribute significantly to nonattainment, or interfere with maintenance, in another state.

Similarly, Ecology reviewed the 2011 National Emissions Inventory (NEI) for all facilities in the State reporting Pb emissions above 0.5 tpy. These facilities were Auburn Municipal Airport (0.61 tpy), Saint-Gobain Containers, Inc. (0.54 tpy), and Harvey Field Airport (0.54 tpy). All three of these sources with Pb emissions above 0.5 tpy are located over 100 miles from the neighboring Idaho and Oregon borders. Because of the considerable distance to state borders, Ecology also determined that these sources are unlikely to contribute significantly to nonattainment, or interfere with maintenance, in another state.

EPA analysis: In addition to reviewing Ecology's analysis, the EPA also reviewed current monitoring data for the Pb NAAQS.[3] To identify nonattainment receptors for the purpose of CAA section 110(a)(2)(D)(i)(I), the EPA reviewed the most recent monitoring data available (2011–2013) and found that the closest monitor violating the Pb NAAQS was San Mateo, California, located approximately 600 miles from the Washington border. For the purpose of evaluating ''interference with maintenance'' for CAA section 110(a)(2)(D)(i)(I), the EPA identified maintenance receptors as any monitor that violated the Pb NAAQS in either of the prior two monitoring cycles (2009–2011 and 2010–2012), but attained in the most recent monitoring cycle (2011–2013). The EPA reviewed the 2009–2011, 2010–2012, and 2011–2013 Pb monitoring data and found no areas that would be considered a maintenance receptor. The EPA believes it is reasonable to conclude that emissions from Washington sources do not significantly contribute to nonattainment, or interfere with maintenance of the 2008 Pb NAAQS in any other state.

B. 2010 NO_2 NAAQS

State submittal: Ecology's submittal noted there is no EPA guidance suggesting how to approach a technical analysis for NO_2 interstate transport. Based on a review of other state submittals, Ecology examined ambient air quality data for NO_2 monitors in states bordering Washington (Idaho, Oregon), and identified monitors within a 50 kilometer radius of the border, the standard distance for modeling analysis (see 79 FR 25066, May 2, 2014, for the EPA's NO_2 interstate transport analysis for New York). Using this methodology, Ecology identified one monitor meeting the criteria. This monitor is located in Multnomah County, Oregon with design values in 2009–2011 = 36 parts per billion (ppb), 2010–2012 = 34 ppb, and 2011–2013 = 34 ppb, all well below the 2010 NO_2 1-hour NAAQS of 100 ppb. The next closest NO_2 monitor is located in Ada County, Idaho, outside the 50 kilometer radius of the Washington border, with 98th percentile highest daily maximum 1-hour averages of 44 ppb in 2012 and 39 ppb in 2013.[4]

Ecology also supplemented the monitoring data with an emissions inventory analysis showing on-road mobile sources comprising 57% of total emissions, with the next two largest source categories being non-road mobile sources = 11% and point sources = 9% of emissions in Washington State in 2011. Finally, Ecology used the Motor Vehicle Emission Simulator (MOVES2014) to demonstrate that the model predicts dramatic reductions in on-road and non-road mobile source NO_2 emissions from 2000 through 2020 in Washington.

EPA analysis: In addition to reviewing Ecology's analysis, the EPA also reviewed monitoring data for all NO_2 monitors in the United States.[5] During the monitoring periods of 2009–2011, 2010–2012, and 2011–2013, the EPA found no monitors violating the 2010 NO_2 NAAQS. Similar to the methodology described above for determining Pb maintenance receptors, the EPA identified NO_2 maintenance receptors as any monitor that violated the NO_2 NAAQS in either of the prior two monitoring cycles (2009–2011 and 2010–2012), but attained in the most recent monitoring cycle (2011–2013). Using this methodology, the EPA found no receptors meeting the criteria as a maintenance receptor. Based on this monitoring data, the EPA believes it is reasonable to conclude that emissions from Washington sources do not significantly contribute to nonattainment, or interfere with maintenance of the NO_2 NAAQS in any other state.

III. Proposed Action

The EPA has reviewed the May 11, 2015 submittal from Ecology demonstrating that sources in Washington do not significantly contribute to nonattainment, or interfere with maintenance, of the Pb and NO_2 NAAQS in other states. The EPA is proposing to find that the Washington SIP meets the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements for the 2008 Pb and 2010 NO_2 NAAQS.

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

and 2.) ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' Memorandum to EPA Air Division Directors, Regions I–X, September 13, 2013.

[3] *http://www.epa.gov/airtrends/values.html.*

[4] Because the Ada County monitor was recently established it does not yet have three years of complete data to calculate a design value for comparison to the NAAQS, however the annual values to date are well below the 100 ppb 2010 1-hour NO_2 NAAQS. For more information on this monitor please see *http://www.deq.idaho.gov/media/1118299/annual-ambient-aq-monitoring-network-plan-1114.pdf.*

[5] *http://www.epa.gov/airtrends/values.html.*

• Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);

• does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

• is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• is not subject to the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and

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

In addition, the SIP is not approved to apply on any Indian reservation land in Washington except as specifically noted below and is also not approved to apply in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications 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. Washington's SIP is approved to apply on non-trust land within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the *Puyallup Tribe of Indians Settlement Act of 1989,* 25 U.S.C. 1773, Congress explicitly provided state and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area. Consistent with EPA policy, the EPA provided a consultation opportunity to the Puyallup Tribe in a letter dated September 3, 2013. The EPA did not receive a request for consultation.

List of Subjects in 40 CFR Part 52

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

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

Dated: May 18, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2015–12662 Filed 5–26–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 25 and 52

[FAR Case 2014–018; Docket No. 2014–0018; Sequence No. 1]

RIN 9000–AN07

Federal Acquisition Regulation: Contractors Performing Private Security Functions

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: DoD, GSA, and NASA are proposing to amend the Federal Acquisition Regulation (FAR) to remove the distinction between DoD and non-DoD agency areas of operation applicable for the use of FAR clause ''Contractors Performing Private Security Functions Outside the United States'' and provide a definition of ''full cooperation'' within the clause.

DATES: Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before July 27, 2015 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to FAR Case 2014–018 by any of the following methods:

• *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''FAR Case 2014–018''. Select the link ''Comment Now'' that corresponds with ''FAR Case 2014–018''. Follow the instructions on the screen. Please include your name, company name (if any), and ''FAR Case 2014–018'' on your attached document.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), ATTN: Ms. Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405–0001.

Instructions: Please submit comments only and cite ''FAR Case 2014–018'' in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov*, including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Michael O. Jackson, Procurement Analyst, at 202–208–4949 for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite FAR Case 2014–018.

SUPPLEMENTARY INFORMATION:

I. Background

Section 862 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2008 (Pub. L. 110–181) (as amended by other NDAAs, see 10 U.S.C. 2302 Note), is implemented at FAR section 25.302 and the clause at 52.225–26, both entitled ''Contractors Performing Private Security Functions Outside the United States,'' in FAC 2005–67, issued June 21, 2013. These FAR changes regarding private security contractors were effective on July 22, 2013 (see 78 FR 37670) and are applicable to distinct operational areas for DoD contracts versus non-DoD contracts.

Pursuant to section 862, DoD issued DoD Instruction (DoDI) 3020.50, ''Private Security Contractors (PSCs) Operating in Contingency Operations, Humanitarian or Peace Operations, or Other Military Operations or Exercises,'' which establishes policy, assigns responsibilities, and provides procedures for the regulation of the selection, accountability, and conduct of personnel performing private security functions under a covered DoD contract. This DoDI was amended on August 1, 2011 to expand applicability of DoD's policies regarding private security contracts to peace operations or other military operations or exercises, when designated by the Combatant Commander.

Instead of amending FAR 25.302 and 52.225–6 to expand the applicability for DoD contracts, this rule proposes to remove the distinction between DoD and non-DoD applicable areas of

operation in the FAR, while DoD moves all DoD policy regarding Defense contractors performing private security functions to the Defense Federal Acquisition Regulation Supplement (DFARS) at 225.302 and clause 252.225–7039, both entitled ''Contractors Performing Private Security Functions Outside the United States.'' As a result of this effort (being accomplished simultaneously by DoD under DFARS case number 2015–D021), all policies regarding Defense contractors performing private security functions would be contained in the DFARS.

This rule also proposes to add a definition of ''full cooperation'' to FAR clause 52.225–26 in order to affirm that the contract clause does not foreclose any contractor rights arising in law, the FAR, or the terms of the contract when cooperating with any Government-authorized investigation into incidents reported pursuant to the clause. This definition is applicable to both DoD and non-DoD contracts for private security functions to be performed outside the United States.

II. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

III. Regulatory Flexibility Act

DoD, GSA and NASA do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* However, an initial regulatory flexibility analysis (IRFA) has been prepared consistent with 5 U.S.C. 603, and is summarized as follows:

The objective of this rule is to make the FAR coverage at FAR section 25.302 and 52.225–26 for contractors performing private security functions generic by removing the areas of operation applicable to DoD, as well as the distinction between DoD versus non-DoD agency contracts, while DoD moves all DoD requirements for defense contractors performing these functions to the DFARS at 225.302 and 252.225–7039. The rule also proposes to add definition of ''full cooperation'' to FAR clause 52.225–26 in order to affirm that the contract clause does not foreclose any contractor rights arising in law, the FAR, or the terms of the contract when cooperating with any Government-authorized investigation into incidents reported pursuant to the clause.

Based on data available in the Federal Procurement Data System (FPDS), DoD awarded 103 contracts in Fiscal Year (FY) 2013 that required performance outside of the United States in support of a humanitarian or peacekeeping operation, of which only 13 contracts (12.6 percent) were awarded to small businesses. DoD awarded 403 contracts in FY 2013 in support of contingency operations outside of the United States, of which 63 contracts (15.6 percent) were awarded to small businesses. Therefore, it is estimated that this rule will apply to approximately 76 small businesses.

This rule does not create any new reporting, recordkeeping, or other compliance requirements. The rule does not duplicate, overlap, or conflict with any other Federal rules. There are no known significant alternatives to the rule. The impact of this rule on small business is not expected to be significant.

The Regulatory Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat Division. DoD, GSA and NASA invite comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD, GSA, and NASA will also consider comments from small entities concerning the existing regulations in subparts affected by the rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (FAR Case 2014–018), in correspondence.

IV. Paperwork Reduction Act

This rule affects the certification and information collection requirements in FAR clause 52.225–26, currently approved under OMB Control Number 9000–0184, titled ''Contractors Performing Private Security Functions Outside the United States,'' in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The impact, however, is negligible because the proposed rule merely removes the distinction between DoD and non-DoD contract areas of applicability for use of FAR clause 52.225–26 for contracts requiring performance of private security functions outside the United States.

List of Subjects in 48 CFR Parts 25 and 52

Government procurement.

Dated: May 19, 2015.

William Clark,

Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, DoD, GSA, and NASA are proposing to amend 48 CFR parts 25 and 52, as set forth below:

■ 1. The authority citation for 48 CFR parts 25 and 52 continues to read as follows:

Authority: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 51 U.S.C. 20113.

PART 25—FOREIGN ACQUISITION

■ 2. Amend section 25.302–3 by—
■ a. Removing paragraph (a);
■ b. Redesignating paragraphs (b) through (e) as paragraphs (a) through (d), respectively; and
■ c. Revising newly designated paragraph (a).

The revision reads as follows:

25.302–3 Applicability.

(a) This section applies to contracts that require performance outside the United States—

(1) In an area of combat operations as designated by the Secretary of Defense; or

(2) In an area of other significant military operations as designated by the Secretary of Defense, and only upon agreement of the Secretary of Defense and the Secretary of State.

* * * * *

■ 3. Amend section 25.302–4 by—
■ a. Revising the first sentence of paragraph (a)(1); and
■ b. Removing from paragraph (a)(2) ''required to cooperate'' and adding ''required to fully cooperate'' in its place.

The revision reads as follows:

25.302–4 Policy.

(a) *General.* (1) The policy, responsibilities, procedures, accountability, training, equipping, and conduct of personnel performing private security functions in designated areas are addressed at 32 CFR part 159, entitled ''Private Security Contractors Operating in Contingency Operations''. * * *

* * * * *

■ 4. Amend section 25.302–6 by revising paragraph (a) to read as follows:

25.302–6 Contract clause.

(a) Use the clause at 52.225–26, Contractors Performing Private Security Functions Outside the United States, in

solicitations and contracts for performance outside the United States in an area of—

(1) Combat operations, as designated by the Secretary of Defense; or

(2) Other significant military operations, as designated by the Secretary of Defense and only upon agreement of the Secretary of Defense and the Secretary of State.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 5. Amend section 52.212–5 by—

■ a. Revising the date of the clause;

■ b. Revising paragraph (b)(45);

■ c. Revising paragraph (e)(1)(xvi);

■ d. In Alternate II:

■ i. Revising the Alternate date;

■ ii. Redesignating paragraphs (e)(1)(ii)(O) and (P) as paragraphs (e)(1)(ii)(P) and (Q), respectively; and

■ iii. Adding a new paragraph (e)(1)(ii)(O).

The revisions and addition read as follows:

52.212–5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items.

* * * * *

Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (Date)

* * * * *

(b) * * *

__(45) 52.225–26, Contractors Performing Private Security Functions Outside the United States (DATE) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).

* * * * *

(e)(1) * * *

(xvi) 52.225–26, Contractors Performing Private Security Functions Outside the United States (DATE) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).

* * * * *

Alternate II (DATE). * * *

* * * * *

(e)(1) * * *

(ii) * * *

(O) *52.225–26,* Contractors Performing Private Security Functions Outside the United States (DATE) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).

* * * * *

■ 6. Amend section 52.213–4 by revising the date of the clause and paragraph (a)(2)(viii) to read as follows:

52.213–4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items)

* * * * *

Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items) (DATE)

(a) * * *

(2) * * *

(viii) 52.244–6, Subcontracts for Commercial Items (DATE).

* * * * *

■ 7. Amend section 52.225–26 by—

■ a. Removing from the introductory text ''25.302–6'' and adding ''25.302–6,'' in its place.

■ b. Revising the date of the clause;

■ c. Revising the introductory text of paragraph (a);

■ d. Adding to paragraph (a), in alphabetical order, the definitions for ''Area of Combat operations'', ''Full Cooperation'', and ''Other significant military operations'';

■ e. Revising paragraph (b);

■ f. Revising paragraph (c)(2)(i);

■ g. Removing from the introductory text of paragraph (c)(3) ''Cooperate'' and adding ''Provide full cooperation'' in its place; and

■ h. Revising paragraph (f).

The revisions and additions read as follows:

52.225–26 Contractors Performing Private Security Functions Outside the United States.

* * * * *

Contractors Performing Private Security Functions Outside the United States (date)

(a) *Definitions.* As used in this clause—

Area of combat operations means an area of operations designated as such by the Secretary of Defense when enhanced coordination of contractors performing private security functions working for Government agencies is required.

Full Cooperation. (1) Means disclosure to the Government of the information sufficient to identify the nature and extent of the incident and the individuals responsible for the conduct. It includes providing timely and complete responses to Government auditors' and investigators' requests for documents and access to employees with information;

(2) Does not foreclose any Contractor rights arising in law, the FAR, or the terms of the contract. It does not require—

(i) The Contractor to waive its attorney-client privilege or the protections afforded by the attorney work product doctrine; or

(ii) Any officer, director, owner, or employee of the Contractor, including a sole proprietor, to waive his or her attorney-client privilege or Fifth Amendment rights; and

(3) Does not restrict the Contractor from—

(i) Conducting an internal investigation; or

(ii) Defending a proceeding or dispute arising under the contract or related to a potential or disclosed violation.

Other significant military operations means activities, other than combat operations, as part of a contingency operation outside the United States that is carried out by United States Armed Forces in an uncontrolled or unpredictable high-threat environment where personnel performing security functions may be called upon to use deadly force.

* * * * *

(b) *Applicability.* If this contract is performed both in a designated area and in an area that is not designated, the clause only applies to performance in the following designated areas:

(1) Combat operations, as designated by the Secretary of Defense; or

(2) Other significant military operations, as designated by the Secretary of Defense, and only upon agreement of the Secretary of Defense and the Secretary of State.

(c) * * *

(2) * * *

(i) Qualification, training, screening (including, if applicable, thorough background checks), and security requirements established by 32 CFR part 159, Private Security Contractors Operating in Contingency Operations;

* * * * *

(f) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (f), in all subcontracts that will be performed outside the United States in areas of—

(1) Combat operations, as designated by the Secretary of Defense; or

(2) Other significant military operations, upon agreement of the Secretaries of Defense and State that the clause applies in that area.

* * * * *

■ 8. Amend section 52.244–6 by revising the date of the clause and paragraph (c)(1)(xii) to read as follows:

52.244–6 Subcontracts for Commercial Items.

* * * * *

Subcontracts for Commercial Items (DATE)

* * * * *

(c)(1) * * *

* * * * *

(xii) 52.225–26, Contractors Performing Private Security Functions Outside the United States (DATE) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).

* * * * *

[FR Doc. 2015–12623 Filed 5–26–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

[Docket No. FWS–R9–HQ–2015–0034; FF09M21200–145–FXMB1231099BPP0]

RIN 1018–BA70

Migratory Bird Hunting; Service Regulations Committee Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: The Fish and Wildlife Service (hereinafter Service) will conduct an open meeting on June 25, 2015, to identify and discuss preliminary issues concerning the 2016–17 migratory bird hunting regulations.

DATES: The meeting will be held June 25, 2015.

ADDRESSES: The Service Regulations Committee meeting will be held in the Rachel Carson conference room at 5275 Leesburg Pike, Falls Church, Virginia 22041. The meeting will commence at approximately 1:00 p.m. and is open to the public.

FOR FURTHER INFORMATION CONTACT: Brad Bortner, Chief, Division of Migratory Bird Management, 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: Under the authority of the Migratory Bird Treaty Act (16 U.S.C. 703–712), the Service regulates the hunting of migratory game birds. We update the migratory game bird hunting regulations, located at 50 CFR part 20, annually. Through these regulations, we establish the frameworks, or outside limits, for season lengths, bag limits, and areas for migratory game bird hunting. To help us in this process, we have administratively divided the nation into four Flyways (Atlantic, Mississippi, Central, and Pacific), each of which has a Flyway Council. Representatives from the Service, the Service's Migratory Bird Regulations Committee, and Flyway Council Consultants will meet on June 25, 2015, at 1:00 p.m. to identify preliminary issues concerning the 2016–17 migratory bird hunting regulations for discussion and review by the Flyway Councils at their July meetings.

In accordance with Department of the Interior (hereinafter Department) policy regarding meetings of the Service Regulations Committee attended by any person outside the Department, these meetings are open to public observation. The Service is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to the person listed under **FOR FURTHER INFORMATION CONTACT**, TTY 800–877–8339, with your request by close of business on June 18, 2015.

Dated: May 12, 2015.

Jerome Ford,

Assistant Director, Migratory Birds, U.S. Fish and Wildlife Service.

[FR Doc. 2015–12665 Filed 5–26–15; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 80, No. 101
Wednesday, May 27, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0034]

Notice of Request for Extension of Approval of an Information Collection; Customer/Stakeholder Satisfaction Surveys for the National Animal Health Monitoring System and the National Veterinary Services Laboratories

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection to conduct customer/stakeholder satisfaction surveys for the National Animal Health Monitoring System and the National Veterinary Services Laboratories.

DATES: We will consider all comments that we receive on or before July 27, 2015.

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

- *Federal eRulemaking Portal: Go to http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0034.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2015–0034, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0034* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the Customer/Stakeholder Satisfaction Surveys, contact Mr. Chris Quatrano, Industry Analyst, Science, Technology, and Analysis Services, VS, APHIS, 2150 Centre Ave., Bldg. B, Fort Collins, CO 80524; (970) 494–7207. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

SUPPLEMENTARY INFORMATION:

Title: Customer/Stakeholder Satisfaction Surveys for the National Animal Health Monitoring System and the National Veterinary Services Laboratories.

OMB Control Number: 0579–0339.

Type of Request: Extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Secretary of Agriculture is authorized to protect the health of the livestock, poultry, and aquaculture populations in the United States by preventing the introduction and interstate spread of serious diseases and pests of livestock and for eradicating such diseases from the United States when feasible. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS).

In connection with this mission, APHIS operates the National Animal Health Monitoring System (NAHMS), which collects, on a national basis, statistically valid and scientifically sound data on the prevalence and economic importance of livestock, poultry, and aquaculture disease risk factors.

NAHMS national studies are a collaborative industry and government initiative that helps determine the most effective means of preventing and controlling diseases of livestock, poultry, and aquaculture. APHIS is the only agency responsible for collecting national data on livestock, poultry, and aquaculture health. Participating in any NAHMS study (including these surveys) is voluntary.

The National Veterinary Services Laboratories (NVSL) assists NAHMS by providing testing services for many of the NAHMS projects. Primary functions of NVSL also include providing diagnostic support for domestic diseases, potential foreign animal diseases, import/export programs, disease surveillance, and disease eradication efforts. The efforts of NVSL are an essential part of preventing and controlling diseases of livestock, poultry, and aquaculture.

Information from the NAHMS studies is disseminated to and used by producers, animal health officials, private practitioners, animal industry groups, policy makers, public health officials, media, and educational institutions to improve the health and welfare, quality, and marketability of the livestock, poultry, and aquaculture in the United States.

The purpose of customer/stakeholder satisfaction surveys is:

- To gather information from producers and other information users on the usefulness of studies and reports;
- To minimize producer burden;
- To increase response rates;
- To improve report quality and relevance to producers' and stakeholders' needs; and
- To improve laboratory performance.

Producers and stakeholders participate in the NAHMS program, utilize information from NVSL, and/or read NAHMS reports. Therefore, administration of customer/stakeholder satisfaction surveys will benefit the study process and provide NAHMS and NVSL with information to make the programs more effective with timely and relevant information.

NAHMS staff plan to obtain feedback from recipients of the U.S. Animal Health Report, NAHMS Study Participant Surveys, and NAHMS Descriptive Reports. Feedback from recipients will be used to improve the U.S. Animal Health Report and the NAHMS Descriptive Reports and to evaluate customer/stakeholder satisfaction in an effort to increase participation rates for NAHMS studies. NVSL staff plan to obtain feedback using annual NVSL Performance Surveys. The NVSL surveys will help NVSL monitor performance.

We are asking the Office of Management and Budget (OMB) to approve our use of these information

collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.243 hours per response.

Respondents: Livestock producers and bison, cervid, equid, and dairy farmers; information users; NAHMS Descriptive Report recipients; U.S. Animal Health Report recipients; practicing veterinarians; animal importers/exporters; and State and independent laboratories.

Estimated annual number of respondents: 18,500.

Estimated annual number of responses per respondent: 0.278.

Estimated annual number of responses: 5,150.

Estimated total annual burden on respondents: 1,236 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

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.

Done in Washington, DC, this 20th day of May 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–12760 Filed 5–26–15; 8:45 am]

BILLING CODE 3410–34–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: June 10, 2015, 9 a.m.–5 p.m. EDT.

PLACE: U.S. Chemical Safety Board, 2175 K St. NW., 4th Floor Conference Room, Washington, DC 20037.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on June 10, 2015, starting at 9 a.m. at the CSB's headquarters, located at 2175 K St. NW., 4th Floor Conference Room, Washington, DC 20037. The first part of the public meeting (9 a.m. to 12:30 p.m.) will focus on a discussion with stakeholders and provide an opportunity for public comment regarding emerging safety issues and CSB's investigations and recommendations programs. The morning agenda may also include Board discussion and vote(s) on motions related to Board governance when there is a vacancy in the Chairperson position.

In the afternoon part of the public meeting (starting at 1:30 p.m.), the Board will consider and may vote on the final report of the CSB's investigation into the 2009 incident at the CAPECO petroleum tank farm in Puerto Rico. Following the staff presentation, the Board will hear comments from the public. All staff presentations are preliminary and are intended solely to allow the Board to consider in a public forum the issues and factors involved in the case. No factual analyses, conclusions, or findings presented by staff should be considered final. At the conclusion of the staff presentation, the Board may vote on the final product(s).

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.

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

Hillary J. Cohen, Communications Manager, *hillary.cohen@csb.gov* or (202) 446–8094. Further information about this public meeting can be found on the CSB Web site at: *www.csb.gov.*

Dated: May 21, 2015.

Mark Griffon,

Board Member.

[FR Doc. 2015–12822 Filed 5–22–15; 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: International Trade Administration (ITA).

Title: Watch Duty-Exemption and 7113 Jewelry Duty-Refund Program.

OMB Control Number: 0625–0134.

Form Number(s): ITA–340P, ITA–360P, ITA–361P.

Type of Request: Regular submission (extension of a currently approved information collection).

Number of Respondents: 1.

Average Hours per Response: 6 minutes for Form ITA–340P; 10 minutes for Form ITA–361P; and 1 minute to transfer a certificate using Form ITA–360P.

Burden Hours: 4.

Needs and Uses: Public Law 97–446 as amended requires the Department of Commerce and Department of the Interior to administer the distribution of watch duty exemptions and watch and jewelry duty refunds to program producers in the U.S. insular possessions (American Samoa, Guam, U.S. Virgin Islands, and the Northern Mariana Islands). Form ITA–340P provides the data to assist in the verification of duty-free shipments and make certain the allocations are not exceeded. Form ITA–360P and ITA–

361P are necessary to implement the duty refund program. The primary consideration in collecting information is the enforcement of the law and the information gathered is limited to that necessary to prevent abuse of the program and to permit a fair and equitable distribution of its benefits.

Affected Public: Business or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: May 20, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–12682 Filed 5–26–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and Opportunity for Public Comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 *et seq.*), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[5/12/2015 through 5/20/2015]

Firm name	Firm address	Date accepted for investigation	Product(s)
Composiflex, Inc	8100 Hawthorne Drive, Erie, PA 16509	5/19/2015	The firm manufactures advanced composite products of polycarbonate and resin for the medical, spring, industrial and military markets.
Southern Precision Spring Co., Inc.	2200 Old Steele Creek Road, Charlotte, NC 28208 ..	5/19/2015	The firm manufactures precision mechanical springs.
Custom Product Innovations.	40 Commerce Drive, Lebanon, IL 62254	5/20/2015	The firm manufactures exercise products used for core strengthening.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: May 20, 2015.

Michael S. DeVillo,

Eligibility Examiner.

[FR Doc. 2015–12771 Filed 5–26–15; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–861, A–580–850, A–570–879]

Polyvinyl Alcohol From Japan, the Republic of Korea and the People's Republic of China: Continuation of Antidumping Duty Orders on Japan and the People's Republic of China, Revocation of the Antidumping Order on the Republic of Korea

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (the Department) and the International Trade Commission (ITC) in their five year (sunset) reviews that revocation of the antidumping duty (AD) orders on polyvinyl alcohol (PVA) from Japan and the People's Republic of China (PRC) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the AD orders on PVA from Japan and the PRC. In addition, as a result of the ITC's determination that revocation of the AD order on PVA from the Republic of Korea (Korea) is not likely to lead to continuation or recurrence of material injury to an industry in the United States, the Department is revoking the AD order on PVA from Korea.

DATES: *Effective Date:* Korea Revocation: April 13, 2014; Japan and PRC Continuation: May 27, 2015.

FOR FURTHER INFORMATION CONTACT: Alice Maldonado, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4682.

SUPPLEMENTARY INFORMATION:

Background

On July 2, 2003, the Department published the AD order on PVA from Japan, and on October 1, 2003, the Department published the AD orders on PVA from Korea and the PRC.[1]

[1] *See Antidumping Duty Order: Polyvinyl Alcohol from Japan,* 68 FR 39518 (July 2, 2003); *Antidumping Duty Order: Polyvinyl Alcohol from the Republic of Korea,* 68 FR 56621 (October 1,

On March 3, 2014, the Department initiated [2] and the ITC instituted [3] five-year (''sunset'') reviews of the AD orders on PVA from Japan, Korea, and the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its reviews, the Department determined that revocation of the AD orders on PVA from Japan, Korea, and the PRC would likely lead to a continuation or recurrence of dumping, and notified the ITC of the magnitude of the margins of dumping likely to prevail were the orders revoked.[4]

On May 18, 2015, the ITC published its determinations, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the AD orders on PVA from Japan and the PRC would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, but that revocation of the AD order on PVA from Korea would not be likely to lead to the continuation or recurrence of material injury within a reasonably foreseeable time.[5]

Scope of the Orders

The merchandise covered by these orders is PVA. This product consists of all PVA hydrolyzed in excess of 80 percent, whether or not mixed or diluted with commercial levels of defoamer or boric acid, except as noted below.

The following products are specifically excluded from the scope of these orders:

(1) PVA in fiber form.

(2) PVA with hydrolysis less than 83 mole percent and certified not for use in the production of textiles.

(3) PVA with hydrolysis greater than 85 percent and viscosity greater than or equal to 90 cps.

(4) PVA with a hydrolysis greater than 85 percent, viscosity greater than or equal to 80 cps but less than 90 cps, certified for use in an ink jet application.

(5) PVA for use in the manufacture of an excipient or as an excipient in the manufacture of film coating systems which are components of a drug or dietary supplement, and accompanied by an end-use certification.

(6) PVA covalently bonded with cationic monomer uniformly present on all polymer chains in a concentration equal to or greater than one mole percent.

(7) PVA covalently bonded with carboxylic acid uniformly present on all polymer chains in a concentration equal to or greater than two mole percent, certified for use in a paper application.

(8) PVA covalently bonded with thiol uniformly present on all polymer chains, certified for use in emulsion polymerization of non-vinyl acetic material.

(9) PVA covalently bonded with paraffin uniformly present on all polymer chains in a concentration equal to or greater than one mole percent.

(10) PVA covalently bonded with silan uniformly present on all polymer chains certified for use in paper coating applications.

(11) PVA covalently bonded with sulfonic acid uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

(12) PVA covalently bonded with acetoacetylate uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

(13) PVA covalently bonded with polyethylene oxide uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

(14) PVA covalently bonded with quaternary amine uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

(15) PVA covalently bonded with diacetoneacrylamide uniformly present on all polymer chains in a concentration level greater than three mole percent, certified for use in a paper application.

The merchandise subject to these orders is currently classifiable under subheading 3905.30.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

Continuation of the AD Orders on PVA From Japan and the PRC

As a result of the determinations by the Department and the ITC that revocation of the AD orders on PVA from Japan and the PRC would likely lead to a continuation or recurrence of dumping, and of material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the AD orders on PVA from Japan and the PRC. U.S. Customs and Border Protection (CBP) will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of these orders not later than 30 days prior to the fifth anniversary of the effective date of continuation.

Revocation of the AD Order on PVA From Korea

As a result of the determination by the ITC that revocation of the AD order on PVA from Korea would not be likely to lead to continuation or recurrence of material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department is revoking the AD order on PVA from Korea. Pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(2)(i), the effective date of revocation is April 13, 2014 (*i.e.,* the fifth anniversary of the date of publication in the **Federal Register** of the previous continuation of these orders).[6]

Cash Deposits and Assessment of Duties for PVA From Korea

The Department will notify CBP, 15 days after publication of this notice, to terminate the suspension of liquidation and to discontinue the collection of cash deposits on entries of the subject merchandise from Korea, entered or withdrawn from warehouse, on or after April 13, 2014. The Department will further instruct CBP to refund with interest all cash deposits on entries made on or after April 13, 2014. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and AD deposit requirements and assessments. The Department will complete any pending or requested administrative reviews of this order covering entries prior to April 13, 2014.

2003); *Antidumping Duty Order: Polyvinyl Alcohol from the People's Republic of China,* 68 FR 56620 (October 1, 2003) and corresponding correction, *Antidumping Duty Order: Polyvinyl Alcohol From the People's Republic of China,* 68 FR 58169 (October 8, 2003).

[2] *See Initiation of Five-Year (''Sunset'') Reviews,* 79 FR 11762 (March 3, 2014) (*Notice of Initiation*).

[3] *See Polyvinyl Alcohol From China, Japan, and Korea; Institution of Five-Year Reviews Concerning the Antidumping Duty Orders on China, Japan, and Korea,* 79 FR 11821 (March 3, 2014).

[4] *See Polyvinyl Alcohol From Japan, the Republic of Korea, and the People's Republic of China: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders,* 79 FR 38278 (July 7, 2014).

[5] *See Polyvinyl Alcohol from China, Japan, and Korea; Determinations,* 80 FR 28300 (May 18, 2015).

[6] *See Polyvinyl Alcohol from Japan, the Republic of Korea and the People's Republic of China: Continuation of Antidumping Duty Orders,* 74 FR 16834 (April 13, 2009). *See, e.g., Carbon and Certain Alloy Steel Wire Rod From Ukraine: Revocation of Antidumping Duty Order,* 79 FR 38009, 38010 (July 3, 2014).

Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO which may be subject to sanctions.

These five-year (sunset) reviews and notice are in accordance with sections 751(c) and (d)(2), and 777(i) the Act, and 19 CFR 351.218(f)(4).

Dated: May 19, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–12788 Filed 5–26–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–911]

Circular Welded Carbon Quality Steel Pipe From the People's Republic of China: Notice of Court Decision Not in Harmony With the Implemented Final Determination Under Section 129 of the Uruguay Round Agreements Act

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On May 7, 2015, the United States Court of International Trade (CIT or Court) issued final judgment in *Wheatland Tube Company* v. *United States,* Consol. Court No. 12–00298, affirming the Department of Commerce's (the Department) redetermination pursuant to court remand. Consistent with section 516A of the Tariff Act of 1930, as amended (the Act), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's implemented final determination in a proceeding conducted under section 129 of the Uruguay Round Agreements Act (section 129) related to the Department's final affirmative countervailing duty determination on circular welded carbon quality steel pipe (CWP) from the People's Republic of China (China).

DATES: *Effective Date:* May 18, 2015.

FOR FURTHER INFORMATION CONTACT: Shane Subler, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0189.

SUPPLEMENTARY INFORMATION:

Background

On July 22, 2008, the Department published antidumping duty (AD) and countervailing duty (CVD) orders on CWP imports from China.[1] The Government of China (GOC) challenged the CWP orders and three other sets of simultaneously imposed AD and CVD orders before the WTO's Dispute Settlement Body. The WTO Appellate Body in March 2011 found that the United States had acted inconsistently with its international obligations in several respects, including the potential imposition of overlapping remedies, or so-called ''double remedies.'' [2] The U.S. Trade Representative announced the United States' intention to comply with the WTO's rulings and recommendations, and the Department initiated a section 129 proceeding.[3]

On July 31, 2012, the Department issued its final determination memorandum in the section 129 CVD proceeding on, *inter alia,* the double remedies issue.[4] Based on its analysis of broad manufacturing-level information, the Department found that an adjustment was warranted to the antidumping duty on U.S. CWP imports from China to account for remedies that overlap those imposed by the CVD order.[5] On August 30, 2012, acting at the direction of the U.S. Trade Representative pursuant to section 129, the Department published a notice implementing that final determination.[6]

Plaintiff Wheatland Tube Company, Consolidated Plaintiff-Intervenor United States Steel Corporation, and Consolidated Plaintiff-Intervenors Allied Tube and Conduit and TMK IPSCO (collectively, the Domestic Interested Parties), challenged the Department's determination at the CIT.

On November 26, 2014, the Court remanded the section 129 Final Determination to the Department for further consideration of the finding that certain countervailable subsidies reduced the average price of U.S. CWP imports, such that the reduction warranted an adjustment to the companion AD rates under section 777A(f) of the Act.[7]

Following the CIT's issuance of the Remand Order, the Department released a questionnaire to the original respondents in the CWP CVD investigation to obtain information necessary for its analysis under the Remand Order.[8] The Department also issued copies of the questionnaire to the GOC and its counsel in the section 129 proceeding.[9] Neither mandatory respondent nor the GOC, however, filed a response to this questionnaire or comments.

Pursuant to the Remand Order, the Department reconsidered its finding regarding the respondents' eligibility for

[1] *See Notice of Antidumping Duty Order: Circular Welded Carbon Quality Steel Pipe from the People's Republic of China,* 73 FR 42547 (July 22, 2008); *Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances,* 73 FR 31966 (June 5, 2008); *Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order,* 73 FR 42545 (July 22, 2008) (collectively, CWP orders).

[2] *See United States—Definitive Anti-Dumping and Countervailing Duties on Certain Products from China,* 611, WT/DS379/AB/R (Mar. 11, 2011).

[3] *See Implementation of Determinations Under Section 129 of the Uruguay Round Agreements Act: Certain New Pneumatic Off-the-Road Tires; Circular Welded Carbon Quality Steel Pipe; Laminated Woven Sacks; and Light-Walled Rectangular Pipe and Tube From the People's Republic of China,* 77 FR 52683 (August 30, 2012) (*Implementation Notice*).

[4] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, ''Final Determination: Section 129 Proceeding Pursuant to the WTO Appellate Body's Findings in WTO DS379 Regarding the Antidumping and Countervailing Duty Investigations of Circular Welded Carbon Quality Steel Pipe from the People's Republic of China,'' (July 31, 2012) (Section 129 Final Determination).

[5] *See* Section 129 Preliminary Analysis Memorandum at 10; *see also* Memorandum from Christopher Mutz, Office of Policy, Import Administration, and Daniel Calhoun, Office of the Chief Counsel for Import Administration, to Paul Piquado, Assistant Secretary for Import Administration, ''Section 129 Determination of the Countervailing Duty Investigation of Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: 'Double Remedies' Analysis Pursuant to the WTO Appellate Body's Findings in WTO DS379,'' (May 31, 2012), at 34–35.

[6] *See Implementation Notice.*

[7] *See Wheatland Tube Company* v. *United States,* Slip Op. 14–137, Consol. Court No. 12–00298 (CIT November 26, 2014) (Remand Order). The manner in which the Department applied that adjustment in the companion AD proceeding is the subject of *Wheatland Tube Company* v. *United States,* Consol. Court No. 12–00296, which has been stayed pending resolution of the litigation that is the subject of this notice.

[8] *See* Letter to Weifang East Steel Pipe Co., Ltd. (East Pipe) dated January 28, 2015, ''Section 129 Remand Redetermination of Circular Welded Carbon Quality Steel Pipe from the People's Republic of China—Domestic Subsidies Questionnaire;'' *see also* Letter to Zhejiang Kingland Pipeline and Technologies Co., Ltd.; Kingland Group Co., Ltd.; Beijing Kingland Century Technologies Co.; Zhejiang Kingland Pipeline Industry Co., Ltd.; and Shanxi Kingland Pipeline Co., Ltd. (collectively, Kingland), dated January 28, 2015, ''Section 129 Remand Redetermination of Circular Welded Carbon Quality Steel Pipe from the People's Republic of China—Domestic Subsidies Questionnaire.''

[9] *See* Memorandum to the File from Shane Subler, International Trade Compliance Analyst, dated March 27, 2015, ''Documentation for Release of Questionnaire for Section 129 Remand Redetermination.''

an adjustment, and found no basis for making such an adjustment to the companion AD rates under section 777(A)(f)(1)(b) of the Act.[10]

On May 7, 2015, the CIT sustained the Department's Remand Redetermination.[11]

Statutory Notice

The CIT's May 7, 2015, judgment affirming the Remand Redetermination constitutes a final court decision that is not in harmony with the section 129 Final Determination. This notice is published in fulfillment of the statutory publication requirements.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c)(1) and 777(i)(1) of the Act.

Dated: May 20, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–12786 Filed 5–26–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–814]

Utility Scale Wind Towers From the Socialist Republic of Vietnam: Notice of Court Decision Not in Harmony With the Final Determination of Less Than Fair Value Investigation and Notice of Amended Final Determination of Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On May 11, 2015, the United States Court of International Trade (CIT or Court) issued final judgment in *CS Wind Vietnam Co., Ltd. and CS Wind Corporation* v. *United States,* Consol. Court No. 13–00102, affirming the Department of Commerce's (the Department) final results of redetermination pursuant to remand.

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final determination in the less than fair value investigation on utility scale wind towers from the Socialist Republic of Vietnam, and is amending the final determination with respect to the CS Wind Group.[1]

DATES: *Effective Date:* May 21, 2015.

FOR FURTHER INFORMATION CONTACT: Erin Kearney, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0167.

SUPPLEMENTARY INFORMATION:

Background

On February 15, 2013, the Department published its amended final determination and antidumping duty order in this proceeding.[2] The CS Wind Group appealed the *Wind Towers Final Determination* to the CIT, and on March 27, 2014, the CIT remanded the *Wind Towers Final Determination* to the Department to require the Department to: (1) Reconsider its valuation of steel plate, (2) reconsider its valuation of carbon dioxide, (3) reconsider the calculation of overhead expenses for surrogate financial ratios, specifically the treatment of jobwork charges and income line items, (4) re-determine the appropriate adjustment to the CS Wind Group's U.S. sales prices to account for a discrepancy in the reported weights of wind towers, and 5) reconsider its calculation of brokerage and handling expenses.[3] On July 29, 2014, the Department filed its results of redetermination pursuant to remand in accordance with the CIT's order.[4]

On November 3, 2014, the CIT affirmed, in part, the Department's *Final First Redetermination,* which resulted in a weighted-average dumping margin of 17.02 percent for the CS Wind Group.[5] The Court remanded the *Final First Redetermination* to require the Department to reconsider its treatment of jobwork charges and income line items in calculating overhead expenses for surrogate financial ratios.[6] In the *Final Second Redetermination,* the Department revised its calculation of certain surrogate financial ratios.[7] The Court affirmed the Department's second remand in its entirety on May 11, 2015, and entered judgment.[8]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's May 11, 2015, judgment affirming the *Final Second Remand* constitutes a final decision of that court that is not in harmony with the *Wind Towers Final Determination.* This notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Results

Because there is now a final court decision with respect to this litigation, the Department is amending the *Wind Towers Final Determination* with respect to the CS Wind Group's dumping margin and cash deposit rate. The revised dumping margin and cash deposit rate for the CS Wind Group is 17.02 percent.[9]

Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Cash Deposit Requirements

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct U.S. Customs and Border Protection to collect a cash deposit of 17.02 percent for entries of subject merchandise produced and exported by

[10] *See* ''Redetermination Pursuant to Court Remand, *Wheatland Tube Company* v. *United States,* Consol. Court No. 12–00298, Slip Op. 14–137,'' (April 27, 2015) (Remand Redetermination).

[11] *See Wheatland Tube Company* v. *United States,* Slip Op. 15–44, Consol. Court No. 12–00298 (CIT May 7, 2015).

[1] The CS Wind Group consists of CS Wind Vietnam Co., Ltd. and CS Wind Corporation.

[2] *See Utility Scale Wind Towers From the Socialist Republic of Vietnam: Final Determination of Sales at Less Than Fair Value,* 77 FR 75984 (December 26, 2012), as amended by *Utility Scale Wind Towers From the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 78 FR 11150 (February 15, 2013) (*Wind Towers Final Determination*).

[3] *See CS Wind Vietnam Co., Ltd. and CS Wind Corporation* v. *United States,* 971 F. Supp. 2d 1271 (CIT 2014).

[4] *See* Final Results of Redetermination Pursuant to Court Order, *CS Wind Vietnam Co., Ltd. and CS Wind Corporation* v. *United States,* Consol. Court No. 13–00102, Slip Op. 14–33, dated July 29, 2014 (*Final First Redetermination*).

[5] *See CS Wind Vietnam Co., Ltd. and CS Wind Corporation* v. *United States,* Consol. Court No. 13–00102, Slip Op. 14–128 (CIT November 3, 2014).

[6] *Id.*

[7] *See* Final Redetermination Pursuant to Court Order, *CS Wind Vietnam Co., Ltd. and CS Wind Corporation* v. *United States,* Consol. Court No. 13–00102, Slip Op. 14–128, dated January 21, 2015 (*Final Second Redetermination*).

[8] *See CS Wind Vietnam Co., Ltd. and CS Wind Corporation* v. *United States,* Consol. Court No. 13–00102, Slip Op. 15–45 (CIT May 11, 2015).

[9] *See Final Second Redetermination.*

the CS Wind Group, effective May 21, 2015.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c)(1), 735(d), 736(a) and 777(i)(1) of the Act.

Dated: May 18, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–12787 Filed 5–26–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD953

Marine Mammals; File No. 19108

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Daniel P. Costa, Ph.D., University of California at Santa Cruz, Long Marine Laboratory, 100 Shaffer Road, Santa Cruz, CA 95064, has applied in due form for a permit to conduct research on northern elephant seals (*Mirounga angustirostris*) throughout their range.

DATES: Written, telefaxed, or email comments must be received on or before June 26, 2015.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 19108 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include File No. 19108 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Sloan or Brendan Hurley, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant requests authorization to continue a long-term research program started in 1968 to study northern elephant seal population growth and status, reproductive strategies, behavioral and physiological adaptations for diving and fasting, general physiology and metabolism, and sensory physiology. Research methods include behavioral observations, marking, flipper tagging, capture and sampling, attachment of instrumentation for tracking, translocation studies, short-term captive holding for laboratory studies, use of hormone challenges and standard clinical tracer techniques for physiology studies, and acoustic studies. Research would include all age and sex classes of northern elephant seals over the entire calendar year. Proposed research locations include haul-out sites from California to Washington, but primarily Año Nuevo. Incidental harassment and mortalities of northern elephant seals, and incidental harassment of California sea lions (*Zalophus californianus*), northern fur seals (*Callorhinus ursinus*), and Steller sea lions (*Eumetopias jubatus*) of the Eastern Distinct Population Segment is requested. The duration of the requested permit is five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 19, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–12745 Filed 5–26–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council; Public Meetings; Addendum

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 119th Scientific and Statistical Committee (SSC) and its 163rd 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, Fishery Data Collection and Research Committee (FDCRC), Hawaii Standing Committee, and Executive and Budget Standing Committee. The omnibus amendment to establish the pacific islands annual catch limit specification process (action item) has been added to the 163rd meeting under 6.C.3.

DATES: The SSC meeting will be held between 8:30 a.m. and 5 p.m. on June 9–11, 2015. The Council's Pelagic and International Standing Committee and the FDCRC meetings will be held between 10 a.m. and noon on June 15, 2015; Hawaii Standing Committee meeting will be held between 1 p.m. and 3 p.m. on June 15, 2015; Executive and Budget Standing Committee meeting will be held between 3 p.m. and 5 p.m. on June 15, 2015; and the 163rd Council meeting will be held between 8:30 a.m. and 5 p.m. on June 16–18, 2015. In addition, the Council will host a Fishers Forum on June 17, 2015, between 6 p.m. and 9 p.m.

Location: The 119th SSC on June 9–11, 2015, and the Pelagic and International Standing Committee, FDCRC, Hawaii Standing Committee, and Executive and Budget Standing Committee on June 15, 2015, will be held at the Council office in Honolulu, Hawaii. The Council Meeting on June 16–18, 2015, and the Fishers Forum on

June 17, 2015, will be held at the Harbor View Center, Pier 38, Honolulu, Hawaii.

For specific times and agendas, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: The 119th SSC, Pelagic and International Standing Committee, FDCRC, Hawaii Standing Committee, and Executive and Budget Standing Committee will be held at the Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808)522–8220. The 163rd Council meeting and the Fishers Forum will be held at the Harbor View Center, Pier 38, 1129 North Nimitz Highway, Honolulu, Hawaii 96817, phone: (808)983–1200. 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, Hawaii HI 96813, phone: (808)522–8220 or fax: (808)522–8226.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, phone (808)522–8220.

SUPPLEMENTARY INFORMATION: 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.

Schedule and Agenda for 119th SSC Meeting

8:30 a.m.–5 p.m. Tuesday, June 9, 2015

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 118th SSC Meeting Recommendations
4. Report from the Pacific Islands Fisheries Science Center Director
5. Insular Fisheries
   - A. Review of the Bottomfish Stock Assessment Update for American Samoa, Guam, and Commonwealth of Northern Mariana Islands (CNMI)
   - B. Report on the Data Workshop for the MHI Deep 7 Bottomfish
   - C. Main Hawaiian Islands (MHI) Deep 7 Bottomfish P-Star Working Group Report
   - D. Specification of Acceptable Biological Catch for the MHI Deep 7 Bottomfish Fishery for Fishing Year 2015–2016 (Action Item)
   - E. Evaluation of 2014 Catch to the 2014 Annual Catch Limits
   - F. Report From the Council Advisory Groups
   - 1. Joint Archipelagic Plan Team
   - 2. Fishery Data Collection and Research Committee—Technical Committee
   - 3. Advisory Panel
   - G. Public Comment
   - H. SSC Discussion and Recommendations
6. Program Planning
   - A. Overview of Management Strategy Evaluation Use in Fisheries
   - B. Report on SSC Subgroup Comments NS1, 3, and 7 Guidelines Proposed Rule
   - C. Western Pacific Regional Fishery Management Council 5-year Research Priorities
   - D. Annual Report Changes
   - E. Cooperative Research Priorities and Framework
   - F. Report from the Council Advisory Groups
   - 1. Advisory Panel
   - 2. Joint Archipelagic Plan Team
   - 3. Pelagic Plan Team
   - G. Public Comment
   - H. SSC Discussion and Recommendations

8:30 a.m.–5 p.m. Wednesday, June 10, 2015

7. Pelagic Fisheries
   - A. Hawaii Yellowfin and Bigeye Commercial Minimum Size Limit
   - 1. Hawaii Yellowfin Population Model
   - 2. Hawaii Yellowfin Survey Plan
   - B. Report on Hawaii Catch Shares Meeting
   - C. International Fisheries
   - 1. Report on Purse Seine Bigeye Tuna (BET) Workshop
   - 2. Report on Longline Vessel Day Scheme (VDS)
   - 3. Report on Tokelau Agreement
   - D. Report from the Council Advisory Groups
   - 1. Pelagic Plan Team
   - 2. Joint Archipelagic Plan Team
   - 3. Advisory Panel
   - E. Public Comment
   - F. SSC Discussion and Recommendations
8. Protected Species
   - A. Green Sea Turtle Status Review and Proposed Rule
   - B. Humpback Whale Status Review and Proposed Rule
   - C. Marine Mammals Reported under Catch Lost to Predators on Fishermen's Commercial Catch Reports to the State of Hawaii
   - D. Pilot Study of Interactions between Cetaceans and Small-Boat Fishing Operations in the Main Hawaiian Islands
   - E. Report of the False Killer Whale Take Reduction Team Meeting
   - F. Statistical Control Chart Approach for Wildlife Monitoring
   - G. Report of SSC Subcommittee on False Killer Whale Stock Boundary Revision and Bycatch Proration
   - H. Updates on Other Endangered Species Act and Marine Mammal Protection Act Actions
   - I. Report From the Council Advisory Groups
   - 1. Protected Species Advisory Committee
   - 2. Advisory Panel
   - 3. Joint Archipelagic Plan Team
   - J. Public Comment
   - K. SSC Discussion and Recommendations

8:30 a.m.–5 p.m. Thursday, June 11, 2015

9. Other Business
   - A. 120th SSC Meeting
10. Summary of SSC Recommendations to the Council

Schedule and Agenda for the FDCRC

10 a.m.–Noon Monday, June 15, 2015

1. Welcome Remarks
2. Introductions
3. Update on Previous FDCRC Recommendations
4. Report on FDCRC-Technical Committee
   - a. Prioritization of Tasks
   - b. Endorsement of Proposals for Funding
   - c. Funding Identification
5. Alternative Summarization and Analytics Interface
6. Reporting Framework on Improvements by FDCRC Members
7. Public Comment
8. Discussions and Recommendations

Schedule and Agenda for Council Standing Committee Meetings

10 a.m.–Noon Monday, June 15, 2015

Pelagic and International Standing Committee

A. International
   - 1. Report on Purse Seine BET Workshop
   - 2. Report on Logline Vessel Day Scheme

B. Domestic
   - 1. Hawaii Yellowfin and Bigeye Commercial Minimum Size Limit Update
   - 2. Hawaii Cross Seamount Fishery Review

C. SSC Recommendations

D. Council Discussion and Recommendations

1 p.m.–3 p.m. Monday, June 15, 2015

Hawaii Standing Committee

1. Main Hawaiian Islands Bottomfish
   - a. P-star Working Group Report
   - b. MHI Deep-7 Bottomfish Data Workshop Report
   - c. Specification of Annual Catch Limit

for the MHI Deep-7 Bottomfish Fishery for 2015–2016 Fishing Year
2. Other Issues
3. Discussion and Recommendations

3 p.m.–5 p.m. Monday, June 15, 2015

Executive and Budget Standing Committee

1. Administrative Report
2. Financial Report
3. Magnuson Stevens Act reauthorization
4. Standard Operating Policies and Procedures
5. Meetings and Workshops
6. Council Family Changes
7. Other Issues
8. Committee Discussion and Action

Schedule and Agenda for 163rd Council Meeting

8:30 a.m.–5 p.m. Tuesday, June 16, 2015

1. Welcome and Introductions
2. Approval of the 163rd Agenda
3. Approval of the 162nd Meeting Minutes
4. Executive Director's Report
5. Agency Reports
   A. National Marine Fisheries Service
   1. Pacific Islands Regional Office
   2. Pacific Islands Fisheries Science Center
   B. NOAA Office of General Counsel, Pacific Islands Section
   C. US Fish and Wildlife Service
   D. Enforcement
   1. US Coast Guard
   2. NOAA Office of Law Enforcement
   3. NOAA Office of General Counsel, Enforcement Section
   E. Public Comment
   F. Council Discussion and Action
6. Program Planning and Research
   A. National Standard Guidelines 1, 3 & 7 SSC Subgroup Report
   B. Research Priorities
   1. WPRFMC Five-Year Priorities
   2. Cooperative Research Priorities
   C. Stock Assessments
   1. Western Pacific Stock Assessment Review (WPSAR) Policy
   2. Review of Bottomfish Stock Assessment Update for American Samoa, Guam and CNMI
   3. Omnibus Amendment To Establish the Pacific Islands Annual Catch Limit Specification Process (Action Item)
   D. Evaluation of 2014 Annual Catch Limits
   E. Update on Fishery Ecosystem Plan Review
   F. Update on Fisheries Internship and Student Help Project
   G. Report on Presidential Task Force on Illegal, Unreported, and Unregulated (IUU) Fishing
   H. US Insular Areas Climate Change Meeting
   I. Regional, National and International Outreach & Education
   J. Advisory Group Report and Recommendations
   1. Fishery Data Collection and Research Committee
   2. Protected Species Advisory Committee
   3. Advisory Panel
   4. Joint Archipelagic Plan Team
   5. Pelagic Plan Team
   6. Scientific & Statistical Committee
   K. Public Comment
   L. Council Discussion and Action

8:30 a.m.–5 p.m. Wednesday, June 17, 2015

7. 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
   a. Fisheries Development
   b. American Samoa Purse Seine Vessels and WCPFC Limits
   c. Update on Fisheries Disaster Relief Project
   2. Update on the Fagatogo Market
   3. Update on Funding for Super Alia Vessels and Local Fishery Business Development Initiatives
   E. UN Decolonization
   F. Education and Outreach Initiatives
   G. Advisory Group Report and Recommendations
   1. Protected Species Advisory Committee
   2. Advisory Panel
   3. Joint Archipelagic Plan Team
   4. Pelagic Plan Team
   5. Scientific & Statistical Committee
   H. Public Comment
   I. Council Discussion and Action
8. Hawaii Archipelago & Pacific Remote Island Areas (PRIA)
   A. Moku Pepa
   B. Legislative Report
   C. Enforcement Issues
   D. Main Hawaiian Islands Bottomfish (MHI)
   1. P-Star Working Group Report
   2. MHI Deep-7 Bottomfish Data Workshop Report
   3. Specification of Annual Catch Limit for the MHI Deep-7 Bottomfish Fishery for 2015–2016 Fishing Year (Action Item)
   E. Community Activities and Issues
   1. Council Comments on Hawaiian Islands Humpback Whale National Marine Sanctuary Management Plan
   F. Education and Outreach Initiatives
   G. Advisory Group Report and Recommendations
   1. Protected Species Advisory Committee
   2. Advisory Panel
   3. Joint Archipelagic Plan Team
   4. Pelagic Plan Team
   5. Scientific & Statistical Committee
   H. Standing Committee Recommendations
   I. Public Hearing
   J. Council Discussion and Action
9. Protected Species
   A. Green Sea Turtle
   1. Status Review and Proposed Rule
   2. Council Comments on Proposed Rule
   B. Humpback Whale
   1. Status Review and Proposed Rule
   2. Council Comments on Proposed Rule
   C. False Killer Whales (FKW)
   1. Report of FKW Take Reduction Team
   2. Council Comments on TRT Recommendations
   D. Report of SSC Subcommittee on FKW Stock Boundary Revision and Bycatch Proration
   E. Updates on Other Endangered Species Act and Marine Mammal Protection Act
   F. Advisory Group Report and Recommendations
   1. Protected Species Advisory Committee
   2. Advisory Panel
   3. Pelagic Plan Team
   4. Scientific & Statistical Committee
   G. Public Comment
   H. Council Discussion and Action
10. Public Comment on Non-agenda Items

6 p.m.–9 p.m. Wednesday, June 17, 2015

Fishers Forum: Seafood Safety and Traceability

8:30 a.m.–5 p.m. Thursday, June 18, 2015

11. Mariana Archipelago
   A. Guam
   1. Isla Informe
   2. Legislative Report
   3. Enforcement Issues
   4. Community Activities and Issues
   a. Status Report on Fishing Platform
   b. Malesso Community Based Management Program (CBMP) Implementation
   c. Report on Village of Yigo CBMP Meeting
   d. Report on Indigenous Fishing Rights Initiatives
   e. Micronesian Fishing Community Project Update
   5. Education and Outreach Initiatives
   B. CNMI
   1. Arongol Falú
   2. Legislative Report
   3. Enforcement Issues
   4. Community Activities and Issues
   a. Report on Northern Islands CBMP

Meeting
b. Council Comments on CNMI Joint Military Training Environmental Impact Statement (EIS)
5. Education and Outreach Initiatives
C. Update on Marianas Trench Marine National Monument
D. Advisory Group Report and Recommendations
1. Protected Species Advisory Committee
2. Advisory Panel
3. Joint Archipelagic Plan Team
4. Pelagic Plan Team
5. Scientific & Statistical Committee
E. Public Comment
F. Council Discussion and Action
12. Pelagic & International Fisheries
A. Hawaii Yellowfin and Bigeye Commercial Minimum Size Limit Update
B. Hawaii Cross Seamount Fishery Review
C. Report on Hawaii Catch Shares Meeting
D. International Fisheries
1. Report on Purse Seine BET Workshop
2. Report on Longline VDS
3. Tokelau Arrangement Update
E. Advisory Group Report and Recommendations
1. Protected Species Advisory Committee
2. Advisory Panel
3. Pelagic Plan Team
4. Joint Archipelagic Plan Team
5. Scientific & Statistical Committee
F. Standing Committee Recommendations
G. Public Comment
H. Council Discussion and Recommendations
13. Administrative Matters
A. Financial Reports
B. Administrative Reports
C. Council Family Changes
1. Advisory Panel Alternate Selection
2. Plan Team Realignment
3. SSC Membership
D. Magnuson Stevens Act Reauthorization
E. Standard Operating Policies and Procedures
F. Meetings and Workshops
1. Council Coordination Committee Meeting
G. Other Business
H. Standing Committee Recommendations
I. Public Comment
J. Council Discussion and Action
14. 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 five days prior to the meeting date.

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

Dated: May 21, 2015.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–12721 Filed 5–26–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management, National Ocean Service, Commerce.

ACTION: Notice of Intent to Evaluate and Notice of Availability of Final Findings.

SUMMARY: The NOAA Office for Coastal Management announces its intent to evaluate the performance of the New York and Florida Coastal Management Programs.

The Coastal Zone Management Program (CMP) evaluations will be conducted pursuant to section 312 of the Coastal Zone Management Act of 1972, as amended (CZMA) and regulations at 15 CFR part 923, subpart L. The CZMA requires continuing review of the performance of states with respect to CMP implementation. Evaluation of a CMP requires findings concerning the extent to which a state has met the national objectives, adhered to its CMP document approved by the Secretary of Commerce, and adhered to the terms of financial assistance awards funded under the CZMA.

The evaluations will include a public meeting, consideration of written public comments and consultations with interested Federal, state, and local agencies and members of the public. When the evaluation is completed, the Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings. Notice is hereby given of the date, local time, and location of the public meeting.

Date and Time: The New York CMP public meeting will be held on Wednesday, July 8, 2015 at 4:00 p.m. local time in room #505 on the 5th floor of 1 Commerce Plaza at 99 Washington Avenue, Albany, NY.

The Florida CMP public meeting will be held on Wednesday, July 15, 2015, at 4:00 p.m. local time in Conference Rooms A and B, Marjory Stoneman Douglas Building, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399–3000.

ADDRESSES: Copies of each state's most recent performance report, as well as the Office for Coastal Management evaluation notification letter to the state, are available upon request. Written comments from interested parties regarding these programs are encouraged and will be accepted until July 24, 2015. Please direct written comments to Carrie Hall, Evaluator, Planning and Performance Measurement Program, Office for Coastal Management, NOS/NOAA, 1305 East-West Highway, 11th Floor, N/OCM1, Silver Spring, Maryland 20910, or *Carrie.Hall@noaa.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given of the availability of the final evaluation findings for the Commonwealth of the Northern Mariana Islands CMP, Indiana CMP, and Apalachicola National Estuarine Research Reserve (NERR). Sections 312 and 315 of the CZMA, as amended, require a continuing review of the performance of coastal states with respect to approval of CMPs and the operation and management of NERRs. The state of Indiana and Commonwealth of the Northern Mariana Islands were found to be implementing and enforcing their federally approved coastal management programs, addressing the national coastal management objectives identified in CZMA Section 303(2)(A)–(K), and adhering to the programmatic terms of their financial assistance awards. The state of Florida was found to be adhering to programmatic requirements of the NERR System for the implementation of the Apalachicola NERR.

Copies of these final evaluation findings may be downloaded at *http://coast.noaa.gov/czm/evaluations/evaluation_findings/index.html* or obtained upon written request from:

Carrie Hall, Evaluator, Planning and Performance Measurement Program, Office for Coastal Management, NOS/NOAA, 1305 East-West Highway, 11th Floor, N/OCM1, Silver Spring, Maryland 20910, or *Carrie.Hall@noaa.gov*

FOR FURTHER INFORMATION CONTACT: Carrie Hall, Evaluator, Planning and Performance Measurement Program, Office for Coastal Management, NOS/NOAA, 1305 East-West Highway, 11th Floor, N/OCM1, Silver Spring, Maryland 20910, or *Carrie.Hall@noaa.gov.*

Dated: May 20, 2015.

Christopher C. Cartwright,

Associate Assistant Administrator for Management and CFO/CAO, Ocean Services and Coastal Zone Management National Oceanic and Atmospheric Administration.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration

[FR Doc. 2015–12770 Filed 5–26–15; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Northwest Hawaiian Islands Mokupapapa Discovery Center Exhibit Evaluation.

OMB Control Number: 0648-0582.

Form Number(s): None.

Type of Request: Regular (revision and extension of a currently approved information collection).

Number of Respondents: 250.

Average Hours per Response: 8 minutes.

Burden Hours: 31.

Needs and Uses: This request is for a revision and extension of a currently approved information collection. Mokupapapa Discovery Center (Center) is an outreach arm of Papahanaumokuakea Marine National Monument that reaches 60,000 people each year in Hilo, Hawai'i. The Center was created eleven years ago to help raise support for the creation of a National Marine Sanctuary in the Northwestern Hawaiian Islands. Since that time, the area has been proclaimed a Marine National Monument and the main messages we are trying to share with the public have changed to better reflect the new monument status, UNESCO World Heritage status and the joint management by the three co-trustees of the Monument. We therefore are seeking to find out if people visiting our Center are receiving our new messages by conducting an optional exit survey.

The Center is requesting to conduct a second survey to evaluate patron acuity to determine successful concept attainment. By conducting thorough evaluations it will aid in vital decisions regarding exhibit renovation, new exhibits, interpretation programs, and educational content.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: May 21, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–12746 Filed 5–26–15; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Vietnam War Commemoration Advisory Committee; Notice of Federal Advisory Committee Meeting

AGENCY: DoD.

ACTION: Meeting notice.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal advisory committee meeting of the Vietnam War Commemoration Advisory Committee. This meeting is open to the public.

DATES: The public meeting of the Vietnam War Commemoration Advisory Committee (hereafter referred to as ''the Committee'') will be held on Monday, June 8, 2015. The meeting will begin at 1:30 p.m. and end at 4:30 p.m.

ADDRESSES: Residence Inn Arlington Capital View, 2850 South Potomac Avenue, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Committee's Designated Federal Officer: The committee's Designated Federal Officer is Mark Franklin, Vietnam War Commemoration, 1101 Wilson Blvd., Suite 810, Arlington, VA 22209, *mark.r.franklin.civ@mail.mil,* 703–697–4849. For meeting information please contact Mr. Mark Franklin, *mark.r.franklin.civ@mail.mil,* 703–697–4849 or Ms. Scherry Chewning, *scherry.l.chewning.civ@mail.mil,* 703–697–4908.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the Vietnam War Commemoration Advisory Committee was unable to provide public notification of its meeting of June 8, 2015, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of the Meeting: At this meeting, the Committee will convene and receive a series of updates on the Vietnam War Commemoration. The mission of the Committee is to provide the Secretary of Defense, through the Director of Administration (DA) independent advice and recommendations regarding major events and priority of efforts during the commemorative program for the 50th Anniversary of the Vietnam War, in order to achieve the objectives for the Commemorative Program.

Availability of Materials for the Meeting: A copy of the agenda for the Committee may be obtained from the Commemoration's Web site at *http://vietnamwar50th.com.* Copies will also be available at the meeting.

Meeting Agenda

1:30–1:40 p.m. Convene with Committee Chairman Remarks

1:40–4:25 p.m. Committee Meeting/Agenda items

- Vietnam Commemoration Program Update
- History and Legacy Update
- Strategy and Engagement Update
- Communications Plan
- Advisory Committee Deliberation and Discussion
- Closing Remarks

4:30 p.m. Adjourn

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. All members of the public who wish to attend the public meeting must contact Mark Franklin or Ms. Scherry Chewning at the number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Special Accommodations: Individuals requiring special accommodations to access the public meeting should contact Mr. Mark Franklin or Ms. Scherry Chewning at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Procedures for Providing Public Comments

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written comments to the Commemoration about its mission and topics pertaining to this public meeting.

Written comments should be received by the DFO at least five (5) business days prior to the meeting date so that the comments may be made available to the Commemoration for their consideration prior to the meeting. Written comments should be submitted via email to the address for the DFO given in the **FOR FURTHER INFORMATION CONTACT** section in either Adobe Acrobat or Microsoft Word format. Please note that since the Commemoration operates under the provisions of the Federal Advisory Committee Act, as amended, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the Commemoration's Web site.

Dated: May 21, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–12716 Filed 5–26–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Federal Need Analysis Methodology for the 2016–17 Award Year—Federal Pell Grant, Federal Perkins Loan, Federal Work-Study, Federal Supplemental Educational Opportunity Grant, William D. Ford Federal Direct Loan, Iraq and Afghanistan Service Grant and TEACH Grant Programs

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.063; 84.038; 84.033; 84.007; 84.268; 84.408; 84.379.

SUMMARY: The Secretary announces the annual updates to the tables used in the statutory Federal Need Analysis Methodology that determines a student's expected family contribution (EFC) for award year 2016–17 for these student financial aid programs. The intent of this notice is to alert the financial aid community and the broader public to these required annual updates used in the determination of student aid eligibility.

FOR FURTHER INFORMATION CONTACT: Marya Dennis, U.S. Department of Education, Room 63G2, Union Center Plaza, 830 First Street NE., Washington, DC 20202–5454. Telephone: (202) 377–3385.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Part F of title IV of the Higher Education Act of 1965, as amended (HEA), specifies the criteria, data elements, calculations, and tables the Department of Education (Department) uses in the Federal Need Analysis Methodology to determine the EFC.

Section 478 of the HEA requires the Secretary to annually update the following four tables for price inflation—the Income Protection Allowance (IPA), the Adjusted Net Worth (NW) of a Business or Farm, the Education Savings and Asset Protection Allowance, and the Assessment Schedules and Rates. The updates are based, in general, upon increases in the Consumer Price Index (CPI).

For award year 2016–17, the Secretary is charged with updating the IPA for parents of dependent students, adjusted NW of a business or farm, the education savings and asset protection allowance, and the assessment schedules and rates to account for inflation that took place between December 2014 and December 2015. However, because the Secretary must publish these tables before December 2015, the increases in the tables must be based on a percentage equal to the estimated percentage increase in the Consumer Price Index for All Urban Consumers (CPI–U) for 2015. The Secretary must also account for any under- or over-estimation of inflation for the preceding year.

In developing the table values for the 2015–16 award year, the Secretary assumed a 1.8 percent increase in the CPI–U for the period December 2013 through December 2014. Actual inflation for this time period was .8 percent. The Secretary estimates that the increase in the CPI–U for the period December 2014 through December 2015 will be 2.5 percent.

Additionally, section 601 of the College Cost Reduction and Access Act of 2007 (CCRAA, Pub. L. 110–84) amended sections 475 through 478 of the HEA affecting the IPA tables for the 2009–10 through 2012–13 award years and required the Department to use a percentage of the estimated CPI to update the table in subsequent years. These changes to the IPA impact dependent students, as well as independent students with dependents other than a spouse and independent students without dependents other than a spouse. This notice includes the new 2016–17 award year values for the IPA tables, which reflect the CCRAA amendments. The updated tables are in sections 1 (Income Protection Allowance), 2 (Adjusted Net Worth of a Business or Farm), and 4 (Assessment Schedules and Rates) of this notice.

As provided for in section 478(d) of the HEA, the Secretary must also revise the education savings and asset protection allowances for each award year. The Education Savings and Asset Protection Allowance table for award year 2016–17 has been updated in section 3 of this notice.

Section 478(h) of the HEA also requires the Secretary to increase the amount specified for the employment expense allowance, adjusted for inflation. This calculation is based on increases in the Bureau of Labor Statistics' marginal costs budget for a two-worker family compared to a one-worker family. The items covered by this calculation are: Food away from home, apparel, transportation, and household furnishings and operations. The Employment Expense Allowance table for award year 2016–17 has been updated in section 5 of this notice.

The HEA requires the following annual updates:

1. *Income Protection Allowance.* This allowance is the amount of living

expenses associated with the maintenance of an individual or family that may be offset against the family's income. The allowance varies by family size. The IPA for the dependent student is $6,400. The IPAs for parents of dependent students for award year 2016–17 are as follows:

PARENTS OF DEPENDENT STUDENTS

Family size	Number in college				
	1	2	3	4	5
2	$17,840	$14,790	.....	.....	.....
3	22,220	19,180	$16,130	.....	.....
4	27,440	24,390	21,350	$18,300	.....
5	32,380	29,320	26,290	23,240	$20,200
6	37,870	34,820	31,780	28,730	25,690

For each additional family member add $4,270. For each additional college student subtract $3,040.

The IPAs for independent students with dependents other than a spouse for award year 2016–17 are as follows:

INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE

Family size	Number in college				
	1	2	3	4	5
2	$25,210	$20,900	.....	.....	.....
3	31,390	27,100	$22,790	.....	.....
4	38,760	34,460	30,170	$25,850	.....
5	45,740	41,420	37,130	32,830	$28,540
6	53,490	49,190	44,910	40,580	36,300

For each additional family member add $6,040. For each additional college student subtract $4,290.

The IPAs for single independent students and independent students without dependents other than a spouse for award year 2016–17 are as follows:

Marital status	Number in college	IPA
Single	1	$9,960
Married	2	9,960
Married	1	15,960

2. *Adjusted Net Worth of a Business or Farm.* A portion of the full NW (assets less debts) of a business or farm is excluded from the calculation of an expected contribution because (1) the income produced from these assets is already assessed in another part of the formula; and (2) the formula protects a portion of the value of the assets.

The portion of these assets included in the contribution calculation is computed according to the following schedule. This schedule is used for parents of dependent students, independent students without dependents other than a spouse, and independent students with dependents other than a spouse.

If the NW of a business or farm is	Then the adjusted NW is
Less than $1	$0.
$1 to $125,000	$0 + 40% of NW.
$125,001 to $380,000	$50,000 + 50% of NW over $125,000.
$380,001 to $635,000	$177,500 + 60% of NW over $380,000.
$635,001 or more	$330,500 + 100% of NW over $635,000.

3. *Education Savings and Asset Protection Allowance.* This allowance protects a portion of NW (assets less debts) from being considered available for postsecondary educational expenses. There are three asset protection allowance tables: One for parents of dependent students, one for independent students without dependents other than a spouse, and one for independent students with dependents other than a spouse.

PARENTS OF DEPENDENT STUDENTS

If the age of the older parent is	And they are	
	Married	Single
	Then the education savings and asset protection allowance is	
25 or less	0	0
26	400	200

PARENTS OF DEPENDENT STUDENTS—Continued

If the age of the older parent is	And they are	
	Married	Single
	Then the education savings and asset protection allowance is	
27	700	400
28	1,100	600
29	1,500	900
30	1,900	1,100
31	2,200	1,300
32	2,600	1,500
33	3,000	1,700
34	3,400	1,900
35	3,700	2,100
36	4,100	2,300
37	4,500	2,600
38	4,900	2,800
39	5,200	3,000
40	5,600	3,200
41	5,700	3,300
42	5,900	3,400
43	6,000	3,500
44	6,100	3,500
45	6,300	3,600
46	6,400	3,700
47	6,600	3,800
48	6,800	3,900
49	6,900	4,000
50	7,100	4,000
51	7,300	4,100
52	7,500	4,200
53	7,700	4,300
54	7,900	4,400
55	8,100	4,600
56	8,300	4,700
57	8,500	4,800
58	8,800	4,900
59	9,000	5,000
60	9,300	5,100
61	9,500	5,300
62	9,800	5,400
63	10,100	5,500
64	10,400	5,700
65 or older	10,700	5,800

INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE

If the age of the student is	And they are	
	Married	Single
	Then the education savings and asset protection allowance is	
25 or less	0	0
26	400	200
27	700	400
28	1,100	600
29	1,500	900
30	1,900	1,100
31	2,200	1,300
32	2,600	1,500
33	3,000	1,700
34	3,400	1,900
35	3,700	2,100
36	4,100	2,300
37	4,500	2,600
38	4,900	2,800
39	5,200	3,000
40	5,600	3,200
41	5,700	3,300
42	5,900	3,400

INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE—Continued

If the age of the student is	And they are	
	Married	Single
	Then the education savings and asset protection allowance is	
43	6,000	3,500
44	6,100	3,500
45	6,300	3,600
46	6,400	3,700
47	6,600	3,800
48	6,800	3,900
49	6,900	4,000
50	7,100	4,000
51	7,300	4,100
52	7,500	4,200
53	7,700	4,300
54	7,900	4,400
55	8,100	4,600
56	8,300	4,700
57	8,500	4,800
58	8,800	4,900
59	9,000	5,000
60	9,300	5,100
61	9,500	5,300
62	9,800	5,400
63	10,100	5,500
64≥ENT≤10,400	5,700	
65 or older	10,700	5,800

INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE

If the age of the student is	And they are	
	Married	Single
	Then the education savings and asset protection allowance is	
25 or less	0	0
26	400	200
27	700	400
28	1,100	600
29	1,500	900
30	1,900	1,100
31	2,200	1,300
32	2,600	1,500
33	3,000	1,700
34	3,400	1,900
35	3,700	2,100
36	4,100	2,300
37	4,500	2,600
38	4,900	2,800
39	5,200	3,000
40	5,600	3,200
41	5,700	3,300
42	5,900	3,400
43	6,000	3,500
44	6,100	3,500
45	6,300	3,600
46	6,400	3,700
47	6,600	3,800
48	6,800	3,900
49	6,900	4,000
50	7,100	4,000
51	7,300	4,100
52	7,500	4,200
53	7,700	4,300
54	7,900	4,400
55	8,100	4,600
56	8,300	4,700
57	8,500	4,800
58	8,800	4,900

INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE—Continued

If the age of the student is	And they are	
	Married	Single
	Then the education savings and asset protection allowance is	
59	9,000	5,000
60	9,300	5,100
61	9,500	5,300
62	9,800	5,400
63	10,100	5,500
64	10,400	5,700
65 or older	10,700	5,800

4. *Assessment Schedules and Rates.* Two schedules that are subject to updates—one for parents of dependent students and one for independent students with dependents other than a spouse—are used to determine the EFC from family financial resources toward educational expenses. For dependent students, the EFC is derived from an assessment of the parents' adjusted available income (AAI). For independent students with dependents other than a spouse, the EFC is derived from an assessment of the family's AAI. The AAI represents a measure of a family's financial strength, which considers both income and assets.

The parents' contribution for a dependent student is computed according to the following schedule:

If AAI is	Then the contribution is
Less than −$3,409	−$750.
−$3,409 to $15,900	22% of AAI.
$15,901 to $20,000	$3,498 + 25% of AAI over $15,900.
$20,001 to $24,100	$4,523 + 29% of AAI over $20,000.
$24,101 to $28,200	$5,712 + 34% of AAI over $24,100.
$28,201 to $32,200	$7,106 + 40% of AAI over $28,200.
$32,201 or more	$8,706 + 47% of AAI over $32,200.

The contribution for an independent student with dependents other than a spouse is computed according to the following schedule:

If AAI is	Then the contribution is
Less than −$3,409	−$750.
−$3,409 to $15,900	22% of AAI.
$15,901 to $20,000	$3,498 + 25% of AAI over $15,900.
$20,001 to $24,100	$4,523 + 29% of AAI over $20,000.
$24,101 to $28,200	$5,712 + 34% of AAI over $24,100.
$28,201 to $32,200	$7,106 + 40% of AAI over $28,200.
$32,201 or more	$8,706 + 47% of AAI over $32,200.

5. *Employment Expense Allowance.* This allowance for employment-related expenses—which is used for the parents of dependent students and for married independent students—recognizes additional expenses incurred by working spouses and single-parent households. The allowance is based on the marginal differences in costs for a two-worker family compared to a one-worker family. The items covered by these additional expenses are: Food away from home, apparel, transportation, and household furnishings and operations.

The employment expense allowance for parents of dependent students, married independent students without dependents other than a spouse, and independent students with dependents other than a spouse is the lesser of $4,000 or 35 percent of earned income.

6. *Allowance for State and Other Taxes.* The allowance for State and other taxes protects a portion of parents' and students' incomes from being considered available for postsecondary educational expenses. There are four categories for State and other taxes, one each for parents of dependent students, independent students with dependents other than a spouse, dependent students, and independent students without dependents other than a spouse. Section 478(g) of the HEA directs the Secretary to update the tables for State and other taxes after reviewing the Statistics of Income file data maintained by the Internal Revenue Service.

State	Parents of dependents and independents with dependents other than a spouse		Dependents and independents without dependents other than a spouse
	Percent of total income		
	Under $15,000	$15,000 & Up	All (%)
Alabama	3	2	2
Alaska	2	1	0
Arizona	4	3	2
Arkansas	4	3	3
California	7	6	5
Colorado	4	3	3
Connecticut	8	7	5
Delaware	5	4	3
District of Columbia	7	6	5
Florida	3	2	1
Georgia	5	4	3
Hawaii	5	4	4
Idaho	5	4	3
Illinois	6	5	3
Indiana	4	3	3
Iowa	5	4	3
Kansas	5	4	3
Kentucky	5	4	4
Louisiana	3	2	2
Maine	6	5	4
Maryland	8	7	5
Massachusetts	6	5	4
Michigan	4	3	3
Minnesota	6	5	4
Mississippi	3	2	2
Missouri	4	3	3
Montana	4	3	3
Nebraska	5	4	3
Nevada	2	1	1
New Hampshire	5	4	1
New Jersey	9	8	4
New Mexico	3	2	2
New York	9	8	6
North Carolina	5	4	4
North Dakota	2	1	1
Ohio	5	4	3
Oklahoma	3	2	2
Oregon	7	6	5
Pennsylvania	5	4	3
Rhode Island	7	6	3
South Carolina	4	3	3
South Dakota	2	1	1
Tennessee	2	1	1
Texas	3	2	1
Utah	5	4	3
Vermont	6	5	3
Virginia	6	5	4
Washington	3	2	1
West Virginia	3	2	2
Wisconsin	7	6	4
Wyoming	1	0	1
Other	2	1	1

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Program Authority: 20 U.S.C. 1087rr.

Dated: May 21, 2015.

James W. Runcie,

Chief Operating Officer, Federal Student Aid.

[FR Doc. 2015–12803 Filed 5–26–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1754–000]

Alpaca Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Alpaca Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 9, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12710 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2265–004; ER14–1818–004; ER13–1965–007; ER13–1791–005; ER12–261–012; ER11–4308–013; ER11–4307–013; ER11–2805–012; ER11–2508–012; ER11–2108–004; ER11–2107–004; ER11–2062–013; ER10–2888–013; ER10–2340–006; ER10–2339–006; ER10–2338–006; ER10–1291–014

Applicants: NRG Power Marketing LLC, Boston Energy Trading and Marketing LLC, CP Power Sales Seventeen, L.L.C., CP Power Sales Nineteen, L.L.C., CP Power Sales Twenty, L.L.C., Energy Plus Holdings LLC, GenConn Energy LLC, GenOn Energy Management, LLC, Green Mountain Energy Company, Independence Energy Group LLC, Norwalk Power LLC, NRG Florida LP, NRG Wholesale Generation LP, Reliant Energy Northeast LLC, RRI Energy Services, LLC..

Description: Supplement and Amendment to December 31, 2014 Updated Market Power Analysis in Southeast Region of NRG MBR Entities.

Filed Date: 5/18/15.

Accession Number: 20150518–5322.

Comments Due: 5 p.m. ET 6/8/15.

Docket Numbers: ER13–102–007.

Applicants: New York Independent System Operator, Inc., Winston & Strawn LLP.

Description: Compliance filing per 35: NYISO/TOs joint compliance filing Order No. 1000 to be effective 1/1/2014.

Filed Date: 5/18/15.

Accession Number: 20150518–5250.

Comments Due: 5 p.m. ET 6/8/15.

Docket Numbers: ER13–193–005.

Applicants: ISO New England Inc., Northeast Utilities Service Company.

Description: Compliance filing per 35: Third Order No. 1000 Regional Compliance Filing to be effective 5/18/2015.

Filed Date: 5/18/15.

Accession Number: 20150518–5253.

Comments Due: 5 p.m. ET 6/8/15.

Docket Numbers: ER13–1939–001.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing per 35: Order 1000 Interregional Compliance Filing—Docket ER13–1939 to be effective 1/1/2015.

Filed Date: 5/18/15.

Accession Number: 20150518–5277.

Comments Due: 5 p.m. ET 6/8/15.

Docket Numbers: ER13–1940–003.

Applicants: Ohio Valley Electric Corporation.

Description: Compliance filing per 35: Interregional Compliance Filing to be effective N/A.

Filed Date: 5/18/15.

Accession Number: 20150518–5268.

Comments Due: 5 p.m. ET 6/8/15.

Docket Numbers: ER13–196–004.

Applicants: ISO New England Inc., Northeast Utilities Service Company.

Description: Compliance filing per 35: Third Order No. 1000 Regional Compliance Filing—TOA to be effective 5/18/2015.

Filed Date: 5/18/15.

Accession Number: 20150518–5258.

Comments Due: 5 p.m. ET 6/8/15.

Docket Numbers: ER14–2869–001.

Applicants: Black Hills Power, Inc.

Description: Compliance filing per 35: Compliance Filing Revising Attachment H Formula Rate Protocols to be effective 1/1/2015.

Filed Date: 5/18/15.

Accession Number: 20150518–5262.

Comments Due: 5 p.m. ET 6/8/15.

Docket Numbers: ER15–1308–001.

Applicants: Kingfisher Wind, LLC.

Description: Tariff Amendment per 35.17(b): Kingfisher Wind FERC Electric Tariff Volume No. 1 MBR Tariff to be effective 6/30/2015.

Filed Date: 5/19/15.

Accession Number: 20150519–5000.

Comments Due: 5 p.m. ET 6/9/15.

Docket Numbers: ER15–1734–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement Nos. 4145, 4146, 4147; Queue No. Z2–040 to be effective 4/17/2015.

Filed Date: 5/18/15.

Accession Number: 20150518–5243.

Comments Due: 5 p.m. ET 6/8/15.

Docket Numbers: ER15–1735–000.
Applicants: PJM Interconnection, L.L.C., Northern Virginia Electric Cooperative, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): PJM and NOVEC submit Service Agreement No. 3724 (NITSA) to be effective 1/1/2014.
Filed Date: 5/18/15.
Accession Number: 20150518–5249.
Comments Due: 5 p.m. ET 6/8/15.
Docket Numbers: ER15–1736–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–05–18_SA 2242 Minnesota Power-Minnesota Power GIA (H092) to be effective 7/18/2015.
Filed Date: 5/18/15.
Accession Number: 20150518–5260.
Comments Due: 5 p.m. ET 6/8/15.
Docket Numbers: ER15–1737–000.
Applicants: Southwest Power Pool, Inc.
Description: Compliance filing per 35: Compliance Filing Revising Westar Energy, Inc.'s Formula Rate Protocols to be effective 3/1/2015.
Filed Date: 5/18/15.
Accession Number: 20150518–5261.
Comments Due: 5 p.m. ET 6/8/15.
Docket Numbers: ER15–1738–000.
Applicants: Southwest Power Pool, Inc.
Description: Compliance filing per 35: Compliance Filing Revising KCP&L–GMO's Formula Rate Protocols to be effective 3/1/2015.
Filed Date: 5/18/15.
Accession Number: 20150518–5263.
Comments Due: 5 p.m. ET 6/8/15.
Docket Numbers: ER15–1739–000.
Applicants: Southwest Power Pool, Inc.
Description: Compliance filing per 35: Compliance Filing Revising KCP&L's Formula Rate Protocols to be effective 3/1/2015.
Filed Date: 5/18/15.
Accession Number: 20150518–5270.
Comments Due: 5 p.m. ET 6/8/15.
Docket Numbers: ER15–1740–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–05–18_SA 1972 GRE–OTP Amended 3rd Rev GIA (G645/G788) to be effective 7/18/2015.
Filed Date: 5/18/15.
Accession Number: 20150518–5271.
Comments Due: 5 p.m. ET 6/8/15.
Docket Numbers: ER15–1741–000.
Applicants: Southern California Edison Company.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): GIA and Distrib Serv Agmt Boomer Solar 2, LLC 800 N Barrington Ave Ontario Proj to be effective 5/20/2015.
Filed Date: 5/19/15.
Accession Number: 20150519–5006.
Comments Due: 5 p.m. ET 6/9/15.
Docket Numbers: ER15–1742–000.
Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Amended/restated interconnection agreement (SA 337) NiMo & General Mills to be effective 4/1/2015.
Filed Date: 5/19/15.
Accession Number: 20150519–5060.
Comments Due: 5 p.m. ET 6/9/15.
Docket Numbers: ER15–1743–000.
Applicants: Summer Energy of Ohio LLC.
Description: Initial rate filing per 35.12 Summer Energy of Ohio LLC Market Based Rates Application and Tariff to be effective 7/18/2015.
Filed Date: 5/19/15.
Accession Number: 20150519–5076.
Comments Due: 5 p.m. ET 6/9/15.
Docket Numbers: ER15–1744–000.
Applicants: Southwest Power Pool, Inc.
Description: Notice of cancellation of Wind Farm Bear Creek LGIA of Southwest Power Pool, Inc.
Filed Date: 5/19/15.
Accession Number: 20150519–5096.
Comments Due: 5 p.m. ET 6/9/15.
Docket Numbers: ER15–1745–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–05–19_Non-Conforming NITS Filing to be effective 7/19/2015.
Filed Date: 5/19/15.
Accession Number: 20150519–5108.
Comments Due: 5 p.m. ET 6/9/15.
Docket Numbers: ER15–1746–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–05–19_SA 2301 MidAmerican-MidAmerican GIA (R34/R65/J191) to be effective 5/20/2015.
Filed Date: 5/19/15.
Accession Number: 20150519–5110.
Comments Due: 5 p.m. ET 6/9/15.
Docket Numbers: ER15–1747–000.
Applicants: Beaver Dam Energy LLC.
Description: Initial rate filing per 35.12 Beaver Dam Energy LLC MBR Tariff Application to be effective 7/17/2015.
Filed Date: 5/19/15.
Accession Number: 20150519–5114.
Comments Due: 5 p.m. ET 6/9/15.
Docket Numbers: ER15–1748–000.
Applicants: Milan Energy LLC.
Description: Initial rate filing per 35.12 Milan Energy LLC MBR Tariff Application to be effective 7/17/2015.
Filed Date: 5/19/15.
Accession Number: 20150519–5115.
Comments Due: 5 p.m. ET 6/9/15.
Docket Numbers: ER15–1749–000.
Applicants: Oxbow Creek Energy LLC.
Description: Initial rate filing per 35.12 Oxbow Creek Energy MBR Tariff Application to be effective 7/17/2015.
Filed Date: 5/19/15.
Accession Number: 20150519–5117.
Comments Due: 5 p.m. ET 6/9/15.

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: May 19, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–12656 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14230–001]

George Wenschhof, 2C Land & Cattle Company LLC; Notice of Transfer of Exemption

1. By letter filed May 5, 2015, George C. Wenschhof informed the Commission that the exemption from licensing for the Meeker Wenschhof Hydroelectric Project, FERC No. 14230, originally issued September 14, 2011,[1] has been transferred to 2C Land & Cattle Company LLC. The project is located on an existing irrigation pipeline in Rio Blanco County, Colorado. The transfer

[1] 136 FERC ¶ 62,224, Order Granting Exemption From Licensing (Conduit) (2011).

of an exemption does not require Commission approval.

2. 2C Land & Cattle Company LLC is now the exemptee of the Meeker Wenschhof Hydroelectric Project, FERC No. 14230. All correspondence should be forwarded to: Mr. Christopher P. Collins, Manager, 2C Land & Cattle Company LLC, 1308 Sage Ridge Road, P.O. Box 2607, Meeker, CO 81641.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12712 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6550–003]

Frank M. Biber and Steven Spellenberg; Bidden Creek Bores Properties, LLC; Notice of Transfer of Exemption

1. By letter filed May 11, 2015, Steven Spellenberg informed the Commission that the exemption from licensing for the Biber-Spellenberg Hydro Project, FERC No. 6550, originally issued February 14, 1983,[1] has been transferred to Bidden Creek Bores Properties, LLC. The project is located on the Bidden Creek, Trinity County, California. The transfer of an exemption does not require Commission approval.

2. Bidden Creek Bores Properties, LLC is now the exemptee of the Biber-Spellenberg Hydro Project, FERC No. 6550. All correspondence should be forwarded to: Mr. Stephen Bores, 3460 Country Club Pl., Danville, CA 94506–5827.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12711 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

[1] 22 FERC ¶ 62,182, Order Granting Exemption From Licensing of a Small Hydroelectric Project of 5 MW or Less (1983).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1747–000]

Beaver Dam Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Beaver Dam Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 9, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12706 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC14–78–002.

Applicants: NRG Energy, Inc., NRG Yield, Inc.

Description: Request for Amended Blanket Authorization of NRG Energy, Inc., et al.

Filed Date: 5/20/15.

Accession Number: 20150520–5133.

Comments Due: 5 p.m. ET 6/10/15.

Docket Numbers: EC15–143–000.

Applicants: La Paloma Generating Company, LLC.

Description: Application for Authorization for Disposition of Jurisdictional Facilities and Request for an Abbreviated Comment Period and Expedited Action of La Paloma Generating Company, LLC.

Filed Date: 5/20/15.

Accession Number: 20150520–5128.

Comments Due: 5 p.m. ET 6/10/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER14–2952–003.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing per 35: 2015–05–20_SSR Cost Allocation Compliance Filing to be effective 4/3/2014.

Filed Date: 5/20/15.

Accession Number: 20150520–5167.

Comments Due: 5 p.m. ET 6/10/15.

Docket Numbers: ER15–518–002.

Applicants: Duke Energy Progress, Inc., Duke Energy Florida, Inc., Duke Energy Carolinas, LLC.

Description: Compliance filing per 35: Order 676–H Compliance Filing and Waiver Request (2nd Update) to be effective 5/15/2015.

Filed Date: 5/20/15.

Accession Number: 20150520–5176.

Comments Due: 5 p.m. ET 6/10/15.

Docket Numbers: ER15–767–002.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing per 35: 2015–05–20_Schedule 43I White Pine 2 Compliance Filing to be effective 1/1/2015.

Filed Date: 5/20/15.

Accession Number: 20150520–5183.

Comments Due: 5 p.m. ET 6/10/15.

Docket Numbers: ER15–1755–000.

Applicants: Arizona Public Service Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Rate Schedule No. 278, North Gila 500kV Switchyard Interconnection Agreement to be effective 5/21/2015.

Filed Date: 5/20/15.

Accession Number: 20150520–5200.

Comments Due: 5 p.m. ET 6/10/15.

Docket Numbers: ER15–1756–000.

Applicants: Arizona Public Service Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Rate Schedule No. 279, ANPP High Voltage Switchyard Interconnection Agreement to be effective 5/21/2015.

Filed Date: 5/20/15.

Accession Number: 20150520–5203.

Comments Due: 5 p.m. ET 6/10/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 20, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–12697 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–490–000]

Delfin LNG LLC; Notice of Application

Take notice that on May 8, 2015 Delfin LNG LLC (Delfin LNG), 1100 Louisians Street, Houston, Texas 77002, filed in Docket No. CP15–490–000, an application pursuant to section 7(c) of the Commission's Regulations under the Natural Gas Act and Parts 157 of the Federal Energy Regulatory Commission's (Commission) regulations requesting authorization to (1) reactivate approximately 1.1 miles of existing 42-inch pipeline formerly owned by U–T Offshore System (UTOS), which runs from Transcontinental Gas Pipeline Company Station No. 44 (Transco Station 44) to the mean highwater mark along the Cameron Parish Coast; (2) install 74,000 horsepower of new compression; (3) construct 0.25 miles of 42-inch pipeline to connect the former UTOS line to the new meter station; and (4) construct 0.6 miles of twin 30-inch pipelines between Transco Station 44 and the new compressor station in Cameron Parrish, Louisiana that comprise the onshore portion of Delfin LNG's proposed deepwater port (DWP), an offshore liquefied natural gas facility located off the coast of Louisiana in the Gulf of Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection. Additionally, Delfin LNG requests a blanket construction certificate under Part 17, Subpart F of the Commission's regulations. This filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this Application should be directed to Daniel P. Werner, Delfin LNG LLC, 1100 Louisiana Street, Suite 3550, Houston, Texas 77002; phone: 713–714–2278, or J. Patrick Nevins, Hogan Lovells US LLP, 555 Thirteenth Street NW., Washington, DC 20004; phone: 202–637–6441.

Delfin LNG's onshore facilities will connect with the DWP facilities that are subject to jurisdiction of the Maritime Authority (MARAD) and the United States Coast Guard (USCG). Additionally, as part of Delfin LNG's DWP, Delfin LNG proposes to lease a segment of pipeline from High Island Offshore System, LLC (HIOS) that extends from the term inus of the UTOS pipeline offshore. Delfin LNG states in its application that HIOS will submit a separate application with the Commission seeking authorization to abandon by lease its facilities to Delfin LNG.

Because the review of the DWP proposal is the jurisdiction of MARAD/USCG, the Commission acknowledges Delfin LNG's application in Docket No. CP15–490–000 on May 8, 2015. However, the Commission will not begin processing Delfin LNG's application until such time that MARAD/USCG accepts Delfin LNG's DWP application, and HIOS submits abandonment application with the Commission.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 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 commenter's 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 he Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, 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 ill not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. See, 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Comment Date: June 10, 2015.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12703 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

Passadumkeag Windpark, LLC	EG15–45–000
Pio Pico Energy Center, LLC	EG15–46–000
Shafter Solar, LLC	EG15–47–000
Pilot Hill Wind, LLC	EG15–48–000
Kingfisher Wind, LLC	EG15–49–000
Prairie Breeze Wind Energy LLC	EG15–50–000
Prairie Breeze Wind Energy II LLC	EG15–51–000
Buckeye Wind Energy LLC	EG15–52–000
Beethoven Wind, LLC	EG15–53–000
Alexander Wind Farm, LLC	EG15–54–000
Nueces Bay WLE, LP	EG15–55–000
Red Horse Wind 2, LLC	EG15–56–000
Balko Wind, LLC	EG15–57–000

Take notice that during the month of April 2015, the status of the above-captioned entities as Exempt Wholesale Generators became effective by operation of the Commission's regulations. 18 CFR 366.7(a).

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12704 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Membership of Performance Review Board for Senior Executives

The Federal Energy Regulatory Commission hereby provides notice of the membership of its Performance Review Board (PRB) for the Commission's Senior Executive Service (SES) members. The function of this board is to make recommendations relating to the performance of senior executives in the Commission. This action is undertaken in accordance with Title 5, U.S.C., Section 4314(c)(4).

The Commission's PRB will remove the following members:

Michael C. McLaughlin

Jeff C. Wright

The Commission's PRB will add the following members:

Larry R. Parkinson

Ann F. Miles

J. Arnold Quinn

Dated: May 14, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12715 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1743–000]

Summer Energy of Ohio LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Summer Energy of Ohio LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 8, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email

FERCOnlineSupport@ferc.gov. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12705 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1748–000]

Milan Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Milan Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 9, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12707 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1749–000]

Oxbow Creek Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Oxbow Creek Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 9, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12709 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14664–000]

Arkansas Electric Cooperative Corporation; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 3, 2015, Arkansas Electric Cooperative Corporation, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project to be located at the U.S. Army Corps of Engineers' (Corps) David D. Terry Lock and Dam #6 on the Arkansas River near the town of Little Rock in Pulaski County, Arkansas. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 600-foot-long, 500-foot-wide intake channel; (2) a 200-foot-long, 210-foot-wide powerhouse containing four generating units with a

total capacity of 39.6 megawatts; (3) a 1,100-foot-long, 400-foot-wide tailrace; (4) a 6.9/115 kilo-Volt (kV) substation; and (5) a 4-mile-long, 115kV transmission line. The proposed project would have an estimated average annual generation of 140,000 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Mr. Jonathan Oliver, Arkansas Electric Cooperative Corporation, One Cooperative Way, Little Rock, AR 72209; Phone: (501) 570–2488; Email: *jonathan.oliver@aecc.com*.

FERC Contact: Christiane Casey, *christiane.casey@ferc.gov,* (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *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* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14664–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14664) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12713 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14665–000]

Arkansas Electric Cooperative Corporation; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 3, 2015, Arkansas Electric Cooperative Corporation, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project to be located at the U.S. Army Corps of Engineers' (Corps) Col. Charles D. Maynard Lock and Dam #5 on the Arkansas River near the town of Pine Bluff in Jefferson County, Arkansas. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 800-foot-long, 400-foot-wide intake channel; (2) a 200-foot-long, 210-foot-wide powerhouse containing four generating units with a total capacity of 36 megawatts; (3) a 1,000-foot-long, 400-foot-wide tailrace; (4) a 6.9/115 kilo-Volt (kV) substation; and (5) a 4-mile-long, 115kV transmission line. The proposed project would have an estimated average annual generation of 140,000 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Mr. Jonathan Oliver, Arkansas Electric Cooperative Corporation, One Cooperative Way, Little Rock, AR 72209; Phone: (501) 570–2488; Email: *jonathan.oliver@aecc.com*

FERC Contact: Christiane Casey, *christiane.casey@ferc.gov,* (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *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* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14665–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14665) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12714 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14663–000]

Arkansas Electric Cooperative Corporation; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 3, 2015, Arkansas Electric Cooperative Corporation, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of a hydropower project to be located at the U.S. Army Corps of Engineers' (Corps) Joe Hardin Lock and Dam #3 on the Arkansas River near the towns of Pine Bluff and Grady in Jefferson and Lincoln Counties, Arkansas. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters

owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 800-foot-long, 400-foot-wide intake channel; (2) a 200-foot-long, 210-foot-wide powerhouse containing four generating units with a total capacity of 48 megawatts; (3) a 1,300-foot-long, 500-foot-wide tailrace; (4) a 6.9/115 kilo-Volt (kV) substation; and (5) a 5-mile-long, 115kV transmission line. The proposed project would have an estimated average annual generation of 155,000 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Mr. Jonathan Oliver, Arkansas Electric Cooperative Corporation, One Cooperative Way, Little Rock, AR 72209; Phone: (501) 570–2488; Email: *jonathan.oliver@aecc.com.*

FERC Contact: Christiane Casey, *christiane.casey@ferc.gov,* (202) 502–8577.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. Comments, motions to intervene, notices of intent, and competing applications may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site *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* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14663–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14663) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12708 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD14–15–000]

Commission Information Collection Activities (FERC–922); Comment Request

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting for reinstatement a revised information collection FERC–922, ''Performance Metrics for ISOs, RTOs and Regions Outside ISOs and RTOs,'' to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission previously issued a Notice in the **Federal Register** (79 FR 52313, 9/3/2014) requesting public comments. The Commission also issued an errata notice to fix an errant hyperlink in the 60-day notice (8/26/2014). The Commission received seven comments on the FERC–922. The Commission addresses these comments in this notice and in its submittal to OMB.

DATES: Comments on the collection of information are due by June 26, 2015.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0262, should be sent via email to the Office of Information and Regulatory Affairs at: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at (202) 395–4718.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission, identified by the Docket No. AD14–15–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp*, or
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* Submissions must be in an acceptable file format, as described at: *http://www.ferc.gov/docs-filing/elibrary/accept-file-formats.asp.* The numeric values corresponding to all charts and tables containing metrics must be submitted in an accompanying file, in one of the following formats: Microsoft Office 2003/2007/2010: Excel (.xls or .xlsx), or ASCII Comma Separated Value (.csv). For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov*, or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov*, by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–922, Performance Metrics for ISOs, RTOs and Regions Outside of ISOs and RTOs.

OMB Control No.: 1902–0262.

Type of Request: Reinstatement and revision of an information collection.

Abstract: In September 2008, the United States Government Accountability Office (GAO) issued a report recommending that the Chairman of the Commission, among other actions, work with independent system operators (ISOs), regional transmission organizations (RTOs), stakeholders, and other experts to develop standardized measures that track the performance of ISO/RTO operations and markets and report the performance results to Congress and the public annually,[1] while also providing interpretation of (1) what the measures and reported performance communicate about the benefits of ISOs/RTOs and, where appropriate, (2) changes that need to be made to address any performance concerns. The GAO Report also suggested that performance metrics be explored for non-ISOs/RTO regions.

In response to the GAO Report, Commission Staff conducted outreach with ISOs/RTOs and other stakeholders and in October 2010 established metrics

[1] The 2008 GAO Report also recognized that the extent of the Commission's evaluation of ISO/RTO performance may vary from year to year.

to measure ISO/RTO performance. In April 2011, a report was sent to Congress with an analysis of ISO/RTO performance based on these metrics and a commitment to analyze utilities in non-ISO/RTO regions. After further stakeholder outreach, in August 2014, the Commission Staff issued a ''Common Metrics Report,'' establishing 30 common metrics that measure performance for ISOs, RTOs and public utilities outside of ISOs/RTOs from 2006–2010.

The Commission is continuing its efforts to collect performance metric information from ISOs, RTOs, and public utilities in non-ISO/RTO regions. This includes the submission of information relating to dispatch reliability, transmission planning, and the marginal cost of energy and resource availability. The information submitted by ISOs, RTOs, and participating public utilities in non-ISO/RTO regions is used to measure the performance of reliability and operations functions in which ISOs, RTOs, and public utilities in non-ISO/RTO regions perform identical activities.

The attached list of metrics will not be published in the **Federal Register** but will be available as part of this notice in the Commission's eLibrary system under Docket No. AD14–15–000.

Type of Respondents: ISOs, RTOs, and public utilities.

Estimate of Annual Burden: [2] For ISOs, RTOs and public utilities that have submitted performance information previously, their submittals will only include performance information for the 2010–2014 period.[3] For other public utilities that have not submitted performance information previously, their submittals will also provide performance information for the 2010–2014 period.[4] This information is to be filed by October 30, 2015.[5] The estimate of annual burden assumes submittals occur every two years. For this reason, the annual number of responses is ''0.5'' in the table below.

FERC–922 (AD14–15–000)—Performance Metrics for ISOs, RTOs and Regions Outside ISOs and RTOs [6]

Information collection component	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours and cost per response [7]	Total annual burden hours and total annual cost	Cost per respondent per year ($)
	(1)	(2)	(1)*(2)=(3)	(4)	(3)*(4)=(5)	(5)÷(1)
ENTITIES THAT HAVE PREVIOUSLY SUBMITTED PERFORMANCE INFORMATION [8]						
Metrics Data Collection	11	0.5	5.5	229 $18,366	1,260 $101,012	9,183
Write Performance Analysis	11	0.5	5.5	139 $11,148	765 $61,313	5,574
Management Review	11	0.5	5.5	33 $2,796	182 $15,377	1,398
Subtotal					2,207 $177,702	16,155
ENTITIES THAT HAVE NOT PREVIOUSLY SUBMITTED PERFORMANCE INFORMATION [9]						
Collection, writing, and review	5	0.5	2.5	427 $34,403	1,068 $86,008	17,202
Total	16				3,275 $263,710	

Public Comments and FERC's Responses: Comments were filed by the public in response to the FERC–922 **Federal Register** Notice of Information Collection and Request for Comments and the Commission's responses to those comments are provided below.

Burden Estimate

Edison Electric Institute (EEI) considers the burden estimate to be significantly understated, particularly for ''stand-alone utilities'' without access to data collection and compilation activities performed by ISO and RTO staff. EEI estimates the response time for stand-alone utilities to be as high as 300–400 hours per utility.

FERC Response: We address EEI's concern by revising the burden estimate. We recognize that certain EEI members have experienced the process of collecting, summarizing, reviewing, and

[2] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, see 5 CFR 1320.3 (2014).

[3] ISOs, RTOs and public utilities who wish to file revisions to previously submitted data (*i.e.,* from periods prior to 2010), may do so.

[4] Public utilities who have not previously submitted performance information may also voluntarily submit data from the 2008–2009 period along with their 2010–2014 submittals, if they believe that such information would be important to this initiative.

[5] The Commission will provide public notice prior to the due date for any subsequent collection within the approved information collection period.

[6] The results in this table have been rounded for display purposes.

[7] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response * $XX per Hour = Average Cost per Response. The hourly cost figure for the metrics data collection and writing the performance analysis is based on the loaded average wage (salary plus benefits) of $80.20/hour for an analyst, attorney, engineer, and economist. The hourly cost figure for the management review is based on the loaded average wage (salary plus benefits) of $84.72/hour for management. Wage and benefits data are from the Bureau of Labor Statistics at *http://www.bls.gov/oes/current/naics2_22.htm* and *http://www.bls.gov/news.release/ecec.nr0.htm.*

[8] Assumes responses from the six RTOs and ISOs and five public utilities that previously submitted data.

[9] Assumes five public utilities that have not previously submitted information will submit data. Assumes that four of these public utilities will submit data for the period covering 2010–2014, and that one public utility will voluntarily provide data for 2008–2009 in addition to 2010–2014. The weighted average wage (salary plus benefits) assumed for new respondents is $80.57 per hour, which reflects the hour-weighted average of the wages assumed for entities that have previously submitted performance information.

submitting information as part of this initiative, and therefore might be better positioned to estimate the time and resources involved. In response, we revise the burden estimate to be approximately 400 hours per respondent (401 hours for previous participants and 427 hours for new participants). We believe that the updated burden estimate accounts for the higher response times of certain participants. We also believe that the updated burden estimate accounts for any additional time associated with the instruction to submit the numeric values corresponding to charts and tables in an accompanying file.[10]

Ways To Minimize Information Collection Burden

The ISO/RTO Council (IRC) recommends that data be provided only for the 2010–2014 period. IRC notes that its members have already submitted information through 2010. Southern Company Services, Inc. (Southern) also recommends that only one data collection be required for the 2010–2014 time period. Noting that the Common Metrics Report issued by the Commission in August 2014 provides information for the 2006–2010 period, Southern considers information collection on the 2008–2012 period to be an additional burden and argues that it should be eliminated. Noting that utilities outside of ISOs/RTOs will have to devote considerable resources and expenses to provide data, EEI recommends that the Commission retain the voluntary approach for these utilities and that data collection for ISO and RTO regions only occur when data is readily available and the data collection process can be streamlined. New York Transmission Owners (NYTOs) [11] support continued data collection. NYTOs consider this information to be helpful for analyzing ISO and RTO performance and that the benefits of the information to the Commission and affected parties outweigh any related burdens on respondents. International Transmission Company (ITC) supports the proposed data collection as necessary and not overly burdensome. American Public Power Association (APPA) and American Wind Energy Association (AWEA) also support continued data collection.

FERC Response: We note concerns raised by IRC and Southern over the potential redundancy and additional burden for providing information for the 2008–2012 period. Additionally, we note EEI's concerns with streamlining the collection process. In designing the information collection process, we aim to balance the goal of creating comparable data series across entities with the goals of wide participation and practical submission criteria. Accordingly, all participating entities may submit a single report with information on the 2010–2014 period rather than submitting two reports for the 2008–2012 and 2010–2014 periods. This includes ISOs, RTOs, and public utilities in non-ISO/RTO regions that have submitted performance information previously, and public utilities in non-ISO/RTO regions that have not submitted performance information previously. The reports may be submitted by October 30, 2015. Going forward, Commission Staff will continue to consult with ISOs, RTOs and participating public utilities in the voluntary and collaborative data collection process to address ways to minimize the burden of data collection.

Necessity and Practical Utility of Information Collection

Southern states that developing metrics for bilateral markets is not necessary for the Commission to develop proper standardized measures that track the performance of ISO and RTO operations and markets, which is the goal set for the Commission's performance metrics efforts in a Government Accountability Office (GAO) report.[12] EEI does not consider further data collection to be necessary for the Commission to properly perform its functions. EEI suggests that if the Commission believes data collection is necessary, then the Commission should explain the importance of this data to the Commission's functions and the Commission's intentions for using the data. Southern and EEI also consider the practical usefulness of the information to be limited due to the differences in market structures between utilities outside ISO and RTO markets and ISO and RTO market operators. Southern and EEI state that the usefulness of the information is diminished by errors in the Common Metrics Report, arguing that such errors could have been avoided with review and feedback by participating utilities. Southern and EEI also dispute a statement in the Common Metrics Report that utilities outside of ISOs and RTOs have an incentive to discriminate, and EEI stresses that data voluntarily provided to the Commission should not be used to indicate misconduct or used as record evidence in contested proceedings or in enforcement proceedings against entities providing such data. However, EEI states that utilities will continue to provide data voluntarily to assist the Commission in identifying trends or to highlight areas that could be improved through Commission policy. Similarly, Southern notes its intention to continue to coordinate and work with Commission Staff should the Commission continue with this initiative.

FERC Response: The Commission considers it important to compare the performance of ISOs and RTOs with non-ISO and -RTO regions because large portions of the country, notably the Pacific Northwest and the Southeast, have not engaged in restructuring and remain outside of ISOs/RTOs. GAO and other experts were concerned that the benefits of ISOs and RTOs cannot be assessed in isolation, but are best considered in comparison with non-restructured regions.[13] Furthermore, as the metrics developed by Commission Staff seek to glean information across various categories, the Commission aims to assess whether certain particular features of ISOs and RTOs demonstrate superior performance and/or certain (other) features of non-ISO/RTO regions demonstrate superior performance, with a goal of improving the performance of each type of electricity market.

The practical usefulness of the information is not limited by the differences in market structures between utilities outside ISO and RTO regions and between each ISO and RTO market operator. The metrics common to ISOs and RTOs and public utilities in non-ISO/RTO regions measure the performance of reliability and operations functions in which ISOs and RTOs and public utilities in non-ISO/RTO regions perform identical activities, and therefore the common performance metrics provide useful and meaningful information.

The errors and misstatements cited by Southern and EEI do not diminish the practical usefulness of the information submitted because the public record in Docket Nos. AD12–8–000 and AD14–15–000 includes all the correct

[10] The purpose of the additional instruction is to reduce the potential for error in compiling reports on the information submitted.

[11] NYTOs are Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Power Supply Long Island, New York Power Authority, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation.

[12] *See* U.S. Government Accountability Office, Report to the Committee on Homeland Security and Governmental Affairs, U.S. Senate, Electricity Restructuring: *FERC Could Take Additional Steps to Analyze Regional Transmission Organizations' Benefits and Performance* (Sept. 2008).

[13] *Id.* at 56–57.

information submitted by Southern. The Common Metrics Report of concern to Southern was intended to evaluate whether the common metrics are measuring the same activities and have the same meaning across the industry.[14] Accordingly, the purpose of the report was not intended to be the primary data source. Nor did the mentioned errors and misstatements,[15] have any impact on the common metrics evaluation.

As for the statement in the Common Metrics Report regarding a utility's incentive to discriminate among users of transmission services, this statement has no bearing on the usefulness or quality of the information collected. Southern's and EEI's comments on the potential use of data in enforcement proceedings are also beyond the scope of this data collection notice and are not reflective of the intention of this data collection which is to measure the performance of reliability and operations functions in which ISOs and RTOs and public utilities outside ISO and RTO markets perform identical activities.

Additional Data Collection

APPA, AWEA, and ITC recommend that additional data be collected and reported in order to further improve the usefulness of the performance metrics. ITC does not consider information on transmission facilities approved for construction for reliability purposes to be meaningful without proper context. Southern and EEI state that the proposed common wholesale price metric for ISOs and RTOs and utilities in non-ISO/RTO regions [16] would not provide relevant or useful information since ISO and RTO markets differ significantly from the bilateral markets in non-ISO/RTO regions.

FERC Response: Commission Staff will discuss additional data collection and metrics of interest to commenters, as well as ways to make the metrics more meaningful, in the ongoing voluntary and collaborative process with ISOs, RTOs, participating utilities in non-ISO/RTO regions, and stakeholders.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12701 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

[14] Common Metrics Report at 4.

[15] *I.e.,* an inaccurate listing of Southern's transmission loading relief data as ''No Data'' instead of zero and a mischaracterization of Southern's transmission planning process as a SERC planning process instead of a Southeastern Regional Transmission Planning Process (SERTP) planning process.

[16] *See* Common Metrics Report at 80.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1946–008; ER11–3864–011; ER10–3231–001; ER10–3233–001.

Applicants: Broad River Energy LLC, EquiPower Resources Management, LLC, Wheelabrator Ridge Energy Inc., Wheelabrator South Broward Inc.

Description: Supplement to December 31, 2014 Triennial Market Power Analysis of the ECP MBR Sellers.

Filed Date: 5/19/15.

Accession Number: 20150519–5180.

Comments Due: 5 p.m. ET 6/9/15.

Docket Numbers: ER14–1464–002.

Applicants: Duke Energy Carolinas, LLC.

Description: Tariff Amendment per 35.17(b): Amendment to EUEMC NITSA SA No. 366 to be effective 5/1/2015.

Filed Date: 5/19/15.

Accession Number: 20150519–5168.

Comments Due: 5 p.m. ET 6/9/15.

Docket Numbers: ER15–1185–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing per 35: 2015–05–20_SA 766 ATC–WPSC Bill of Sale Compliance to be effective N/A.

Filed Date: 5/20/15.

Accession Number: 20150520–5057.

Comments Due: 5 p.m. ET 6/10/15.

Docket Numbers: ER15–1188–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing per 35: 2015–05–20_SA 2756 ATC–WPSC CFA Compliance to be effective N/A.

Filed Date: 5/20/15.

Accession Number: 20150520–5056.

Comments Due: 5 p.m. ET 6/10/15.

Docket Numbers: ER15–1538–000.

Applicants: Safe Harbor Water Power Corporation.

Description: Amendment to April 20, 2015 Safe Harbor Water Power Corporation tariff filing to be effective 4/21/2015.

Filed Date: 5/19/15.

Accession Number: 20150519–5185.

Comments Due: 5 p.m. ET 6/9/15.

Docket Numbers: ER15–1750–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 3026 Steele Flats GIA; Cancellation of 2893SO to be effective 4/23/2015.

Filed Date: 5/20/15.

Accession Number: 20150520–5044.

Comments Due: 5 p.m. ET 6/10/15.

Docket Numbers: ER15–1751–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2573R1 Buckeye Wind Energy LLC GIA to be effective 4/29/2015.

Filed Date: 5/20/15.

Accession Number: 20150520–5051.

Comments Due: 5 p.m. ET 6/10/15.

Docket Numbers: ER15–1752–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 1166R24 Oklahoma Municipal Power Authority NITSA and NOA to be effective 6/1/2015.

Filed Date: 5/20/15.

Accession Number: 20150520–5093.

Comments Due: 5 p.m. ET 6/10/15.

Docket Numbers: ER15–1753–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 1313R9 Oklahoma Gas and Electric Company NITSA and NOA to be effective 6/1/2015.

Filed Date: 5/20/15.

Accession Number: 20150520–5095.

Comments Due: 5 p.m. ET 6/10/15.

Docket Numbers: ER15–1754–000.

Applicants: Alpaca Energy LLC.

Description: Initial rate filing per 35.12 FERC Electric MBR Tariff Application to be effective 7/17/2015.

Filed Date: 5/20/15.

Accession Number: 20150520–5100.

Comments Due: 5 p.m. ET 6/10/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 20, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–12696 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD15–24–000]

Richmond Irrigation Company; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On May 6, 2015, and supplemented on May 8, 2015, Richmond Irrigation Company filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Richmond Hydroelectric Project would have an installed capacity of 397 kilowatts (kW), and would be located along the Upper High Creek Pipeline. The project would be located near Richmond City in Cache County, Utah.

Applicant Contact: Mr. Terry Spackman, P.O. Box 156, Richmond, UT 84333, Phone No. (435) 770–1800.

FERC Contact: Christopher Chaney, Phone No. (202) 502–6778, email: *christopher.chaney@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of two developments: Coveville and Richmond.

The Coveville Development would consist of: (1) A proposed approximately 400-square-foot powerhouse; (2) one 6-inch-diameter intake receiving water from the approximately 2,000-foot-long, 18-inch-diameter Coveville Lateral coming from the Upper High Creek Pipeline; (3) one pump-as-turbine unit connected to a generator with an installed capacity of 157 kW; (4) an 8-inch-diameter discharge connected to an 18-inch-diameter pipe that returns the water to High Creek; and (5) appurtenant facilities.

The Richmond Development would consist of: (1) A proposed approximately 600-square-foot powerhouse; (2) two 6-inch-diameter intakes receiving water from the 24-inch-diameter Upper High Creek Pipeline; (3) two pump-as-turbine units connected to two generators, each with an installed capacity of 120 kW, for a total installed capacity of 240 kW; (4) two 10-inch-diameter discharges returning water to the 24-inch-diameter Upper High Creek Pipeline; and (5) appurtenant facilities.

The proposed project would have a total installed capacity of 397 kW, and an estimated annual generating capacity of 1,900 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: Based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene 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. 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.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*e.g.,* CD15–24) in the

[1] 18 CFR 385.2001–2005 (2014).

docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: May 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–12702 Filed 5–26–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2003–0004; FRL–9927–82]

Access to Confidential Business Information by Eastern Research Group

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Eastern Research Group (ERG) of Lexington, MA, to access information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

DATES: Access to the confidential data will occur no sooner than June 3, 2015.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Scott Sherlock, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8257; fax number: (202) 564–8251; email address: *Sherlock.scott@epa.gov*.

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of interest to all who manufacture, process, or distribute industrial chemicals. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2003–0004 is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

II. What action is the agency taking?

Under EPA contract number EP–W–15–006, contractor ERG of 110 Hartwell Ave, Suite 1, Lexington, MA will assist the Office of Pollution Prevention and Toxics (OPPT) in compliances investigations; obtaining expert witness support; monitoring or analysis of regulated substances from manufacturing, processing, and distribution in commerce; and disposal of pesticides and toxic substances. The contractor will also assist in conducting enforcement case development and analysis activities under TSCA.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number EP–W–15–006, ERG will require access to CBI submitted to EPA under all section(s) of TSCA to perform successfully the duties specified under the contract. ERG's personnel will be given access to information submitted to EPA under all section(s) of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide ERG access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and ERG's site located at 14555 Avion Parkway, Suite 200, Chantilly, VA, in accordance with EPA's *TSCA CBI Protection Manual.*

Access to TSCA data, including CBI, will continue until April 30, 2020. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

ERG personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: May 20, 2015.

Mario Caraballo,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2015–12801 Filed 5–26–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[3060–XXXX]

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 Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before June 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 contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Benish Shah, Federal Communications Commission, via the Internet at *Benish.Shah@fcc.gov*. To submit your PRA comments by email send them to: *PRA@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: Benish Shah, Office of Managing Director, (202) 418–7866.

OMB Control Number: 3060–XXXX.

Title: Wireless E911 Location Accuracy Requirements.

Form Number: N/A.

Type of Review: New Collection.

Respondents: Business or other for-profit entities; and/or State, local or tribal governments.

Number of Respondents: 4,394 respondents; 29,028 responses.

Estimated Time per Response: 2–10 hours.

Frequency of Response: Recordkeeping, reporting, and third-party disclosure requirements.

Obligation to Respond: Voluntary. Statutory authority for this information collection is contained in 47. U.S.C. Sections 1, 2, 4(i), 7, 10, 201, 214, 222, 251(e), 301, 302, 303, 303(b), 303(r), 307, 307(a), 309, 309(j)(3), 316, 316(a), and 332 of the Communications Act of 1934, as amended.

Total Annual Burden: 143,138 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: None.

Needs and Uses: Section 20.18(i)(2)(ii)(A) rule requires that, within three years of the effective date of rules, CMRS providers shall deliver to uncompensated barometric pressure data from any device capable of delivering such data to PSAPs. This requirement is necessary to ensure that PSAPs are receiving all location information possible to be used for dispatch. This requirement is also necessary to ensure that CMRS providers implement a vertical location solution in the event that the proposed ''dispatchable location'' solution does not function as intended by the three-year mark and beyond.

Section 20.18(i)(2)(ii)(B) requires that the four nationwide providers submit to the Commission for review and approval a reasonable metric for z-axis (vertical) location accuracy no later than 3 years from the effective date of rules. The requirement is critical to ensure that the vertical location framework adopted in the Fourth Report and Order is effectively implemented.

Section 20.18(i)(2)(iii) requires CMRS providers to certify compliance with the Commission's rules at various benchmarks throughout implementation of improved location accuracy. This requirement is necessary to ensure that CMRS providers remain ''on track'' to reach the goals that they themselves agreed to.

Section 20.18(i)(2)(iv) provides that PSAPs may seek Commission enforcement of the location accuracy requirements within their geographic service area, as long as they have implemented policies that are designed to obtain all location information made available by CMRS providers when initiating and delivering 911 calls to the PSAP, and, prior to seeking Commission enforcement, a PSAP must provide the CMRS provider with 30 days written notice, and the CMRS provider shall have an opportunity to address the issue informally.

Section 20.18(i)(3)(i) requires that within 12 months of the effective date, the four nationwide CMRS providers must establish the test bed described in the Fourth Report and Order, which will validate technologies intended for indoor location, The test bed is necessary for the compliance certification framework adopted in the Fourth Report and Order.

Section 20.18(i)(3)(ii) requires that beginning 18 months from effective date of rules, nationwide CMRS providers providing service in any of the six Test Cities identified by ATIS (Atlanta, Denver/Front Range, San Francisco, Philadelphia, Chicago, and Manhattan Borough of New York City) must collect and report aggregate data on the location technologies used for live 911 calls. This reporting requirement is necessary to validate and verify the compliance certifications made by CMRS providers.

Section 20.18(i)(3)(iii) requires that CMRS providers shall retain testing and live call data gathered pursuant to this section for a period of 2 years.

Section 20.18(i)(4)(i) and (ii) require that no later than 18 months from the effective date, each CMRS provider shall submit to the Commission its plan for implementing improved indoor location accuracy and a report on its progress toward doing so. Non-nationwide CMRS providers will have an additional 6 months to submit their progress reports. All CMRS providers shall provide an additional progress report no later than 36 months from the effective date of the adoption of this rule. The 36-month reports shall indicate what progress the provider has made consistent with its implementation plan.

Section 20.18(i)(4)(iii) requires that prior to activation of the NEAD but no later than 18 months from the effective date of the adoption of this rule, the nationwide CMRS providers shall file with the Commission and request approval for a security and privacy plan for the administration and operation of the NEAD. This requirement is necessary to ensure that the four nationwide CMRS providers are building in privacy and security measures to the NEAD from its inception.

Section 20.18(i)(4)(iv) requires that before use of the NEAD or any information contained therein, CMRS providers must certify that they will not use the NEAD or associated data for any non-911 purpose, except as otherwise required by law. This requirement is necessary to ensure the privacy and security of any personally identifiable information that may be collected by the NEAD.

Section 20.18(j) requires CMRS providers to provide standardized confidence and uncertainty (C/U) data for all wireless 911 calls, whether from outdoor or indoor locations, on a per-call basis upon the request of a PSAP. This requirement will serve to make the use of C/U data easier for PSAPs.

Section 20.18(k) requires that CMRS providers must record information on all live 911 calls, including, but not limited to, the positioning source method used to provide a location fix associated with the call, as well as confidence and uncertainty data. This information must be made available to PSAPs upon request, as a measure to promote transparency and accountability for this set of rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2015–12659 Filed 5–26–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0233]

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 the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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 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 Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before July 27, 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 Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

OMB Control No: 3060–0233.

Title: Part 54, High-Cost Loop Support Reporting to National Exchange Carrier Association (NECA).

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 1,095 respondents; 1,515 responses.

Estimated Time per Response: 22 hours.

Frequency of Response: On occasion reporting requirement, annual reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for information collection is contained in 47 U.S.C. 151, 154(i), and (j), 221(c) and 410(c).

Total Annual Burden: 33,330 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact.

Nature and Extent of Confidentiality: No assurance of confidentiality has been given regarding the information.

Need and Uses: In order to determine which carriers are entitled to high-cost loop support, rate-of-return incumbent local exchange carriers (LECs) must provide the National Exchange Carrier Association (NECA) with the loop cost and loop count data required by 47 CFR 54.1305 of the Commission's rules for each of its study areas and, if applicable, for each wire center (that term is defined in 47 CFR part 54). The loop cost and loop count information is to be filed annually with NECA by July 31st of each year, and may be updated occasionally pursuant to 47 CFR 54.1306. Pursuant to section 54.1307, the information filed on July 31st of each year will be used to calculate universal service support for each study area and is filed by NECA with the Commission by October 1 of each year. An incumbent LEC is defined as a carrier that meets the definition of ''incumbent local exchange carrier'' in 47 CFR 51.5 of the Commission's rules.

The reporting requirements are necessary to implement the congressional mandate for universal service. The requirements are necessary to verify that rate-of-return LECs are eligible to receive universal service support. Information filed with NECA pursuant to section 54.1305 is used to calculate universal service support payments to eligible carriers. Without this information, NECA and USAC (Universal Service Administration Company) would not be able to calculate such payments to eligible carriers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2015–12658 Filed 5–26–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2015–N–03]

Notice of Establishment of Housing Price Index

AGENCY: Federal Housing Finance Agency.

ACTION: Notice and Request for Input.

SUMMARY: The Federal Housing Finance Agency (FHFA) is establishing and shall maintain a method for assessing the national average single-family house price for use in adjusting the conforming loan limits of Fannie Mae and Freddie Mac (the ''Enterprises''). For these purposes, FHFA has considered a number of different measures, including the House Price Index maintained by the Office of Federal Housing Enterprise Oversight (OFHEO) of the Department of Housing and Urban Development before the effective date of the Federal Housing Finance Regulatory Reform Act of 2008.[1] FHFA also considered house price indexes of the Bureau of the Census of the Department of Commerce as well as other privately-produced indexes.[2]

FHFA intends to use the FHFA ''expanded-data'' house price index (HPI)—an index it publishes on a quarterly basis—to adjust the conforming loan limit. This Notice solicits public input. Once public input is reviewed, another Notice will be published describing FHFA's final determination.

DATES: FHFA will accept input on the Notice on or before July 27, 2015. For additional information, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: You may submit your input on the Notice, identified by ''Notice No. 2015–N–03,'' by any of the following methods:

- *Agency Web site: https://www.fhfa.gov/AboutUs/Contact/Pages/Request-for-Information-Form.aspx.*
- *Hand Delivery/Courier to:* Alfred M. Pollard, General Counsel, Attention: Input/Notice No. 2015–N–03, Federal Housing Finance Agency, Constitution Center, 400 Seventh Street SW., Eighth Floor, Washington, DC 20024. Deliver the package to the Seventh Street Entrance Guard Desk, First Floor, on business days between 9 a.m. and 3 p.m.
- *U.S. Mail Service, United Parcel Service, Federal Express, or other commercial delivery service to:* Alfred M. Pollard, General Counsel, Attention: Input/Notice No. 2015–N–03, Federal Housing Finance Agency, Constitution Center, 400 Seventh Street SW., Eighth Floor, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Andrew Leventis, Principal Economist, 202–649–3199, *Andrew.Leventis@fhfa.gov*, or Jamie Schwing, Associate

[1] Division A of the Housing and Economic Recovery Act of 2008, Pub. L. No 110–289, 122 Stat. 2654, 2659 (2008). Note that OFHEO was one of the predecessor agencies to FHFA.

[2] The S&P/Case-Shiller and CoreLogic house prices indexes, for instance, were considered.

General Counsel, 202–649–3085, *Jamie.Schwing@fhfa.gov*, (not toll-free numbers), Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20024.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Input

FHFA invites input on all aspects of the Notice and will take all relevant input into consideration. A final Notice will be published after FHFA considers public feedback.

Copies of all submissions received will be posted without change, including any personal information you provide such as your name, address, email address and phone number, on the FHFA internet Web site, *http://www.fhfa.gov*. In addition, copies of all submissions received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m. at the Federal Housing Finance Agency, Constitution Center, 400 Seventh Street SW., Washington, DC 20024. To make an appointment to inspect submissions, please call the Office of General Counsel at (202) 649–3804.

II. Statutory and Regulatory Background

The Housing and Economic Recovery Act of 2008 (HERA), Public Law 110–289, 122 Stat. 2654 (July 30, 2008), amended the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 *et seq.*) (Safety and Soundness Act) to establish FHFA as an independent agency of the Federal Government.[3] Pursuant to section 1322 (12 U.S.C. 4542) of the Safety and Soundness Act, as amended by section 1124(d) of HERA, 122 Stat. 2693,[4] FHFA is required to establish and maintain a House Price Index for use in adjusting the conforming loan limits of the Enterprises.[5] A number existing metrics, including those identified in section 1322, could serve this purpose. Also, HERA sections 1124(a) and (b), 122 Stat. 2691–2692, amended sections 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2), and 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2) (together, the Charter Acts), to specify that the baseline national loan limit should be changed annually by the percentage change in the established index.

III. House Price Index for Loan Limit Adjustments

A. Summary

Section 1322 of the Safety and Soundness Act requires that FHFA ''establish and maintain a method of assessing the national average 1-family house price for use in adjusting the conforming loan limitations.'' 12 U.S.C. 4542. The conforming loan limit is the maximum size of mortgage that the Enterprises are allowed to acquire in a given year. With some exceptions, the Safety and Soundness Act requires that FHFA annually adjust the maximum loan size by the percentage change in the index over the preceding year.

After reviewing the landscape of available measures and analyzing candidate new methodologies, FHFA has chosen its ''expanded-data'' HPI for tracking average home values and adjusting the conforming loan limit. The index, which is already produced by FHFA on a quarterly basis, uses data from a number of different sources and employs the well-established ''repeat-transactions'' methodology for measuring price changes. A number of privately-produced indexes in fact use the same fundamental methodology, but have not been selected. The expanded-data index is deemed to be relatively attractive because of the lengthy publication track record of the FHFA (and OFHEO) price indexes and the methodological control that production of the relied-upon index allows.

Public input is sought on the relative merits of the selected index. Feedback is also desired on technical implementation matters addressed in this Notice.

B. Background

1. Safety and Soundness Act Section 1322

Under section 1322 of the Safety and Soundness Act, the FHFA Director is required to ''establish and maintain'' a measure of average U.S. home prices. In doing so, the Safety and Soundness Act requires that FHFA ''take into consideration'' various measures of home prices when developing the index. The reference measures include the FHFA HPI,[6] data from the Census Bureau, information from a contemplated FHFA survey of national lenders, and ''any other indexes or measures that the Director considers appropriate.'' 12 U.S.C 4542.

In the context of the Safety and Soundness Act, the purpose of the established index is to adjust the conforming loan limit. Specifically, it is used to adjust the baseline loan limit that applies in most of the country. This limit applies everywhere except for areas where median home values are high or are otherwise designated as ''high-cost'' areas. Loan limits in high-cost areas will be addressed later in this Notice.

Sections 302(b)(2) and 305(a)(2) of the Charter Acts specify that the baseline national loan limit should be changed annually by the percentage change in the established index. The change in the baseline limit is constrained when price declines occur, however. Specifically, the national loan limit is not permitted to decline when the national average price declines. Also, after a period of price declines, when the national

[3] Division A of HERA titled, the Federal Housing Finance Regulatory Reform Act of 2008, established FHFA to oversee the operations of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation (collectively, Enterprises), and the Federal Home Loan Banks (Banks) (collectively, regulated entities). FHFA is to ensure that the regulated entities operate in a safe and sound manner including being capitalized adequately; that their operations foster liquid, efficient, competitive and resilient national housing finance markets; that they comply with the Safety and Soundness Act and their authorizing statutes, and with rules, regulations, guidelines and orders issued under those statutes; that they carry out their missions through activities authorized and consistent with the Safety and Soundness Act and their authorizing statutes; and that the activities and operations of the entities are consistent with the public interest. *See* 122 Stat. 2659, 2663–2664 (2008).

[4] Original section 1322 was repealed by section 1121(2) of HERA, (122 Stat. 2689).

[5] Section 1322 states in relevant part that ''the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date of the Federal Housing Finance Regulatory Reform Act of 2008, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.''

[6] The Safety and Soundness Act describes the FHFA HPI as ''the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date of the Federal Housing Finance Regulatory Reform Act of 2008.''

average home value finally does increase, the loan limit cannot increase until prices regain all of their prior losses.

Prior to and immediately following the enactment of HERA, the national average home price declined significantly. FHFA's house price indexes and all other reliable measures of home price movements evidenced substantial declines. FHFA's expanded-data house price index, for instance, declined by more than twenty percent between the third quarter of 2007 and the third quarter of 2011. Given the Safety and Soundness Act's prohibition against declines in the baseline loan limit, declining U.S. home prices meant that the selection of a specific index for adjusting the loan limit under the Safety and Soundness Act was of little practical import; the baseline loan limit would be the same irrespective of the index used. With each year's publication of the conforming loan limits for the following year, FHFA noted this and kept the baseline loan limit the same ($417,000 for one-unit properties in most of the country).[7]

Housing markets have improved substantially over the last few years and home values are getter closer to where they were just before HERA's enactment. Indeed, FHFA's expanded-data house price index is within a few percentage points of its level in 2007.[8] Given the rising prices, it is now important that FHFA formally establish the specific methodology it will use for tracking prices and adjusting the baseline loan limit.

It should be noted that sections 302(b)(2) and 305(a)(2) of the Charter Acts specify that in locations where the 115 percent of the local median home value is above the baseline loan limit (''high-cost'' areas) the local limit is set at 115 percent of the median value. In no case, however, can the local loan limit be more than 150 percent of the baseline limit. The baseline loan limit thus acts as both a ''floor'' on loan limits and as a determinant of a ''ceiling'' on loan limits. The methodology for adjusting the baseline loan limits thus plays an indirect role in setting limits in these areas.

The adjustment process for setting the baseline loan limit is also important to certain statutorily-defined areas. Legislation enacted prior to HERA set out Alaska, Hawaii, Guam, and the U.S. Virgin Islands as areas with higher loan limits.[9] In these statutorily-defined areas, the local ''floor'' on loan limits is 150 percent of the baseline loan limit in the rest of the country. If area median home values are sufficiently high in these areas, the local limit can be even higher, as it can rise to a maximum of 150 percent of the ceiling in the rest of the country (which in turn is 150 of the baseline loan limit). Today, the highest possible loan limit for one-unit properties in the statutorily defined areas is $938,250 (*i.e.,* 225 percent of the baseline loan limit of $417,000). The baseline loan limit establishes the floor and ceiling limits in these statutorily-defined areas and thus the index used for adjusting the baseline plays a role in determining limits in the statutorily-defined areas.

2. Evaluating Existing Measures of Price Changes

i. Available Measures

A significant number of home price measures are available and could be used for adjusting the baseline conforming loan limit. Available metrics include:

- Any of FHFA's existing price indexes, including the purchase-only HPI, the all-transactions HPI, and the expanded-data HPI;
- The Census Bureau's Constant Quality House Price Index;
- The CoreLogic HPI;
- The S&P/Case-Shiller Indexes; and
- The National Association of Realtors' Average or Median Home Prices.

The first two of these are specifically identified in section 1322. The other listed measures are produced by private data suppliers. When deciding which metric to be used for measuring price changes, FHFA considered all of the measures above.

In 2010, FHFA published a Research Paper titled ''An Approach for Calculating Reliable State and National House Price Statistics.'' The paper, which is available for download on the FHFA Web site,[10] described a methodology that might be used for measuring the national average home price. The methodology will generally produce estimates of average price changes that are similar to those estimated by FHFA's expanded-data HPI, but involves the addition of supplemental data. This more-complicated methodology may be considered as an option in the future, but is not considered here.

ii. Evaluation Criteria

In evaluating various measures of home prices changes that might be used for section 1322, FHFA considered a number of factors. The most important factor was whether price changes reflected in the measure would correlate closely with changes in the U.S. average home price. The purpose of the index referenced in the Safety and Soundness Act is to adjust the conforming loan limit, and thus the reliable measurement of price *changes* is of the highest importance. As closely as possible, changes in the selected index should reflect changes in the average value of homes.

Section 1322 indicates that the measure should ''assess'' average U.S. home prices. Whether or not the measure needs to show the actual *level* of the average U.S. home prices is of little practical import for the Safety and Soundness Act's purposes. The critical use of the metric is to measure the price change and for FHFA to adjust the loan limit accordingly.[11]

The absence of any real need to measure the level of prices is notable because many existing house price measures do not actually report statistics on the absolute level of home prices; rather, they report indexes that can be used for measuring changes. No average or median house prices are currently published for the FHFA HPI, for instance. Similarly, other measures (*e.g.* the S&P/Case-Shiller index, the CoreLogic index) are not generally accompanied by level estimates. All of these measures, despite the absence of the estimated *level* of home prices, thus can act as reasonable candidates for the index to be used for loan limit adjustment.

Before the next evaluation criteria is discussed, it is important to briefly address the target of the index—the ''average'' price. Interestingly, the Safety and Soundness Act references the average price in the context of measuring changes in national home price and adjusting the baseline conforming loan limit, but references *median* home values in the setting of loan limits in high-cost areas.

Ultimately, the practical impact of the average-median distinction is modest:

[7] The announcement for 2015, for example, can be found on FHFA's Web site at *http://www.fhfa.gov/Media/PublicAffairs/Pages/FHFA-Announces-2015-Conforming-Loan-Limits-Unchanged-in-Most-of-the-U-S.aspx.* See, in particular, the second page of the Addendum to the release: *http://www.fhfa.gov/DataTools/Downloads/Documents/Conforming-Loan-Limits/CLLAddendum_CY2015.pdf.*

[8] As of the fourth quarter of 2014, the seasonally adjusted version of the index was about 7.3 percent below the 2007Q3 level.

[9] The higher limit in the U.S. Virgin Islands, for example, was established in PL 102–550.

[10] The paper, authored by Andrew Leventis, is available at: *http://www.fhfa.gov/PolicyProgramsResearch/Research/PaperDocuments/20100930_RP_CalculatingStateNationalHousePriceStatistics_508.pdf.*

[11] The Safety and Soundness Act implicitly recognizes that primacy of the *change* estimate by describing the measure as an *index* as opposed to merely the average value.

the long-term growth rates in average and median home prices are very similar and thus the choice of the target statistic (average vs. median) likely will have only a minimal impact on long-term loan limits. Even in the shorter term—during the recent housing bust—there was no dramatic difference in the measured declines for the median and mean U.S. prices.[12] The index FHFA intends to use for loan limit adjustment tracks the *geometric average* U.S. home price—a measure that tends to correlate closely with median and average home prices.[13]

Aside from the issue of the relevance of the statistic and the target (the average vs. median), the methodological transparency is also deemed to be a key attribute for evaluating various alternatives for the index. Details concerning how the statistics are constructed are important, as is information about methodological changes that might be made over time. In the landscape of available home prices, FHFA found vast differences in the amount of background information available.

Beyond relevance and transparency, FHFA also values reliability and control. The selected index should have a historical ''track record'' to minimize the risk that the relied-upon metric would be discontinued.

Agency production of the index also is important, not only because it would ensure continued publication of the important statistic, but also because production of the index enables the agency to make appropriate enhancements. The scope of available house price information has expanded sharply over the last several years and new developments may soon make more and better transactions information available. Agency production of the index will mean that new information can be added in a way that improves the precision of estimates, while not being disruptive to the setting of loan limits.

Finally, cost considerations were taken into account when evaluating candidate measures. While use of the expanded-data HPI and a number of externally-produced indexes would entail no incremental cost, one option would be for FHFA to develop and maintain a new index (for example, the one considered in the 2010 FHFA Research Paper). Efforts spent on maintaining a new measure, which would be yet another variant of FHFA's already-expansive suite of available price indexes, would entail a substantial expenditure of resources. The benefits of any increased precision of the estimates would need to be weighed against these costs.

C. Basics of the Proposed Methodology

FHFA intends to use the ''expanded-data'' HPI for the purpose of tracking average U.S. home prices as contemplated in section 1322. While any of a number of existing measures might produce similar results, FHFA's expanded-data HPI for the U.S. is found to be particularly attractive under the evaluation criteria discussed above.

The index, which has been published by FHFA since August of 2011, is constructed using the same ''repeat-transactions'' methodology as is used to construct the traditional FHFA HPI. The basic approach has been used by FHFA and OFHEO, one of FHFA's predecessor agencies, since 1996 when the HPI was first publicly released. The details on how the index is constructed are found in a technical primer available on FHFA's Web site.[14] [15]

The technical elements of the methodology are not detailed in this Notice, but the basic statistical model was first developed in the 1960s and was refined by Karl Case and Robert Shiller more than twenty years ago. The fundamental approach entails finding homes that have been sold two or more times in the past and calibrating a set of numbers—index values—to broadly reflect changes in value observed for such homes. Using millions of historical real estate transactions, the model begins by creating transaction ''pairs,'' where each pair reflects the price growth (or decline) that occurred for a given property over a specific interval of time. For example, if a hypothetical home was sold two times in the past—once for $100,000 in the first quarter of 2001 and again for $225,000 in the fourth quarter of 2014—then a pair would be created showing appreciation of 125 percent between 2001Q1 and 2014Q4.[16] Using this pair and millions of other pairs for other properties, the basic model entails estimating a regression model[17] that ''explains'' observed price changes using only information about when the individual property transactions occurred. The statistical model attempts to explain price changes (as opposed to price levels), a feature that makes it less susceptible to certain biases when measuring overall price movements in the marketplace.[18] The output of the model is a series of index values whose changes broadly mimic the price changes observed for the millions of properties in the dataset.

The FHFA expanded-data HPI uses the repeat-transaction model for estimating price changes in individual cities, all 50 states (and Washington, DC), and in the U.S. as a whole. Consistent with the way other FHFA indexes, for example the ''purchase-only'' and ''all-transactions'' indexes, are formed, the change in the expanded-data U.S. index is constructed to reflect the weighted average changes across the 50 states and Washington, DC. This ensures that changes in relative real estate volumes across states do not bias the measurement of the change in U.S. prices. If the expanded-data U.S. index was estimated by simply pooling transactions data from all states together and directly estimating it, the measured price change would be susceptible to biases when relative transaction volumes shift across states. In an environment in which prices are rising and transaction activity increases dramatically in those states with the most extreme price increases, for instance, the weighting ensures that the volume shifts do not inflate the measured price measure for the U.S. as a whole.[19]

Although the expanded-data HPI employs the same basic methodology as is used for forming FHFA's two Enterprise-only datasets (the ''all-transactions'' and ''purchase-only'' indexes), it uses slightly different historical transactions data. Like

[12] According to estimates from the National Association of Realtors' Existing Home Sales series, for instance, the decline between September of 2007 and September of 2011 was roughly 20.7 percent for average prices and 16.9 percent for median prices.

[13] The geometric mean of N numbers is computed as the product of the numbers taken to the 1/N root.

[14] See Charles Calhoun, ''OFHEO House Price Indexes: HPI Technical Description,'' available at *http://www.fhfa.gov/PolicyProgramsResearch/Research/PaperDocuments/1996–03_HPI_TechDescription_N508.pdf*. Hereafter, this paper is referred to as the HPI Technical Primer.

[15] Other publicly-available measures, including notably the S&P/Case-Shiller and the CoreLogic suite of indexes, employ the same basic methodology, although some details concerning their construction are not publicly available. The methodologies used in forming those indexes and decisions related to the release of the measures are not within FHFA's control.

[16] A home with three historical sales will produce two pairs. The first pair will reflect the price change between the first and second transactions and the second pair will show the change in selling price between the second and third transactions.

[17] A regression model is a well-established method for showing the statistical relationship between variables.

[18] For instance, if a large number of expensive homes transact in any given quarter, then the average and median transaction values will rise for a given area, even if there is no underlying home price appreciation. The repeat-transactions index, by contrast, will generally not reflect spurious price ''increases' in such situations.

[19] During market downturns (when transaction volumes tend to shrink in areas with the most extreme price declines), the constant weighting approach prevents the index from reporting undersized price declines.

FHFA's other measures, the expanded-data index incorporates sales price information for homes with Enterprise-purchased mortgages. Unlike FHFA's ''all-transactions'' index, however, appraisal values from refinance mortgages are not used in the data sample. Also, importantly, unlike both of the other two measures, the expanded-data indexes incorporate transaction prices for homes with FHA-endorsed loans and homes whose transactions have been recorded at various county recorder offices through the country. FHFA works with an outside data vendor—currently CoreLogic—to obtain the county records data from hundreds of counties throughout the country.

The addition of the two supplemental data sources (FHA and CoreLogic) to the Enterprise data provides for a better estimate of the overall change in the U.S. average home price than is available from the other indexes. To be sure, price changes reported in FHFA's other datasets will often closely resemble those reported by the expanded-data index. However, as has been discussed in prior OFHEO and FHFA publications, trends in home values sometimes have been demonstrably different for homeowners with different types of financing.[20] The expanded-data HPI is well-suited for capturing and incorporating those trends into its estimate of aggregate home price movements, unlike the other FHFA indexes.

Changes in the expanded-data HPI do not perfectly measure changes in the average or median U.S. home prices, to be sure. As discussed in the technical primer that details the FHFA methodology [21] and in the academic literature on the subject of price indexes,[22] FHFA's basic methodology tracks the *geometric* average home price. In most cases, however, the index will very closely correlate with any index that would specifically track the median (and often the average) price.

In the context of the estimation of house price indexes, a robust debate has occurred over the last several years regarding whether ''distressed sales'' should be included in the calibration data sample. Distressed sales, which include sales of bank Real Estate Owned (REO) properties as well as short sales,[23] tend to have lower prices than other transactions. These lower prices generally result from two factors: poor property condition and greater-than-average seller motivation.

Like other FHFA indexes and house price metrics produced by many others, FHFA's expanded-data HPI incorporates price data from distressed sales. As with all transactions, the distressed sales are included in the calibration of the expanded-data HPI as long as the buyer obtained an Enterprise or FHA loan or the property is in one of the counties for which FHFA has licensed county recorder information.

The primary justification for including such distress transactions is that they provide indications of value in situations where, without such data, price declines may be understated. It is well established that, during housing market downturns, sellers commonly pull their properties from the market, preferring to ''wait out'' declines rather than selling at a loss. In such environments, transaction volumes may shrink dramatically and the few observed transactions that do occur may show relatively limited price declines.[24]

One final note about the expanded-data HPI is important: as new opportunities arise for the addition of transactions data to the modeling dataset, FHFA may take advantage of those to improve the index. Since the inaugural release of the expanded-data HPI in 2011, the term ''expanded'' has referred to the addition of FHA and county recorder data to the standard Enterprise dataset. There is no reason that additional data sources may not be included into the calibration dataset in the future. For instance, transaction prices embedded within property appraisal data [25] might supplement the existing data sources. As with all significant changes in FHFA indexes, FHFA would notify the public of any such data enhancements.

D. Other Measures of Home Prices

While other existing (and potential) measures had some attractive qualities, given the criteria used, FHFA believes that the expanded-data HPI is the best option for the purpose of adjusting the loan limit.

The data sources that the Safety and Soundness Act explicitly requires the Director to consider are the FHFA's ''monthly survey of all major lenders'' and any ''appropriate house price indexes'' published by the Census Bureau. Viable options for measuring appropriate price changes are not available from either. In the case of the monthly survey, the requisite data fields are currently under development, and therefore FHFA has not yet conducted the survey. Statistics from the Census Bureau are comprehensive for tracking the prices of *new* homes that are sold, but generally do not show price changes for existing homes. Price trends for new homes can differ substantially from price trends for existing homes, and thus the new home focus of the Census Bureau data is deemed to be a significant drawback in this context.

In theory, one might track changes in the average or median U.S. home prices by looking at statistics published monthly by the National Association of Realtors (NAR). The NAR's estimates focus on prices for existing homes, as direct estimates of the average and median transactions prices are reported using data from a large number of local Multiple Listing Services. NAR's estimates are attractive in their simplicity (no statistical models are employed in their derivation) and in the fact that the statistics have been published consistently for decades. The major problem with their use, however, is that—like all summary statistics—they are susceptible to short-term biases caused by fluctuations in the types of properties that transact in any given quarter. If a substantial number of expensive homes transact in any given quarter, for instance, the reported average and median home values will tend to rise even if no real market appreciation was present. If the ''quality'' of transacting homes is not held constant from quarter to quarter, the resulting statistic can produce volatile measures and may bias estimates of price changes (particularly in the short run). As has been discussed at length in academic and practitioner literature, other indexes—for example those that rely on the repeat-transaction methodology (*e.g.,* the expanded-data

[20] See, for example, ''Recent Trends in Home Prices: Differences across Mortgage and Borrower Characteristics,'' August 2008, available at *http://www.fhfa.gov/PolicyProgramsResearch/Research/PaperDocuments/20080825_RP_RecentTrendsHomePrices_N508.pdf.*

[21] See the HPI Technical Primer available at *http://www.fhfa.gov/PolicyProgramsResearch/Research/PaperDocuments/1996–03_HPI_TechDescription_N508.pdf.*

[22] For a lengthy discussion, see Shiller, Robert, ''Arithmetic Repeat Sales Price Estimators'' Journal of Housing Economics 1, pp. 110–125, 1991.

[23] Short sales are transaction for which: (a) The homeowner was in financial distress and (b) the transaction price was an amount lower than the loan balance. In such situations, to avoid the costs associated with foreclosure, lenders allow the distressed homeowner to sell the property for less than the loan amount.

[24] Another reason for including the transactions is pragmatic: it is often difficult to identify distressed sales using available data. FHFA has done so in the past and it does produce a set of ''distress-free'' indexes for select cities. The distress-free indexes take advantage of a unique dataset that aids in the identification of distress only in select cities, however.

[25] To be clear—this would not entail the inclusion of *appraisal* values, but rather property sales prices (*e.g.,* sales prices for ''comparable'' properties) found in electronic appraisal records.

HPI)—are less susceptible to these biases.[26]

U.S. house price indexes published by S&P/Case-Shiller and CoreLogic use the repeat-transactions approach for measuring price changes and thus would not be susceptible to these biases. Use of either of these indexes—or other external measures of house price movements—in the context of setting loan limits would entail substantial operational risks, however. The external measures do not generally have track records that rival the lengthy publication history of the FHFA HPI. Reliance on an external measure would mean that FHFA would be dependent on its continued publication and on the methodological decisions made by the producer. If the producer opted to discontinue publication or to make undesirable methodological changes, significant complications would arise, and the publication of the conforming loan limits ultimately could be disrupted. Separately, ignoring the issue of continued publication risks, details concerning the methodology employed in the production of external indexes are not always publicly available and, therefore, have less transparency than FHFA's indexes. The prospect that FHFA would rely on an index having little public descriptive material for the important function of setting loan limits is not appealing to the agency.

E. Implementation Issues—Details

While it will be enlightening to compare price trends for the expanded-data HPI to trends for other measures, it is useful to first address details concerning implementation timing. In particular, this section describes the ''when'' and ''how'' of loan limit changes under the use of the expanded-data HPI.

The Safety and Soundness Act requires that loan limits be ''adjusted'' each year and that the newly adjusted limits apply beginning in January. Since the passage of HERA—and in years prior (when OFHEO was setting the loan limit)—annual adjustments have been announced in the latter part of November. Under the terms of the Charter Acts, adjustments are to reflect the percentage price change in the index over the ''most recent'' 12-month or 4-quarter period.[27] Given the large price changes that occurred and the Safety and Soundness Act's prohibition on declines in the baseline loan limit, it has not been necessary for FHFA to formally designate the reference period: *i.e.,* whether price changes will be measured on a 4-quarter or 12-month basis and the specific comparison interval (*e.g.,* July vs. July of the preceding year or Q3 vs. Q3).

Given the existing publication schedule for the expanded-data HPI, when setting loan limits on a go-forward basis, FHFA anticipates measuring price changes between the third quarter and the third quarter of the preceding year. As always, FHFA will produce its suite of house price indexes (including the expanded-data HPI) in November using data through the most recent quarter—the third quarter. Then, using the measured price increase in the expanded-data HPI between the third quarter of the prior year and the third quarter of the present year, FHFA will compute the new baseline loan limit. The new loan limit will be announced toward the end of November at roughly the same time as the HPI report is published.[28]

The proposed focus on third quarter prices means that, in the current situation in which average prices are below levels prevalent prior to the passage of HERA, the third quarter of 2007 represents the relevant reference period for determining when the baseline loan limits can rise again. The baseline conforming loan limit was first set in late 2008 and, as such, the first interval for assessing price changes was 2007Q3 to 2008Q3. Under the expanded-data index (and other measures), that 2007Q3–2008Q3 change was a price decline, thus triggering the prescriptive terms of the Safety and Soundness Act requiring that prices rise to the 2007Q3 level before the baseline loan limit can be increased. In successive years of setting loan limits, the expanded-data HPI found further declines—and then a partial recovery—in U.S. average home prices. As shown in the next section, the latest expanded-data index value for the U.S. (for 2014Q4) shows that prices are still 7.9 percent below the 2007Q3 level. When the conforming loan limit is set for 2016 later this year, the index will generally have to exceed the 2007Q3 level for there to be an increase in the baseline loan limit.

One final technical note must be made about historical values of the expanded-data HPI. Under the basic repeat-transactions indexing model used for producing the index (and other repeat-transactions measures), *all* historical values of the index are unconstrained, meaning that they are revised in each period.[29] Unlike other types of price indexes, where an index value for a given period may be initially revised once or twice and then will be fixed forever, the repeat-transactions house price index produces index values that are constantly in flux. That is—values for *all* historical quarters, even distant quarters, are modified slightly each period to account for new historical data. To be sure, most values are revised only slightly (*e.g.,* the index value for a quarter in the late 1990s might change from 175.02 to 175.04 between one quarter and the next). Changes are constantly made, however.

FHFA's measurement of price changes for the setting of loan limits will use the most recently released index values as of the third quarter and will ignore prior vintages. For example, in setting 2016 loan limits, FHFA will rely on the most recent time series of index values for comparing price levels. The 2015Q3-vintage estimates of the relevant historical values will be compared. To illustrate—although the most recent HPI publication showed that the expanded-data index estimate for 2007Q3 was 215.19,[30] when determining whether prices have risen for loan-limit setting purposes in November, FHFA will use the 2007Q3 value published in November. If the 2015Q3 index value exceeds the index value for 2007Q3 (as determined in the 2015Q3 index vintage), then the baseline loan limit will be increased.[31]

F. Empirical Estimates of Price Changes: Expanded-Data HPI vs. Other Measures

Using the expanded-data HPI and several other commonly-cited measures of home prices changes, Figure 1 and Table 1 compare price trends calculated by the expanded-data HPI and other estimates of price change. Figure 1 indicates that all of the indexes report a very similar evolution of prices since 2007. The metrics generally show significant price declines between 2007 and sometime in 2011 and then a robust recovery. The measures show that the

[26] The repeat-transactions statistical model is sometimes described as producing a ''constant-quality'' index.

[27] *See* Charter Acts sections 302(b)(2) (12 U.S.C. 1717(b)(2) and 305(a)(2) (12 U.S.C. 1454(a)(2).

[28] FHFA's third quarter HPI for 2015 is set to be released on November 25, 2015.

[29] Other publicly available measures deviate somewhat from the basic repeat-transactions model and sometimes constrain historical price levels.

[30] This value was the *seasonally adjusted* index estimate for the U.S. published on February 26, 2015. FHFA anticipates using *seasonally adjusted* index values in evaluating price changes. Because all annual price comparisons are made relative to the same (third) quarter in prior years, however, this choice has little practical effect.

[31] Note that, as indicated earlier, the loan limit will only increase by the *net percentage increase* since 2007Q3. In general, in market environments where prior price declines do not need to be overcome, the increase percentage will be the proportionate increase between the third quarter of the prior year and the third quarter of the contemporary year.

most recent price level is still somewhat below the 2007Q3 level.

Reconciling the small short-run differences in the price trends reflected in the various measures is complicated and even an in-depth analysis would likely conclude with much of the differences remaining unexplainable.[32] In general, however, the variations are a function of differences in the underlying datasets, differences in the methodology employed, and variations in the weighting of sub-areas. Over the long-term, however, all of the indexes show similar patterns. Even the NAR median price, which is constructed using the most simplistic approach, trends similarly to the other measures. The NAR figure is notably volatile, likely a function of the fact that it is susceptible to certain short-term biases the repeat-transactions-based measures are immune to. Over the time frame shown and even over a more extended period, however, its evolution is similar to that of the others.[33]

Table 1 provides estimates of the overall price deficit—the change in prices between 2007Q3 and the most recent data reading—for the various measures. As of the fourth quarter of 2014, the expanded-data HPI estimates that the average U.S. price was roughly 7.3 percent below its 2007Q3 level. This deficit is slightly below the midpoint of the two extreme values in the table: The S&P/Case-Shiller 20-City Composite (down 12.0 percent) and the FHFA purchase-only HPI (down 1.2 percent).

IV. Conclusion

A very significant number of methodological and implementation options exist for satisfying section 1322. This Notice has described FHFA's use of the expanded-data index as the preferred option for annually setting loan limits under the procedure outlined (*e.g.,* comparing third-quarter prices to third-quarter prices when evaluating the most recent year's price change). FHFA recognizes that other methodological and implementation decisions could be made. Given the material impact on the Enterprises and in light of the significant number of market participants affected by the level of the conforming loan limit, FHFA has released this Notice and Request for Input to ensure that public input is widely solicited.

FHFA encourages submitters to address any theoretical or practical issues deemed to be important in this context. Once all submissions are received, they will be reviewed by FHFA staff and a final Notice will be published in the **Federal Register**. The final Notice will communicate FHFA's ultimate determination and may address some of the submissions received in response to this Notice.

FHFA intends to publish a final determination in the **Federal Register** by the time the Enterprise 2016 conforming loan limits must be published (*i.e.,* by late November 2015). As in the past, the conforming loan limit release will be published on FHFA's Web site.

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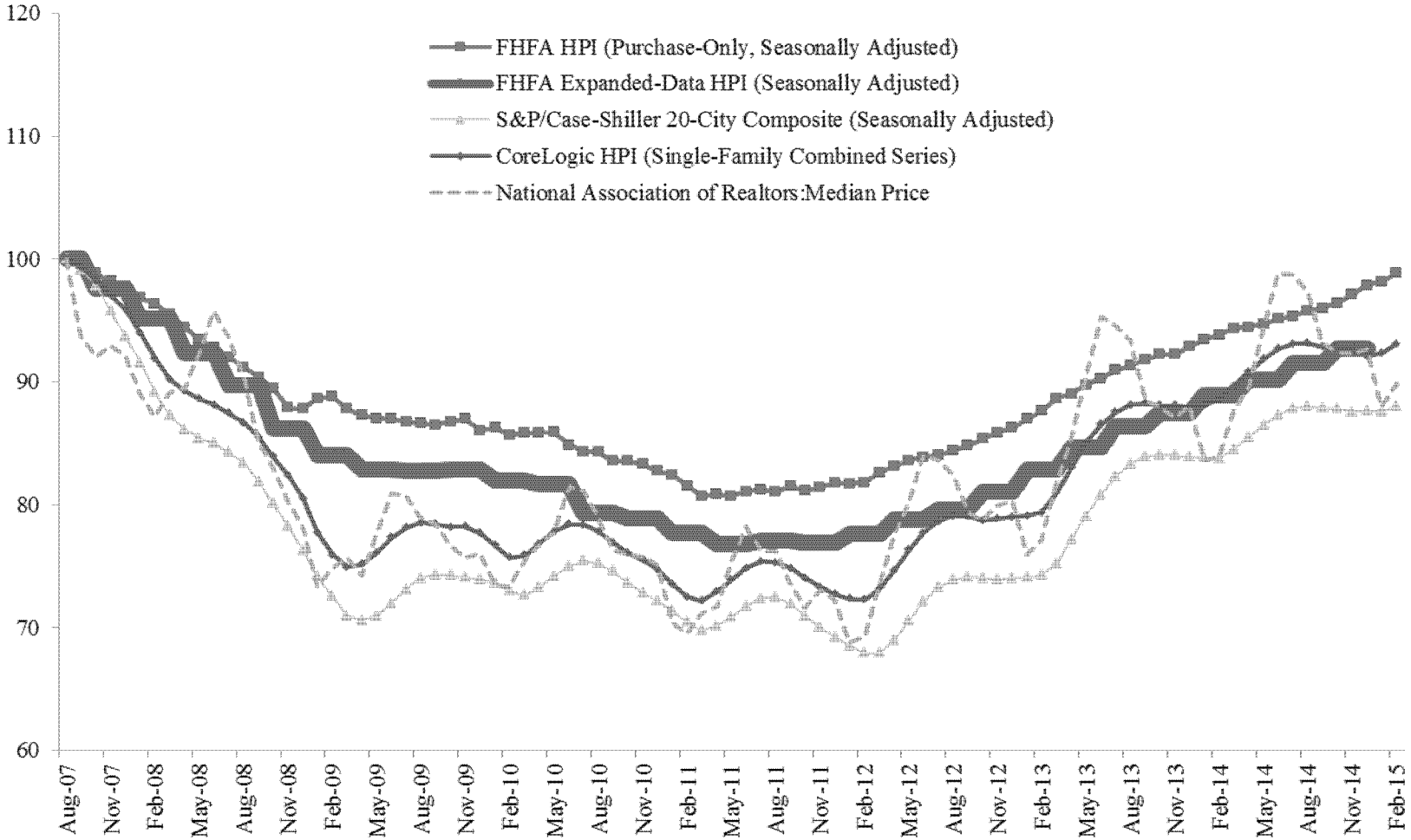
[32] In a series of OFHEO papers published in 2007 and 2008, Andrew Leventis attempted to reconcile differences between the OFHEO HPI and the S&P/Case-Shiller indexes. See, for instance, *http://www.fhfa.gov/PolicyProgramsResearch/Research/PaperDocuments/20080115_RP_RevisitingDifferencesOFHEOSPCaseShillerHPI_N508.pdf.* The analysis, which just focused on the indexes produced by the two providers, explained some but not all of the variations in measured price changes.

[33] Observers will notice that Figure 1 reports the S&P/Case-Shiller ''20-City Composite'' index as opposed to a pure national measure. Although the S&P/Case-Shiller suite of indexes includes a ''U.S.'' measure, that measure is published under a timeline that would make it inconvenient for use in adjusting conforming loan limits. In particular, the S&P/Case-Shiller U.S. index is published quarterly and the third quarter estimate would not be available to FHFA until late in November. The absence of (even preliminary) information about price changes before the end of November would mean that, were FHFA to rely on it, year-ahead loan limits could not be published until early December. The S&P/Case-Shiller 20-City composite index is published on a monthly basis, by contrast. If FHFA were to rely on that measure, it could use the August-to-August price change estimate, which would be available in late October (meaning that a late-November release of loan limits would be feasible).

Figure 1: Price Trends Reflected by Measures Published by FHFA, S&P/Case-Shiller, CoreLogic, and the National Association of Realtors

August/Q3 2007 to Latest Reading



Note: For purposes of comparison, all indexes have been re-based to equal 100 in August 2007 (or 2007Q3 for the Quarterly Indexes).

Table 1: Comparison of House Price Changes across Various Measures
U.S. Indexes (unless otherwise denoted)

	FHFA Expanded-Data HPI (Seasonally Adjusted)[1]	FHFA HPI (Purchase-Only, Seasonally Adjusted)[1]	CoreLogic HPI (Single-Family Combined)[2]	S&P/Case-Shiller 20-City Composite (Seasonally Adjusted)[3]	NAR Median[4]
Change over Latest 12 Months (or Four Quarters)	6.0%	5.4%	5.9%	5.0%	7.8%
Aggregate Change (August/Q3 2007 - Latest Period)	-7.3%	-1.2%	-5.1%	-12.0%	-5.6%

Notes:

[1] - FHFA Indexes are available for download at www.fhfa.gov. The expanded-data series is a quarterly index, while the purchase-only series reported is a monthly series.

[2] - The "Single-Family Combined (SFC)" index, which incorporates data both from unattached and attached properties, is used here. Data are available for download at http://www.corelogic.com/about-us/researchtrends/home-price-index-report.aspx#.VQHqto7F98E.

[3] - The S&P/Case-Shiller data can be downloaded at http://us.spindices.com/index-family/real-estate/sp-case-shiller.

[4] - The figure reported is from the National Association of Realtors (NAR's) Existing-Home Sales series--in particular, the median home value. NAR data can be found online at http://www.realtor.org/topics/existing-home-sales.

Dated: May 18, 2015.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2015–12781 Filed 5–26–15; 8:45 am]

BILLING CODE 8070–01–C

FEDERAL RESERVE SYSTEM

[Docket No. OP–1515]

Enhancements to Federal Reserve Bank Same-Day ACH Service, Request for Comments

The Board of Governors (Board) is requesting comment on enhancements that the Federal Reserve Banks (Reserve Banks) are considering to their current same-day automated clearing house (ACH) service. The enhancements would require receiving depository financial institutions (RDFIs) to participate in the service and originating depository financial institutions (ODFIs) to pay a fee to RDFIs for each same-day ACH forward transaction. The Board believes that these changes may have a significant longer-run effect on the nation's payment system. Interested persons may express their views in writing to the Board, by any of the methods indicated below. *Comments must be received no later than July 2, 2015.*

ADDRESSES: You may submit comments, identified by Docket No. OP–1515 by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Email: regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available on the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, except as necessary for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 3515, 1801 K Street NW. (between 18th and 19th Street NW.), Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Ian C.B. Spear, Senior Financial Services Analyst (202/452–3959); Anjana Ravi, Financial Services Analyst (202/530–6286); or Samantha Pelosi, Manager (202/530–6292), Division of Reserve Bank Operations and Payment Systems; for users of Telecommunication Devices for the Deaf (TDD) only, contact 202/263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

The ACH network serves as a ubiquitous, nationwide mechanism for processing batch-based credit and debit transfers electronically. The private sector and the Federal Reserve jointly developed the ACH network as an electronic alternative to checks, the growth of which in the late 1960s and early 1970s was creating operational and cost burdens. Initially used for government payments and recurring payments such as payroll disbursements, the ACH network evolved with user needs and now facilitates many types of transactions. The time it takes to settle transactions, however, has not changed materially since next-day settlement was introduced nearly four decades ago.[1]

NACHA, whose membership consists of insured financial institutions and regional payment associations, establishes network-wide ACH rules through its Operating Rules & Guidelines. As an ACH operator, the Reserve Banks, through Operating Circular 4, incorporate NACHA's Operating Rules & Guidelines as rules that govern clearing and settlement of commercial ACH items by the Reserve Banks, except for those provisions specifically excluded in the Operating Circular.[2]

A. Current Federal Reserve Same-Day ACH Services

To address growing market demand for faster, intraday ACH processing and settlement, the Reserve Banks began offering an optional FedACH® SameDay Service (FedACH SameDay Service) to Reserve Bank ACH customers in 2010. The service allows ODFI participants to originate same-day payments to all RDFI participants that agree to accept such payments.[3] As part of the FedACH SameDay Service, the Reserve Banks charge participating ODFIs a per-item surcharge on the normal ACH processing fee and provide RDFIs a discount on the normal ACH processing fee for receipt of forward items.[4] There is no fee paid by ODFIs to RDFIs.[5]

In the five years since its introduction, the FedACH SameDay Service has experienced limited adoption; fewer than 100 depository institutions are currently using the service. A number of factors may account for this. RDFIs typically need to upgrade internal processing capabilities to post same-day transactions. ODFIs may be able to realize value from the service through enhanced ACH product offerings, such as emergency bill pay, although these services may be unappealing to originators because of low RDFI participation and corresponding limited receiver reach.

B. 2011 NACHA Same-Day ACH Proposal

In 2011, NACHA identified faster and more flexible ACH clearing and settlement capabilities as important to the long-term viability of the ACH network, and proposed creation of a network-wide, same-day framework called Expedited Processing and Settlement (EPS). Through amendments to NACHA's Operating Rules & Guidelines, EPS would have required RDFIs to credit a receiver's account by the end of the RDFI's processing day when an originator properly specified same-day processing.[6] EPS failed to receive the number of votes required for adoption under NACHA voting rules. According to NACHA, the proposal failed because it provided insufficient value to originators, caused uncertainty around funds availability, and created significant implementation costs for

[1] ACH transactions using the Federal Reserve Banks' current same-day service and some transactions conducted outside of the traditional ACH network, such as ''on us'' transactions in which the originator and receiver both have accounts at the same bank, or proprietary ''on we'' networks between financial institutions, settle in less than one day.

[2] Operating Circular 4, Section 1.4, *https://www.frbservices.org/files/regulations/pdf/operating_circular_4_11042013.pdf.*

[3] The service accommodates all non-government ACH credits and debits except International ACH Transactions (IAT), Check Truncated Entry (TRC), and Check Truncated Entries Exchange (TRX). Forward items may be sent between 2:15 a.m. and 2:00 p.m. with settlement at 5:00 p.m. Returns of eligible forward items may be sent between 2:00 p.m. and 4:30 p.m. with settlement at 5:30 p.m. All times in this notice are Eastern Time unless otherwise noted.

[4] The per-item forward surcharge ranges from $.003 to $.0035, and the per-item discount is $.0025.

[5] Additional information on the FedACH SameDay Service is available at *https://www.frbservices.org/serviceofferings/fedach/sameday_service.html.*

[6] Originators would have been required to specify same-day processing in compliance with EPS, ODFI deadlines, and ACH operator requirements. NACHA proposed a single submission deadline of 2:00 p.m. for all same-day payments, excluded IATs, and limited transaction amounts to $25,000 or less. The requirement that RDFIs credit a receiver's account by the end of the RDFI's processing day would have been satisfied as long as the receiver's account was credited ''as of'' the settlement date.

RDFIs without adequate options to offset those costs.[7]

C. 2015 NACHA Same-Day ACH Amendments

In December 2014, NACHA requested comment on a new same-day ACH proposal. Like EPS, the 2014 proposal would amend NACHA's Operating Rules & Guidelines to enable the network-wide processing of same-day ACH payments.[8] On May 19, 2015, NACHA announced that its voting members approved amendments to NACHA's Operating Rules & Guidelines (amended operating rules) to allow ODFIs to send same-day ACH transactions to accounts held at any RDFI.[9] Unlike the Reserve Banks' current FedACH SameDay Service, the amended operating rules require all RDFIs to participate in the same-day service, and ODFIs to pay a fee to RDFIs for each same-day ACH forward transaction (interbank fee).[10] A summary of these amendments is available on NACHA's Web site.[11]

II. Request for Comment

The Reserve Banks' incorporation of the amended operating rules into Operating Circular 4 and implementation of a mandatory same-day service would reflect a significant change to the Reserve Banks' current ACH services. In considering new services and major service enhancements to existing Reserve Bank services, the Board requires the following criteria be met: The service must enable full long-run recovery of costs by the Reserve Banks; the service must yield a clear public benefit; and the service must be one that other providers alone cannot be expected to provide with reasonable effectiveness, scope, and equity.[12]

The Board believes that the introduction of a FedACH same-day service with mandatory participation by RDFIs and an interbank fee would not adversely affect the Reserve Banks' ability to recover the cost of providing the ACH service over the long run. Specifically, there would be minimal technological and operational investment required by the Reserve Banks to implement the service, and any operating costs can be recovered through fees charged for using the Reserve Banks' ACH services.

The Board also believes that a same-day ACH service offers clear public benefits. A ubiquitous same-day ACH service would enhance the efficiency and integrity of the ACH network and the broader U.S. payment system, consistent with the strategic goals identified in the Federal Reserve's *Strategies for Improving the U.S. Payment System* paper (Strategies Paper).[13] NACHA identified a number of use cases that would benefit from a ubiquitous same-day ACH service, including faster person-to-person payments, expedited bill payments, enhanced e-commerce transactions with faster collection of funds and release of goods, accelerated check collection to decrease non-sufficient funds returns, and same-day payroll payments. To realize the benefits of same-day transactions, however, the service must achieve ubiquity among depository institutions in order to reach any banked receiver and provide a useful service to originators. Without adoption by the Reserve Banks, a significant number of depository institutions receiving ACH services from the Reserve Banks may not participate. Further, absent the ability to reach any RDFI in the ACH network, it may not be possible to implement an effective same-day ACH service and any corresponding public benefits would be limited. The Board therefore believes that the private sector cannot be expected to provide the service alone with reasonable effectiveness, scope, or equity.[14]

The Board believes that the service may have a significant longer-run effect on the nation's payment system through increased efficiency and integrity of the ACH network. Therefore, the Board requests comment on the Reserve Banks' adoption of an enhanced same-day ACH service with mandatory participation of RDFIs and an interbank fee by incorporating NACHA's amended operating rules into the Reserve Banks' Operating Circular 4 governing their ACH service.

A. Mandatory Participation of RDFIs

Unlike the Reserve Banks' current FedACH SameDay Service, under NACHA's amended operating rules RDFIs cannot refuse same-day ACH transactions and must make funds available from same-day ACH credits to their depositors by 5:00 p.m.[15] The limited adoption of the Reserve Banks' current FedACH SameDay Service demonstrates that achieving ubiquity without such a mandate is unlikely, and the Board believes that mandatory participation by RDFIs is critical to the success of a same-day ACH service. The Board recognizes that this may require operational changes to the normal processing procedures and schedules used by RDFIs. The Board requests comment on making receipt of same-day ACH transactions mandatory for all RDFIs. If commenters believe that participation by RDFIs should not be mandatory, the Board requests comment on why the Reserve Banks' same-day ACH service should remain optional and whether there are non-mandatory alternatives to achieving ubiquity.

[7] Membership feedback also indicated that the timing of proposed same-day ACH schedules was not useful for west coast users, that risk concerns surrounded the inclusion of debits in same-day processing, and that the Federal Reserve's National Settlement Service (NSS) closing times limited flexibility of the service.

[8] Unlike EPS, once fully implemented the amendments (1) require RDFIs to make funds available from same-day ACH credits by 5:00 p.m. local time, (2) offer two submission deadlines at 10:30 a.m. and 3:00 p.m., and (3) assess a fee paid by ODFIs to RDFIs for each same-day forward transaction.

[9] The amendments become effective over three phases beginning in 2016. Next-day settlement will also remain available.

[10] The amended operating rules refer to the interbank fee as the ''Same Day Entry Fee.''

[11] *https://www.nacha.org/content/same-day-ach.* The amended operating rules contain other elements that would require modifications to the Reserve Banks' current FedACH SameDay Service. The Board believes these changes are operational in nature and will not have significant longer-run effects on the nation's payment system. These include updated submission and settlement windows (a morning submission deadline at 10:30 a.m. ET, with settlement occurring at 1:00 p.m. and an afternoon submission deadline at 3:00 p.m. ET, with settlement occurring at 5:00 p.m.). IATs and transactions above $25,000 cannot be completed via same-day service.

[12] Clear public benefits include promoting the integrity of the payments system, improving the effectiveness of financial markets, reducing the risk associated with payments and securities-transfer services, or improving the efficiency of the payments system. Federal Reserve System (1990) ''Federal Reserve in the Payment System,'' *http://www.federalreserve.gov/paymentsystems/pfs_frpaysys.htm.*

[13] The Strategies Paper communicates desired outcomes for the payment system and outlines the strategies the Federal Reserve will pursue, in collaboration with stakeholders, to help the country achieve these outcomes. One of the specific strategies for improving the U.S. payment system in the Strategies Paper is enhanced Reserve Bank payment, settlement, and risk-management services through promoting greater use of same-day ACH capabilities. Federal Reserve System (2015), ''Strategies for Improving the U.S. Payment System,'' (Federal Reserve System, January), *fedpaymentsimprovement.org/wp-content/uploads/strategies-improving-us-payment-system.pdf.*

[14] When it considers changes to an existing service, the Board also conducts a competitive impact analysis to determine whether there will be a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services due to differing legal powers or the Federal Reserve's dominant market position deriving from such legal differences. The Board believes that there are no adverse effects to other service providers resulting from adoption of the amended operating rules. Changes to the Reserve Banks' existing service as a result of adoption would be to conform to industry-wide ACH operating rules, and not the result of differing legal differences or the Federal Reserve's dominant market position.

[15] RDFIs' local time.

B. Interbank Fee

The Board recognizes that both ODFIs and RDFIs will need to make investments in systems and operations to facilitate same-day ACH transactions. ODFIs have the choice of offering a same-day ACH service to originating customers and may be able to offset their investment through additional service offerings and higher fees for same-day processing. RDFIs, in contrast, would not be able to refuse receipt of same-day ACH transactions under a mandatory participation requirement and may incur same-day settlement costs that they are unable to fully offset through incremental revenue. As a result, RDFIs may lack an effective method of offsetting the investment and ongoing costs of same-day ACH settlement.

In light of this potential effect on RDFIs, NACHA designed the interbank fee to allow RDFIs to offset costs associated with the up-front investments and ongoing operating costs necessary for accepting, posting, and making funds available from same-day transactions. The initial interbank fee under NACHA's amended operating rules is 5.2 cents per forward transaction.[16] The amended operating rules provide that the interbank fee would be reduced if actual same-day transaction volume exceeds original projections by more than 25 percent during regularly required review periods.[17] Ten years after the final phase of implementation is effective, and every ten years thereafter, NACHA will reevaluate the interbank fee.[18] In no instance may the interbank fee be increased from its initial level of 5.2 cents per forward transaction.

The Board requests comment on whether the interbank fee included in NACHA's amended operating rules equitably reapportions the initial implementation costs and ongoing operating costs between ODFIs and RDFIs.

By order of the Board of Governors of the Federal Reserve System, May 21, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–12739 Filed 5–26–15; 8:45 am]

BILLING CODE 6210–01–P

[16] In the amended operating rules, the interbank fee per transaction is equal to RDFIs' estimated costs of same-day ACH (plus a rate of return equal to 12.2%), divided by projected same-day ACH volume. To create the methodology for and the calculation of the interbank fee, NACHA engaged a consultant who surveyed and interviewed both RDFIs and ODFIs to determine implementation and ongoing costs. The final interbank fee does not include the allowance for lost opportunity costs that was included in NACHA's December 2014 proposal. The original fee calculation proposed by NACHA considered opportunity costs that included the profits lost by RDFIs if some transactions migrated to same-day ACH from other higher-margin payment methods.

[17] Same-day ACH volume will be reviewed five years and eight years after the final phase of implementation is effective.

[18] NACHA's reevaluation will not include recovered implementation costs, and will be based on the average costs incurred by RDFIs, same-day ACH volumes, projected future developments, and the extent to which the fee satisfied RDFI costs.

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act (PRA), to approve of and assign OMB numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the PRA Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB number.

DATES: Comments must be submitted on or before July 27, 2015.

ADDRESSES: You may submit comments, identified by *Reg W,* by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Acting Clearance Officer—Mark Tokarski—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, Without Revision, of the Following Report

Report title: Notice Requirements in Connection with Regulation W (12 CFR part 223 Transactions Between Member Banks and Their Affiliates).

Agency form number: Reg W.

OMB control number: 7100–0304.

Frequency: Event-generated.

Reporters: Insured depository institutions and uninsured member banks.

Estimated annual reporting hours: 24 hours.

Estimated average hours per response: Loan participation renewal notice, 2 hours; Acquisition notice, 6 hours; Internal corporate reorganization transactions notice, 6 hours; and Section 23A additional exemption notice, 10 hours.

Number of respondents: Loan participation renewal notice, 1; Acquisition notice, 1; Internal corporate reorganization transactions notice, 1; and Section 23A additional exemption notice, 1.

General description of report: This mandatory information collection is required to evidence compliance with sections 23A and 23B of the Federal Reserve Act (12 U.S.C. 371c and 371c–1). Confidential and proprietary information collected for the purposes of the Loan Participation Renewal notice (12 CFR 223.15(b)(4)) may be protected under the authority of section (b)(4) of FOIA [5 U.S.C. 552(b)(4)]. That section of FOIA exempts commercial or financial information deemed competitively sensitive from disclosure. Respondents who desire that the information on this notice be kept confidential in accordance with section (b)(4) can request confidential treatment under the Board's rules at 12 CFR 261.15. In addition, information that is obtained as part of an examination of a financial institution is exempt from disclosure under exemption (b)(8) of FOIA. 5 U.S.C. 552(b)(8).

Abstract: On December 12, 2002, the Federal Reserve published a **Federal Register** notice [1] adopting Regulation W (Reg W) to implement sections 23A and 23B. Reg W was effective April 1, 2003. The Board issued Reg W for several reasons. First, the regulatory framework established by the Gramm-Leach-Bliley Act [2] emphasized the importance of sections 23A and 23B as a means to protect depository institutions from losses in transactions with affiliates. Second, adoption of a comprehensive rule simplified the interpretation and application of sections 23A and 23B, ensured that the statute is consistently interpreted and applied, and minimized burden on banking organizations to the extent consistent with the statute's goals. Third, issuing a comprehensive rule allowed the public an opportunity to comment on Federal Reserve interpretations of sections 23A and 23B.

The information collection requirements associated with Regulation W comprise four notices: (1) The Loan Participation Renewal notice (12 CFR 223.15(b)(4)), which is a condition to an exemption for renewals of loan participations involving problem loans; (2) the Acquisition notice (12 CFR 223.31(d)(4)), which is a condition to an exemption for a depository institution's acquisition of an affiliate that becomes an operating subsidiary of the institution after the acquisition; (3) the Internal Corporate Reorganization Transactions notice (12 CFR 223.41(d)(2)), which is a condition to an exemption for internal corporate reorganization transactions; and (4) the Section 23A Additional Exemption notice (12 CFR 223.43(b)), which provides procedures for requesting additional exemptions from the requirements of section 23A. These notifications are event-generated and must be provided to the appropriate federal banking agency and, if applicable, the Federal Reserve Board within the time periods established by the law and regulation.

Board of Governors of the Federal Reserve System, March 21, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–12740 Filed 5–26–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 19, 2015.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528:

1. *Delmarva Bancshares, Inc.,* Cambridge, Maryland; to acquire 100 percent of the voting shares of Easton Bancorp, Inc., and thereby indirectly acquire voting shares of Easton Bank & Trust Company, both in Easton, Maryland.

Board of Governors of the Federal Reserve System, May 21, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–12722 Filed 5–26–15; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0080 Docket 2015–0001; Sequence 2]

Submission to OMB for Review; General Services Administration Acquisition Regulation; Contract Financing Final Payment (GSA Form 1142 Release of Claims)

AGENCY: Office of Acquisition Policy, GSA.

[1] (67 FR 76603).

[2] Public Law 106–102, 113 Stat. 1338 (1999).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement and the reinstatement of GSA Form 1142, Release of Claims, regarding final payment under construction and building services contract. GSA Form 1142 was inadvertently deleted as part of the rewrite of GSAR regulations on Contract Financing. GSA Contracting Officers have used this form to achieve uniformity and consistency in the release of claims process. A notice published in the **Federal Register** at 80 FR 10648 on February 27, 2015. No comments were received.

DATES: Submit comments on or before: June 26, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Dana Munson, General Services Acquisition Policy Division, GSA, 202–357–9652 or email *dana.munson@gsa.gov.*

ADDRESSES: Submit comments identified by Information Collection 3090–0080, Contract Financing Final Payment; (GSA Form 1142, Release of Claims) by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB Control number 3090–0080. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0080, Contract Financing Final Payment; (GSA Form 1142, Release of Claims).'' Follow the instructions on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0080, Contract Financing Final Payment; (GSA Form 1142, Release of Claims),'' on your attached document.
- Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 3090–0080, Contract Financing Final Payment; (GSA Form 1142, Release of Claims).

Instructions: Please submit comments only and cite Information Collection 3090–0080, Contract Financing Final Payment; (GSA Form 1142, Release of Claims), in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration Acquisition Regulation (GSAR) clause 552.232–72 requires construction and building services contractors to submit a release of claims before final payment is made to ensure contractors are paid in accordance with their contract requirements and for work performed. GSA Form 1142, Release of Claims is used to achieve uniformity and consistency in the release of claims process.

B. Annual Reporting Burden

Respondents: 2000.
Responses Per Respondent: 1.
Hours Per Response: .10.
Total Burden Hours: 200.

C. Public Comment

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0080, Contract Financing Final Payment; (GSA Form 1142, Release of Claims), in all correspondence.

Dated: May 20, 2015.

Jeffrey A. Koses,

Director, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–12761 Filed 5–26–15; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Head Start Family and Child Experiences Survey (FACES).

OMB No.: 0970–0151.

Description: The Office of Planning, Research and Evaluation (OPRE), Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS), is proposing to collect data for a new round of the Head Start Family and Child Experiences Survey (FACES). Featuring a new ''Core Plus'' study design, FACES will provide data on a set of key indicators, including information for performance measures. The design allows for more rapid and frequent data reporting (Core studies) and serves as a vehicle for studying more complex issues and topics in greater detail and with increased efficiency (Plus studies).

The FACES Core study will assess the school readiness skills of Head Start children, survey their parents, and ask their Head Start teachers to rate children's social and emotional skills. In addition, FACES will include observations in Head Start classrooms, and program director, center director, and teacher surveys. FACES Plus studies include additional survey content of policy or programmatic interest, and may include additional programs or respondents beyond those participating in the Core FACES study.

Previous notices provided the opportunity for public comment on the proposed Head Start program recruitment and center selection process (FR V. 78, pg. 75569, 12/12/2013; FR V. 79, pg. 8461, 02/12/2014), the child-level data collection in fall 2014 and spring 2015 (FR V. 79, pg. 11445, 02/28/2014; FR V. 79, pg. 27620, 5/14/2014), and the program- and classroom-level spring 2015 data collection activities (FR V. 79, pg. 73077, 12/09/2014). This 30-day notice describes the planned data collection activities for a new Plus study: The American Indian and Alaska Native Head Start Family and Child Experiences Survey (AI/AN FACES), including fall 2015 activities of selecting classrooms and children for the study, conducting child assessments and parent surveys, and obtaining Head Start teacher reports on children's development.

AI/AN FACES fall 2015 data collection includes site visits to 37 centers in 22 Head Start programs to sample classrooms and children for participation in the study. Field enrollment specialists (FES) will request a list of all Head Start funded classrooms from Head Start staff and will ask for the teacher's first and last names, the classroom session type (morning, afternoon, full day, or home visitor), and the number of Head Start children enrolled in each classroom. Then for each selected classroom the FES will request the names and dates of birth of each child enrolled.

Approximately two weeks later, field staff will go to the 22 Head Start programs to directly assess the school readiness skills of 800 children sampled to participate in AI/AN FACES. Parents of sampled children will complete surveys on the Web or by telephone about their children, activities family members engage in with their children, and family and household background characteristics. Head Start teachers will rate each sampled child's social and emotional skills (approximately 10 children per classroom) using the Web or paper-and-pencil forms.

The purpose of the Core data collection is to support the 2007 reauthorization of the Head Start program (Pub. L. 110–134), which calls for periodic assessments of Head Start's quality and effectiveness. As additional information collection activities are fully developed, in a manner consistent with the description provided in the 60-day notice (79 FR 11445) and prior to use, we will submit these materials for a 30-day public comment period under the Paperwork Reduction Act.

Respondents: Head Start children, parents of Head Start children, Head Start teachers and Head Start staff.

ANNUAL BURDEN ESTIMATES—CURRENT INFORMATION COLLECTION REQUEST

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hour per response	Estimated annual burden hours
Classroom sampling form from Head Start staff	37	12	1	0.17	2
Child roster form from Head Start staff	37	12	1	0.33	4
Head Start parent consent form for Plus study (AI/AN FACES)	800	267	1	0 .17	46
Head Start child assessment for plus study (AI/AN FACES)	800	267	2	0.75	401
Head Start parent survey for plus study (AI/AN FACES)	800	267	1	0.50	134
Head Start teacher child report for plus study (AI/AN FACES)	80	27	20	0.17	92
Total					679

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Karl Koerper,

OPRE Reports Clearance Officer.

[FR Doc. 2015–12726 Filed 5–26–15; 8:45 am]

BILLING CODE 4184–22–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Correction

In notice document 2015–12096 appearing on page 28620 in the issue of Tuesday, May 19, 2015, make the following correction:

On page 28620, in the third column, in the second full paragraph, ''*https://idaresources.acf.hhs.gov/AFIPPR*'' should read ''*http://idaresources.acf.hhs.gov/AFIPPR*''.

[FR Doc. C1–2015–12096 Filed 5–26–15; 8:45 am]

BILLING CODE 1505–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects: Native Employment Works (NEW) Program Plan Guidance and Native Employment Works (NEW) Program Report.

Title: Native Employment Works (NEW) Program Plan Guidance and Report Requirements.

OMB No.: 0970–0174.

Description: The Native Employment Works (NEW) program plan is the application for NEW program funding. As approved by the Department of Health and Human Services (HHS), it documents how the grantee will carry out its NEW program. The NEW program plan guidance provides instructions for preparing a NEW program plan and explains the process for plan submission every third year. There are two versions of this plan guidance: One for tribes that include their NEW program in a Public Law 102–477 project, and one for tribes that do not. The primary difference between the guidance documents is in the instructions for how to submit the plan. The NEW program report provides information on the activities and accomplishments of grantees' NEW programs. The NEW program report and instructions specify the program data that NEW grantees report annually.

Respondents: Federally recognized Indian Tribes and Tribal organizations that are NEW program grantees.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
NEW program plan guidance for non-477 Tribes	[1] 15	1	29	435
NEW program plan guidance for 477 Tribes	[2] 11	1	29	319
NEW program report	[3] 45	1	15	675
Estimated Total Annual Burden Hours:				1,429

[1] We estimate that 45 of the 78 NEW grantees will not include their NEW programs in P.L. 102–477 projects. 48 grantees divided by 3 (because grantees submit the NEW plan once every 3 years) = 15.

[2] We estimate that 33 of the 78 NEW grantees will include their NEW programs in P.L. 102–77 projects. 31 grantees divided by 3 (because grantees submit the NEW plan once every 3 years) = 11.

[3] We estimate that 45 of the 78 NEW grantees will not include their NEW programs in P.L. 102–477 projects and therefore will submit the NEW program report to HHS.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–12676 Filed 5–26–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Child Care and Development Fund Plan for States/Territories for FFY 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, as amended, by Public Law 113–186 and U.S.C 9858. The Plan provides ACF and the public with a description of, and assurances about, the States' and Territories' child care programs.

On November 19, 2014, the President signed the CCDBG Act of 2014 into law. The law (Pub. L. 113–186) made significant changes to the CCDF Program to protect the health and safety of children in child care, promote continuity of access to subsidy for low-income families, better inform parents and the general public about the child care choices available to them, and improve the overall quality of early learning and afterschool programs. The CCDBG Act also changed the Plan cycle from a biennial to a triennial Plan period; thus, the FY 2016–2018 Plan will cover a 3-year period.

The Office of Management and Budget (OMB) granted OCC an emergency clearance of the FY 2016–2018 CCDF State/Territory Plan Preprint which provided a single 30-day comment period from January 30, 2015–March 2, 2015, to enable States and Territories time to submit their Plans by July 1, 2015 on the OMB approved form. Upon careful consideration of the concerns raised by States and Territories regarding the July submission date, OCC extended the submission deadline for the FY 2016—2018 CCDF Plan from July 1, 2015 to March 1, 2016. This will give State and Territory grantees 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 through September 30, 2018.

The change in the Plan submission deadline enables the OCC to complete the regular Paperwork Reduction Act (PRA) clearance process which requires two **Federal Register** notices and comment periods—with this notice being the first under that regular process. OCC is now requesting comment on a revised version of the Plan Pre-print that takes into consideration the public comments received during the earlier 30-day emergency comment period. We recognize that some States and Territories had asked for additional interpretation of the new provisions in the law. OCC has included guidance and clarification in the revised Preprint where appropriate and through Program Instructions and Frequently Asked Questions, which are available at: *http://www.acf.hhs.gov/programs/occ/ccdf-reauthorization.* Pending the issuance of implementing regulations, States are to comply with the law based on their reasonable interpretation of the requirements in the revised CCDBG statute.

Respondents: State and Territory Agencies (56).

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
CCDF Preprint	56	0.50	162.5	4,550

Estimated Total Annual Burden Hours:

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–12694 Filed 5–26–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Native Language Preservation and Maintenance Grant Application Template Pilot.

OMB No.: New.

Description: Based on feedback from grantees and TA providers, ANA became aware of the fact that many applicants face considerable challenges attempting to respond to Funding Opportunity Announcements (FOAs) to apply for grant funding. In particular, many applicants are overwhelmed by the volume of information in the FOAs, have trouble discerning what information is being requested, and find it difficult to structure the application narratives required by the FOAs.

The proposed Electronic Grant Application Template is intended to be made part of the Grant Application Package through Grants.gov, the OMB-designated government-wide Web site for finding and applying for Federal financial assistance. The Grant Application Template is proposed to be piloted as a consolidated and streamlined pre-formatted electronic application form that is user-friendly and has an interactive interface providing structure and clarity for applicants. The proposed Grant Application Template is not intended to replace the FOA which will still function as the full text of all funding opportunities for which applications are sought and considered by the Administration for Native Americans.

The proposed Grant Application Template will be used in a pilot capacity in just one Administration for Native Americans' discretionary program areas: Native American Language Preservation and Maintenance. All applicants applying for funding in that program area will be required to use the Application Template during the pilot competition proposed for FY16 unless they request and receive approval to submit a paper application. By using the Grant Application Template, no applicant will be required to provide any information beyond what is already required by the FOA. Additionally, free training and technical assistance will be available to all applicants on use of the Template. ANA intends to use the project proposals submitted via the Grant Application Template to make funding decisions for Native American Language Preservation and Maintenance grant awards made in the FY 2016 pilot year. In addition, ANA will solicit feedback from applicants and panel reviewers to obtain feedback on the results, outcomes, and their recommendations regarding the Grant Application Template as a user friendly method of applying for funding opportunities. If the pilot is successful in making it easier for applicants to apply, ANA will consider potentially expanding use of the Template to all Administration for Native Americans 'discretionary funding areas in subsequent years.

Respondents: Applicants responding to Native Language Preservation and Maintenance FY 2016 Funding Opportunity Announcement.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Native Language Preservation and Maintenance Application Template	40	28	.50	560

Estimated Total Annual Burden Hours: 560.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing

to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–12695 Filed 5–26–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Affordable Care Act Tribal Maternal, Infant and Early Childhood Home Visiting Program Annual Report Guidance.

OMB No.: 0970–0409.

Description: Section 511(e)(8)(A) of the Social Security Act, as added by Section 2951 of the Affordable Care Act and amended by the Protecting Access to Medicare Act of 2014 and the Medicare Access and CHIP Reauthorization Act of 2015, requires that grantees under the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) program for states and jurisdictions submit an annual and final report to the Secretary of Health and Human Services regarding the program and activities carried out under the program, including such data and information as the Secretary shall require. Section 511 (h)(2)(A) further states that the requirements for the MIECHV grants to tribes, tribal organizations, and urban Indian organizations are to be consistent, to the greatest extent practicable, with the requirements for grantees under the MIECHV program for states and jurisdictions.

The Administration for Children and Families, Office of Child Care, in collaboration with the Health Resources and Services Administration, Maternal and Child Health Bureau, has awarded grants for the Tribal Maternal, Infant, and Early Childhood Home Visiting Program (Tribal Home Visiting). The Tribal Home Visiting discretionary grants support cooperative agreements to conduct community needs assessments; plan for and implement high-quality, culturally-relevant, evidence-based home visiting programs in at-risk tribal communities; establish, measure, and report on progress toward meeting performance measures in six legislatively-mandated benchmark areas; and participate in rigorous evaluation activities to build the knowledge base on home visiting among Native populations.

Tribal Home Visiting grantees have been notified that in every year of their grant, after the first year, they must comply with the requirement for submitting an Annual Report to the Secretary that should feature activities carried out under the program during the past reporting period. In order to assist grantees with meeting the requirements of the Annual Report to the Secretary, ACF created guidance for grantees to use when writing their annual reports. ACF is requesting approval to renew and update the existing Tribal Home Visiting Guidance for Submitting an Annual Report to the Secretary (OMB Control No. 0970–0409) that will include instructions for grantees to submit either an annual or final report (in the final year of the grant) on the progress of their program to the Secretary, depending on the reporting period.

This Report Shall Address the Following:

- Update on Home Visiting Program Goals and Objectives
- Update on the Implementation of Home Visiting Program in Targeted Community(ies)
- Update on progress toward meeting Legislatively Mandated Benchmark Requirements
- Update on Rigorous Evaluation Activities
- Update on Home Visiting Program Continuous Quality Improvement (CQI) Efforts
- Update on Dissemination Activities
- Update on Technical Assistance Needs

Respondents: Tribal Maternal, Infant, and Early Childhood Home Visiting Program Managers (The information collection does not include direct interaction with individuals or families that receive the services).

ANNUAL BURDEN ESTIMATES

Instrument	Annual number of respondents	Number of responses per respondent	Total responses	Average burden hours per response	Total annual burden hours
Annual/Final Report to the Secretary (depending on reporting period)	25	1	1	50	1250

Estimated Total Annual Burden Hours: 1,250.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for

the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–12693 Filed 5–26–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0369]

Bioequivalence Recommendations for Risperidone; Draft Guidance for Industry; 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 on risperidone injection entitled ''Draft Guidance on Risperidone.'' The recommendations provide specific guidance on the design of studies to support abbreviated new drug applications (ANDAs) for risperidone injection. This draft guidance is the second revision of a previously issued draft guidance on the same subject.

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 comments on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by July 27, 2015.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance 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: Xiaoqiu Tang, Center for Drug Evaluation and Research (HFD–600), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4730, Silver Spring, MD 20993–0002, 301–796–5850.

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry, ''Bioequivalence Recommendations for Specific Products,'' which explained the process that would be used to make product-specific BE recommendations available to the public on FDA's Web site at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.* As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific bioequivalence (BE) recommendations and provide a meaningful opportunity for the public to consider and comment on those recommendations. This notice announces the availability of a second revision of draft BE recommendations for risperidone injection.

FDA initially approved new drug application 021346 for Risperdal Consta Long-Acting Injection in October 2003. There are no approved ANDAs for this product. In February 2010, FDA issued a draft guidance for industry on BE recommendations for generic risperidone injection. In August 2013, we issued a revised draft guidance on the same subject. We are now issuing a second revision of the draft guidance for industry on BE recommendations for generic risperidone injection (Draft Guidance on Risperidone).

In February 2011, Johnson & Johnson Pharmaceutical Research and Development, LLC, manufacturer of Risperdal Consta, the reference listed drug, submitted a citizen petition requesting that FDA require that any ANDA referencing Risperdal Consta meet certain requirements, including requirements related to demonstrating BE (Docket No. FDA–2011–P–0086). FDA is reviewing the issues raised in the petition. FDA will consider any comments on the revised draft BE recommendations in responding to the petition.

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 the design of BE studies to support ANDAs for risperidone injection. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments regarding this document. 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.

III. Electronic Access

Persons with access to the Internet may obtain the document at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: May 21, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–12847 Filed 5–26–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received no later than July 27, 2015.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of

the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Medicare Rural Hospital Flexibility Grant Program Performance OMB No. 0915–0363–Rev.

Abstract: The Medicare Rural Hospital Flexibility Program (Flex) is authorized by Section 1820 of the Social Security Act (42 U.S.C. 1395i–4), as amended. The purpose of Flex is engaging state designated entities in activities relating to planning and implementing rural health care plans and networks; designating facilities as Critical Access Hospitals (CAHs); providing support for CAHs for quality improvement, quality reporting, performance improvements, and benchmarking; and integrating rural emergency medical services (EMS).

Specifically, the Flex program provides funding for states to support technical assistance activities in hospitals to improve the quality of health care provided by CAHs; improve the financial and operational outcomes of CAHs; improve the Community Health and Emergency Medical Service (EMS) Needs of CAHs; enhance the health of rural communities through community/population health improvement; improve identification and management of Time Critical Diagnoses (TCD) and engage EMS capacity and performance in Rural Communities; assist in the conversion of qualified small rural hospitals to CAH status; and support the financial and operational transition to value based models and health care transformation models in the health care system. State designated Flex Programs will act as a resource and focal point for these activities, ensuring residents in rural communities have access to high quality health care services. Measures and goals identified in the Flex program take into consideration existing measures and priorities HHS has set for hospitals, to avoid both conflict and duplication of efforts.

Need and Proposed Use of the Information: For this program, performance measures were drafted to provide data useful to the Flex program and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act (GPRA) of 2010. These measures cover principal topic areas of interest to the Federal Office of Rural Health Policy (FORHP), including: (a) Quality reporting; (b) quality improvement interventions; (c) financial and operational improvement initiatives; (d) population health management; and (e) innovative care models. Several measures will be used for this program and will inform FORHP's progress toward meeting the goals set in GPRA. Furthermore, obtaining this information is important for identifying and understanding programmatic improvement across program areas, as well as guiding future iterations of the Flex Program and prioritizing areas of need and support.

Likely Respondents: Respondents will be the Flex Program coordinator for each state participating in the Flex Program. There are currently 45 states participating in the Flex Program.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

Total Estimated Annualized burden hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Medicare Rural Hospital Flexibility Grant Program	45	1	45	216	9,720
Total	45	1	45	216	9,720

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–12700 Filed 5–26–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

Advisory Committee on Interdisciplinary, Community-Based Linkages; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Committee on Interdisciplinary, Community-Based Linkages (ACICBL).

Dates and Times: June 17, 2015 (9:30 a.m.–4:30 p.m.).

Place: Webinar/Conference Call Format.

Status: The meeting will be open to the public.

Purpose: The ACICBL provides advice and recommendations to the Secretary of the Department of Health and Human Services (Secretary) concerning policy, program development, and other matters of significance related to interdisciplinary, community-based training grant programs authorized under sections 750–759, title VII, part D of the Public Health Service Act, as amended by the Affordable Care Act. The following sections are included under this part: 751—Area Health Education Centers; 752—Continuing Education Support for Health Professionals Serving in Underserved Communities; 753—Geriatrics Workforce Enhancement; 754—Quentin N. Burdick Program for Rural Interdisciplinary Training; 755—Allied Health and Other Disciplines; 756—Mental and Behavioral Health Education and Training, and 759—Program for Education and Training in Pain Care.

Agenda: The Committee members will continue to discuss the content of the ACICBL 15th Annual Report to the Secretary of Health and Human Services and Congress and finalize programmatic recommendations including recommendations on performance measures and appropriation levels for programs under title VII, part D in the following programmatic areas: Area Health Education Centers; Geriatrics, Rural Health; Allied Health; Chiropractic; Podiatric Medicine; Graduate Psychology; Social Work; and Pain Care.

The official agenda will be available 2 days prior to the meeting on the HRSA Web site at: *http://www.hrsa.gov/advisorycommittees/bhpradvisory/acicbl/index.html.* Agenda items are subject to change as priorities dictate.

Public Comment: Requests to make oral comments or provide written comments to the ACICBL should be sent to Dr. Joan Weiss, Designated Federal Official, using the address and phone number below. Individuals who plan to participate on the conference call or webinar should notify Dr. Weiss at least 3 days prior to the meeting, using the address and phone number below. Members of the public will have the opportunity to provide comments. Interested parties should refer to the meeting subject as the HRSA Advisory Committee on Interdisciplinary, Community-Based Linkages. The conference call-in number is 1–888–323–2718. The passcode is: 5945760. The webinar link is: *https://hrsa.connectsolutions.com/acicbl/.*

For Further Information Contact: Anyone requesting information regarding the ACICBL should contact Dr. Joan Weiss, Designated Federal Official within the Bureau of Health Workforce, Health Resources and Services Administration, in one of three ways: (1) Send a request to the following address: Dr. Joan Weiss, Designated Federal Official, Bureau of Health Workforce, Health Resources and Services Administration, Parklawn Building, Room 12C–05, 5600 Fishers Lane, Rockville, Maryland 20857; (2) call (301) 443–0430; or (3) send an email to *jweiss@hrsa.gov.*

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–12717 Filed 5–26–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Alzheimer's Research, Care, and Services

AGENCY: Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services.

ACTION: Request for nominations for members of the Advisory Council on Alzheimer's Research, Care, and Services.

SUMMARY: The National Alzheimer's Project Act, Public Law 111–375 (42 U.S.C. 11225), requires that the Secretary of Health and Human Services (HHS) establish the Advisory Council on Alzheimer's Research, Care, and Services. The Advisory Council is governed by provisions of Public Law 92–463 (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees. The Secretary of HHS established the Advisory Council to provide advice and consultation to the Secretary on how to prevent or reduce the burden of Alzheimer's disease and related dementias on people with the disease and their caregivers. The Secretary signed the charter establishing the Advisory Council on May 23, 2011. *HHS is soliciting nominations for seven (7) new non-Federal members of the Advisory Council, one for each category of membership, to replace the seven members whose terms will end September 30th, 2015.* Nominations should include the nominee's contact information (current mailing address, email address, and telephone number) and current curriculum vitae or resume.

DATES: Submit nominations by email or USPS mail before COB on June 12, 2015.

ADDRESSES: Nominations should be sent to Rohini Khillan at *rohini.khillan@hhs.gov;* Rohini Khillan, Office of the Assistant Secretary for Planning and Evaluation, Room 424E Humphrey Building, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201.

Comments

FOR FURTHER INFORMATION CONTACT: Rohini Khillan (202) 690–5932, *rohini.khillan@hhs.gov.*

SUPPLEMENTARY INFORMATION: The Advisory Council on Alzheimer's Research, Care, and Services meets quarterly to discuss programs that impact people with Alzheimer's disease and related dementias and their caregivers. The Advisory Council makes recommendations to Congress and the Secretary of Health and Human Services about ways to reduce the financial impact of Alzheimer's disease and related dementias and to improve the health outcomes of people with these conditions. The Advisory Council also provides feedback on a National Plan for Alzheimer's disease. On an annual basis, the Advisory Council evaluates the implementation of the recommendations through an updated national plan.

The Advisory Council consists of at least 25 members. Twelve members will be designees from Federal agencies including the Centers for Disease Control and Prevention, Administration on Aging, Centers for Medicare and Medicaid Services, Indian Health Service, Office of the Director of the National Institutes of Health, National Science Foundation, Department of Veterans Affairs, Food and Drug Administration, Agency for Healthcare Research and Quality, and the Surgeon General.

The Advisory Council also consists of 13 non-federal members selected by the Secretary who fall into 7 categories: Alzheimer's patient advocates (2), Alzheimer's caregivers (2), health care providers (2), representatives of State health departments (2), researchers with Alzheimer's-related expertise in basic, translational, clinical, or drug development science (2), voluntary health association representatives (2), and a member who is currently living with the disease (1).

At this time, the Secretary shall appoint one member for each category, to replace the seven members whose terms will end on September 30th, 2015, for a total of seven (7) new members to the Council. After receiving nominations the Secretary, with input from her staff, will make the final decision, and the new members will be announced soon after. Members shall be invited to serve 4-year terms, except that any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office. Members will serve as Special Government Employees.

Dated: May 15th, 2015.

Richard G. Frank,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 2015–12780 Filed 5–26–15; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Request for Comments on the Office of the Assistant Secretary for Preparedness and Response Public Access Plan to Federally Funded Research: Publications and Data

AGENCY: Department of Health and Human Services.

ACTION: Notice of public comment period.

SUMMARY: The Department of Health and Human Services (HHS) is hereby requesting public comment on the Assistant Secretary for Preparedness and Response (ASPR) Public Access Plan for Federally Funded Research:

Publications and Data. The document is available to the public via *http://www.phe.gov/Preparedness/planning/science/Pages/AccessPlan.aspx.* The public comment period will end 30 days after posting in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Please submit comments via email to Lorian Smith at *lorian.smith@hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 103 of the America COMPETES Reauthorization Act of 2010 (Pub. L. 111–358), the Executive Office of the President, Office of Science and Technology Policy (OSTP) issued a memorandum on February 22, 2013 to the heads of federal agencies directing them to develop plans to enhance access to the results of federally-funded scientific research. ASPR is voluntarily developing a public access plan in order to maximize availability of digitally-formatted scientific data resulting from research supported wholly or in part by federal funding that will improve the public's ability to locate and access this data.

Background: This plan considers the interests and needs of various stakeholders, including, but not limited to, federally funded researchers, universities, libraries, publishers, data users and civil society groups.

Availability of Materials: The draft copy of the ASPR Public Access Plan will be posted on the phe.gov Web site: *http://www.phe.gov/Preparedness/planning/science/Documents/AccessPlan.pdf.*

Procedures for Providing Public Input: All comments must be received within 30 days of the publication of notice. Please submit comments to Lorian Smith via email *lorian.smith@hhs.gov.*

Dated: May 15, 2015.

Nicole Lurie,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2015–12561 Filed 5–26–15; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2015–0017]

Notice of Request for Public Comment Regarding Information Sharing and Analysis Organizations

AGENCY: Office of Cybersecurity and Communications, National Protection and Programs Directorate, Department of Homeland Security.

ACTION: Request for Public Comment.

SUMMARY: This Notice announces a public comment period to allow input from the public on the formation of Information Sharing and Analysis Organizations (ISAOs) for cybersecurity information sharing, as directed by Executive Order 13691. DHS is soliciting public comments and questions from all citizens and organizations related to the provisions of E.O. 13691 ''Promoting Private Sector Cybersecurity Information Sharing'' of February 13, 2015. The purpose of this request for comment is to gather public input and considerations related to DHS' public engagements and implementation of E.O. 13691 including the selection of a ''standards organizations'' and approved activities of the selected standards organization.

DATES: The comment period will be held until July 10, 2015. *See* **SUPPLEMENTARY INFORMATION** *section for the address to submit written or electronic comments.*

Specific Comments Sought

Individuals and organizations providing comment to this DHS request are requested to address the following questions during this open comment period. However, all comments related to E.O. 13691 will be accepted. As such, submitted comments are not required to address the following five questions to receive due consideration by the Government. At the conclusion of this comment period a DHS will compile and address these comments to the extent practicable in a document which will be made broadly available and may result in further dialog via this forum or other means.

1. Describe the overarching goal and value proposition of Information Sharing and Analysis Organizations (ISAOs) for your organization.

2. Identify and describe any information protection policies that should be implemented by ISAOs to ensure that they maintain the trust of participating organizations.

3. Describe any capabilities that should be demonstrated by ISAOs, including capabilities related to receiving, analyzing, storing, and sharing information.

4. Describe any potential attributes of ISAOs that will constrain their capability to best serve the information sharing requirements of member organizations.

5. Identify and comment on proven methods and models that can be emulated to assist in promoting formation of ISAOs and how the ISAO ''standards'' body called for by E.O. 13691 can leverage such methods and models in developing its guidance.

6. How can the U.S. government best foster and encourage the organic development of ISAOs, and what should the U.S. government avoid when interacting with or supporting ISAOs?

7. Identify potential conflicts with existing laws, authorities that may inhibit organizations from participating in ISAOS and describe potential remedies to these conflicts.

8. Please identify other potential challenges and issues that you believe may affect the development and maturation of effective ISAOs.

SUPPLEMENTARY INFORMATION: Executive Order 13691 can be found at: *https://www.whitehouse.gov/the-press-office/2015/02/13/executive-order-promoting-private-sector-cybersecurity-information-shari.*

Background and Purpose

On February 13, 2015, President Obama signed Executive Order 13691 intended to enable and facilitate ''private companies, nonprofit organizations, and executive departments and agencies . . . to share information related to cybersecurity risks and incidents and collaborate to respond in as close to real time as possible.'' The order addresses two concerns the private sector has raised:

- How can companies share information if they do not fit neatly into the sector-based structure of the existing Information Sharing and Analysis Centers (ISACs)?
- If a group of companies wants to start an information sharing organization, what model should they follow? What are the best practices for such an organization?

ISAOs may allow organizations to robustly participate in DHS information sharing programs even if they do not fit into an existing critical infrastructure sector, seek to collaborate with other companies in different ways (regionally, for example), or lack sufficient resources to share directly with the government. ISAOs may participate in existing DHS cybersecurity information sharing programs and contribute to near-real-time sharing of cyber threat indicators.

Submitting Written Comments

You may also submit written comments to the docket using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.* Although comments are being submitted to the Federal eRulemaking Portal, this is a tool to provide transparency to the general public, not because this is a rulemaking action.

(2) *Email: ISAO@hq.dhs.gov.* Include the docket number in the subject line of the message.

(3) *Fax:* 703–235–4981, Attn: Michael A. Echols.

(4) *Mail:* Michael A. Echols, Director, JPMO–ISAO Coordinator, NPPD, Department of Homeland Security, 245 Murray Lane, Mail Stop 0615, Arlington VA 20598–0615.

To avoid duplication, please use only one of these four methods. All comments must either be submitted to the online docket on or before July 10, 2015, or reach the Docket Management Facility by that date.

Authority: 6 U.S.C. 131–134; 6 CFR. 29; E.O. 13691.

Dated: May 13, 2015.

Andy Ozment,

Assistant Secretary, Cybersecurity and Communications, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. 2015–12691 Filed 5–26–15; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2015–0025]

Privacy Act of 1974; Department of Homeland Security Office of Operations Coordination and Planning–004 Publicly Available Social Media Monitoring and Situational Awareness Initiative System of Records

AGENCY: Privacy Office, Department of Homeland Security.

ACTION: Notice of an updated Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security proposes to update and reissue a current Department of Homeland Security system of records titled, ''Department of Homeland Security/Office of Operations Coordination and Planning–004 Publicly Available Social Media Monitoring and Situational Awareness Initiative System of Records.'' The Office of Operations Coordination and Planning National Operations Center created the Publicly Available Social Media Monitoring and Situational Awareness Initiative to assist the Department of Homeland Security (DHS) and its Components involved in fulfilling DHS's statutory responsibility to provide situational awareness. As a result of a biennial review of this system, the Department of Homeland Security/Office of Operations Coordination and Planning is updating this system of records notice to (1) clarify the information that may be collected about anchors, newscasters, or other on-scene reporters; (2) permit the collection of information about current and former public officials who are potential victims of incidents or activities related to Homeland Security; (3) clarify the system classification level; and (4) clarify the record source categories. This updated system will continue to be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before June 26, 2015. This updated system will be effective June 26, 2015.

ADDRESSES: You may submit comments, identified by docket number DHS–2015–0025 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 343–4010.
- *Mail:* Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, please visit *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For general questions, please contact: Michael Page, (202) 357–7626, Privacy Point of Contact, Office of Operations Coordination and Planning, Department of Homeland Security, Washington, DC 20528. For privacy questions, please contact: Karen L. Neuman, (202) 343–1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) Office of Operations Coordination and Planning (OPS) proposes to update and reissue a current DHS system of records titled, ''DHS/OPS–004 Publicly Available Social Media Monitoring and Situational Awareness Initiative System of Records.''

The DHS/OPS–004 Publicly Available Social Media Monitoring and Situational Awareness Initiative System of Records allows the DHS/OPS National Operations Center (NOC) to fulfill its mandate to provide situational awareness and a common operating picture for the entire Federal Government, and for state, local, and tribal governments as appropriate, and to ensure that critical terrorism and disaster-related information reaches government decision-makers. 6 U.S.C. 321d(b). As a result of a biennial review of this system, DHS is updating this SORN to (1) clarify that the fifth category of individuals may include any of the categories of records for anchors, newscasters, or on-scene reporters; (2) expand the sixth category of individuals to include current and former public officials who are potential victims of incidents or activities related to Homeland Security; (3) limit the system classification to Unclassified and For Official Use Only; and (4) update the record source categories to clarify that all records within this system are collected from publicly available social media Web sites.

As described in the DHS/OPS/PIA–004 Publicly Available Social Media Monitoring and Situational Awareness Initiative Privacy Impact Assessment and associated updates (which are available on the DHS Privacy Office Web site at *http://www.dhs.gov/privacy*), the NOC monitors publicly available online forums, blogs, public Web sites, and message boards. Through the use of publicly available search engines and content aggregators, the NOC monitors activities on social media for information it can use to provide situational awareness and establish a common operating picture. The NOC gathers, stores, analyzes, and disseminates relevant and appropriate de-identified information to federal, state, local, and foreign governments, and private sector partners authorized to receive situational awareness and a common operating picture. Under this initiative, OPS generally does not: (1) Actively seek personally identifiable information (PII); (2) post any information; (3) actively seek to connect with other internal/external personal users; (4) accept other internal/external personal users' invitations to connect; or (5) interact on social media sites. However, OPS is permitted to establish user names and passwords to form profiles and follow relevant government, media, and subject matter experts on social media sites in order to use search tools under established criteria and search terms for monitoring that supports providing situational awareness and establishing a common operating picture. Furthermore, PII on the following categories of individuals may be collected when it lends

credibility to the report or facilitates coordination with federal, state, local, tribal, territorial, foreign, or international government partners: (1) U.S. and foreign individuals in extremis situations involving potential life or death circumstances; (2) Senior U.S. and foreign government officials who make public statements or provide public updates; (3) U.S. and foreign government spokespersons who make public statements or provide public updates; (4) U.S. and foreign private sector officials and spokespersons who make public statements or provide public updates; (5) Anchors, newscasters, or on-scene reporters who are known or identified as reporters in their post or article or who use traditional or social media in real time to keep their audience situationally aware and informed; (6) public officials, current and former, who are victims or potential victims of incidents or activities related to Homeland Security and; (7) known terrorists, drug cartel leaders, or other persons known to have been involved in major crimes or terror of Homeland Security interest who are killed or found dead.

The NOC will identify and monitor only information needed to provide situational awareness and establish a common operating picture. The NOC will use this information to fulfill the statutory mandate set forth in 6 U.S.C. 321d(b) to include the sharing of information with foreign governments and the private sector as otherwise authorized by law.

DHS is authorized to implement this program primarily through 6 U.S.C. 121; 44 U.S.C. 3101; Executive Order (E.O.) 13388; 6 U.S.C. 321d; and Homeland Security Presidential Directive 5. Routine uses contained in this notice include sharing with the Department of Justice (DOJ) for legal advice and representation; to a congressional office at the request of an individual; to NARA for records management; to contractors in support of their contract assignment to DHS; to appropriate federal, state, tribal, local, international, foreign agency, or other appropriate entity including the privacy sector in their role aiding OPS in their mission; to agencies, organizations, or individuals for the purpose of audit; to agencies, entities, or persons during a security or information compromise or breach; or to an agency, organization, or individual when there could potentially be a risk of harm to an individual. This system of records is not subject to the Paperwork Reduction Act because DHS is not requesting specific information from the public.

Consistent with DHS's information sharing mission, information contained in the DHS/OPS–004 Publicly Available Social Media Monitoring and Situational Awareness Initiative System of Records may be shared with other DHS Components, as well as appropriate federal, state, local, tribal, territorial, foreign, or international government agencies. This sharing will take place only after DHS determines that the receiving DHS Component or agency has a verifiable need to know the information to carry out national security, law enforcement, immigration, intelligence, or other functions consistent with the routine uses set forth in this system of records notice.

This updated system will be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. The Privacy Act defines ''individual'' as a U.S. citizen or a lawful permanent resident. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

Below is the description of the DHS/OPS–004 Publicly Available Social Media Monitoring and Situational Awareness Initiative System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

System of Records

Department of Homeland Security (DHS)/Office of Operations Coordination and Planning (OPS)–004.

SYSTEM NAME:

DHS/OPS–004.

SECURITY CLASSIFICATION:

Unclassified, For Official Use Only.

SYSTEM LOCATION:

Records are maintained at the Department of Homeland Security (DHS) Office of Operations Coordination and Planning (OPS) National Operations Center (NOC) Headquarters in Washington, DC and field locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by the system may include:

- U.S. and foreign individuals in extremis situations involving potential life or death circumstances;
- Senior U.S. and foreign government officials who make public statements or provide public updates;
- U.S. and foreign government spokespersons who make public statements or provide public updates;
- U.S. and foreign private sector officials and spokespersons who make public statements or provide public updates;
- Anchors, newscasters, or on-scene reporters who are known or identified as reporters in their post or article or who use traditional or social media in real time to keep their audience situationally aware and informed;
- Current and former public officials who are victims or potential victims of incidents or activities related to Homeland Security; and
- Known terrorists, drug cartel leaders, or other persons known to have been involved in major crimes or terror of Homeland Security interest (*e.g.,* mass shooters such as those at Navy Yard or Los Angeles airport), who are killed or found dead.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in the system may include:

- Full name;
- Affiliation;
- Position or title; and
- Publicly available user ID.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

6 U.S.C. 121; 44 U.S.C. 3101; Executive Order (E.O.) 13388; Office of Operations Coordination and Planning Delegation 0104; and Homeland Security Presidential Directive 5.

PURPOSE(S):

The purpose of this system is to fulfill the DHS Office of Operations and Coordination's (OPS) statutory responsibility to provide situational awareness and establish a common operating picture for the entire Federal Government, and for state, local, and tribal governments as appropriate, and to ensure that critical disaster-related information reaches government decision makers. DHS/OPS NOC may share information with private sector and international partners when necessary, appropriate, and authorized by law.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including Offices of the U.S. Attorneys, or other federal agencies conducting litigation or in proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation or proceedings and one of the following is a party to the litigation or proceedings or has an interest in such litigation or proceedings:

1. DHS or any Component thereof;

2. Any employee or former employee of DHS in his/her official capacity;

3. Any employee or former employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or

4. The U.S. or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. DHS has determined that as a result of the suspected or confirmed compromise, there is a risk of identity theft or fraud, harm to economic or property interests, harm to an individual, or harm to the security or integrity of this system or other systems or programs (whether maintained by DHS or another agency or entity) that rely upon the compromised information; and

3. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations for the purpose of protecting the vital interests of a data subject or other persons, including to assist such agencies or organizations in preventing exposure to or transmission of a communicable or quarantinable disease or to combat other significant public health threats; appropriate notice will be provided of any identified health threat or risk.

H. To the entire federal government, to state, local, and tribal governments, and to appropriate private sector individuals within the Critical Infrastructure Key Resources Community to provide situational awareness and establish a common operating picture and to ensure that critical disaster-related information reaches government decision makers when PII lends credibility to the report or facilitates coordination with interagency or international partners.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

DHS/OPS stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media.

RETRIEVABILITY:

Much of the data within this system does not pertain to an individual; rather, the information pertains to locations, geographic areas, facilities, and other things or objects not related to individuals. However, some personal information may be captured. Most information is stored as free text and any word, phrase, or number is searchable.

SAFEGUARDS:

DHS/OPS safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. OPS has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

In accordance with NARA records schedule #N1–563–08–23, OPS maintains records for 5 years.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Operations Coordination and Planning, National Operations Center, U.S. Department of Homeland Security, Washington, DC 20528.

NOTIFICATION PROCEDURE:

Individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to the Chief Privacy Officer or OPS Freedom of Information Act Officer (FOIA), whose contact information can be found at *http://www.dhs.gov/foia* under ''FOIA Contact Information.'' If an individual believes more than one component maintains Privacy Act records concerning him or her, the individual may submit the request to the Chief Privacy Officer and Chief FOIA Officer, Department of Homeland Security, 245 Murray Drive SW., Building 410, STOP–0655, Washington, DC 20528.

When seeking records about yourself from this system of records or any other Departmental system of records, your request must conform with the DHS Privacy Act regulations set forth in 6 CFR part 5, subpart B. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov/foia* or (866) 431–0486. In addition, you should:

• Explain why you believe the Department would have information on you;

• Identify which component(s) of the Department you believe may have the information about you;

• Specify when you believe the records would have been created; and

• Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records;

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from publicly available social media Web sites.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: May 13, 2015.

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2015–12692 Filed 5–26–15; 8:45 am]

BILLING CODE 9110–9A–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5853–N–04]

60-Day Notice of Proposed Information Collection: CDBG–DR Expenditure Deadline Extension Request Template (Pub. L. 113–2 Grantees Only)

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* July 27, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Christopher Narducci, Community Planning and Development Specialist, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *Christopher.j.Narducci@hud.gov* telephone(202) 402–2705. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in section A.

A. Overview of Information Collection

Title of Information Collection: CDBG–DR Expenditure Deadline Extension Request Template (Pub. L. 113–2 Grantees Only).

OMB Approval Number: 2506–0206.

Type of Request: Extension of currently approved collection.

Form Number: NA.

Description of the need for the information and proposed use: This information collection is being conducted by the Office of Community Planning and Development, Office of Block Grant Assistance to assist the Secretary of HUD in determining, as required by section 904(c) under title IX of the Disaster Relief Appropriations Act, 2013 (Pub. L. 113–2, enacted January 29, 2013), whether to grant extensions of the twenty-four month expenditure deadline for grantees (Entitlement communities, States and units of general local governments) receiving funds under the Act.

Respondents: Entitlement communities, Nonprofits, States and units of general local governments with Community Development Block Grant (CDBG) disaster recovery grants pursuant to the Disaster Relief Appropriations Act, 2013 (Pub. L. 113–2). Thirty-four (34) CDBG–DR grantees are held to the 24-month requirement and are thus eligible to submit information through this template to request an extension.

Estimated Number of Respondents: See Chart 1.

Estimated Number of Responses: See Chart 1.

Frequency of Response: See Chart 1.

Average Hours per Response: See Chart 1.

Total Estimated Burdens: See Chart 1.

CHART 1—2-YEAR EXPENDITURE DEADLINE EXTENSION REQUEST

Information collection	Number of respondents	Frequency of response	Total responses	Burden hour per response	Total burden hours	Hourly cost per response	Total cost
CDBG–DR Expenditure Deadline Extension Request Template (P.L. 113–2 Grantees Only)	34	3	102	24	2,448	$24.34	$59,584.32

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: May 20, 2015.

Clifford Taffet,

General Deputy Assistant Secretary, Community Planning and Development.

[FR Doc. 2015–12763 Filed 5–26–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2015–N108; FXIA16710900000–156–FF09A30000]

Endangered Species; Marine Mammals; Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species, marine mammals, or both. With some exceptions, the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

DATES: We must receive comments or requests for documents on or before June 26, 2015. We must receive requests for marine mammal permit public hearings, in writing, at the address shown in the **ADDRESSES** section by June 26, 2015.

ADDRESSES: Monica Thomas, U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281; or email *DMAFR@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2281 (fax); *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

A. How do I request copies of applications or comment on submitted applications?

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

B. May I review comments submitted by others?

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. 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.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

III. Permit Applications

A. Endangered Species

Applicant: Stanford University, Stanford, CA; PRT–54288B

The applicant request permits to import biological samples of gray mouse lemur (*Microcebus rufus*) from France and Madagascar for the purpose of enhancement of the species through scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Norton-Brown Herbarium, University of Maryland, College Park, MD; PRT–52662B

The applicant requests a permit to export and re-import nonliving museum specimens of endangered and threatened species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

The following applicants each request a permit to import the sport-hunted

trophy of one male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: Terry Small, West Lafayette, IN; PRT–65614B

Applicant: Walter Lewis, Wichita, KS; PRT–65908B

B. Endangered Marine Mammals and Marine Mammals

Applicant: British Broadcasting Corporation–Ocean, Bristol, England, UK; PRT–59492B

The applicant requests a permit to photograph southern sea otters (*Enhydra lutris nereis*) from land, underwater, and boat in California, and northern sea otters (*Enhydra lutris kenyoni*) from underwater in Washington for commercial and educational purposes. This notification covers activities to be conducted by the applicant for less than a 2-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Brenda Tapia,

Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2015–12732 Filed 5–26–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2015–N059; FXES11120000–156–FF08ECAR00]

Endangered and Threatened Wildlife and Plants; Incidental Take Permit Application; Proposed Low-Effect Habitat Conservation Plan and Associated Documents; County of San Diego, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Main 16, LP. (applicant) for a 5-year incidental take permit for the endangered San Diego fairy shrimp pursuant to the Endangered Species Act of 1973, as amended (Act). We are requesting comments on the permit application and on the preliminary determination that the proposed HCP qualifies as a ''low-effect'' Habitat Conservation Plan, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. The basis for this determination is discussed in the environmental action statement (EAS) and associated low-effect screening form, which are also available for public review.

DATES: Written comments should be received on or before June 26, 2015.

ADDRESSES: *Submitting Comments:* You may submit comments by one of the following methods:

- *U.S. Mail:* Field Supervisor, Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2177 Salk Avenue, Suite 250, Carlsbad, CA 92008.
- *Fax:* Field Supervisor, 760–431–9624.

Obtaining Documents: To request copies of the application, proposed HCP, and EAS, contact the Service immediately, by telephone at 760–431–9440 or by letter to the Carlsbad Fish and Wildlife Office (see **ADDRESSES**). Copies of the proposed HCP and EAS also are available for public inspection during regular business hours at the Carlsbad Fish and Wildlife Office (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Ms. Karen A. Goebel, Assistant Field Supervisor, Carlsbad Fish and Wildlife Office (see **ADDRESSES**); telephone 760–431–9440. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), have received an application from Main 16, LP. (applicant) for a 5-year incidental take permit for one covered species pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.,* Act). The application addresses the potential ''take'' of the endangered San Diego fairy shrimp in the course of activities associated with the construction of the Main 16, LP. Ramona commercial development project in unincorporated San Diego County, California. A conservation program to avoid, minimize, and mitigate for project activities would be implemented as described in the proposed Habitat Conservation Plan (HCP) by the applicant.

We are requesting comments on the permit application and on the preliminary determination that the proposed HCP qualifies as a ''low-effect'' Habitat Conservation Plan, eligible for a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969, as amended. The basis for this determination is discussed in the environmental action statement (EAS) and associated low-effect screening form, which are also available for public review.

Background

Section 9 of the Act and its implementing Federal regulations prohibit the ''take'' of animal species listed as endangered or threatened. Take is defined under the Act as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or to attempt to engage in any such conduct'' (16 U.S.C. 1538). ''Harm'' includes significant habitat modification or degradation that actually kills or injures listed wildlife by significantly impairing essential behavioral patterns such as breeding, feeding, or sheltering (50 CFR 17.3). However, under section 10(a) of the Act, the Service may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the Act as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species, respectively, are found at 50 CFR 17.22 and 50 CFR 17.32.

The applicant requests a 5-year permit under section 10(a)(1)(B) of the Act. If we approve the permit, the applicant anticipates taking San Diego fairy shrimp (*Branchinecta sandiegonensis*) as a result of permanent impacts to 0.01 acre (ac) of habitat the species uses for breeding, feeding, and sheltering. The take would be incidental to the applicant's activities associated with the construction of the Main 16, LP. Ramona commercial development project in San Diego County, California, and includes the purchase of two vernal pool/basin with fairy shrimp conservation credits (*i.e.,* 0.2 ac of vernal pool basin and 1.8 ac of associated watershed) at the Ramona Grasslands Conservation Bank (Bank).

The Main 16, LP. Ramona project proposes to grade 2.5 ac to construct commercial buildings and an associated parking lot. The project would include all construction activities related to site preparation (grading and/or compaction), facilities construction, and site finish (landscaping). The project will permanently impact 0.01 ac of ponded basin and associated watershed occupied by San Diego fairy shrimp as a result of the development activities.

To minimize take of San Diego fairy shrimp by the Main 16, LP. Ramona commercial development project and offset impacts to its habitat, the applicant proposes to mitigate for permanent impacts to approximately 0.01 ac of occupied San Diego fairy shrimp habitat through the purchase of two vernal pool/basin with San Diego fairy shrimp conservation credits at the Bank. The applicant's proposed HCP also contains the following proposed measures to minimize the effects of development activities on the San Diego fairy shrimp:

- Grading limits will be delineated with construction fencing and silt fencing to ensure that impact limits do not extend beyond the allowed limits of development.
- A biologist will monitor grading of the site daily (or as determined necessary by the monitoring biologist) and provide a letter summarizing compliance with the construction limits of the proposed project to the Service within 1 month of completion of project grading.
- The project construction contractor will conduct grading outside the rainy season (October 1 through March 31). If grading is to be done after October 1 and ponding of the basins has not occurred, the applicant will submit a proposed grading strategy for review and approval by the Service that will ensure that indirect impacts are avoided to the existing basins located immediately adjacent to the project site. No grading will occur during this timeframe without written concurrence from the Service.
- Avoidance of long-term indirect impacts to fairy shrimp-occupied basins immediately adjacent to the site will be achieved by ensuring that flows from the project site are directed away from basins immediately off site to the west and have been adequately treated through the use of best management practices (BMPs) during construction and throughout the life of the project. These BMPs include treating all flows on site through the use of a retention/infiltration basin prior to outletting into the storm drain system.

The above described impacts and mitigation will occur within designated critical habitat for the San Diego fairy shrimp. No other listed species or designated critical habitat occurs within the project site.

Proposed Action and Alternatives

The Proposed Action consists of the issuance of an incidental take permit and implementation of the proposed HCP, which includes measures to avoid, minimize, and mitigate impacts to the San Diego fairy shrimp. If we approve the permit, take of San Diego fairy shrimp would be authorized for the applicant's activities associated with the construction of the Main 16, LP. Ramona commercial development project. In the proposed HCP, the applicant considers alternatives to the taking of San Diego fairy shrimp under the proposed action. Because of the small size of the site and the need to avoid both the basins and watershed of the basins, an alternative site plan that would have maintained some of the ponded basins on site (*i.e.,* a reduced footprint alternative) was not feasible. The Applicant also considered the No Action Alternative. Under the No Action Alternative, no San Diego fairy shrimp habitat would be impacted or conserved.

Our Preliminary Determination

The Service has made a preliminary determination that approval of the proposed HCP qualifies as a categorical exclusion under NEPA, as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1) and as a ''low-effect'' plan as defined by the Habitat Conservation Planning Handbook (November 1996).

We base our determination that a HCP qualifies as a low-effect plan on the following three criteria:

(1) Implementation of the HCP would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats, including designated critical habitat;

(2) Implementation of the HCP would result in minor or negligible effects on other environmental values or resources; and

(3) Impacts of the HCP, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant. Based upon this preliminary determination, we do not intend to prepare further NEPA documentation. We will consider public comments in making the final determination on whether to prepare such additional documentation.

Next Steps

We will evaluate the proposed HCP and comments we receive to determine whether the permit application meets the requirements and issuance criteria under section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). We will also evaluate whether issuance of a section 10(a)(1)(B) incidental take permit would comply with section 7 of the Act by conducting an intra-Service consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue a permit. If the requirements and issuance criteria under section 10(a) are met, we will issue the permit to the applicant for incidental take of San Diego fairy shrimp.

Public Comments

If you wish to comment on the permit application, proposed HCP, and associated documents, you may submit comments by any of the methods noted in the **ADDRESSES** section.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

G. Mendel Stewart,

Field Supervisor, Carlsbad Fish and Wildlife Office, Carlsbad, California.

[FR Doc. 2015–12720 Filed 5–26–15; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Electric Skin Care Devices, Brushes and Chargers Therefor, and Kits Containing Same, DN 3067;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR § 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission,

500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *EDIS,*[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *USITC.*[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *EDIS,*[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received an amended complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Pacific Bioscience Laboratories, Inc. on May 20, 2015. The amended complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electric skin care devices, brushes and chargers therefor, and kits containing same. The amended complaint names as respondents Our Family Jewels, Inc. d/b/a Epipür Skincare of Parker, CO; Accord Media, LLC d/b/a Truth in Aging of New York, NY; Xnovi Electronic Co., Ltd. of China; Michael Todd True Organics LP of Port St. Lucie, FL; MTTO LLC of Port St. Lucie, FL; Shanghai Anzikang Electric Co., Ltd. of China; Nutra-Luxe M.D., LLC of Fort Myers, FL; Beauty Tech, Inc. of Coral Gables, FL; Anex Corporation of Korea; RN Ventures Ltd. of United Kingdom; Korean Beauty Co., Ltd. of Korea; H2Pro Beautylife, Inc. of Placentia, CA; Serious Skin Care, Inc. of Carson City, NV; Home Skinovations Inc. of Canada; Home Skinovations Ltd. of Israel; Wenzhou AI ER Electrical Technology Co., Ltd d/b/a Cnaier of China; Coreana Cosmetics Co., Ltd. of Korea; Flageoli Classic Limited of Las Vegas, NV; Jewlzie of New York, NY; Unicos USA, Inc. of La Habra, CA; and Skincarebyalana of Dana Point, CA. The complainant requests that the Commission issue a permanent general exclusion order, cease and desist orders, and a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register.** There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3067'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *Electronic Filing Procedures*[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on *EDIS.*[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: May 21, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–12766 Filed 5–26–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–923]

Certain Loom Kits for Creating Linked Articles

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to amend the notice of investigation to reflect a change in corporate form by the complainant, to terminate the investigation with respect to claims 2 and 3 of U.S. Patent No. 8,485,565 (''the '565 patent''), and to enter a general exclusion order barring entry of loom kits that infringe claim 4 of the '565 patent. The Commission's determination is final and the

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

investigation is terminated in its entirety.

FOR FURTHER INFORMATION CONTACT: Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2661. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 6, 2014, based on a complaint filed by Choon's Design, Inc., of Wixom, Michigan, now Choon's Design LLC (''Choon's''). *See* 79 *FR* 45844–45 (August 6, 2014). The complaint alleged violations of section 337 by reason of the importation into the United States, the sale for importation, and the sale within the United States after importation of certain loom kits that infringe the '565 patent. The notice of investigation named thirteen respondents, all of which either have been found in default or have been terminated from this investigation. *See* Notice of Commission Determination Not to Review an Initial Determination Terminating the Investigation as to Respondent Creative Kidstuff, LLC (September 26, 2014); Notice of Commission Determination Not to Review Two Initial Determinations Finding Certain Respondents in Default and Terminating the Investigation with Respect to Another Respondent (January 9, 2015); Notice of Commission Determination Not to Review an Initial Determination Terminating the Investigation as to Respondent Altatac, Inc. (January 13, 2015). The respondents in default are Island in the Sun LLC; Quality Innovations Inc.; Yiwu Mengwang Craft & Art Factory; Shenzhen Xuncent Technology Co., Ltd.; My Imports USA LLC; Jayfinn LLC; Hongkong Haoguan Plastic Hardware Co., Ltd.; Blinkee.com, LLC; Eyyup Arga; and Itcoolnomore (collectively, ''defaulting respondents'').

On February 3, 2015, the presiding administrative law judge (''ALJ'') issued an ID finding a violation of section 337 and recommending the issuance of a general exclusion order. *See* Order No. 13. On February 13, 2015, the IA submitted a petition for review of the ID in part. On March 20, 2015, the Commission determined to review only the domestic industry economic prong determination in the ID. Upon review, the Commission determined to affirm the ALJ's finding that Choon's has shown a substantial investment in the exploitation of the '565 patent through engineering and research and development of articles protected by the '565 patent, but the Commission determined to modify certain portions of the ID regarding the expenditures comprising the domestic industry investments. The Commission stated that its modifications would be specified in a later Commission opinion. Having affirmed a violation of section 337, the Commission requested briefing concerning remedy, the public interest, and bonding. *See* 80 *FR* 16023–25 (March 26, 2015).

In response to the Commission's notice, Choon's informed the Commission that it changed its corporate form during the course of the investigation from Choon's Design, Inc., to Choon's Design LLC. Choon's also requested that claims 2 and 3 of the '565 patent be withdrawn from the investigation. No contrary submissions were received on those points. Accordingly, the Commission has determined to amend the notice of investigation to reflect that the complainant is Choon's Design LLC. The Commission has further determined to terminate the investigation with respect to claims 2 and 3.

Upon review of all submissions in response to the Commission's notice, and the entire record of the investigation, the Commission has determined that the appropriate form of relief for the determined violation of section 337 is a general exclusion order barring entry of loom kits that infringe claim 4 of the '565 patent. The Commission has further determined that the public interest factors enumerated in section 337(d)(1) (19 U.S.C. 1337(d)(1)) do not preclude issuance of the general exclusion order. Additionally, the Commission has determined that a bond in the amount of one hundred (100) percent of the entered value of subject articles is required to permit temporary importation of the articles in question during the period of Presidential review (19 U.S.C. 1337(j)). The Commission has also issued an opinion explaining its modification of the ALJ's domestic industry economic prong analysis and explaining the basis for the remedy. The Commission's determination is final and the investigation is terminated in its entirety.

The Commission's orders and the record upon which it based its determination were delivered to the President and to the United States Trade Representative on the day of their issuance. The Commission has also notified the Secretary of the Treasury of the orders.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 21, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–12765 Filed 5–26–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Institute of Electrical and Electronics Engineers

Notice is hereby given that, on April 13, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Institute of Electrical and Electronics Engineers (''IEEE'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, 26 new standards have been initiated and 18 existing standards are being revised. More detail regarding these changes can be found at *http://standards.ieee.org/about/sba/feb2015.html,* and *http://standards.ieee.org/about/sba/mar2015.html.*

On February 8, 2015, the IEEE Board of Directors approved an update of the IEEE patent policy for standards development, which became effective on 15 March 2015. The updated policy is available at *http://standards.ieee.org/develop/policies/bylaws/approved-*

changes.pdf and, from the effective date, will be available at *http://standards.ieee.org/develop/policies/bylaws/sect6-7.html.*

On September 17, 2004, IEEE filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 3, 2004 (69 FR 64105).

The last notification was filed with the Department on March 10, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 2, 2015 (80 FR 17786).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–12673 Filed 5–26–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Telemanagement Forum

Notice is hereby given that, on April 21, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), TeleManagement Forum (''The Forum'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, The KPI Guy, Arvada, CO; BumpConductor B.V., Driehuis, NETHERLANDS; Appledore Research Group, Dover, NH; Porte Alegre, Porte Alegre, BRAZIL; GFI INFORMATIQUE, Saint-Ouen, FRANCE; Cepheid, Sunnyvale, CA; Cubika S.A., Buenos Aires, ARGENTINA; Telenor Hungary, Pannon út, HUNGARY; Ernst & Young, S.A. Costa Rica, San José, COSTA RICA; Business-intelligence of Oriental Nations Corporation Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; SAS Institute Inc., Cary, NC; Converge ICT Solutions Inc., Pasig City, PHILIPPINES; InfoCumulus, Zagreb, CROATIA; BrandedIPTV, Hong Kong, HONG KONG-CHINA; Eurofiber Nederland B.V., Utrecht, NETHERLANDS; University Campus Milton Keynes, Milton Keynes, UNITED KINGDOM; Bright Computing BV, Amsterdam, NETHERLANDS; IRIS Network Systems, Cape Town, SOUTH AFRICA; Sonogy Research LLC, Florham Park, NJ; Sysbiz Technologies Pvt. Ltd., Chennai, INDIA; Intellect Application Service, Bangalore, INDIA; Tr3dent, Galway, IRELAND; Liquid Telecom, London, UNITED KINGDOM; Envision Business Consulting Ltd., Crawley, UNITED KINGDOM; SBB Telecom, Bern, SWITZERLAND; Oman Telecommunications Company, Ruwi, OMAN; Sunnur Network, Santa Clara, CA; Netxcel Systems Pte. Ltd., Singapore, SINGAPORE; Etisalat UAE, Abu Dhabi, UNITED ARAB EMIRATES; Aria-Networks, Chippenham, UNITED KINGDOM; Neotel (Proprietary) Ltd., Johannesburg, SOUTH AFRICA; Telkom SA, Gauteng, SOUTH AFRICA; and UXP Systems, Toronto, CANADA, have been added as parties to this venture.

The following members have withdrawn as parties to this venture: ABHIDEEP LTD., Kidlington, UNITED KINGDOM; Abiba Systems Private Limited, Bangalore, INDIA; ACG Research, Gilbert, AZ; AIRCOM International Ltd., Leatherhead, UNITED KINGDOM; Applied Communication Sciences, Basking Ridge, NJ; ATANOO Europe GmbH, Zug, SWITZERLAND; Axia NetMedia Corporation, Calgary, CANADA; Bakcell LTD., Baku, AZERBAIJAN; BI Telecom, Moscow, RUSSIA; Blue Buffalo Group, Lafayette, CO; Booz & Company NA Inc., New York, NY; CANTV, Negocios de Cantv, VENEZUELA; CHR Solutions, Houston, TX; Clarity, North Sydney, AUSTRALIA; Commonwealth Bank of Australia, Sydney, AUSTRALIA; CommProve Ltd., Dublin, IRELAND; Computer Sciences Corporation, Wiesbaden, GERMANY; CPqD, Campinas, BRAZIL; Cycle Computing, Greenwich, CT; Driva Solutions, LLC, Bellevue, WA; EE Limited, Hatfield, UNITED KINGDOM; EJADA, Riyadh, SAUDI ARABIA; Emagine International Pty Ltd., Ultimo, AUSTRALIA; Empresa De Telecomunicaciones De Bogota S.A. E.S.P, Bogota, COLOMBIA; Entel Chile PCS Telecomunicaciones SA, Santiago, CHILE; Episteme Systems Limited, Blanchardstown, IRELAND; Finserve Africa Limited, Opposite Yaya Centre, KENYA; Genesys Telecommunications Laboratories B.V., Naarden, NETHERLANDS; GFI INFORMATIQUE, Saint-Ouen, FRANCE; Global Telecom Holding SAE, Cairo, EGYPT; ieon consulting Ltd., London, UNITED KINGDOM; imaginary srl, Milan, ITALY; Intelli Solutions SA, Athens, GREECE; International Engineering Consortium, Chicago, IL; Janus Consulting Partners, Addison, TX; Japan Mobile Platform, Tokyo, JAPAN; JustOne Database, Inc., Guilford, CT; King Mongkut's University of Technology Thonburi—Faculty of Engineering, Bangmod Thungkru Bangkok, THAILAND; KJM Consulting, Chesham, UNITED KINGDOM; Korea Telecom, Seongnam City, KOREA; Meditelecom, Casablanca, MOROCCO; MTN Cameroon, Douala, CAMEROON; MTN Nigeria Communications Ltd., Victoria Island, NIGERIA; MTN SA (Pty) Ltd., Randburg, SOUTH AFRICA; Netadmin Systems, Linkoping, SWEDEN; NetworkMining, Antwerpen, BELGIUM; Nexus Telecom AG, Zurich, SWITZERLAND; NTS New Technology Systems GmbH, Wilhering, AUSTRIA; Nucleus Connect Pte Ltd., Singapore, SINGAPORE; Open Technologies Solutions SA, Nyon, SWITZERLAND; Optimus- Comunicacoes SA, Lisbon, PORTUGAL; Perpetual Solutions, London, UNITED KINGDOM; Phone Wave, Vaughan, CANADA; PricewaterhouseCoopers LLP, London, UNITED KINGDOM; Protiviti Member Firm Qatar LLC, Kuwait City, KUWAIT; Push Science, Toronto, CANADA; QualiSystems, Ganey-Tikva, ISRAEL; RainStor Inc., San Francisco, CA; Real IRM Solutions (Pty) Ltd., Gauteng, SOUTH AFRICA; Scancom Ltd., Ridge-Accra, GHANA; ServiceFrame, Belfield, IRELAND; Shenzhen Huge Information Technology Co.,Ltd., Shenzhen, PEOPLE'S REPUBLIC OF CHINA; Spark New Zealand Limited, Auckland, NEW ZEALAND; Starnet SRL, Chisinau, MOLDOVA; Tail-f Systems, Stockholm, SWEDEN; Telecomunication of Mozambique, Maputo, MOZAMBIQUE; Telekom Romania, Bucharest, ROMANIA; Tonex, Inc., Richardson, TX; TV–7, Seversk, RUSSIA; Ultrafast Fibre Limited, Hamilton, NEW ZEALAND; and Wellink, Moscow, RUSSIA.

Also, Cosmo Bulgaria Mobile EAD(Globul) has changed its name to Telenor Bulgaria EAD, Sofia, BULGARIA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and The Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, Forum filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on January 16, 2015. A notice was published in the **Federal**

Register pursuant to Section 6(b) of the Act on February 27, 2015 (80 FR 10715).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–12674 Filed 5–26–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—International Electronics Manufacturing Initiative

Notice is hereby given that, on April 23, 2015, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), International Electronics Manufacturing Initiative (''iNEMI'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Advanced Institute of Sciences, Daejon, REPUBLIC OF KOREA; Bel Power Solutions Inc., Jersey City, NJ; Keysight Technologies, Colorado Springs, CO; US Connect, Hickory, NC; i3, Endicott, NY; Foxconn Interconnect, Brea, CA; Isola, Chandler, AZ; Oak Mitsui, Hoosick Falls, NY; Sagem, Paris, FRANCE; and Unitec Semiconductores, Rio de Janerio, BRAZIL, have been added as parties to this venture.

Also, Amkor, Chandler, AZ; Astec America, Inc., Milpitas, CA; AT&S Austria Technologie & Systemtechnik AG, Leoben, AUSTRIA; Boston Scientific, Canton, MA; Agilent Technologies, Colorado Springs, CO; Doosan Corporation Electro-Materials BG, Seoul, REPUBLIC OF KOREA; DSM Engineering Plastics, Sittard, THE NETHERLANDS; Netherlands Elec & Eltek Multilayer PCB Limited, Kowloon, HONG KONG-CHINA; Sanmina-SCI, Plexus, Neenah, WI; Asset InterTech, Richardson, TX; Asset InterTech, Richardson, TX; Elite Material, Tao-yuan Shien, TAIWAN; IEC, Newark, NY; IHS Parts Management, Englewood, CO; Industrial Technology Research Institute (ITRI), Chutung, Hsinchu, TAIWAN; Endicott Intercott Interconnect Technolgies (EIT), Inc., Endicott, NY; Namics Corporation, Niigata-City, JAPAN; Samsung Electro-Mechanics Co., Ltd., Gyeonnggi-do, REPUBLIC OF KOREA; Rochester Institute of Technology (RIT), Rochester, NY; Valtronics, Les Charbonnieres, SWITZERLAND; and NGK Spark Plug Co., Ltd., Komaki-city, JAPAN, have withdrawn as parties to this venture.

In addition, the following members have changed their names: Delphi Electronics to Delphi Automotive Systems LLC, Kokomo, IN; OIDA to OSA, Washington, DC; and Mycronic Mydata to Micronic AB, Nytorpsvalen, SWEDEN.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and iNEMI intends to file additional written notifications disclosing all changes in membership.

On June 6, 1996, iNEMI filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 28, 1996 (61 FR 33774).

The last notification was filed with the Department on June 13, 2013. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on July 18, 2013 (78 FR 42976).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–12675 Filed 5–26–15; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Approval of an Existing Collection in Use Without an OMB Control Number; Records Modification Form (FD–1115)

AGENCY: Federal Bureau of Investigation, Department of Justice.

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 July 27, 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 Rachel K. Hurst, Management and Program Analyst, FBI, CJIS, Biometric Services Section, Customer Support Unit, Module E–1, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306 (facsimile: 304–625–5392).

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 agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—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 collection in use without an OMB control number.

(2) *Title of the Form/Collection:* Records Modification Form.

(3) *Agency form number:* FD–1115.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: This form is utilized by criminal justice and affiliated judicial agencies to request appropriate modification of criminal history information from an individual's record.

(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 152,430 respondents are authorized to complete the form which would require approximately 10 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated

22,011 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: May 20, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–12681 Filed 5–26–15; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

TIME AND DATE: 10 a.m., June 2, 2014.

PLACE: U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: Approval of February 24, 2015 minutes; Final rule to amend 28 CFR 2.66; Parole Guidelines for DC Code prisoners.

CONTACT PERSON FOR MORE INFORMATION: Jacqueline Graham, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC 20530, (202) 346–7001.

Dated: May 22, 2015.

J. Patricia W. Smoot,

Acting Chairman, U.S. Parole Commission.

[FR Doc. 2015–12902 Filed 5–22–15; 4:15 pm]

BILLING CODE 4410–31–P

DEPARTMENT OF JUSTICE

Parole Commission

Sunshine Act Meeting

TIME AND DATE: 12 p.m., Tuesday, June 2, 2015.

PLACE: U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Determination on eight original jurisdiction cases.

CONTACT PERSON FOR MORE INFORMATION: Jacqueline Graham, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC 20530, (202) 346–7001.

Dated: May 22, 2015.

J. Patricia W. Smoot,

Acting Chairman, U.S. Parole Commission.

[FR Doc. 2015–12903 Filed 5–22–15; 4:15 pm]

BILLING CODE 4410–31–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (15–041)]

NASA Advisory Council; Science Committee; Heliophysics Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Heliophysics Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Tuesday, June 30, 2015, 9:00 a.m.–5:00 p.m., and Wednesday, July 1, 2015, 9:00 a.m.–4:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 6H41, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Ann Delo, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–0750, fax (202) 358–2779, or *ann.b.delo@nasa.gov*.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. This meeting will also be available telephonically. Any interested person may call the USA toll free conference call number 1–888–391–6806, passcode 1663688, to participate in this meeting by telephone on both days. The agenda for the meeting includes the following topics:

—Heliophysics Division Overview and Program Status
—Heliophysics Budget Update
—Flight Mission Status Report
—Heliophysics Division Staffing

Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Due to the Real ID Act, Public Law 109–13, any attendees with drivers licenses issued from non-compliant states/territories must present a second form of ID [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the ''List of the Acceptable Documents'' on Form I–9]. Non-compliant states/territories are: American Samoa, Arizona, Idaho, Louisiana, Maine, Minnesota, New Hampshire, and New York. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ann Delo via email at *ann.b.delo@nasa.gov* or by fax at (202) 358–2779. U.S. citizens and Permanent Residents (green card holders) are requested to submit their name and affiliation 3 working days prior to the meeting to Ann Delo. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2015–12670 Filed 5–26–15; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 15–042]

National Space-Based Positioning, Navigation, and Timing (PNT) Advisory Board; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, and the 2004 U.S. Space-Based Positioning, Navigation, and Timing (PNT) Policy, the National Aeronautics and Space Administration (NASA) announces a meeting of the National Space-Based

Positioning, Navigation, and Timing (PNT) Advisory Board.

DATES: Thursday, June 11, 2015, 10:00 a.m.–6:00 p.m.; and Friday, June 12, 2015, 10:00 a.m.–1:00 p.m., Local Time.

ADDRESSES: Marriott Hotel, 80 Compromise St., Annapolis, MD 21401.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Miller, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4417, fax (202) 358–4297, or *jj.miller@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. Visitors will be requested to sign a visitor's register.

The agenda for the meeting includes the following topics:

- Examine emerging trends and requirements for PNT services in U.S. and international arenas through PNT Advisory Board technical assessments.
- Receive update on U.S. PNT Policy and GPS modernization.
- Prioritize current and planned GPS capabilities and services while assessing future PNT architecture alternatives with a focus on affordability.
- Examine methods in which to Protect, Toughen, and Augment (PTA) access to GPS/Global Navigation Satellite Systems (GNSS) services in key domains for multiple user sectors.
- Assess economic impacts of GPS on the United States and in select international regions, with a consideration towards effects of potential PNT service disruptions if radio spectrum interference is introduced.
- Explore opportunities for enhancing the interoperability of GPS with other emerging international GNSS.
- Review the potential benefits, perceived vulnerabilities, and any proposed regulatory requirements to accessing foreign Radio Navigation Satellite Service (RNSS) signals in the United States and subsequent impacts on multi-GNSS receiver markets.

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2015–12669 Filed 5–26–15; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (15–043)]

Notice of Intent To Grant an Exclusive License

AGENCY: National Aeronautics and Space Administration

ACTION: Notice of intent to grant exclusive license.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive patent and copyright license in the United States to practice the invention described and claimed in U.S. Patent Application No. 13/457,540 entitled ''System and Method for Space Utilization Optimization and Visualization,'' NASA Case No. LAR–17980–1, to VSolvit LLC having its principal place of business in Ventura, CA. The copyright and patent rights in this invention and associated software have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

DATES: The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Langley Research Center, MS 30, Hampton, VA 23681; (757) 864–3230 (phone), (757) 864–9190 (fax).

FOR FURTHER INFORMATION CONTACT: Robin W. Edwards, Patent Counsel, Office of Chief Counsel, NASA Langley Research Center, MS 30, Hampton, VA 23681; (757) 864–3230; Fax: (757) 864–9190. Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Sumara M. Thompson-King,

General Counsel.

[FR Doc. 2015–12718 Filed 5–26–15; 8:45 am]

BILLING CODE 7510–13–P

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Privacy Act of 1974; System of Records

AGENCY: Office of the Director of National Intelligence.

ACTION: Notice.

SUMMARY: The Office of the Director of National Intelligence (ODNI) provides notice that it is establishing two (2) new Privacy Act systems of records, updating and amending four (4) existing Privacy Act systems of records, and rescinding two (2) Privacy Act systems of records. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the agency (5 U.S.C. 552a(e)(4)).

DATES: This action will be effective on July 6, 2015, unless comments are received that result in a contrary determination.

ADDRESSES: You may submit comments, identified by [RIN number] by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov.

Email: Dni-FederalRegister@dni.gov.

Mail: Director, Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511.

FOR FURTHER INFORMATION CONTACT: Jennifer Hudson, Director, Information Management Division, 703–874–8085.

SUPPLEMENTARY INFORMATION: The ODNI was created by the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), Public Law 108–458, 118 Stat. 3638 (Dec. 17, 2004). ODNI published its final Privacy Act Regulation on March 28, 2008 (73 FR 16531), codified at 32 CFR part 1701. It published twelve (12) Privacy Act systems of records notices on December 28, 2007 (72 FR 73887); fourteen (14) Privacy Act systems of records notices on April 2, 2010 (75 FR 16853) and seven (7) systems of records notices on July 19, 2011 (76 FR 42737). It now adds two (2) systems of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a). These new systems of records are:

Counterintelligence Trends Analyses Records (ODNI/NCSC–002) and Insider Threat Program Records (ODNI–22). To protect classified and sensitive personnel or law enforcement information contained in these systems, the Director of National Intelligence is proposing to exempt these systems of records from certain portions of the Privacy Act where necessary, as permitted by law. As required by the Privacy Act, a proposed rule is being published concurrently with this notice seeking public comment regarding exemption of these systems. The ODNI has previously established a rule that it will preserve the exempt status of records it receives when the reason for the exemption remains valid. See 32 CFR part 1701.20(a)(2) (73 FR at 16537). The two new systems of records are subject to the General Routine Uses Applicable to More than One ODNI Privacy Act System of Records, subpart C of ODNI's Privacy Act Regulation published at 32 CFR part 1701 (73 FR 16531, 16541). ODNI/NCSC–002 articulates an additional routine use permitting disclosure of records in that system to U.S. Government personnel engaged in covered counterintelligence trends analyses.

Several systems of records are being updated to reflect some combination of changes in the categories of record subjects, categories of records maintained, purposes for which the records are used, title, records control schedule, or technology/systems management. These systems of records are: Equal Employment Opportunity and Diversity Office (EEOD) Records (ODNI–10), originally published at 75 FR 16861 (April 2, 2010) and now renamed ''Office of Intelligence Community Equal Employment Opportunity and Diversity Office (EEOD) Records;'' Security Clearance Reform Research Records (ODNI–13), originally published at 75 FR 16865 (April 2, 2010) and now renamed ''Security Clearance Reform Research and Oversight Records;'' National Counterterrorism Center (NCTC) Online (ODNI/NCTC–005), originally published at 72 FR 73892 (December 28, 2007) and now renamed ''NCTC Current.''

In addition, Privacy Act system of records ODNI–19 (Information Technology Systems Activity and Access Records), originally published at 76 FR 42742 (July 19, 2011), is being amended to add subsection (k)(2) of the Privacy Act as an additional basis for exempting records in that system from those provisions of the Act enumerated at 5 U.S.C. 552a(k). A proposed rulemaking supporting this notice addresses ODNI's intention to amend the exemption language of ODNI–19. This is the sole amendment to ODNI–19.

Finally, the ODNI provides notice that it is rescinding two systems of records. The system of records entitled National Counterintelligence Center (NACIC) System of Records, published at 62 FR 8995–01 (February 27, 1997), is rescinded because the National Counterintelligence Center (NACIC) no longer exists as an independent agency, its functions having been transferred under section 1011 of the Intelligence Reform and Terrorism Prevention Act of 2004 to the Office of the National Counterintelligence Executive (now the National Counterintelligence and Security Center) within the ODNI (Pub. L. 108–458; 116 Stat. 3638). The system of records entitled Analytic Resources Catalog (ARC), published at 75 FR 16859 (April 2, 2010), is rescinded pursuant to termination of the activity and decommissioning of the electronic system.

In accordance with 5 U.S.C. 552(r), the ODNI has provided a report of these new and altered systems of records to the Office of Management and Budget and to Congress.

Dated: May 19, 2015.

Jennifer Hudson,

Director, Information Management Division.

SYSTEM NAME:

Counterintelligence Trends Analyses Records (ODNI/NCSC–002)

SECURITY CLASSIFICATION:

The classification of records in this system can range from UNCLASSIFIED to TOP SECRET.

SYSTEM LOCATION:

National Counterintelligence and Security Center (NCSC), Office of the Director of National Intelligence (ODNI), Washington, DC 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals convicted of or the subject of a criminal complaint, or indicted for espionage or other crime(s) relating to U.S. national security; individuals conspiring with or working on behalf of foreign criminal organizations and convicted of or charged with criminal activity including, but not limited to, corruption and theft of government records for the benefit of a foreign entity or activity; individuals linked to foreign or transnational criminal organizations, foreign intelligence organizations, or international terrorist organizations and subject to administrative processes or penalties for such activity or association; individuals interviewed by U.S. Government personnel or mentioned in such interviews who have been identified in connection with or who have provided relevant information in relation to espionage, crimes related to U.S. national security, foreign criminal organizations, international terrorist organizations, or unauthorized disclosures of sensitive or classified information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include law enforcement records (*e.g.,* convictions, subpoenas, rap sheets, investigatory or administrative files), court documents (*e.g.,* indictments, criminal complaints, plea agreements), NCSC debriefings and interviews with record subjects or their associates and related damage assessments, intelligence or law enforcement reporting on above individuals; and biographical profiles of and personally identifiable information belonging to individuals covered by the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108–458, 118 Stat. 3638 (Dec. 17, 2004); the Counterintelligence Enhancement Act of 2002, as amended, 50 U.S.C. 3031, *et seq.*; the National Security Act of 1947, as amended, 50 U.S.C. 3001, *et seq.*; Executive Order 12333, 46 FR 59,941 (1981); Executive Order 13354, 69 FR 53,589 (2004).

PURPOSE:

To facilitate development of counterintelligence trend analyses that can be applied to: (1) Improving U.S. Government personnel security, counterintelligence, and insider threat programs, policies, and procedures; (2) developing training and instruction to identify threats and mitigate associated risks; (3) promoting cooperative research and analyses within and among U.S. Government elements on counterintelligence, insider threat, and personnel security issues that have policy implications; and (4) identifying best practices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system are shared with U.S. Government personnel conducting the analyses described herein. Records or findings may be disclosed as set forth in the General Routine Uses Applicable to More Than One ODNI Privacy Act System of Records, Subpart C of ODNI's Privacy Act Regulation published at *32 CFR part 1701* (73 FR 16531, 16541) and incorporated by reference.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Electronic records are stored in secure file servers within U.S. Government facilities. Paper and other hard copy records are stored in secured areas within the control of NCSC.

RETRIEVABILITY:

The records in this system are retrieved by name, personal identifier, or subject matter. Only authorized personnel may search this system.

SAFEGUARDS:

Information in this system is safeguarded in accordance with recommended and/or prescribed administrative, physical, and technical safeguards. Records are maintained in a secure government facility with access to the facility limited to only authorized personnel or authorized and escorted visitors. Physical security protections include guards and locked facilities requiring badges and passwords for access. Records are accessed only by authorized U.S. Government personnel and contractors holding an appropriate security clearance and who have a ''need to know.'' Software controls are in place to limit access, and other safeguards exist to monitor and audit access and to detect intrusions. System backup is maintained separately.

RETENTION AND DISPOSAL:

Pursuant to 44 U.S.C. 3303a(d) and 36 CFR Chapter 12, Subchapter B, part 1228—Disposition of Federal Records, records will not be disposed of until such time as the National Archives and Records Administration (NARA) approves an applicable ODNI Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

NCSC CI Trends System Manager, c/o Director, Information Management Division, Office of the Director of National Intelligence, Washington DC 20511.

NOTIFICATION PROCEDURES:

As specified below, records in this system have been exempted from certain notification, access, and amendment procedures. Individuals seeking to learn if this system contains information about them should address inquiries to the NCSC at the system manager address above and according to the requirements set forth below under the heading ''Record Access Procedures.''

RECORD ACCESS PROCEDURES:

As specified below, records in this system have been exempted from certain notification, access, and amendment procedures. A request for access to non-exempt records shall be made in writing with the envelope and letter clearly marked ''Privacy Act Request.'' Pursuant to ODNI's Privacy Act Regulation at 32 CFR 1701.7(d), requesters shall provide their full name and complete address, date and place of birth, citizenship status, alien registration number (if applicable), and date that status was acquired. Additional or clarifying information may be sought to ascertain identity. Requesters also must provide sufficient details to facilitate locating the record. The requester must sign the request and have it verified by a notary public. Alternatively, the request may be submitted under 28 U.S.C. 1746, certifying the requester's identity and understanding that obtaining a record under false pretenses constitutes a criminal offense. Requests for access to information must be addressed to the Director, Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511. Regulations governing access to one's records or for appealing an initial determination concerning access to records are contained in the ODNI regulation implementing the Privacy Act, 73 FR 16531 (March 28, 2008).

CONTESTING RECORD PROCEDURES:

As specified below, records in this system have been exempted from certain notification, access, and amendment procedures. Individuals seeking to correct or amend non-exempt records should direct their requests to the NCSC at the system manager address and according to the requirements set forth above under the heading ''Record Access Procedures.'' Regulations regarding requests to amend, for disputing the contents of one's record, or for appealing initial determinations concerning these matters are contained in the ODNI Privacy Act regulation, 73 FR 16531 (March 28, 2008).

RECORD SOURCE CATEGORIES:

Records derived from human and record sources consulted in the course of investigating disclosure of sensitive or classified information.

EXEMPTIONS:

Records contained within this System of Records may be exempted from the requirements of subsections (c)(3); (d)(1),(2),(3),(4); (e)(1) and (e)(4),(G),(H),(I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1) and (k)(2). Records may be exempted from these subsections or, additionally, from the requirements of subsections (c)(4); (e)(2),(3),(5),(8) and (12); and (g) of the Privacy Act consistent with any exemptions claimed under 5 U.S.C. 552a(j) or (k) by the originator of the record, provided the reason for protecting the record from disclosure remains valid and necessary.

SYSTEM NAME:

Revise system name as follows:

National Counterterrorism Center Current (ODNI/NCTC–005)

SECURITY CLASSIFICATION:

The classification of records in this system can range from UNCLASSIFIED to TOP SECRET.

SYSTEM LOCATION:

National Counterterrorism Center (NCTC), Office of the Director of National Intelligence (ODNI), Washington, DC 20511.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals known or suspected to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or counterterrorism; and individuals who offer information pertaining to terrorism and counterterrorism. The system also contains information about individuals who have access to the system for counterterrorism purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Classified and unclassified intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism; message traffic (cables); finished intelligence products and results of intelligence analysis, and reporting (including law enforcement information); information gleaned through links to other systems, databases and collaborative features such as email, communities of interest, and on-line chat rooms; information systems security analysis and reporting; publicly available information (including information contained in media reports and commercial databases); data concerning the providers of information; and information from other sources necessary to fulfill the mission of NCTC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. 108–458, 118 Stat. 3638 (Dec. 17, 2004); the National Security Act of 1947, as amended, 50 U.S.C. 401–442;

Executive Order 13354, 69 FR 53,589 (2004); Executive Order 12333, as amended, 46 FR 59,941 (1981).

PURPOSE(S):

Revise current paragraph as follows:

National Counterterrorism Center Current is maintained for the purpose of compiling, assessing, analyzing, integrating, and disseminating information relating to terrorism and counterterrorism.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See General Routine Uses Applicable to More Than One ODNI Privacy Act System of Records, Subpart C of ODNI's Privacy Act Regulation published in 32 CFR part 1701 (16531, 16541) and incorporated by reference (see also *http://www.dni.gov*).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

Electronic records are stored in secure files-servers located within secure facilities under the control of NCTC. Paper and other hard-copy records are stored in secured areas within the control of NCTC.

RETRIEVABILITY:

By name, social security number, or other identifier. Information may be retrieved from the System of Records by automated or hand searches based on existing indices and automated capabilities utilized in the normal course of business. Only authorized personnel with a need to know may search this system.

SAFEGUARDS:

Information in this system is safeguarded in accordance with recommended and/or prescribed administrative, physical, and technical safeguards. Records are maintained in a secure government or contractor facility with access to the facility limited to authorized personnel only and authorized and escorted visitors. Physical security protections include guards and locked facilities requiring badges and passwords for access. Records are accessed only by authorized government personnel and contractors holding appropriate security clearances and who have a valid business reason to access the records. Communications are encrypted where required and other safeguards are in place to monitor and audit access and to detect intrusions. Backup tapes are maintained in a secure, off-site location.

RETENTION AND DISPOSAL:

Revise current paragraph as follows:

Pursuant to 44 U.S.C. 3303a(d) and 36 CFR Chapter 12, Subchapter B, Part 1228—Disposition of Federal Records, records in this system will be dispositioned in accordance with records controls schedules N1–576–08–1; CT–4; and CT–5.

SYSTEM MANAGER(S) AND ADDRESS:

Revise current paragraph to read as follows:

NCTC Current System Manager, c/o Director, Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511.

NOTIFICATION PROCEDURES:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to learn whether this system contains non-exempt information about them should address inquiries to the ODNI at the address and according to the requirements set forth below under the heading ''Record Access Procedures.''

RECORD ACCESS PROCEDURES:

Revise current paragraph as follows:

As specified below, records in this system have been exempted from certain notification, access, and amendment procedures. A request for access to non-exempt records shall be made in writing with the envelope and letter clearly marked ''Privacy Act Request.'' Pursuant to ODNI's Privacy Act Regulation at 32 CFR 1701.7(d), requesters shall provide their full name and complete address, date and place of birth, citizenship status, alien registration number (if applicable), and date that status was acquired. Additional or clarifying information may be sought to ascertain identity. Requesters also must provide sufficient details to facilitate locating the record. The requester must sign the request and have it verified by a notary public. Alternately, the request may be submitted under 28 U.S.C. 1746, certifying the requester's identity and understanding that obtaining a record under false pretenses constitutes a criminal offense. Requests for access to information must be addressed to the Director, Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511. Regulations governing access to one's records or for appealing an initial determination concerning access to records are contained in the ODNI regulation implementing the Privacy Act, 73 FR 16531 (March 28, 2008).

CONTESTING RECORD PROCEDURES:

Revise current paragraph to read as follows:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to correct or amend non-exempt records should address their requests to the ODNI at the address and according to the requirements set forth above under the heading ''Records Access Procedures.'' Regulations governing access to and amendment of one's records or for appealing an initial determination concerning access to or amendment of records are contained in the ODNI regulation implementing the Privacy Act, 73 FR 16531 (March 28, 2008).

RECORD SOURCE CATEGORIES:

Information may be obtained from diplomatic, financial, military, homeland security, intelligence or law enforcement activities relating to counterterrorism or from any federal, state, or local government; foreign government information; private sector or public source material; information from other sources necessary to fulfill the mission of NCTC.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records contained in this System of Records may be exempted from the requirements of subsections (c)(3); (d)(1), (2), (3), (4); (e)(1) and (e)(4)(G), (H), (I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1) and (k)(2). Records may be exempted from these subsections or, additionally, from the requirements of subsections (c)(4); (e)(2), (3), (5), (8), (12); and (g) of the Privacy Act consistent with any exemptions claimed under 5 U.S.C. 552a(j) or (k) by the originator of the record, provided the reason for the exemption remains valid and necessary.

SYSTEM NAME:

Analytic Resources Catalog (ARC) (ODNI–07)

SYSTEM CLASSIFICATION:

The classification of records in this system can range from UNCLASSIFIED to TOP SECRET.

SYSTEM LOCATION:

Office of the Director of National Intelligence, Washington, DC 20511.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former staff (employees, detailees, assignees and contractors) of the Intelligence Community (IC) elements, including military personnel and other federal employees with intelligence analysis duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records, including the Analyst Yellow Pages, reflecting the assignments, expertise, education, specialized foreign language and other skills, and experiences of federal government employees and contractors performing intelligence analysis duties; pre-set reports and other documentation about analytic resources at each IC element and across the IC.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The National Security Act of 1947, as amended, 50 U.S.C. 401–442; Executive Order 12333, as amended (73 FR 45325); and Executive Order 9397, as amended (73 FR 70239).

PURPOSE:

Records in this system are used to: Locate IC and other intelligence analysts for collaborative activities; identify analysts authorized to access on-line collaboration zones; obtain information about the expertise, skills and educational backgrounds of IC and other intelligence analysts; obtain aggregate information about the use of analytic resources across the IC; and assist in management and planning functions of each IC element and of the IC as a whole.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See General Routine Uses Applicable to More than One ODNI Privacy Act System of Records, Subpart C of ODNI's Privacy Act Regulation published at 32 CFR part 1701 (73 FR 16531, 16541) and incorporated by reference (see also *http://www.dni.gov*). In addition, as routine uses specific to this system, the ODNI may disclose relevant ARC records to the following persons or entities and under the circumstances or for the purposes described below:

(a) A record from this system of records may be disclosed, as a routine use, to appropriately cleared and authorized staff of the IC elements in order to identify and locate intelligence analysts possessing specific expertise, skills or experiences for the purpose of collaborative analytic endeavors.

(b) A record from this system of records may be disclosed, as a routine use, to appropriately cleared and authorized staff of the IC elements whose responsibility it is to assess the depth and strength of the IC's analytic skills, expertise and experience and for other workforce management, budgeting or planning purposes.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic records are stored in secure file-servers located within secure facilities under control of the ODNI.

RETRIEVABILITY:

Records about individual analysts can be searched and retrieved based on name or other key word (*e.g.,* degrees held, foreign language ability, country or intelligence area of specialization) pertinent to analytic expertise.

SAFEGUARDS:

Information in this system is safeguarded in accordance with recommended and/or prescribed administrative, physical and technical safeguards. Records are maintained in a secure government facility with access to the facility limited to only authorized personnel or authorized and escorted visitors. Physical security protections include guards and locked facilities requiring badges and passwords for access. Records are accessed only by authorized government personnel and contractors holding an appropriate security clearance and whose official duties require access to the records. Communications are encrypted where required and other safeguards are in place to monitor and audit access and to detect intrusions. System backup is maintained separately.

RETENTION AND DISPOSAL:

Pursuant to 44 U.S.C. 3303a(d) and 36 CFR Chapter 12, Subchapter B, Part 1228—Disposition of Federal Records, records will not be disposed of until such time as the National Archives and Records Administration (NARA) approves an applicable ODNI Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

ARC Program Manager, c/o Director, Information Management, Office of the Director of National Intelligence, Washington, DC 20511.

NOTIFICATION PROCEDURES:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to learn whether this system contains non-exempt information about them (''notification'') should address inquiries to the ODNI at the address and according to the requirements set forth below under the heading ''Record Access Procedures.''

RECORD ACCESS PROCEDURES:

As specified below, records in this system have been exempted from certain notification, access, and amendment procedures. A request for access to non-exempt records shall be made in writing with the envelope and letter clearly marked ''Privacy Act Request.'' Requesters shall provide their full name and complete address. The requester must sign the request and have it verified by a notary public. Alternately, the request may be submitted under 28 U.S.C. 1746, certifying the requester's identity and understanding that obtaining a record under false pretenses constitutes a criminal offense. Requests for access to information must be addressed to the Director, Information Management, Office of the Director of National Intelligence, Washington, DC 20511. Regulations governing access to one's records or for appealing an initial determination concerning access to records are contained in the ODNI regulation implementing the Privacy Act.

CONTESTING RECORD PROCEDURES:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to correct or amend non-exempt records should address their requests to the ODNI at the address and according to the requirements set forth above under the heading ''Records Access Procedures.'' Regulations governing access to and amendment of one's records or for appealing an initial determination concerning access to or amendment of records are contained in the ODNI regulation implementing the Privacy Act.

RECORDS SOURCE CATEGORIES:

Records in the system are obtained directly from individual analysts and from their employing agencies' human resource information systems.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records contained in this System of Records may be exempted from the requirements of subsections (c)(3); (d)(1), (2), (3), (4); (e)(1) and (e)(4)(G), (H), (I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1). Records may be exempted from these

subsections or, additionally, from the requirements of subsections (c)(4); (e)(2), (3), (5), (8), (12); and (g) of the Privacy Act consistent with any exemptions claimed under 5 U.S.C. 552a(j) or (k) by the originator of the record, provided the reason for the exemption remains valid and necessary.

SYSTEM NAME:

Revise current paragraph to read as follows:

Office of Intelligence Community Equal Employment Opportunity and Diversity (IC EEOD) Records (ODNI–10)

SECURITY CLASSIFICATION:

The classification of records in this system can range from UNCLASSIFIED to TOP SECRET.

SYSTEM LOCATION:

Office of the Director of National Intelligence (ODNI), Washington, DC 20511.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Revise current paragraph to read as follows:

Individuals covered by this system of records include Office of the Director of National Intelligence (ODNI) current and former staff and contract employees, personal services independent contractors, employees of industrial contractors, military or civilian personnel detailed or assigned to the ODNI, Intergovernmental Personnel Act personnel detailed to the ODNI, and applicants for employment with the ODNI who: (1) Have consulted an Equal Employment Opportunity (EEO) Counselor and/or filed a formal complaint alleging discrimination or reprisal; (2) initiated a harassment allegation with an appropriate supervisor or an EEO Counselor; (3) are the responding management official or witness in a discrimination or harassment complaint; (4) have made requests for reasonable accommodation or retirement on the basis of a disability.

CATEGORIES OF RECORDS IN THE SYSTEM

Revise current paragraph to read as follows:

Records relating to the EEO complaints process as directed by 29 CFR part 1614, including: (1) Information collected by an EEO counselor or investigator relating to EEO inquiries, allegations of discrimination or reprisal, and records relating to alternative dispute resolution; (2) sworn affidavits or statements from relevant witnesses; (3) documents, electronic communications, statistical summaries, investigative reports, and similar records. Records collected for consideration by the ODNI, the U.S. Equal Employment Opportunity Commission, or federal courts in rendering decisions under relevant laws or Executive Orders. Records also may include: information and communications relating to compliance activities resulting from decisions, opinions, recommendations, and settlement agreements; agency administrative files, internal and external communications, case disposition records, and records relating to procedural and substantive case management; records related to a report of harassment and formal inquiry, including statements of witnesses, reports of interviews, written summary of the inquiry, findings, recommendations, decisions, corrective action taken, and related correspondence; records relating to requests made by individuals or offices for reasonable accommodations based on disability (including medical records), notes or records made during consideration of requests, the products or services provided in response to such requests, and/or information related to the decisions for the denial or approval of a reasonable accommodation request, and records made to implement or track decisions on requests; and records regarding individuals who apply for retirement on the basis of medical disabilities.

In addition, information and records may be collected and retained for analysis, reporting, and review to comply with Executive and Legislative Branch requirements, or as authorized by Intelligence Community Directives and Instructions as necessary to execute the duties of IC EEOD.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Revise current paragraph to read as follows:

The National Security Act of 1947, as amended, 50 U.S.C. 3002–3231; Title VII of the Civil Rights Act of 1964, as amended; the Equal Pay Act of 1963 (EPA), as amended; the Age Discrimination in Employment Act of 1967 (ADEA), as amended; the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act (ADA), as amended; the Genetic Information Non-Discrimination Act of 2008 (GINA); the Architectural Barriers Act of 1968, as amended; the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); the Federal Records Act of 1950, as amended; U.S. Equal Employment Opportunity Commission Management Directives 110 and 715; 29 CFR parts 1614, 1630 and 1635; 44 U.S.C. 3101 et. seq; Executive Order 12333, as amended (73 FR 45325); Executive Order 13526, as amended (75 FR 707); Executive Order 12968, as amended (73 FR 38103); Executive Order 13164 (65 FR 46565); Executive Order 11478 (34 FR 12985), as amended by Executive Order 13087 (63 FR 30097) and Executive Order 13152 (65 FR 26115); and Equal Employment Opportunity Commission's Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Directives Transmittal Number 915.002, October 20, 2000.

PURPOSE(S):

Revise current paragraph to read as follows:

Records in this system enable the DNI to carry out lawful and authorized responsibilities under myriad statutes, regulations, and guidance governing equal employment opportunity. These records are maintained for the purpose of counseling, investigating, and adjudicating complaints of employment discrimination or reprisal; providing information for review by the Equal Employment Opportunity Commission, providing information for federal court review; conducting internal investigations into allegations of harassment and taking appropriate action; considering, deciding, implementing, and tracking requests for and action taken in response to requests for provision of reasonable accommodations based on medical disability, and processing Agency certification of reassignment and accommodations efforts to support Disability Retirement Packages.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Revise current paragraph to read as follows:

See General Routine Uses Applicable to More Than One ODNI Privacy Act System of Records, Subpart C of ODNI's Privacy Act Regulation published at 32 CFR part 1701 (73 FR 16531, 16541) and incorporated by reference (see also *http://www.dni.gov*).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Revise current paragraph to read as follows:

Paper records are stored in secured areas within the ODNI. Electronic

records are stored in file servers located at secure government facilities.

RETRIEVABILITY:

Revise current paragraph to read as follows:

By name, and/or case number of the aggrieved person. By name of alleged discriminator or harasser. By name of the individual requesting reasonable accommodation or medical disability retirement. Information may be retrieved from this system of records by automated or hand search based on indices and automated capabilities utilized in the normal course of business. All searches of this system of records will be performed in ODNI offices by authorized personnel.

SAFEGUARDS:

Revise current paragraph to read as follows:

Information in this system is safeguarded in accordance with recommended and/or prescribed administrative, physical, and technical safeguards. Records are maintained in a secure government facility with access to the facility limited to authorized personnel only, and authorized and escorted visitors. Physical security protections include guards and locked facilities requiring badges and passwords for access. Records are accessed only by authorized government personnel and contractors holding appropriate security clearances, and whose official duties require access to the records. The required use of password protection identification features and other system protection methods also restricts access to electronic information. Communications are encrypted where required and other safeguards are in place to monitor and audit access, and to detect intrusions. Backup tapes are maintained in a secure, off-site location.

RETENTION AND DISPOSAL:

Revise current paragraph to read as follows:

EEOD records covered by the National Archives and Records Control (NARA) General Records Schedule 1–24 through 1–27 will be retained and disposed according to those provisions, EEOC Management Directive 110, and EEOC's Policy Guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, Directives Transmittal Number 915.002, October 20, 2000. Any other EEOD records will be disposed of in accordance with NARA Control Schedule N1–576–11–9.

SYSTEM MANAGER(S) AND ADDRESS:

Revise current paragraph to read as follows:

Chief, Office of Intelligence Community Equal Employment Opportunity and Diversity, Office of the Director of National Intelligence, Washington, DC 20511.

NOTIFICATION PROCEDURES:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to learn whether this system contains non-exempt information about them should address inquiries to the ODNI at the address and according to the requirements set forth below under the heading ''Record Access Procedures.''

RECORD ACCESS PROCEDURES:

Revise current paragraph to read as follows:

As specified below, records in this system have been exempted from certain notification, access, and amendment procedures. A request for access to non-exempt records shall be made in writing with the envelope and letter clearly marked ''Privacy Act Request.'' Pursuant to the ODNI's Privacy Act Regulation at 32 CFR 1701.7(d), requesters shall provide their full name and complete address, date and place of birth, citizenship status, alien registration number (if applicable), and date that status was acquired. Additional or clarifying information may be sought to ascertain identity. Requesters also must provide sufficient details to facilitate locating the record. The requester must sign the request and have it verified by a notary public. Alternatively, the request may be submitted under 28 U.S.C. 1746, certifying the requester's identity and understanding that obtaining a record under false pretenses constitutes a criminal offense. Requests for access to information must be addressed to the Director, Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511. Regulations governing access to one's records or for appealing an initial determination concerning access to records are contained in the ODNI regulation implementing the Privacy Act, 73 FR 16531 (March 28, 2008).

CONTESTING RECORD PROCEDURES:

Revise current paragraph to read as follows:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to correct or amend non-exempt records should address their requests to the ODNI at the address and according to the requirements set forth above under the heading ''Records Access Procedures.'' Regulations governing access to and amendment of one's records or for appealing an initial determination concerning access to or amendment of records are contained in the ODNI regulation implementing the Privacy Act, 73 FR 16531 (March 28, 2008).

RECORD SOURCE CATEGORIES:

Revise current paragraph to read as follows:

Individuals covered by this system; individuals who provide information during the counseling/investigation of EEO complaints or during harassment inquiries; EEO Counselors; EEO investigators; Human Resource Officers; the EEOC, federal courts, and ODNI decision makers (*e.g.,* supervisors); medical and psychiatric professionals; and the Office of Personnel Management.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records contained in this System of Records may be exempted from the requirements of subsections (c)(3); (d)(1), (2), (3), (4); (e)(1) and (e)(4)(G), (H), (I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5). Records may be exempted from these subsections or, additionally, from the requirements of subsections (c)(4); (e)(2), (3), (5), (8), (12); and (g) of the Privacy Act consistent with any exemptions claimed under 5 U.S.C. 552a(j) or (k) by the originator of the record, provided the reason for the exemption remains valid and necessary.

SYSTEM NAME:

Revise current system name to read as follows: Security Clearance Reform Research and Oversight Records (ODNI–13).

SECURITY CLASSIFICATION:

The classification of records in this system can range from UNCLASSIFIED to TOP SECRET.

SYSTEM LOCATION:

Office of the Director of National Intelligence (ODNI), Washington, DC 20511.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Revise current paragraph to read as follows:

Present and former U.S. Government civilian employees, military members, contractor employees, experts, consultants, licensees, grantees, and applicants to any of the foregoing roles,

or any other category of person who possesses or has sought eligibility for a security clearance, or eligibility for a sensitive position; individuals whose names, exclusive of other information, are captured in publicly available data sets (including those obtained through subscription or fee).

CATEGORIES OF RECORDS IN THE SYSTEM:

Revise current paragraph to read as follows:

Investigation packages including but not limited to completed Standard Forms 85, 85P, 86, and 86C, or their successor forms, and associated authorization and consent forms; position designation records; financial disclosure forms; records of polygraph examinations (including reports, charts, tapes, and polygraph interviews notes); name-data sets obtained from publicly available sources, including those obtained for fee or by subscription; records from credit, criminal history, and any other records from databases and sources checked in the conduct of suitability determinations, or background investigations, reinvestigations, and continuous evaluations of persons under consideration for or retention in sensitive national security positions, including positions requiring eligibility for access to classified information under Executive Order 12968 or any successor order; background investigation reports and responses from personnel security-related interviews and questionnaires; non-disclosure agreements; adjudicative records including but not limited to adjudicative decisions, summaries of adjudicative decisions, supporting information, and adjudicative processes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The National Security Act of 1947, as amended, 50 U.S.C. 3002, *et seq.;* 5 U.S.C. 9101: Executive Order 12968, as amended (73 FR 38103); Executive Order 9397, as amended (73 FR 70239); Executive Order 10450, as amended (44 FR 1055); Executive Order 10865, as amended (68 FR 4075); Executive Order 12333, as amended (73 FR 45325); Executive Order 13526, as amended (75 FR 707); Executive Order 13467 (73 FR 38103).

PURPOSE(S):

Revise current paragraph to read as follows:

To conduct oversight, research, development, and analyses for: (1) Evaluating and improving U.S. Government personnel security programs, policies, and procedures; (2) assisting in providing training, instruction, and advice on personnel security vetting of subjects for U.S. Government elements; (3) encouraging cooperative research within and among U.S. Government elements on personnel security issues that have broad programmatic or policy implications and sharing best practices identified through these cooperative personnel security research initiatives; (4) identifying efficiencies, best practices, and cost saving opportunities for the conduct of personnel security programs across the Government; (5) evaluating the uniformity, quality, and efficiency of the conduct of personnel security investigations and adjudications, including analyses of reciprocal acceptance of such determinations; and (6) conducting pilot test projects regarding personnel security and related research in support of the mission of the Security Executive Agent.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

See General Routine Uses Applicable to More Than One ODNI Privacy Act System of Records, Subpart C of the ODNI's Privacy Act Regulation published at 32 CFR part 1701 (73 FR 16531, 16541) and incorporated by reference (see also *http://www.dni.gov*).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Storage: Paper and other hard-copy records (computer output products, disks, etc.) are stored in secured areas maintained by the ODNI. Electronic records are stored in secure file servers located within secure facilities under the control of the ODNI.

RETRIEVABILITY:

Records are retrieved by name, social security number, or other unique identifier. Information may be retrieved from this system of records by automated or hand search.

SAFEGUARDS:

Information in this system is safeguarded in accordance with recommended and/or prescribed administrative, physical, and technical safeguards. Records are maintained in a secure government or contractor facility with access to the facility limited to authorized personnel only, and authorized and escorted visitors. Physical security protections include guards and locked facilities requiring badges and passwords for access. Records are accessed only by authorized personnel holding appropriate security clearances and whose official duties require access to the records. Communications are encrypted when required and other safeguards are in place to monitor and audit access and to detect intrusions. System backup is maintained separately.

RETENTION AND DISPOSAL:

Pursuant to 44 U.S.C. 3303a(d) and 36 CFR chapter 12, subchapter B, part 1228—Disposition of Federal Records, records will not be disposed of until such time as the National Archives and Records Administration (NARA) approves an applicable ODNI Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Revise current paragraph to read as follows:

Security Research or Oversight Program Manager, or their successor titles, c/o Director, Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511.

NOTIFICATION PROCEDURE:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to learn whether this system contains non-exempt information about them should address inquiries to the ODNI at the address and according to the requirements set forth below under the heading ''Record Access Procedures.''

RECORD ACCESS PROCEDURES:

Revise current paragraph to read as follows:

As specified below, records in this system have been exempted from certain notification, access, and amendment procedures. A request for access to non-exempt records shall be made in writing with the envelope and letter clearly marked ''Privacy Act Request.'' Each request must provide the requester's full name and complete address. The requester must sign the request and have it verified by a notary public. Alternatively, the request may be submitted under 28 U.S.C. 1746, certifying the requester's identity and acknowledging that obtaining records under false pretenses constitutes a criminal offense. Requests for access to information must be addressed to the Director, Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511. Regulations governing access to one's records or for appealing an initial determination concerning access to

records are contained in the ODNI regulation implementing the Privacy Act, 73 FR 16531 (March 28, 2008).

CONTESTING RECORD PROCEDURES:

Revise current paragraph to read as follows:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to correct or amend non-exempt records should address their requests to the ODNI at the address and according to the requirements set forth above under the heading ''Record Access Procedures.'' Regulations governing access to and amendment of one's records or for appealing an initial determination concerning access or amendment of records are contained in the ODNI regulation implementing the Privacy Act, 73 FR 16531 (March 28, 2008).

RECORD SOURCE CATEGORIES:

Revise current paragraph to read as follows:

Records are obtained from the human resources, insider threat, and personnel security records of the departments and agencies of the Federal Government performing personnel security investigations or adjudications of persons under consideration for, or retention in, sensitive national security positions, including positions requiring eligibility for access to classified information under Executive Order 12968; other government data sources and publicly available commercial data sets; interviews with and questionnaires completed by covered individuals, references, and developed references; and information publicly available on the World Wide Web.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records contained in this System of Records may be exempted from the requirements of subsections (c)(3); (d)(1), (2), (3), (4); (e)(1) and (e)(4)(G), (H), (I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5). Records may be exempted from these subsections or additionally from the requirements of subsections (c)(4); (e)(2), (3), (5), (8), (12); and (g) of the Privacy Act consistent with any exemptions claimed under 5 U.S.C. 552a(j) or (k) by the originator of the record, provided the reason for the exemption remains valid and necessary.

SYSTEM NAME:

Office of the Director of National Intelligence (ODNI) Information Technology Systems Activity and Access Records (ODNI–19)

SECURITY CLASSIFICATION:

The classification of records in this system can range from UNCLASSIFIED to TOP SECRET.

SYSTEM LOCATION:

Office of the Director of National Intelligence, Washington, DC 20511.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are authorized to use ODNI and Intelligence Community (IC) enterprise information technology resources.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include data on the use and attempted use of enterprise information technology resources by all individuals with access to these resources to include full content of audited events.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The National Security Act of 1947, as amended, 50 U.S.C. 401–442; the Counterintelligence Enhancement Act of 2002, as amended, 50 U.S.C. 402b; the Federal Records Act of 1950, as amended, 44 U.S.C. 3101 *et seq.;* the Computer Security Act of 1987, 40 U.S.C. 1441 note; Executive Order 12333, as amended (73 FR 45325); Executive Order 12968, as amended (73 FR 38103); and Executive Order 13526 (75 FR 707).

PURPOSE(S):

Data in this system will be used for evaluating the operational status, security, and performance of the information environment in support of business analytics, information security, counterintelligence, and law enforcement requirements (to include civil, criminal, and administrative investigative requirements).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See General Routine Uses Applicable to More than One ODNI Privacy Act System of Records, Subpart C of ODNI's Privacy Act Regulation published at 32 CFR part 1701 (73 FR 16531, 16541) and incorporated by reference (see also *http://www.dni.gov*). In addition, records from this system of records may be disclosed to Executive Branch departments or agencies for the purpose of evaluating usage trends, capabilities, misuse of, or threats to the ODNI and IC enterprise information resources.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic records are stored in secure file-servers located within the ODNI's facilities. Paper records and other media are stored in secured areas within such facilities.

RETRIEVABILITY:

By name, user ID, email address, or other unique identifying search term.

SAFEGUARDS:

Information in this system is safeguarded in accordance with recommended and/or prescribed administrative, physical, and technical safeguards. Records are maintained in a secure government facility with access to the facility limited to authorized personnel only and authorized and escorted visitors. Physical security protections include guards and locked facilities requiring badges and passwords for access. Records are accessed only by authorized government personnel and contractors holding appropriate security clearances and whose official duties require access to the records. Communications are encrypted where required and other safeguards are in place to monitor and audit access and to detect intrusions. System backup is maintained separately.

RETENTION AND DISPOSAL:

Pursuant to 44 U.S.C. 3303a and 36 CFR Chapter 12, Subchapter B, Part 1228—Disposition of Federal Records, records will not be disposed of until such time as the National Archives and Records Administration (NARA) approves an applicable ODNI Records Control Schedule, or when applicable, GRS 24 and 27.

SYSTEM MANAGER(S) AND ADDRESS:

Revise current paragraph to read as follows:

Assistant Director of National Intelligence and IC Chief Information Officer; and Director of Information Technology, Mission Support Directorate; c/o Director, Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511.

NOTIFICATION PROCEDURES:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to learn

whether this system contains non-exempt information about them should address inquiries to the ODNI at the address and according to the requirements set forth below under the heading ''Record Access Procedures.''

RECORD ACCESS PROCEDURES:

Revise current paragraph as follows:

As specified below, records in this system have been exempted from certain notification, access, and amendment procedures. A request for access to non-exempt records shall be made in writing with the envelope and letter clearly marked ''Privacy Act Request.'' Pursuant to ODNI's Privacy Act Regulation at 32 CFR 1701.7(d), requesters shall provide their full name and complete address, date and place of birth, citizenship status, alien registration number (if applicable), and date that status was acquired. Additional or clarifying information may be sought to ascertain identity. Requesters also must provide sufficient details to facilitate locating the record. The requester must sign the request and have it verified by a notary public. Alternatively, the request may be submitted under 28 U.S.C. 1746, certifying the requester's identity and understanding that obtaining a record under false pretenses constitutes a criminal offense. Requests for access to information must be addressed to the Director, Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511. Regulations governing access to one's records or for appealing an initial determination concerning access to records are contained in the ODNI regulation implementing the Privacy Act, 73 FR 16531 (March 28, 2008).

CONTESTING RECORD PROCEDURES:

Revise current paragraph to read as follows;

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to correct or amend non-exempt records should address their requests to the ODNI at the address and according to the requirements set forth above under the heading ''Record Access Procedures.'' Regulations governing access to and amendment of one's records or for appealing an initial determination concerning access or amendment of records are contained in the ODNI regulation implementing the Privacy Act, 73 FR 16531 (March 28, 2008).

RECORD SOURCE CATEGORIES:

ODNI and IC enterprise audit data.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Revise current paragraph as follows:

Records contained in this System of Records may be exempted from the requirements of subsections (c)(3); (d)(1), (2), (3), (4); (e)(1); (e)(4)(G), (H), (I); (f) and (h) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1), (k)(2) and (k)(5). Additionally, records may be exempted from the requirements of subsections (c)(4); (e)(2), (3), (5), (8), (12); and (g) of the Privacy Act consistent with any exemptions claimed under 5 U.S.C. 552a(j) or (k) by the originator of the record, provided the reason for the exemption remains valid and necessary.

SYSTEM NAME:

Insider Threat Program Records (ODNI–22)

SECURITY CLASSIFICATION:

The classification of records in this system can range from UNCLASSIFIED to TOP SECRET.

SYSTEM LOCATION:

Office of the Director of National Intelligence (ODNI), Washington, DC 20511.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former U.S. Government civilian employees, military members, contractor employees, experts, consultants, licensees, grantees or any other category of person who holds or has held a security clearance; who serves or has served in a sensitive position.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records, including reports and analyses, pertaining to matters, behaviors, or conduct arising in the Counterintelligence, Personnel Security, Physical Security, IT Systems Security, Information Assurance, Human Resources, Law Enforcement, or Background/Suitability contexts that are consistent with the possible existence of a counterintelligence or security threat or that bear on the individual's eligibility to hold a security clearance or serve in a sensitive position.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The National Security Act of 1947, as amended, 50 U.S.C. 3341, *et seq.;* 5 U.S.C. 9101; Executive Order 12968, as amended (73 FR 38103); Executive Order 9397, as amended (73 FR 70239); Executive Order 10450, as amended (44 FR 1055); Executive Order 10865, as amended (68 FR 4075); Executive Order 12333, as amended (73 FR 45325); Executive Order 13526, as amended (75 FR 707); Executive Order 13467 (73 FR 38103); Executive Order 13587 (76 FR 63811); Presidential Memorandum, November 21, 2012, National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs.

PURPOSE(S):

To enhance awareness of potential national security vulnerabilities arising from: Inadvertent as well as intentional misuse of authorizations and accesses; violation of established protocols and codes of conduct; disregard for law, regulation, or policy; or from encounters, relationships, or exchanges with persons who may pose a counterintelligence or security risk.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See General Routine Uses Applicable to More Than One ODNI Privacy Act System of Records, Subpart C of the ODNI's Privacy Act Regulation published at *32 CFR part 1701* (73 FR 16531, 16541) and incorporated by reference (see also *http://www.dni.gov*).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic records are stored in secure file-servers located within secure government facilities. Paper records are stored in secured areas within the control of the ODNI.

RETRIEVABILITY:

By name, social security number, or other unique employee identifier; other key terms, including the names of individuals with whom covered individuals have interacted.

SAFEGUARDS:

Information in this system is safeguarded in accordance with recommended and/or prescribed administrative, physical, and technical safeguards. Records are maintained in a secure government facility with access to the facility limited to authorized personnel only, and authorized and escorted visitors. Physical security protections include guards and locked facilities requiring badges and passwords for access. Records are accessed only by authorized personnel holding appropriate security clearances and whose official duties require access to the records. Communications are encrypted where required and other safeguards are in place to monitor and

audit access, and to detect intrusions. System backup is maintained separately.

RETENTION AND DISPOSAL:

Pursuant to *44 U.S.C. 3303*a(d) and 36 CFR chapter 12, subchapter B, part 1228—Disposition of Federal Records, records will not be disposed of until such time as the National Archives and Records Administration (NARA) approves an applicable ODNI Records Control Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Mission Support Directorate/Counterintelligence, c/o Director, Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511.

NOTIFICATION PROCEDURE:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to learn whether this system contains non-exempt information about them should address inquiries to the ODNI at the address and according to the requirements set forth below under the heading ''Record Access Procedures.''

RECORD ACCESS PROCEDURES:

As specified below, records in this system have been exempted from certain notification, access, and amendment procedures. A request for access to non-exempt records shall be made in writing with the envelope and letter clearly marked ''Privacy Act Request.'' Each request must provide the requester's full name and complete address. The requester must sign the request and have it verified by a notary public. Alternatively, the request may be submitted under 28 U.S.C. 1746, certifying the requester's identity and acknowledging that obtaining records under false pretenses constitutes a criminal offense. Requests for access to information must be addressed to the Director, Information Management Division, Office of the Director of National Intelligence, Washington, DC 20511. Regulations governing access to one's records or for appealing an initial determination concerning access to records are contained in the ODNI regulation implementing the Privacy Act, 73 FR 16531 (March 28, 2008).

CONTESTING RECORD PROCEDURES:

As specified below, records in this system are exempt from certain notification, access, and amendment procedures. Individuals seeking to correct or amend non-exempt records should address their requests to the ODNI at the address and according to the requirements set forth above under the heading ''Record Access Procedures.'' Regulations governing access to and amendment of one's records or for appealing an initial determination concerning access or amendment of records are contained in the ODNI regulation implementing the Privacy Act, 73 FR 16531 (March 28, 2008).

RECORD SOURCE CATEGORIES:

Records are obtained from self-reports, third party reports, systems activity monitoring activities, and electronic notifications triggered by interrelated U.S. Government systems, which may contain information from U.S. Government, public, and commercial data sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Records contained in this System of Records may be exempted from the requirements of subsections (c)(3); (d)(1), (2), (3), (4); (e)(1) and (e)(4)(G), (H), (I); and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1), (k)(2) and (k)(5). Records may be exempted from these subsections or additionally, from the requirements of subsections (c)(4); (e)(2), (3), (5), (8), (12); and (g) of the Privacy Act consistent with any exemptions claimed under 5 U.S.C. 552a(j) or (k) by the originator of the record, provided the reason for the exemption remains valid and necessary.

SYSTEM NAME:

National Counterintelligence System of Records

SYSTEM LOCATION:

National Counterintelligence Center, 3 WO1 NHB, Washington, DC 20505

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals who are of foreign intelligence or foreign counterintelligence interest and relate in any manner to foreign intelligence threats to US national and economic security. B. Applicants for, and current and former personnel of NACIC. C. Individuals associated with NACIC administrative operations or services including pertinent functions such as training, contractors and pertinent persons related thereto.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Director's Correspondence: Correspondence whose contents relates to NACIC's mission, policies, or programs; and correspondence whose contents relates to routine, administrative, or facilitative matters. 2. NACIC Chronological Files: Copies of outgoing correspondence, memoranda, and other records signed by the Director, the Deputy Director, and NACIC Office Chiefs. 3. Public Relations Files: Speeches or public statements made by the Director and Deputy Director. 4. NACIC Staff Meeting Records, agendas, minutes, and staff meeting highlights. 5. Progress Reports: six month progress reports submitted to the National Counterintelligence Policy Board outlining activities and accomplishments of the NACIC. 6. Compromised Names Database. The purpose of the database is to notify US intelligence community personnel whose names were potentially compromised as a result of espionage or other foreign intelligence collection activity. NACIC reviews pertinent reports to determine documents that were possibly passed in a particular case and then reviews those documents for names. The database contains the names of persons potentially compromised, date of the memo sent to the person or their employer informing them, the document number of where the person's name came from, document title, and document date. 7. Chronological Files of the PIO: Copies of correspondence, memoranda, and other records generated by PIO and its branches in assessing the effectiveness of CI operations, maintained for reference purposes. 8. Publications, Training Materials and Regional Seminars Records Maintained by PIO's Community Training Branch: Letters of acceptance, enrollment forms, thank you letters, list of attendees, list of speakers, notes, case studies, syllabus, training packet, magazine or newspaper articles, and other records used either for course development purposes or to facilitate the presentation of seminars. 9. Personnel Files: Individual personnel folders of staff employees, consultants and contract employee files consisting of papers documenting personnel actions; performance appraisals; correspondence; training documents; travel documents; contracts; justifications; memoranda; and administrative material. (Many of these files are maintained on a temporary basis while the individuals are detailed to the NACIC. Upon their return to their home agency, their file is returned with them.) 10. Freedom of Information Act (FOIA)/Privacy Act (PA) Requests and Legal Fields: Files created in response for information under the FOIA/PA, consisting of the original request, a copy of the reply thereto, and all related supporting files which may include the official file copy of requested record or copy thereof; files created in response to administrative appeals for release of

information denied by the NACIC, consisting of the appellant's letter, a copy of related supporting documents; FOIA/PA Control Files and Report Files; Files relating to an individual's request to amend a record pertaining to the individual as provided for under 5 U.S.C. 552a(d)(2), 552a(d)(3), and to any civil action brought by the individual against NACIC as provided under 5 U.S.C. 552a(g); Privacy Act Report files of recurring reports and one-time information requirements relating to agency implementation including biennial reports to the Office of Management and Budget, and Report on New Systems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Federal Records Act of 1950 Title 44, United States Code, Chapter 31, Section 3101; and Title 36, Code of Federal Regulations, Chapter XII, require Federal agencies to insure that adequate and proper records are made and preserved to document the organization, functions, policies, decisions, procedures and transactions and to protect the legal and financial rights of the Federal Government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(See Statement of General Routing Uses)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are maintained in computerized form and hard copy form. Computerized form may be stored in memory, on disk storage, on computer tape, or on a computer printed listing.

RETRIEVABILITY:

Names are retrievable by automated word or hand search. NACIC will not permit any organization, public or private, outside the NACIC to have direct access to NACIC files. All searches on the NACIC data base and hard files will be performed on site, within NACIC space, by NACIC personnel.

SAFEGUARDS:

Records and databases are maintained in a restricted area within NACIC and are accessed only by NACIC personnel. All employees are checked to insure they have recent background investigations prior to being assigned to NACIC and are cautioned about divulging confidential information or any information contained in NACIC files. Failure to abide by these provisions may violate certain statutes providing maximum severe penalties of a ten thousand-dollar fine or 10 years imprisonment, or both. Employees who resign or retire are also cautioned about divulging information acquired in their jobs. Registered mail is used to transmit routine hard copy records. Highly classified records are hand carried by employee personnel. Highly classified or sensitive privacy information, which is electronically transmitted between NACIC and other offices, is transmitted in encrypted form to prevent interception.

RETENTION AND DISPOSAL:

Records evaluated as historical and permanent will be transferred to the National Archives after established retention periods and administrative needs of the NACIC have elapsed.

SYSTEM MANAGER(S) AND ADDRESS:

Information and Privacy Coordinator, Executive Secretariat Office, National Counterintelligence Center, 3W01 NHB, Washington, DC 20505.

RECORD ACCESS PROCEDURES:

A request for access to a record from the system shall be made in writing with the envelope and the letter clearly marked ''Privacy Access Request''. Include in the request your full name, complete address, date of birth, place of birth, notarized signature, and other identifying data you may wish to furnish to assist in making a proper search of NACIC records. A request for access to records must describe the records sought in sufficient detail to enable NACIC personnel to locate the system of records containing the record with a reasonable amount of effort. Whenever possible, a request for access should describe the nature of the record sought, and the date of the record or the period in which the record was compiled. The requester will also provide a return address for transmitting the information. Requests for access must be addressed to the Information and Privacy Coordinator, Executive Secretariat Office, National Counterintelligence Center, 3W01 NHB, Washington, DC 20505.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should also direct their request to the Information and Privacy Coordinator, Executive Secretariat Office, National Counterintelligence Center, 3W01 NHB, Washington, DC. 20505.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Notice is hereby given that NACIC intends to exempt, from certain provisions of the Act, those systems of records which are (A) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) are in fact, properly classified pursuant to such Executive Order. (5 U.S.C. 552(b)(1), as amended by Pub. L. 93–502) In addition, pursuant to authority granted in section (j) of the Privacy Act (5 U.S.C. 552a (j)) the Director of NACIC has determined (C) to exempt from notification under subsections (e)(4)(G) and (f)(1) those portions of each and all systems of records which have been exempted from individual access under subsection (j), in those cases where the Information and Privacy Coordinator, determines after advice by responsible components, that confirmation of the existence of a record may jeopardize intelligence sources and methods. In such cases the NACIC may choose to neither confirm nor deny the existence of the record and may advise the individual that there is no record which is available to him pursuant to the Privacy Act of 1974.

[FR Doc. 2015–12764 Filed 5–26–15; 8:45 am]

BILLING CODE 9500–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, June 9, 2015.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The two items are open to the public.

MATTERS TO BE CONSIDERED:

8695 Marine Accident Report—Collision Between Bulk Carrier Summer Wind and the Miss Susan Tow, Houston Ship Channel, Lower Galveston Bay, Texas, March 22, 2014.

8696 Pipeline Accident Report—Natural Gas-Fueled Building Explosion and Resulting Fire, New York City, New York, March 12, 2014.

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle Hall at (202) 314–6305 or by email at *Rochelle.Hall@ntsb.gov* by Wednesday, June 3, 2015.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov.*

Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov.*

FOR MORE INFORMATION CONTACT: Candi Bing at (202) 314–6403 or by email at *bingc@ntsb.gov.*

FOR MEDIA INFORMATION CONTACT: Eric Weiss, (202) 314–6100 or by email at *eric.weiss@ntsb.gov* for the New York accident, and Terry Williams, (202) 314–6100 or by email at *Terry.Williams@ntsb.gov* for the Texas accident.

Dated: Friday, May 22, 2015.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2015–12904 Filed 5–22–15; 4:15 pm]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[EA–2014–144; NRC–2015–0110]

In the Matter of GE-Hitachi Nuclear Energy Americas LLC

AGENCY: Nuclear Regulatory Commission.

ACTION: Confirmatory order; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a confirmatory order to GE-Hitachi Nuclear Energy Americas LLC, confirming agreements reached on March 4, 2015. As part of the agreement, GE-Hitachi must comply with the security measures detailed in the Attachment to the Order and the materials control and accounting (MC&A) measures detailed in Section II of the Order; implement the security and MC&A measures for the duration of the SNM–960 license; submit an updated physical security plan for NRC review and approval within 120 days from the issuance of the Order; submit a descriptive program for MC&A for the material under the SNM–960 license for NRC review and approval within 60 days from the issuance of the Order; and provide written verification to the Director, Office of Nuclear Material Safety and Safeguards (NMSS), within 20 calendar days from the end of the calendar month after completing any of the measures. This Order is effective the date it is issued.

DATES: The confirmatory order was signed April 22, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0110 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

• ***Federal Rulemaking Web site:*** Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0110. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For questions about this Order, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• ***NRC's Agencywide Documents Access and Management System (ADAMS):*** You may access publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

• ***NRC's PDR:*** You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Breeda Reilly, telephone: 301–415–7553, email *Breeda.Reilly@nrc.gov,* Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Rockville, Maryland, this 22nd day of April, 2015.

For the Nuclear Regulatory Commission.

Marissa G. Bailey,

Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review Office of Nuclear Material Safety and Safeguards.

Attachment—Confirmatory Order

United States of America

Nuclear Regulatory Commission

In the Matter of GE-Hitachi Nuclear Energy Americas LLC;

Vallecitos Nuclear Center, Sunol, California

[Docket No. 70–754; License No. SNM–960]

EA–2014–144

Confirmatory Order

I

GE-Hitachi Nuclear Energy Americas LLC (GEH or the licensee) is the holder of License No. SNM–960, issued by the U.S. Nuclear Regulatory Commission (NRC) pursuant to Part 70 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Special Nuclear Material,'' for the Vallecitos Nuclear Center (VNC). The license authorizes [Official Use Only (OUO) Information Redacted] special nuclear material (SNM) [OUO Redacted]. The license, issued on September 14, 1966, was most recently renewed on June 16, 2000, with an expiration date of June 30, 2010 (GEH is operating under timely renewal). [Safeguards Information (SGI) Redacted]

II

[SGI Redacted] The NRC met with the licensee on June 25, 2014, to discuss methods to incorporate the security requirements in the Attachment to this Order into its license and physical security plan (PSP). The NRC again met with the licensee on October 24, 2014, to discuss methods to incorporate the material control and accounting (MC&A) requirements into its license. At both times, the licensee expressed both the willingness and capability to work with the NRC to ensure that the material is adequately protected. Since then, the NRC and GEH have met multiple times to finalize this Confirmatory Order. As such, the NRC has issued this Confirmatory Order, agreed to by GEH, to address the hybrid nature of the facility and provide clear and inspectable security and MC&A requirements. Accordingly, before GEH makes any change in the amount, type, or makeup of the material [OUO Redacted] under the SNM–960 license, or the material is moved elsewhere onsite, GEH must notify the NRC so that the NRC can review the need for updated security or MC&A requirements. Based on that review, this Confirmatory Order may be amended or a new Confirmatory Order may be issued. The requirements in the Attachment to this Order will remain in effect until the NRC determines otherwise.

III

GEH agrees to implement the security measures detailed in the Attachment to this Order and the MC&A measures detailed in Section II of this Order under License No. SNM–960 to provide high assurance of public health and safety and the common defense and security.

On March 4, 2015, the Licensee consented to the issuance of this Order with commitments, as described in Section IV below. The Licensee further agreed in its April 9, 2015, letter that this Order is to be effective the date that this Order is signed and that it has waived its right to a hearing. Since the Licensee has agreed to implement the security measures detailed in the Attachment to this Order and the MC&A measures detailed in Section II of this Order and document them in their physical security plan and license, the NRC has concluded that its concerns can be resolved through issuance of this Confirmatory Order.

I find that the Licensee's commitments, as set forth in Section IV, are acceptable and necessary and conclude that with these commitments the public health and safety and common defense and security are highly assured. In view of the foregoing, I have determined that the public health and safety and the common defense and security require that the Licensee's commitments be confirmed by this Order. Based on the above and the Licensee's consent, this Order shall be final 30 days from the date this Order is signed.

IV

Accordingly, pursuant to Sections 51, 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 70, *it is hereby ordered that License No. SNM–960 is modified as follows:*

A. GEH shall comply with the security measures detailed in the Attachment to this Order and the MC&A measures detailed in Section II of this Order. The security and MC&A measures are required to be implemented for the duration of the SNM–960 license. If the Licensee expects to miss a completion date for any reason, the Licensee must contact the NRC to discuss compensatory measures that will be implemented. The sufficiency of such compensatory measures will be solely the determination of the NRC.

B. GEH shall submit an updated physical security plan that incorporates the security measures described in the Attachment to this Order for NRC review and approval within 120 days from the issuance of this Order.

C. GEH shall submit a descriptive program for MC&A for the material under License No. SNM–960 that incorporates the MC&A measures described in Section II of this Order for NRC review and approval within 60 days from the issuance of this Order.

D. GEH shall provide written verification to the Director, Office of Nuclear Material and Safety and Safeguards (NMSS), within 20 calendar days from the end of the calendar month after completing any of the measures described in the Attachment to this Order.

GEH's submissions that contain Safeguards Information (SGI) shall be properly marked, handled, and transmitted in accordance with 10 CFR 73.21 and 73.22. GEH's submissions that contain OUO Information shall be properly marked, handled, and transmitted. The Director of NMSS may, in writing, modify, relax, or rescind any of the above conditions upon demonstration by GEH of good cause.

V

This Order and its Attachment contain information up to the SGI designation, as defined in 10 CFR 73.2, and its disclosure to unauthorized individuals is prohibited by 10 CFR 73.21 and 10 CFR 73.22. Therefore, any redacted material will not be made available for public inspection in the NRC Public Document Room or electronically in the NRC's Agencywide Documents Access and Management System. Any person requesting to obtain a copy of this order or portions thereof will be required to demonstrate their trust and reliability through a Federal Bureau of Investigation background check and criminal history check, as well as demonstrate a ''need to know'' such information.

In accordance with 10 CFR 2.202 and 10 CFR 2.309, any person adversely affected by this Order, other than the licensee, may submit an answer to this Order, and may request a hearing concerning the Order, within 30 days of its publication in the **Federal Register**. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, NMSS, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and include a statement of good cause for the extension.

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether this Order should be sustained.

If a person, other than the licensee, requests a hearing, that person shall set forth with particularity the manner in which his/her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

In the absence of any request for a hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 30 days from the date that this Order is signed without further order or proceedings.

If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

VI

Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-

Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Dated at Rockville, Maryland, this 22nd day of April, 2015.

For the Nuclear Regulatory Commission.

Scott W. Moore,

Acting Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–12664 Filed 5–26–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271–LA]

In the Matter of Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station); Notice of Appointment of Adjudicatory Employee

Pursuant to 10 CFR 2.4, notice is hereby given that Mr. Daniel M, Barss, Team Leader, Office of Nuclear Security and Incident Response, Division of Preparedness and Response, has been appointed as a Commission adjudicatory employee within the meaning of section 2.4, to advise the Commission regarding issues relating to review of the Atomic Safety and Licensing Board's Memorandum and Order LBP–15–4 in this license amendment proceeding. Mr. Barss has not previously performed any investigative or litigating function in connection with this or any related proceeding. Until such time as a final decision is issued in this matter, interested persons outside the agency and agency employees performing investigative or litigating functions in this proceeding are required to observe the restrictions of 10 CFR 2.347 and 2.348 in their communications with Mr. Barss.

It is so ordered.

Dated at Rockville, Maryland, this 20th day of May, 2015.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2015–12805 Filed 5–26–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0131]

Proposed Revision to Site Characteristics and Site Parameters

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-draft section revision; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on NUREG–0800, ''Standard Review Plan (SRP) for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 2.0, ''Site Characteristics and Site Parameters.'' The NRC seeks comments on the proposed revised section of the SRP concerning site characteristics and site parameters.

DATES: Submit comments by July 27, 2015. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0131. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: O12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.
- For additional direction on accessing information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Mark Notich, telephone: 301–415–3053; email: *Mark.Notich@nrc.gov,* or Demetrius Murray, telephone: 301–415–7646; email: *Demetrius.Murray@nrc.gov,* both are staff of the Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0131 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0131.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS Accession numbers for the documents associated with the proposed revisions are available in ADAMS as follows: SRP Section 2.0, ''Site Characteristics and Site Parameters.'' proposed Revision 1 (ADAMS Accession No. ML15043A732), current Revision 0 (ADAMS Accession No. ML070400364), and the redline document (ADAMS Accession No. ML14091B080).
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0131 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Further Information

The NRC proposes to revise SRP Section 2.0, ''Site Characteristics and Site Parameters,'' in Chapter 2 of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition.'' The proposed changes to the SRP Section 2.0 reflect the current staff review methods and practices based on lessons learned from NRC reviews of early site permit, design certification and combined license applications completed since the last revision of this section. The changes include: (1) Clarifying the areas of review by providing definitions and a more detailed description of what is reviewed under part 52 of Title 10 of the *Code of Federal Regulations* (10 CFR), application; (2) adding more detailed to text and references to regulations to clarify acceptance criteria requirements; and (3) providing clarification on the review of site parameters and site characteristics.

Following the NRC staff's evaluation of public comments, the NRC intends to finalize SRP Section 2.0, Revision 1 in ADAMS and post it on the NRC's public Web site *http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/.* The SRP is a guidance for the NRC staff. The SRP is not a substitute for the NRC's regulations, and compliance with the SRP is not required.

III. Backfitting and Issue Finality

Issuance of this SRP section revisions does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) nor is it inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. The SRP Positions Would Not Constitute Backfitting, Inasmuch as the SRP Is Internal Guidance to the NRC Staff

The SRP provides internal guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. The NRC Staff Has No Intention To Impose the SRP Positions on Existing Licensees Either Now or in the Future

The NRC staff does not intend to impose or apply the positions described in the SRP to existing licenses and regulatory approvals. Hence, the issuance of this SRP—even if

considered guidance within the purview of the issue finality provisions in 10 CFR part 52—does not need to be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the SRP on holders of already issued licenses in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described in the applicable issue finality provision.

3. Backfitting and Issue Finality Do Not—With Limited Exceptions Not Applicable Here—Protect Current or Future Applicants

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. Neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions—were intended to apply to every NRC action that substantially changes the expectations of current and future applicants. The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (*e.g.,* an early site permit) or NRC regulatory approval (*e.g.,* a design certification rule) with specified issue finality provisions. The NRC staff does not, at this time, intend to impose the positions represented in the SRP in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the SRP section in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Dated at Rockville, Maryland, this 14th day of May 2015.

For the Nuclear Regulatory Commission.

Joseph Colaccino,

Chief, New Reactor Rulemaking and Guidance Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2015–12785 Filed 5–26–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0132]

Fire Probabilistic Risk Assessment Courses

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public workshop.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC), Office of Nuclear Regulatory Research (RES), in cooperation with the Electric Power Research Institute (EPRI), will hold joint courses on fire probabilistic risk assessment (PRA). Since 2002, RES and EPRI, under a Memorandum of Understanding (MOU) on Cooperative Nuclear Safety Research, have been developing state-of-the-art methods for conduct of fire PRA. In September 2005, this work produced the ''EPRI/NRC–RES Fire PRA Methodology for Nuclear Power Facilities,'' NUREG/CR–6850 (EPRI 1011989).

DATES: Five modules will be held between July 20, 2015, and September 28, 2015. See Section II, Public Workshop, of this document for more information.

ADDRESSES: Please refer to Docket ID NRC–2015–0132 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0132. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Kendra Hill, Office of Nuclear Regulatory Research; U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–251–3300; email: *Kendra.Hill@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The courses cover the state-of-the-art methodology presented in NUREG/CR–6850 (EPRI 1011989). Training will also include discussions relating the fire PRA portion of the ASME/ANS PRA Standard to the methodology of NUREG/CR–6850 (EPRI 1011989).

Five modules cover the major technical areas of the fire PRA methodology. This year each module will be offered only one time at either the NRC or EPRI offices. Participants may attend as many modules as they wish during the year.

II. Public Workshop

Module I PRA will be held September 28–October 2, 2015, at the EPRI Office, 1300 W. W.T. Harris Boulevard, Building 3–741 A&D, Charlotte, North Carolina 28262. Module II Electrical Analysis will be held August 24–28, 2015, at the NRC, Three White Flint North, 11601 Landsdown Street, North Bethesda, Maryland 20852. Module III Fire Analysis will be held July 20–24, 2015, at the NRC in North Bethesda, Maryland. Module IV HRA will be held September 28–October 2, 2015, at the EPRI office in Charlotte, North Carolina. Module V Advanced Fire Modeling will be held August 17–21, 2015, at the NRC in North Bethesda, Maryland.

To register for the courses use the following links:

Module I—PRA

EPRI/NRC–RES Fire Probabilistic Risk Assessment Training—Module I—Probabilistic Risk Assessment
September 28–October 2, 2015—EPRI Offices, Charlotte, NC

Module II—Electrical Analysis

EPRI/NRC–RES Fire Probabilistic Risk Assessment Training—Module II—Electrical Analysis
August 24–28, 2015—NRC Offices, North Bethesda, MD

Module III—Fire Analysis

EPRI/NRC–RES Fire Probabilistic Risk Assessment Training—Module III—Fire Analysis
July 20–24, 2015—NRC Offices, North

Bethesda, MD

Module IV—HRA

EPRI/NRC–RES Fire Probabilistic Risk Assessment Training—Module IV—Fire Human Reliability Analysis
September 28–October 2, 2015—EPRI Offices, Charlotte, NC

Module V—Advanced Fire Modeling

EPRI/NRC–RES Fire Probabilistic Risk Assessment Training—Module V—Advanced Fire Modeling
August 17–21, 2015—NRC Offices, North Bethesda, MD

Conduct of the Meeting

This meeting is a Category 3 meeting.* The public is invited to participate in this meeting by providing comments and asking questions throughout the meeting. Please note this workshop is being conducted in a classroom format; registration is required to ensure space availability.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in this workshop, or need the workshop notice or agenda in another format (*e.g.,* Braille, large print), please notify the NRC's meeting contact. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Dated at Rockville, Maryland, this 18th day of May 2015.

For the Nuclear Regulatory Commission.

Mark Henry Salley,

Chief, Fire Research Branch, Division of Risk Analysis, Office of Nuclear Regulatory Research.

[FR Doc. 2015–12784 Filed 5–26–15; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Privacy Act of 1974; New System of Records

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Overseas Private Investment Corporation (OPIC) is giving notice of a proposed new system of records. This system, the Salesforce Customer Relationship Management System (''Insight'') is utilized by OPIC as a Customer Relationship Management (CRM) tool. This system, which has gained broad acceptance across federal agencies, supports OPIC in executing its federal function in providing political risk insurance products, financing through direct loans and loan guarantees, and support for private equity funding to eligible investment projects in developing countries and emerging markets. This is executed through the system's ability to facilitate OPIC's insurance, finance, and funds processes. The system generates automated workflows and seamless integration with processes such as application intake. Additionally, the Salesforce customer relationship management system supports Office of Investment Policy clearances and Portfolio Services project monitoring. This system will provide a common platform upon which to conduct key business functions across the agency, thereby gaining efficiencies, enabling integration, collaboration, transparency and establishing a single, authoritative data source.

DATES: The proposed new system will be effective without further notice on (30 days after submission of notice date), unless comments received result in a contrary determination. All capabilities will be incrementally implemented following the system's effective date.

ADDRESSES: Send written comments to the Overseas Private Investment Corporation, ATTN: W. Philip Gordon, Jr.; Deputy Chief Information Officer, Department of Management and Administration, 1100 New York Avenue NW., Washington, DC 20527.

FOR FURTHER INFORMATION CONTACT: W. Philip Gordon Jr., Deputy Chief Information Officer, 202–336–6212.

SUPPLEMENTARY INFORMATION: OPIC has established a system of records pursuant to the Privacy Act (5 U.S.C. 552a).

SYSTEM NUMBER: OPIC–23

SYSTEM NAME:

Salesforce Customer Relationship Management System (''Insight'').

SYSTEM CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The system is located in an Enterprise Government Cloud Service environment and is a singular component system. It is managed by OPIC's Business Systems Modernization division of the Office of the Chief Information Officer. The system is hosted at secured Salesforce General Services Administration (GSA) data center (NA–21) located in Ashburn, Virginia and is replicated to a GSA data center for disaster recovery in Oak Park, Illinois.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system covers individuals representing, guaranteeing, sponsoring, owning or managing a potential or actual OPIC project under all of the agency's financing and insurance programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the information needed for processing agency insurance and finance projects through all stages including: Application, policy clearances, origination, disbursement, and monitoring. Depending on the level of connection of an individual to the project, personal and financial information on the individual may be maintained. This includes: Name, maiden name, date of birth, country of birth, citizenship, personally identifying number, address for the past ten years, contact information, credit history, financial statements, professional experience, compliance and enforcement information, and screening results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 231 & 231A of the Foreign Assistance Act of 1961, as amended; 44 U.S.C. 3103, *et seq.;* 44 U.S.C. 3501, *et seq.;* 44 U.S.C. 3541, *et seq.;* and Executive Order 937 as Amended by Executive Order 13478 signed by President George W. Bush on November 18, 2008, Relating to Federal Agency Use of Social Security Numbers.

PURPOSE OF THE SYSTEM:

This system will be used by OPIC to fulfill its statutory mandate to prudently provide political risk insurance products, financing through direct loans and loan guarantees, and support for private equity funding to eligible investment projects. This system will facilitate project processing from intake to project closeout and the information in the system will be used to administer the project as necessary, including in the administration of insurance claims, the collection of defaulted obligations, and in arbitration or litigation. The system will also be used to internally track and manage client/contact information of applications for OPIC insurance products, financing and investment funding. Data from this system may also be used for evaluating

* Meetings between the NRC technical staff and external stakeholders are open for interested members of the public, petitioners, interveners, or other parties to attend as observers pursuant to Commission policy statement, ''Enhancing Public Participation in NRC Meetings,'' 67 **Federal Register** 36920, May 28, 2002.

the effectiveness of OPIC's products and programs and to improve upon them.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGEORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as determined to be relevant and necessary, outside OPIC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

- Financial project monitoring or collections
- Due diligence background checks and screening
- Litigation or arbitration purposes
- Outside organizations contracted with OPIC for specific authorized activities.
- National Archives and Records Administration (NARA) for records management purposes.
- Contractors, interns, and government detailed personnel to perform OPIC authorized activities.
- Audits and oversight
- Congressional Inquires
- Investigations of potential violations of law.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

If it is deemed necessary, a credit check will be run on individuals and/or companies. Credit checks are executed using a secure credit portal for the consumer (individual) credit checks. For companies, a Dun & Bradstreet (D&B) credit portal is used.

STORAGE:

This system is electronically stored in a government cloud service centrally located at a Salesforce GSA data center.

RETRIEVABILITY:

The records may be retrieved by the project name, project number, company name, associated individual's name, or reporting tools provided on the system dashboards.

SAFEGUARDS:

Access to the records is restricted to those authorized government personnel and authorized contractors with a specific role in the insurance, direct lending or the loan guarantee process. OPIC uses two-factor authentication for agency specific users to access ''Insight'' outside of the agency network. Any changes to the system are implemented through a change management process.

RETENTION AND DISPOSAL:

Records are maintained on an ongoing basis and updated by OPIC staff managing the system. These records will follow the OPIC retention schedule based on project classification.

SYSTEM MANAGER AND ADDRESS:

Dennis Lauer, Vice President, Department of Management Administration and Chief Information Officer; Overseas Private Investment Corporation, Office of the Chief Information Officer, 1100 New York Avenue NW., Washington DC 20527.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them may do so by writing to the Deputy Chief Information Officer, Overseas Private Investment Corporation, 1100 New York Ave NW., Washington, DC 20527; or to the contact specified in the OPIC's Privacy Act regulations at 22 CFR 707. The request must include the requestor's full name, current address, the name or number of the system to be searched, and if possible, the record identification number. The request must be signed by either notarized signature or by signature under penalty of perjury under 28 U.S.C. 1746. The request must also comply with OPIC's Privacy Act regulations regarding the verification of identity at 22 CFR 707.21(c).

RECORD ACCESS PROCEDURE:

Individuals wishing to request a copy of access to records about them should follow the same procedures as detailed in the Notification Procedures and specify whether they wish to obtain copies or access.

CONTESTING RECORD PROCEDURE:

Individuals wishing to request an amendment of records about them should follow the same procedures as detailed in the Notification Procedures and identify the record to be corrected, specify the correction to be made, and detail the basis for the requester's belief that the records and information are not accurate, relevant, timely, or complete. Please include any available evidence.

RECORD SOURCE CATEGORIES:

Information about individuals is imported from the entries made directly by those individuals or the project representative coordinating with OPIC. Further information on those individuals may be obtained from databases and third parties in the course of OPIC's due diligence and stored within the system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Dated: May 20, 2015.

Salvatore Montemarano,

Senior Agency Official for Privacy, Overseas Private Investment Corporation.

[FR Doc. 2015–12769 Filed 5–26–15; 8:45 am]

BILLING CODE 3210–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting Notice

TIME AND DATE:

Thursday, June 11, 2015, 2 p.m. (OPEN Portion)

2:15 p.m. (CLOSED Portion)

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC.

STATUS:

Meeting OPEN to the Public from 2 p.m. to 2:15 p.m.

Closed portion will commence at 2:15 p.m. (approx.)

MATTERS TO BE CONSIDERED:

1. President's Report
2. Minutes of the Open Session of the March 19, 2015 Board of Directors Meeting

FURTHER MATTERS TO BE CONSIDERED

(Closed to the Public 2:15 p.m.):

1. Finance Project—Ghana
2. Finance Project—Senegal
3. Finance Project—Burma
4. Finance Project—Egypt
5. Finance Project—Latin America and Sub-Saharan Africa
6. Finance Project—Palestinian Territories
7. Finance Project—Global
8. Finance Project—India and Southeast Asia
9. Minutes of the Closed Session of the March 19, 2015 Board of Directors Meeting
10. Reports
11. Pending Projects

CONTACT PERSON FOR MORE INFORMATION:

Information on the meeting may be obtained from Catherine F. I. Andrade at (202) 336–8768, or via email at *Catherine.Andrade@opic.gov.*

Dated: May 21, 2015.

Catherine F.I. Andrade,

Corporate Secretary, Overseas Private Investment Corporation.

[FR Doc. 2015–12867 Filed 5–22–15; 11:15 am]

BILLING CODE 3210–01–P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service™.

ACTION: Notice of modification to existing system of records.

SUMMARY: The United States Postal Service® (Postal Service) is proposing to modify a General Privacy Act System of Records (SOR) to support the collection of additional information related to the Equal Employment Opportunity (EEO) discrimination complaint and appeals processes.

DATES: These revisions will become effective without further notice on June 26, 2015 unless comments received on or before that date result in a contrary determination.

ADDRESSES: Comments may be mailed or delivered to the Privacy and Records Office, United States Postal Service, 475 L'Enfant Plaza SW., Room 9517, Washington, DC 20260–1101. Copies of all written comments will be available at this address for public inspection and photocopying between 8 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Matthew J. Connolly, Chief Privacy Officer, Privacy and Records Office, 202–268–8582 or *privacy@usps.gov*.

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records. The Postal Service™ has determined that one General Privacy Act System of Records should be revised to modify categories of individuals covered by the system, categories of records in the system, purpose(s), safeguards, system manager(s) and address, retention and disposal, notification procedure, and record source categories.

I. Background

The EEO process is a critical component of the Postal Service's efforts towards eliminating discrimination, facilitating dialogue, responding to employee concerns, and ensuring accountability. The Postal Service is responsible for oversight, implementation, and compliance with federal laws and regulations covering equal employment opportunity. To promptly and effectively resolve EEO complaints, the Postal Service will be revising its EEO forms to include the collection of employee personal contact information and Veteran's Preference eligibility.

II. Rationale for Changes to USPS Privacy Act Systems of Records

The Postal Service is proposing modifications to SOR 200.000.

''Categories of individuals'' is being amended to include contractors and individuals interested in providing contract investigative services for EEO complaints. This change is attributed to the development of the National EEO Investigative Service Office (NEEOISO), which now retains contractors that provide mediation, investigation, and final agency decision writer services that were previously provided by one or more Alternative Dispute Resolution (ADR) providers. Records pertaining to USPS employees who are candidates considered by promotion boards for an EEO staff position will be deleted because this information is now collected and maintained by the Human Resources Shared Service Center (HRSSC). All EEO promotion assignment considerations records are located at the HRSSC, covered under Privacy Act System of Records 100.200, Employee Performance Records, and available to EEO staff through the HRSSC database. ''Categories of records'' is being amended to reflect that the Postal Service will now collect additional information from employees and contractors involved in EEO discrimination complaints. The information will include the individuals' home address(es), phone number(s), email address(es), and Veteran's Preference eligibility. The collection of personal contact information will allow for employees and contractors to be contacted when it is most convenient for them, and the Veteran's Preference eligibility information will assist with determining if the same complaint was filed with the Merit Systems Protection Board (MSPB). The Postal Service is also adding contractor provider information and will collect information related to mediation service providers, contract investigators, and contract final agency decision writers.

''Purpose(s)'' is being modified to clarify the specific types of contractors that provide EEO resolution services that were previously performed by alternative dispute resolution (ADR) providers before the development of the NEEOISO. ''Safeguards'' is being updated to inform that computers are maintained in offices that can be locked and are also protected by User IDs and passwords. ''Notification Procedures'' is being amended to explain where inquiries should be submitted for complaint case records and arbitration records concerning EEO claims filed by field, Headquarter, Headquarter Field Unit, and Inspection Service employees.

III. Description of Changes to Systems of Records

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed modifications has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect this amended system of records to have any adverse effect on individual privacy rights. The affected system is as follows: USPS 200.000

System Name: Labor Relations Records.

Accordingly, for the reasons stated, the Postal Service proposes changes in the existing system of records as follows:

USPS 200.000

SYSTEM NAME:

Labor Relations Records

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

[CHANGE TO READ]

1. Current and former USPS employees, applicants for employment, third-party complainants, and mediators (other federal agency employees or contract employees) involved in EEO discrimination complaints and complaint processing.

2. USPS employees and contractors involved in labor arbitration.

[TEXT TO BE DELETED]

3. USPS employees who are candidates considered by promotion boards for an EEO staff position.

[CHANGE TO READ]

3. Individuals and organizations interested in providing alternative dispute resolution (ADR) services to all disputes, except those arising under USPS collective bargaining agreements.

4. Current providers and individuals interested in providing contract investigative services for EEO complaints and contract services for drafting final agency decisions concerning EEO complaints.

CATEGORIES OF RECORDS IN THE SYSTEM

[CHANGE TO READ]

1. *EEO discrimination complaint case information:* Individuals' names, Social Security Numbers, Employee Identification Number, postal assignment information, work contact information, home address(es) and phone number(s), email address(es), Veteran's Preference eligibility, finance number(s), duty location(s), case number, and other complaint, counseling, investigation, hearing, an appeal information describing the case.

2. *Labor arbitration information:* Records related to labor arbitration proceedings in which USPS is a party.

[TEXT TO BE DELETED]

3. *EEO staff position information:* Records related to candidates for EEO staff positions, including name, Social Security Number, Employee Identification Number, date of birth, postal assignment information, work contact information, finance number(s), duty location, and pay location.

[CHANGE TO READ]

3. Contractor provider information: Records related to mediation providers, contract investigators, and contract final agency decision writers including name of individual or entity, contact information, capabilities, and performance.

* * * * *

PURPOSE(S)

* * * * *

[TEXT TO BE DELETED]

3. To accomplish EEO staff selection.

[CHANGE TO READ]

3. To determine mediation service provider, contract investigator, and final agency decision writer qualifications.

* * * * *

SAFEGUARDS

[CHANGE TO READ]

Paper records and computer storage media are located in secure file cabinets within locked rooms or within locked filing cabinets. Computers are maintained in offices or rooms that can be locked when users are not present and their contents are protected by user IDs and passwords. Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software.

RETENTION AND DISPOSAL

[CHANGE TO READ]

1. *EEO discrimination complaint case records:* Precomplaint records are retained for 1 year after submission of a final report. Formal complaint records of closed cases are removed from the system of records quarterly, and retained as follows: Official files are retained for 4 years. Copies of official files are retained for 1 year. Background documents not in official files are retained for 2 years. Records of closed cases on computer storage media are removed for 3 years after the closure date and moved to an inactive file for future comparative analyses.

2. *Labor arbitration records:* Field-level disciplinary and contract application cases are retained for 5 years from the date of final decision. National-level contract interpretation cases and court actions are retained for 15 years from the date of expiration of the agreement.

3. *EEO staff selection records:* Staff selection records are retained for 3 years from the date the position became vacant.

4. *ADR provider records:* Records of active providers are retained for 1 year beyond the date the provider is removed from or voluntarily withdraws from the program or is otherwise notified of their decertification. Records of prospective providers who are rejected are retained for 1 year beyond the year in which their survey was received.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

SYSTEM MANAGER(S) AND ADDRESS

[CHANGE TO READ]

Vice President, Labor Relations, United States Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260.

[TEXT TO BE DELETED]

For records of non REDRESS ADR staff providers: Senior Vice President, General Counsel, United States Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260.

NOTIFICATION PROCEDURE

[CHANGE TO READ]

Inquires about EEO discrimination complaint case records regarding claims filed by field employees must be submitted to the Manager, EEO Compliance and Appeals, located in the appropriate Regional Office, Eastern and Northeast Areas (Region 4)—8 Griffin Road North, Windsor CT 06095–1578, Southern and Capital Metro Areas (Region 3)—225 North Humphreys Blvd., Memphis TN 38166–0978, Southern and Great Lakes Areas (Region 2)—P.O. Box 223863, Dallas TX 75222–3663, and Pacific and Western Areas (Region 1)—P.O. Box 880546, San Francisco CA 94188–0546. Inquiries regarding claims filed by employees at Postal Service Headquarters and Headquarter Field Units and employees of the Inspection Service must be submitted to the Headquarters National EEO Compliance and Appeals Office at 475 L'Enfant Plaza SW., Washington DC 20260–4101. Inquiries must include complaint name, complainant Social Security Number or Employee Identification Number, location, and case number and year. Inquiries about labor arbitration records, mediator provider, contract investigator, and contract final agency decision writer records must be submitted to the system manager.

* * * * *

RECORD SOURCE CATEGORIES

[CHANGE TO READ]

For EEO discrimination complaint case information: Complainants, witnesses, investigators, and respondents. For labor arbitration records: Employees and other individuals involved in arbitration; counsel or other representatives for parties involved in a case; and arbitrators. For mediation provider, contract investigator, and final agency decision writer records, the service contract provider.

* * * * *

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–12672 Filed 5–26–15; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75001; File No. SR–BOX–2015–20]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Authorize the Exchange To Share Any Participant-Designated Risk Settings in the Trading System With the Clearing Participant That Clears Transactions on Behalf of the Participant

May 20, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 13, 2015, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend BOX Rule 7000 (Access to and Conduct on the BOX Market) to authorize the Exchange to share any Participant-designated risk settings in the trading system with the Clearing Participant that clears transactions on behalf of the Participant. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend BOX Rule 7000 (Access to and Conduct on the BOX Market) to authorize the Exchange to share any Participant-designated risk settings in the trading system with the Clearing Participant [3] that clears transactions on behalf of the Participant.[4] Rule 7000 states that ''[u]nless otherwise provided in the Rules, no one but an Options Participant or a person associated with an Options Participant shall effect any BOX Transactions.'' [5] The Exchange proposes to amend the rule by adding the following sentence: ''The Exchange may share any Participant-designated risk settings in the trading system with the Clearing Participant that clears transactions on behalf of the Participant.'' This is a competitive filing that is based on a proposal recently submitted by the International Securities Exchange, LLC (''ISE'').[6]

Rule 7200 provides that every Clearing Participant shall be responsible for the clearance of BOX Transactions [7] of such Clearing Participants and of each Participant that gives up such Clearing Participant's name pursuant to a letter of authorization, letter of guarantee or other authorization given by such Clearing Participant to such Participant, which authorization must be submitted to the Exchange.[8] The Exchange believes that because Clearing Participants guarantee all transactions on behalf of a Participant, and therefore, bear the risk associated with those transactions, it is appropriate for Clearing Participants to have knowledge of what risk settings a Participant may utilize within the trading system.

The Exchange notes that while not all Participants are Clearing Participants, all Participants require a Clearing Participant's consent to clear transactions on their behalf in order to conduct business on the Exchange. As the Clearing Participant ultimately bears all the risk for a trade they clear on any Participant's behalf, the Exchange believes it is reasonable to provide Clearing Participants with information relating to the risk settings used by each Participant whose transactions they are clearing. To the extent that a Clearing Participant might reasonably require a Participant to provide access to its risk settings as a prerequisite to continue to clear trades on the Participant's behalf, the Exchange's proposal to share those risk settings directly reduces the administrative burden on Participants and ensures that Clearing Participants are receiving information that is up-to-date and conforms to the settings active in the trading system.

The Exchange further notes that any broker-dealer is free to become a clearing member of the Options Clearing Corporation (the ''OCC''), which would enable that Participant to avoid sharing risk settings with any third party, if they so choose. For these reasons, the Exchange believes that the proposal is consistent with the Act as it provides Clearing Participants with additional risk-related information that may aid them in complying with the Act, notably Rule 15c3–5 and, as noted, Participants that do not wish to share such settings with a Clearing Participant can do so by becoming a clearing member of the OCC.

The risk settings that would be shared pursuant to the proposed rule are currently codified in Rule 8130.[9] The risk settings are designed to mitigate the potential risks of multiple executions against a Participant's trading interest that, in today's highly automated and electronic trading environment, can occur simultaneously across multiple series and multiple option classes. The proposed rule will allow the Exchange to share a Participant's risk settings with the Clearing Participant that guarantees the Participant's transactions, and therefore has a financial interest in understanding the risk tolerance of a Participant.

Because the letter of guarantee codifies the relationship between a Participant and the Clearing Participant, the Exchange is on notice of which Clearing Participants have relationships with which Participants. The proposed rule change would simply provide the Exchange with authority to directly provide Clearing Participants with information that may otherwise be available to such Clearing Participants by virtue of their relationship with the respective Participant.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[10] in general, and Section 6(b)(5) of the Act,[11] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in

[3] The term ''Clearing Participant'' means an Options Participant that is self-clearing or an Options Participant that clears BOX Transactions for other Options Participants of BOX. *See* Rule 100(a)(13).

[4] The term ''Options Participant'' or ''Participant'' means a firm, or organization that is registered with the Exchange pursuant to the Rule 2000 Series for purposes of participating in options trading on BOX as an ''Order Flow Provider'' or ''Market Maker''. *See* Rule 100(a)(40).

[5] *See* Rule 7000(a).

[6] *See* Securities Exchange Act Release No. 74623 (April 1, 2015), 80 FR 18447 (April 6, 2015) (Notice of SR–ISE–2015–12).

[7] The term ''BOX Transaction'' means a transaction involving an options contract that is effected on or through BOX or its facilities or systems. *See* Rule 100(a)(8).

[8] *See* Rule 7200(b).

[9] Under BOX Rule 8130 there are five triggering parameters that Market Makers can enable on a class-by-class basis. These are when the Market Maker: (1) Experiences a duration of no technical connectivity for between one and nine seconds; (2) trades a specified number of contracts in the aggregate across all series of an options class; (3) trades a specified absolute dollar value of contracts bought and sold in a class; (4) trades a specified number of contracts in a class of the net between (i) calls purchased plus puts sold, and (ii) calls sold and puts purchased; or, (5) trades a specified absolute dollar value of the net position in a class between (i) calls purchased and sold, (ii) puts and calls purchased; (iii) puts purchased and sold; or (iv) puts and calls sold.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

general to protect investors and the public interest.

The Exchange believes that the proposed rule change removes impediments to and perfects the mechanism of a free and open market by codifying that the Exchange may directly provide to Clearing Participants which guarantee that Participant's transactions on the Exchange the Participant-designated risk settings in the trading system, which are designed to mitigate the potential risk of ''rapid fire'' executions that could result in large and unintended principal positions and expose the Participant to unnecessary market risk. The Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest because it will permit Clearing Participants with a financial interest in a Participant's risk settings to better monitor and manage the potential risks assumed by Participants with whom the Clearing Participant has entered into a letter of guarantee, thereby providing Clearing Participants with greater control and flexibility over setting their own risk tolerance and exposure.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In this regard and as indicated above, the Exchange notes that the rule change is being proposed as a response to a filing submitted by ISE.[12] The proposed rule change is not designed to address any competitive issues and does not pose an undue burden on non-Clearing Participants because, unlike Clearing Participants, non-Clearing Participants do not guarantee the execution of a Participant's BOX Transactions. The proposed rule change would provide authority for the Exchange to directly share risk settings with Clearing Participants regarding the Participants with whom the Clearing Participant has executed a letter of guarantee so the Clearing Participant can better monitor and manage the potential risks assumed by the Participants, thereby providing them with greater control and flexibility over setting their own risk tolerance and exposure. The proposed rule change is structured to offer the same enhancement to all Clearing Participants, regardless of size, and would not impose a competitive burden on any participant.

[12] *See supra,* note 6.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) [14] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BOX–2015–20 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. All submissions should refer to File Number SR–BOX–2015–20. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing 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–BOX–2015–20 and should be submitted on or before June 17, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–12686 Filed 5–26–15; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 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.

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–31615; File No. 812–14468]

Citicorp, et al.; Notice of Application and Temporary Order

May 20, 2015.

AGENCY: Securities and Exchange Commission (''Commission'')

ACTION: Temporary order and notice of application for a permanent order under section 9(c) of the Investment Company Act of 1940 (''Act'').

SUMMARY OF APPLICATION: Applicants have received a temporary order (''Temporary Order'') exempting them from section 9(a) of the Act, with respect to a guilty plea entered on May

20, 2015, by the Settling Firm (as defined below) in the United States District Court for the District of Connecticut (the ''District Court'') in connection with a plea agreement (''Plea Agreement'') between the Settling Firm and the United States Department of Justice (''DOJ''), until the Commission takes final action on an application for a permanent order (the ''Permanent Order,'' and with the Temporary Order, the ''Orders''). Applicants also have applied for a Permanent Order.

APPLICANTS: Citicorp, a Delaware corporation, (the ''Settling Firm''), Citigroup Global Markets Inc. (''CGMI''), CEFOF GP I Corp. (''CEFOF''), CELFOF GP Corp. (''CELFOF''), Citibank, N.A. (''Citibank''), Citigroup Alternative Investments LLC (''Citigroup Alternative''), Citigroup Capital Partners I GP I Corp. (''CCP I''), Citigroup Capital Partners I GP II Corp. (''CCP II''), Citigroup Private Equity (Offshore) LLC (''CPE (Offshore)''), and Citigroup First Investment Management Americas LLC (''CFIMA'', and along, together with CGMI, CEFOF, CELFOF, Citibank, Citigroup Alternative, CCP I, CCP II, and CPE (Offshore), the ''Adviser Applicants'' and the Settling Firm together with the Adviser Applicants, the ''Applicants'').

FILING DATE: The application was filed on May 20, 2015.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 15, 2015, and should be accompanied by proof of service on Applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: The Settling Firm and Citibank: 399 Park Avenue, New York, NY 10043 CGMI, CEFOF, CELFOF, Citigroup Alternative, CCP I, CCP II, CPE (Offshore), and CFIMA: 388 Greenwich Street, New York, NY 10013.

FOR FURTHER INFORMATION CONTACT: Kyle R. Ahlgren, Senior Counsel, Vanessa M. Meeks, Senior Counsel, or Holly Hunter-Ceci, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a temporary order and a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. Citigroup Inc. (''Citigroup'' or ''Citi''), the parent company of the Settling Firm, CGMI and the other Adviser Applicants, is a global financial holding company whose businesses provide a broad range of financial services. The Settling Firm is a financial services holding company and the direct parent company of Citibank. CGMI, a New York corporation and an Affiliated Person of the Settling Firm, is a full service investment banking firm. CGMI engages in securities underwriting, sales and trading, investment banking, financial advisory and investment research services. CGMI is registered as a broker-dealer under the Securities Exchange Act of 1934 (''Exchange Act'') and as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). CGMI currently does not perform Fund Service Activities (as defined below) for any Fund[1], but it may seek to do so in the future. CFIMA, a Delaware limited liability company and an Affiliated Person of the Settling Firm, is registered as an investment adviser under the Advisers Act and serves as investment adviser to one Fund. CFIMA currently does not serve as depositor or principal underwriter for any Fund, but it may seek to do so in the future. Each of CEFOF, CELFOF, Citibank, Citigroup Alternative, CCP I, CCP II and CPE (Offshore) (collectively, the ''ESC Advisers'') is an Affiliated Person of the Settling Firm and serves as investment adviser to certain ESCs (ESCs are included in the term ''Funds'') sponsored by Citigroup and its subsidiaries. None of the ESC Advisers perform any Fund Service Activities for any Funds other than the ESCs. The ESCs have been exempted from all provisions of the Act and the rules and regulations thereunder, except for certain sections, including section 9, pursuant to a Commission order.[2]

2. While no existing company of which the Settling Firm is an affiliated person within the meaning of section 2(a)(3) of the Act (''Affiliated Person''), other than the Adviser Applicants, currently serves or acts as an investment adviser or depositor of any Fund, employees' securities company or investment company that has elected to be treated as a business development company under the Act, or principal underwriter (as defined in section 2(a)(29) of the Act) for any open-end management investment company registered under the Act (''Open-End Fund''), unit investment trust registered under the Act (''UIT''), or face-amount certificate company registered under the Act (such activities, ''Fund Service Activities''), Applicants request that any relief granted also apply to any existing company of which the Settling Firm is an Affiliated Person, and to any other company of which the Settling Firm may become an Affiliated Person in the future (together with the Applicants, the ''Covered Persons'') with respect to any activity contemplated by section 9(a) of the Act.

3. The DOJ has conducted an investigation of certain conduct and practices of Citi and others in the foreign currency exchange (''FX'') spot market. To resolve the DOJ's investigation, the Settling Firm entered into the Plea Agreement, pursuant to which the Settling Firm has pleaded guilty to one count of an antitrust violation of 15 U.S.C. 1. As set forth in the Plea Agreement, from at least December 2007 and continuing to at least January 2013 (the ''Relevant Period''), the Settling Firm, through one London-based euro/U.S. dollar (''EUR/USD'') trader employed by Citibank, a subsidiary of the Settling Firm and an Applicant hereto, and other traders at unrelated financial services firms acting as dealers in the FX spot market entered into and engaged in a conspiracy to fix, stabilize, maintain, increase or decrease the price of, and rig bids and offers for, the EUR/USD currency pair exchanged in the FX spot market by agreeing to eliminate competition in the purchase and sale of the EUR/USD currency pair in the United States and elsewhere (the

[1] For purposes of the application ''Funds'' refers to any registered investment company, business development company, or employees' securities company (as defined in section 2(a)(13) of the Act) for which a Covered Person serves or may in the future serve as an investment adviser (as defined in section 2(a)(20) of the Act), sub-adviser, general partner or depositor, or any registered open-end investment company, registered unit investment trust or registered face amount certificate company for which a Covered Person (as defined above) serves or may in the future serve as principal underwriter (as defined in section 2(a)(29) of the Act).

[2] Greenwich Street Employees Fund, L.P., et al., Investment Company Act Release Nos. 25324 (Dec. 21, 2001) (notice) and 25367 (Jan. 16, 2002) (order).

''Conduct''). The Conduct included near daily conversations, some of which were in code, in an exclusive electronic chat room used by certain EUR/USD traders, including the EUR/USD trader employed by Citibank. The Conduct forms the basis for the DOJ's antitrust charge that the Settling Firm violated 15 U.S.C. 1.

4. Under the terms of the Plea Agreement, the DOJ and the Settling Firm have agreed that the District Court should impose a sentence requiring the Settling Firm to pay a criminal fine of $925 million. The Plea Agreement also provides for a three-year term of probation, with conditions to include, among other things, Citi's continued implementation of a compliance program designed to prevent and detect the Conduct throughout its operations, and Citi's further strengthening of its compliance and internal controls as required by other regulatory or enforcement agencies that have addressed the Conduct, including the U.S. Commodity Futures Trading Commission (''CFTC''), pursuant to its settlement with Citibank on November 11, 2014, requiring remedial measures to strengthen the control framework governing Citi's FX trading business (the ''CFTC Order''); the U.S. Treasury Department's Office of the Comptroller of the Currency (''OCC''), pursuant to its settlement with Citibank on November 11, 2014, requiring remedial measures to improve the control framework governing Citi's wholesale trading and benchmark activities (the ''OCC Order''); the U.K. Financial Conduct Authority (''FCA''), pursuant to its settlement with Citibank on November 11, 2014 (the ''FCA Order''); and the U.S. Board of Governors of the Federal Reserve System (''FRB''), pursuant to its settlement with Citigroup entered into concurrently with the DOJ resolution, requiring remedial measures to improve controls for FX trading and activities involving commodities and interest rate products where Citi acts as principal (the ''FRB Order'').

Applicants' Legal Analysis

1. Section 9(a)(1) of the Act provides, in pertinent part, that a person may not serve or act as an investment adviser or depositor of any registered investment company or a principal underwriter for any registered open-end investment company, registered unit investment trust, or registered face-amount certificate company, if such person within ten years has been convicted of any felony or misdemeanor, including those arising out of such person's conduct as a bank or an Affiliated Person of a bank. Section 2(a)(10) of the Act defines the term ''convicted'' to include a plea of guilty. Section 9(a)(3) of the Act extends the prohibitions of section 9(a)(1) to a company any Affiliated Person of which has been disqualified under the provisions of section 9(a)(1). Section 2(a)(3) of the Act defines ''affiliated person'' to include, among others, any person directly or indirectly controlling, controlled by, or under common control with, the other person. Applicants state that the Settling Firm is an Affiliated Person of each of the other Applicants within the meaning of section 2(a)(3). Applicants state that the guilty plea would result in a disqualification of each Adviser Applicant for ten years under section 9(a) of the Act because the Settling Firm would become the subject of a conviction described in 9(a)(1).

2. Section 9(c) of the Act provides that, upon application, the Commission shall by order grant an exemption from the disqualification provisions of section 9(a) of the Act, either unconditionally or on an appropriate temporary or other conditional basis, to any person if that person establishes that: (a) the prohibitions of section 9(a), as applied to the person, are unduly or disproportionately severe or (b) the conduct of the person has been such as not to make it against the public interest or the protection of investors to grant the exemption. Applicants have filed an application pursuant to section 9(c) seeking a Temporary Order and a Permanent Order exempting the Applicants and other Covered Persons from the disqualification provisions of section 9(a) of the Act. The Applicants and other Covered Persons may, if the relief is granted, in the future act in any of the capacities contemplated by section 9(a) of the Act subject to the applicable terms and conditions of the Orders.

3. Applicants believe they meet the standards for exemption specified in section 9(c). Applicants assert that the (i) scope of the Conduct was limited and did not involve the Settling Firm or its Affiliated Persons performing Fund Service Activities, (ii) application of the statutory bar would impose potentially severe hardship on the Fund and its shareholders, (iii) prohibitions of section 9(a), if applied to the Applicants, would be unduly or disproportionately severe, and (iv) that the Conduct did not constitute conduct that would make it against the public interest or the protection of investors to grant the exemption from section 9(a).

4. Applicants assert that the Conduct did not involve any of the Applicants acting as an investment adviser or depositor of any Fund, ESC, or business development company or principal underwriter for any Open-End Fund, UIT, or face amount certificate company registered under the Act. Applicants state that the Conduct similarly did not involve any Fund, ESC, or business development company with respect to which Applicants engaged in Fund Service Activities. Applicants also represent that the employment of the one trader who engaged in the Conduct was terminated, and that the trader will not be rehired. Moreover, the Applicant represents that no Adviser Applicant (other than Citibank, as employer of the one relevant FX trader) was involved in the Conduct.

5. Applicants further represent that: (i) None of the current or former directors, officers or employees of any Applicant involved in performing Fund Service Activities during the Relevant Period had any knowledge of, or had any involvement in, the Conduct; (ii) no current or former employee of any Applicant or of any other Covered Person who previously has been or who subsequently may be identified by an Applicant or any U.S. or non-U.S. regulatory or enforcement agency as having been responsible for the Conduct will have any involvement in performing Fund Service Activities or will be an officer, director, or employee of any Applicant or of any other Covered Person; (iii) no employee of any Applicant or of any other Covered Person who was involved in the Conduct had any, or will have any future, involvement in the Covered Persons' activities in any capacity described in section 9(a) of the Act; and (iv) because no personnel of any Applicant providing Fund Service Activities had any involvement in the Conduct, shareholders of the Funds were not affected any differently than if the Funds had received services from any other non-affiliated investment adviser or principal underwriter.

6. Applicants state that if the Adviser Applicants were disqualified under section 9(a) of the Act from performing Fund Service Activities and were unable to obtain the requested exemption, the effect on the Funds' shareholders, the Adviser Applicants' employees, and on the Adviser Applicants' future businesses could be severe. Applicants assert that, with respect to the ESC Advisers in particular, their disqualification from providing advisory or sub-advisory services to the ESCs would not be in the public interest or in furtherance of the protection of investors, and indeed such disqualification would frustrate the expectations of the eligible employees who invested in the ESCs. In addition,

the Applicants state that Adviser Applicants have committed substantial resources to establishing an expertise in providing services covered by section 9(a) and that prohibiting the Adviser Applicants from providing Fund Service Activities to the Funds not only would affect Adviser Applicants' current and future businesses adversely, but also the employees of the Adviser Applicants. Applicants also assert that the Conduct did not constitute conduct that would make it against the public interest or protection of investors to issue the Orders.

7. Applicants assert that the Adviser Applicants' inability to continue to serve as investment adviser or sub-adviser of the Funds (including as general partner providing investment advisory services to ESCs) would result in the Funds and their shareholders facing potentially severe hardship. Applicants argue that neither the protection of investors nor the public interest would be served by permitting the section 9(a) disqualifications to apply to the Adviser Applicants because those disqualifications would deprive the shareholders of the Funds of the investment advisory or sub-advisory services provided by the Adviser Applicants (including as general partner providing investment advisory services to ESCs) that shareholders expected the Funds would receive when they decided to invest in the Funds. Applicants also outline a number of other uncertainties, inefficiencies, and expenses that they submit would result from the prohibitions of section 9(a) and operate to the detriment of the financial interests of the Funds and their shareholders.

8. Applicants have agreed that neither they nor any of the other Covered Persons will employ any of the current or former employees of Citi or any Covered Person who previously have been or who subsequently may be identified by the Settling Firm or any U.S. or non-U.S. regulatory or enforcement agency as having been responsible for the Conduct without first making a further application to the Commission pursuant to section 9(c). Applicants have also agreed that each Applicant (and any Covered Person) will adopt and implement policies and procedures reasonably designed to ensure compliance with the terms and conditions of the Orders. In addition, the Settling Firm, Citibank and Citigroup has agreed to comply in all material respects with the material terms and conditions of the Plea Agreement, the CFTC Order, the OCC Order, the FRB Order, the FCA Order, or any other orders issued by regulatory or enforcement agencies addressing the Conduct.

9. Applicants further state that Citi has implemented remedial measures to protect against conduct similar to the Conduct, as described in greater detail in the application. These include certain remedial measures as required by the Plea Agreement, the CFTC Order, the OCC Order, the FRB Order, and the FCA Order, including improvements to the oversight, internal controls, compliance, risk management and audit programs for FX trading and related sales activities. Specifically, Citi represents that it has strengthened its governance structure and enhanced the overall control environment in FX trading, as well as other wholesale trading and benchmark activities. These efforts include (i) the establishment of a new Supervision and Controls Team within the Foreign Exchange and Local Markets business; (ii) the appointment of a Global Head of Markets Compliance to provide direction and oversight over the regional compliance personnel within Markets, and to coordinate global initiatives, best practices, policies and procedures and emerging issues in Markets; (iii) the establishment of a senior working group comprised of members of Markets, Compliance and Information Technology to coordinate initiatives that will focus on the development of enhanced tools designed to improve detection of market misconduct through transaction monitoring and communications surveillance; (iv) the establishment of and enhancements to transaction monitoring and communications surveillance processes in the jurisdictions in which Citibank engages in FX trading; and (v) enhancements to Citibank's compliance risk assessment and compliance testing procedures around controls for the detection and prevention of employee misconduct in FX trading.

10. To provide further assurance that the exemptive relief being requested would be consistent with the public interest and the protection of investors, the Applicants have undertaken to distribute, as soon as reasonably practicable, written materials describing the circumstances that led to the Plea Agreement and the application to, and to offer to meet in person to discuss the materials with, the boards of directors or trustees of each Fund (excluding, for this purpose, the ESCs) for which the Adviser Applicants serve as investment adviser or sub-adviser, including the directors or trustees who are not ''interested persons'' as defined in section 2(a)(19) of the Act, and their independent legal counsel, if any. Further, the Applicants will provide each Fund (excluding, for this purpose, the ESCs) with the information concerning the Plea Agreement and the application necessary for the Fund to fulfill its disclosure and other obligations under the federal securities laws and will provide it a copy of the Plea Agreement.

11. Applicants state that certain of the Applicants and their affiliates have previously received orders under section 9(c) of the Act, as the result of conduct that triggered section 9(a), as described in greater detail in the application.

Applicants' Conditions

Applicants agree that any order granted by the Commission pursuant to the application will be subject to the following conditions:

1. Any temporary exemption granted pursuant to the application shall be without prejudice to, and shall not limit the Commission's rights in any manner with respect to, any Commission investigation of, or administrative proceedings involving or against, Covered Persons, including without limitation, the consideration by the Commission of a permanent exemption from section 9(a) of the Act requested pursuant to the application or the revocation or removal of any temporary exemptions granted under the Act in connection with the application.

2. Neither the Applicants nor any of the other Covered Persons will employ any of the current or former employees of the Settling Firm or any Covered Person who previously has been or who subsequently may be identified by the Settling Firm or any U.S. or non-U.S. regulatory or enforcement agency as having been responsible for the Conduct, without first making a further application to the Commission pursuant to section 9(c).

3. Each Adviser Applicant and Covered Person will adopt and implement policies and procedures reasonably designed to ensure that it will comply with the terms and conditions of the Orders within 60 days of the date of the Permanent Order or, with respect to condition 4, such date as may be contemplated by the Plea Agreement, or the CFTC Order, the OCC Order, the FRB Order, the FCA Order, or any other orders issued by regulatory or enforcement agencies addressing the Conduct.

4. The Settling Firm, Citibank and Citigroup will comply in all material respects with the material terms and conditions of the Plea Agreement, the CFTC Order, the OCC Order, the FRB Order, the FCA Order, or any other orders issued by regulatory or

enforcement agencies addressing the Conduct.

5. Applicants will provide written notification to the Chief Counsel of the Commission's Division of Investment Management with a copy to the Chief Counsel of the Commission's Division of Enforcement of a material violation of the terms and conditions of any of the Orders within 30 days of discovery of the material violation.

Temporary Order

The Commission has considered the matter and finds that Applicants have made the necessary showing to justify granting a temporary exemption.

Accordingly,

It is hereby ordered, pursuant to section 9(c) of the Act, that the Applicants and any other Covered Persons are granted a temporary exemption from the provisions of section 9(a), solely with respect to the guilty plea entered into pursuant to the Plea Agreement, subject to the representations and conditions in the application, from June 15, 2015 until the Commission takes final action on their application for a permanent order.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–12756 Filed 5–26–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, May 28, 2015 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session.

The subject matter of the Closed Meeting will be:

Institution of injunctive actions;

Institution and settlement of administrative proceedings;

Opinion; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: May 21, 2015.

Lynn M. Powalski,

Deputy Secretary.

[FR Doc. 2015–12960 Filed 5–22–15; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–31612; File No. 812–14465]

UBS AG, et al.; Notice of Application and Temporary Order

May 20, 2015.

AGENCY: Securities and Exchange Commission (''Commission'')

ACTION: Temporary order and notice of application for a permanent order under section 9(c) of the Investment Company Act of 1940 (''Act'').

SUMMARY OF APPLICATION: Applicants have received a temporary order (''Temporary Order'') exempting them from section 9(a) of the Act, with respect to a guilty plea entered on May 20, 2015, by UBS AG (''UBS AG'' or the ''Settling Firm'') in the United States District Court for the District of Connecticut (the ''District Court'') in connection with a plea agreement (''Plea Agreement'') between the Settling Firm and the United States Department of Justice (''DOJ''), until the Commission takes final action on an application for a permanent order (the ''Permanent Order,'' and with the Temporary Order, the ''Orders''). Applicants also have applied for a Permanent Order.

APPLICANTS: UBS AG (''UBS AG'' or the ''Settling Firm''), UBS IB Co-Investment 2001 GP Limited (''ESC GP''), UBS Alternative and Quantitative Investments LLC (''UBS Alternative''), UBS O'Connor LLC (''UBS O'Connor''), UBS Global Asset Management (Americas) Inc. (''UBS Global AM Americas''), and UBS Global Asset Management (US) Inc. (''UBS Global AM US'') (each an ''Applicant'' and together, the ''Applicants'').

FILING DATE: The application was filed on May 20, 2015.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 15, 2015, and should be accompanied by proof of service on Applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090; Applicants: UBS AG and ESC GP: c/o UBS Investment Bank, 677 Washington Boulevard, Stamford, CT 06901; UBS Alternative: 677 Washington Boulevard, Stamford, CT 06901; UBS O'Connor and UBS Global AM Americas: One North Wacker Drive, Chicago, IL 60606; UBS Global AM US: 1285 Avenue of the Americas, 12th Floor, New York, NY 10019.

FOR FURTHER INFORMATION CONTACT: David Joire, Senior Counsel, Parisa Haghshenas, Senior Counsel, or Holly Hunter-Ceci, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a temporary order and a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. As set forth below, the Applicants collectively serve as investment adviser (as defined in section 2(a)(20) of the Act) to 90 investment management companies registered under the Act or series thereof and to two employees' securities companies (''ESCs''), and as principal underwriter (as defined in section 2(a)(29) of the Act) to eight open-end registered investment companies under the Act (''Open-End Funds'') (each a ''Fund,'' collectively, ''Funds'').

2. UBS AG, a company organized under the laws of Switzerland, is a

Swiss-based global financial services firm. UBS AG and its subsidiaries provide global wealth management, securities, and retail and commercial banking services. UBS AG provides investment advisory services to two ESCs.[1] Other than the investment services provided to the two ESCs, UBS AG does not engage in, and will not engage in, Fund Service Activities (as hereinafter defined) and acknowledges that it may not provide Fund Service Activities in reliance on the Orders without seeking further relief from the Commission. ESC GP, a company established under the laws of the Cayman Islands, is the general partner of the two ESCs and provides investment advisory services to the ESCs. The ESCs have completed their investment programs and only hold cash pending final distribution and liquidation, which will occur as soon as practicable. UBS AG and the ESC GP do not receive any compensation for the investment advisory services provided to the ESCs. ESC GP is a direct, wholly owned subsidiary of UBS AG. The two ESCs were established to provide investment opportunities for highly compensated key employees, officers, directors and current consultants of UBS AG and its affiliates.

3. UBS Alternative, a Delaware limited liability company, is a wholly-owned subsidiary of UBS AG and is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''). UBS Alternative is the investment adviser to the following funds: A&Q Equity Opportunity Fund LLC, A&Q Event Fund LLC, A&Q Alternative Fixed-Income Strategies Fund LLC, A&Q Long/Short Strategies Fund LLC, A&Q Multi-Strategy Fund LLC, A&Q Technology Fund LLC, A&Q Aggregated Alpha Strategies Fund LLC, and A&Q Masters Fund LLC. UBS O'Connor, a Delaware limited liability company, is a wholly-owned subsidiary of UBS AG and is registered as an investment adviser under the Advisers Act. UBS O'Connor is the investment adviser to the O'Connor Equus fund. UBS Global AM US and UBS Global AM Americas are corporations organized under the laws of Delaware. UBS Global AM Americas is registered as an investment adviser under the Advisers Act. UBS Global AM US is registered under the Securities Exchange Act of 1934 (the ''Exchange Act'') as a broker-dealer. UBS Global AM US and UBS Global AM Americas are each indirect, wholly owned subsidiaries of UBS AG. UBS Global AM Americas provides investment advisory services to the UBS Managed Municipal Trust, UBS RMA Money Fund Inc., UBS RMA Tax-Free Fund Inc., Fort Dearborn Income Securities Inc., Global High Income Fund Inc., Managed High Yield Plus Fund Inc., Strategic Global Income Fund, Inc., UBS Funds, UBS Investment Trust, UBS Money Series, UBS PACE Select Advisors Trust, UBS Relationship Funds, SMA Relationship Trust, Master Trust funds and provides sub-advisory services to the Curian Variable Series Trust, EQ Advisors Trust, Lincoln Variable Insurance Products Trust, MFS Series Trust XIII, Nationwide Mutual Funds Series, Pacific Life Funds, Pacific Select Fund, and the VALIC Company II. UBS Global AM US serves as principal underwriter to the UBS Investment Trust, UBS Money Series, UBS Managed Municipal Trust, UBS RMA Money Fund, Inc., UBS RMA Tax-Free Fund, Inc., UBS PACE Select Advisors Trust, UBS Funds, and the SMA Relationship Trust. While no existing company of which the Settling Firm is an ''affiliated person'' within the meaning of section 2(a)(3) of the Act (''Affiliated Person'') (other than the Applicants) currently serves as an investment adviser or depositor of any investment company registered under the Act (''RIC''), ESC, or investment company that has elected to be treated as a business development company under the Act (''BDC''), or principal underwriter for any Open-End Fund, unit investment trust registered under the Act (''UIT''), or face-amount certificate company registered under the Act (''FACC'') (such activities, collectively ''Fund Service Activities''), Applicants request that any relief granted by the Commission pursuant to the application also apply to any existing company of which the Settling Firm is an Affiliated Person and to any other company of which the Settling Firm may become an Affiliated Person in the future (together with the Applicants, the ''Covered Persons'') with respect to any activity contemplated by section 9(a) of the Act.[2]

4. On December 18, 2012, the Criminal Division, Fraud Section (''DOJ Criminal Division'') of the DOJ and the Settling Firm entered into a Non-Prosecution Agreement (''LIBOR NPA'') related to the LIBOR Conduct, described and defined below.

5. After identifying certain foreign exchange (''FX'') issues resulting from an internal review, the Settling Firm notified the DOJ Criminal Division (as well as the Antitrust Division of the DOJ and other authorities) that it had identified evidence of potential FX market trading coordination and thereafter provided extensive cooperation to the DOJ Criminal Division and other relevant authorities in connection with investigations into FX-related conduct. The DOJ Criminal Division determined that the Settling Firm had breached the LIBOR NPA. Relevant considerations in reaching that determination included certain conduct, namely certain employees engaging in fraudulent and deceptive currency trading and sales practices in conducting certain FX market transactions with customers via telephone, email, and/or electronic chat, to the detriment of UBS AG's customers, and colluding with other participants in certain FX markets (the ''FX Conduct'').

6. Pursuant to the Plea Agreement, entered into on May 20, 2015, by the Settling Firm and the DOJ Criminal Division, the Settling Firm entered a plea of guilty (the ''Guilty Plea'') on May 20, 2015 in the District Court to the offense charged in the one-count criminal Information filed in District Court on May 20, 2015 (the ''Information''). The Information charges that between approximately 2001 and in or about 2010, the Settling Firm devised and engaged in a scheme to defraud counterparties to interest rate derivatives transactions by secretly manipulating benchmark interest rates to which the profitability of those transactions was tied (the ''LIBOR Conduct''). Specifically, the Information charges that the Settling Firm committed wire fraud in furtherance of that scheme in violation of Title 18, United States Code, Sections, 1343 and 2 on or about June 29, 2009 by transmitting or causing the transmission of certain electronic communications.

7. Pursuant to the Plea Agreement, the Settling Firm agreed to, among other things, a fine of $203 million and a term of probation of three years. The Applicants expect that the District Court will enter a judgment against the Settling Firm (the ''Judgment'') that will require remedies that are materially the same as set forth in the Plea Agreement.

8. The Settling Firm has entered into settlements with several other authorities related to the FX Conduct and has agreed to a number of undertakings to address the conduct. On November 12, 2014, the Settling Firm

[1] In the Matter of UBS AG, et al.; Notice of Application, Inv. Co. Act Rel. No. 31019 (Apr. 17, 2014); Order, Inv. Co. Act Rel. No. 31042 (May 13, 2014).

[2] The Applicants and other Covered Persons may, if the Orders are granted, in the future act in any of the capacities contemplated by section 9(a) of the Act subject to the applicable conditions of the Orders.

reached a settlement with the U.S. Commodity Futures Trading Commission (''CFTC'') to resolve certain findings by the CFTC (the ''CFTC Order'') and with the U.K. Financial Conduct Authority (''FCA'') to resolve certain findings by the FCA (the ''FCA Order''). On November 11, 2014, the Swiss Financial Market Supervisory Authority (''FINMA'') issued an order concluding its formal proceedings with respect to the FX Conduct and precious metals (''PM'') trading (''FINMA Order''). Additionally, on May 20, 2015, the Board of Governors of the Federal Reserve System (''Fed'') and the State of Connecticut Department of Banking (''CT DOB'') issued a cease and desist order and imposed a civil money penalty upon consent of the Settling Firm related to the FX Conduct (the ''Fed-CTDOB Order'').

Applicants' Legal Analysis

1. Section 9(a)(1) of the Act provides, in pertinent part, that a person may not serve or act as an investment adviser or depositor of any registered investment company or a principal underwriter for any registered open-end investment company, registered unit investment trust, or registered face-amount certificate company, if such person within ten years has been convicted of any felony or misdemeanor, including those arising out of such person's conduct as a bank or an Affiliated Person of a bank. Section 2(a)(10) of the Act defines the term ''convicted'' to include a plea of guilty. Section 9(a)(3) of the Act extends the prohibitions of section 9(a)(1) to a company any affiliated person of which has been disqualified under the provisions of section 9(a)(1). Section 2(a)(3) of the Act defines ''affiliated person'' to include, among others, any person directly or indirectly controlling, controlled by, or under common control with, the other person. The Settling Firm is an Affiliated Person of each of the other Applicants within the meaning of section 2(a)(3) of the Act. Therefore, the Applicants state that the Guilty Plea would result in a disqualification of each Applicant for ten years under section 9(a)(3) were they to act in any of the capacities listed in section 9(a) because the Settling Firm would become the subject of a conviction described in section 9(a)(1).

2. Section 9(c) of the Act provides that, upon application, the Commission shall by order grant an exemption from the disqualification provisions of section 9(a) of the Act, either unconditionally or on an appropriate temporary or other conditional basis, to any person if that person establishes that: (a) The prohibitions of section 9(a), as applied to the person, are unduly or disproportionately severe; or (b) the conduct of the person has been such as not to make it against the public interest or the protection of investors to grant the exemption. Applicants have filed an application pursuant to section 9(c) seeking a Temporary Order and a Permanent Order exempting the Applicants and other Covered Persons from the disqualification provisions of section 9(a) of the Act. The Applicants and other Covered Persons may, if the relief is granted, in the future act in any of the capacities contemplated by section 9(a) of the Act subject to the applicable terms and conditions of the Orders.

3. Applicants believe they meet the standards for exemption specified in section 9(c). Applicants assert that (i) the scope of the Conduct was limited and did not involve the Adviser Applicants (as defined below), Fund Service Activities, or ESCs with respect to which the Settling Firm engaged in Fund Service Activities, (ii) application of the statutory bar would impose significant hardships on the Funds and their shareholders, (iii) the prohibitions of section 9(a), if applied to the Adviser Applicants and other Covered Persons, would be unduly or disproportionately severe, and (iv) the Conduct did not constitute conduct that would make it against the public interest or protection of investors to grant the exemption from section 9(a).

4. Applicants represent that both the LIBOR Conduct and the FX Conduct (collectively, the ''Conduct'') did not involve any of the Applicants acting as an investment adviser or depositor of any RIC or ESC (including as general partner providing investment advisory services to the ESCs), or principal underwriter for any Open-End Fund, UIT or FACC (''Adviser Applicants''). The Settling Firm is an Adviser Applicant only to the extent that it provides investment advisory services to the two ESCs. The Conduct similarly did not involve any RIC, Open-End Fund, UIT or FACC with respect to which the Applicants engaged in Fund Service Activities. No traders identified by the Settling Firm or any U.S. or non-U.S. regulatory or enforcement agency as being responsible for the Conduct provided Fund Service Activities to the Funds. Moreover, the FX Conduct that occurred after the LIBOR NPA, and which is the basis for the breach of the LIBOR NPA, was extremely limited in scope. The Applicants assert that the LIBOR Conduct only involved approximately 14 of the approximately 65,000 total employees of the Settling Firm and its affiliates; similarly, the FX Conduct involved less than ten employees. The Applicants assert that of the individuals identified as having been responsible for the FX Conduct who remain employees of Settling Firm, except as noted below, all have been terminated.[3] Applicants assert that, in light of the limited scope of the Conduct, it would be unduly and disproportionately severe to impose a section 9(a) disqualification on the Applicants. Applicants further represent that Adviser Applicants did not engage in the Conduct, and depriving the Funds of the Fund Service Activities performed by an Adviser Applicant because of the activities of the Settling Firm would be an unduly severe result, both for the Adviser Applicant's financial position and for the shareholders of the Funds, who would be deprived of the knowledge and expertise of a key service provider. Similarly, Applicants assert that depriving the shareholders of the ESCs of the Fund Service Activities of the Settling Firm would be unduly severe given that none of the employees of the Settling Firm who were responsible for the Conduct provide any Fund Service Activities to the ESCs. Applicants assert that the conduct of the Applicants has not been such to make it against the public interest or the protection of investors to grant the exemption from section 9(a).

5. Applicants assert that the inability of the Adviser Applicants to continue providing such services to the Funds (including as general partner providing investment advisory services to ESCs) would result in the Funds and their shareholders facing potential hardship, as described in greater detail in the application. Applicants assert that neither the protection of investors nor the public interest would be served by permitting the section 9(a) disqualifications to apply to the Adviser Applicants because those disqualifications would deprive the Funds of the Fund Service Activities provided by the Adviser Applicants (including as general partner providing investment advisory services to ESCs) that shareholders expected the Funds would receive when they decided to invest in the Funds. Applicants also outline a number of other uncertainties, inefficiencies, and expenses that they submit would result from the prohibitions of section 9(a) and operate to the detriment of the financial

[3] All of the individuals at the Settling Firm and its affiliates who were identified as being responsible for the LIBOR Conduct have either resigned or have had their employment terminated.

interests of the Funds and their shareholders.

6. Applicants assert that if the Adviser Applicants were barred under section 9(a) from providing Fund Service Activities to the Funds and were unable to obtain the requested exemption, the effect on their business and employees would be unduly and disproportionately severe. Applicants state that the Adviser Applicants have committed substantial capital and other resources to establishing expertise in advising, sub-advising and underwriting Funds. Applicants further state that prohibiting the Adviser Applicants from engaging in Fund Service Activities would not only adversely affect their business, but would also adversely affect their employees who are involved in these activities. Many of these employees could experience significant difficulties in finding alternative, fund-related employment. Applicants assert that, with respect to the Settling Firm and ESC GP in particular, their disqualification from providing advisory or sub-advisory services to the ESCs would not be in the public interest or in furtherance of the protection of investors in light of the fact that the ESCs have completed their investment programs and only hold cash pending final distribution and liquidation. In addition, Applicants assert that if the Applicants or Covered Persons are unable to expand their businesses in the future because of the imposition of the section 9(a) disqualification, it could also have an adverse impact on their businesses.

7. Applicants represent that: (i) None of the current or former directors, officers or employees of Applicants (other than certain personnel of the Settling Firm who were not involved in any of the Applicants' Fund Service Activities) had any knowledge of, or had any involvement in, the Conduct; (ii) no current or former employee of any Applicant or of any other Covered Person who previously has been or who subsequently may be identified by any Applicant, or any U.S. or non-U.S. regulatory or enforcement agencies as having been responsible for the Conduct will have any involvement in providing Fund Service Activities on behalf of any Covered Person or will be an officer, director, or employee of any Applicant or of any other Covered Person; [4] (iii) no employee of any Applicant or of any other Covered Person who was involved in the Conduct had any, or will have any future, involvement in the Covered Persons' activities in any capacity described in section 9(a) of the Act; and (iv) because the personnel of the Applicants (other than certain personnel of the Settling Firm who were not involved in any of the Applicants' Fund Service Activities) did not have any involvement in the Conduct, shareholders of those Funds were not affected any differently than if those Funds had received services from any other non-affiliated investment adviser or principal underwriter.

8. Except as set forth in Section III.E. in the application, Applicants have agreed that neither they nor any of the other Covered Persons will employ any of the current or former employees of Settling Firm or any other Covered Person who previously have been or who subsequently may be identified by the Settling Firm or any U.S. or non-U.S. regulatory or enforcement agency as having been responsible for the Conduct without first making a further application to the Commission pursuant to section 9(c).

9. Applicants have also agreed that each Applicant and Covered Person will adopt and implement policies and procedures reasonably designed to ensure it will comply with the terms and conditions of the Orders granted under section 9(c).

10. In addition, the Settling Firm has agreed to comply in all material respects with the material terms and conditions of the Plea Agreement, the CFTC Order, the Fed-CTDOB Order, the FCA Order, the FINMA Order or any other orders issued by regulatory or enforcement agencies addressing the Conduct. Applicants further state that the Settling Firm has undertaken certain remedial measures, as described in greater detail in the application, related to the Conduct. These include certain remedial measures as required by the Plea Agreement, the CFTC Order, the Fed-CTDOB Order, the FCA Order, and the FINMA Order including (but not limited to) developing and maintaining monitoring systems and performing periodic internal audits and annual external audits, conducting an audit of specific areas to ensure its culture, governance arrangements, policies, procedures, systems, and controls are appropriate and adequate to effectively manage specific risks with respect to the FX business, and implementing and improving control measures to avoid conflicts of interest between client trading and the active proprietary trading. Specifically, Applicants represent that the Settling Firm has taken a number of steps to enhance its internal controls, policies and procedures relating to its FX activities. These changes, include, but are not limited to the following: transitioning its FX business to adopt principles, systems, and controls more akin to that of regulated markets by, for example, introducing continuous transaction monitoring and detailed time stamping of orders to ensure it can conduct additional forensic analysis of trading activity, improving compliance monitoring, intraday supervision and operational risk management assessment to more swiftly detect inappropriate activity, strengthened front office processes, and enhanced guidance and training.

11. As a result, Applicants submit that the conduct of the Applicants has been such as not to make it against the public interest or the protection of investors to grant the exemption from Section 9(a).

12. To provide further assurance that the exemptive relief being requested herein would be consistent with the public interest and the protection of the investors, the Applicants agree that they will, as soon as reasonably practical, distribute to the board of directors or trustees (''Board'') of the Funds (excluding, for this purpose, the ESCs) written materials describing the circumstances that led to the Guilty Plea, any impact on the Funds and the application. The written materials will include an offer to discuss the materials at an in-person meeting with each Board for which the Applicants provide Fund Service Activities, including the directors who are not ''interested persons'' of the Funds as defined in section 2(a)(19) of the Act and their independent legal counsel as defined in rule 0–1(a)(6) under the Act. The Applicants undertake to provide the Funds' Boards with all information concerning the Plea Agreement and the application necessary for the Funds to fulfill their disclosure and other obligations under the federal securities laws and will provide them a copy of

[4] However, in the case of three employees, UBS AG has delayed taking final action to terminate such employees in order to ensure their ongoing cooperation with governmental investigations and/or to comply with applicable foreign labor laws. Subject to these issues, UBS AG will terminate the employment of all of these employees within four months of the entry of the Plea Agreement. Because of foreign labor laws, UBS may be required to provide a notice of termination which may delay the final termination of employment beyond that four month period. In any event, however, the employment of the employees will be terminated, and the employees will have no further association with UBS or its affiliates in any capacity, no later than eight months after the date of the Guilty Plea. The Settling Firm will notify the Chief Counsel of the Division of Investment Management when all employees of the Settling Firm responsible for the FX Conduct have been terminated or are no longer employed by the Settling Firm. UBS has already terminated several employees of the Settling Firm who engaged in misconduct relating to the FX business, including two employees who engaged in collusive conduct at other institutions.

the Judgment as entered by the District Court.

13. Applicants state that the Settling Firm and the other Applicants have previously received exemptive orders under section 9(c) of the Act, as the result of conduct that triggered section 9(a), as described in greater detail in the application.

Applicants' Conditions

Applicants agree that any order granted by the Commission pursuant to the application will be subject to the following conditions:

1. Any temporary exemption granted pursuant to the application shall be without prejudice to, and shall not limit the Commission's rights in any manner with respect to, any Commission investigation of, or administrative proceedings involving or against, Covered Persons, including, without limitation, the consideration by the Commission of a permanent exemption from section 9(a) of the Act requested pursuant to the application or the revocation or removal of any temporary exemptions granted under the Act in connection with the application.

2. Except as set forth in Section III.E. of the application, neither the Applicants nor any of the other Covered Persons will employ any of the current or former employees of the Settling Firm or any other Covered Person who previously have been or who subsequently may be identified by the Settling Firm or any U.S. or non-U.S. regulatory or enforcement agency as having been responsible for the Conduct, without first making a further application to the Commission pursuant to section 9(c).

3. Each Applicant and Covered Person will adopt and implement policies and procedures reasonably designed to ensure that it will comply with the terms and conditions of the Orders within 60 days of the date of the Permanent Order or, with respect to condition 4, such date as may be contemplated by the Plea Agreement, or the CFTC Order, the Fed-CTDOB Order, the FCA Order, the FINMA Order, or any other orders issued by regulatory or enforcement agencies addressing the Conduct.

4. The Settling Firm will comply in all material respects with the material terms and conditions of the Plea Agreement, with the material terms of the CFTC Order, the Fed-CTDOB Order, the FCA Order, the FINMA Order, or any other orders issued by regulatory or enforcement agencies addressing the Conduct.

5. Applicants will provide written notification to the Chief Counsel of the Commission's Division of Investment Management with a copy to the Chief Counsel of the Commission's Division of Enforcement of a material violation of the terms and conditions of any of the Orders within 30 days of discovery of the material violation.

Temporary Order

The Commission has considered the matter and finds that Applicants have made the necessary showing to justify granting a temporary exemption.

Accordingly,

It is hereby ordered, pursuant to section 9(c) of the Act, that the Applicants and any other Covered Persons are granted a temporary exemption from the provisions of section 9(a), solely with respect to the guilty plea entered into pursuant to the Plea Agreement, subject to the representations and conditions in the application, from May 20, 2015 until the Commission takes final action on their application for a permanent order.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–12754 Filed 5–26–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75004; File No. SR–NYSEMKT–2015–23]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change Adopting a Principles-Based Approach To Prohibit the Misuse of Material Nonpublic Information by Specialists and e-Specialists by Deleting Rule 927.3NY and Section (f) of Rule 927.5NY

May 20, 2015.

On March 26, 2015, NYSE MKT LLC (the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] a proposed rule change to delete Exchange Rule 927.3NY and section (f) of Rule 927.5NY to adopt a principles-based approach to prohibit the misuse of material nonpublic information by Specialists and e-Specialists. The proposed rule change was published for comment in the **Federal Register** on April 14, 2015.[4] The Commission has received one comment letter on the proposed rule change.[5]

Section 19(b)(2) of the Act [6] 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 Commission is extending this 45-day time period. The Commission finds that it is 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,[7] designates July 13, 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 Number SR–NYSEMKT–2015–23).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–12688 Filed 5–26–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–31613; File No. 812–14466]

J.P. Morgan Chase & Co., et al.; Notice of Application and Temporary Order

May 20, 2015.

AGENCY: Securities and Exchange Commission (''Commission'')

ACTION: Temporary order and notice of application for a permanent order under section 9(c) of the Investment Company Act of 1940 (''Act'').

SUMMARY OF APPLICATION: Applicants have received a temporary order (''Temporary Order'') exempting them from section 9(a) of the Act, with

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 74677 (Apr. 8, 2015), 80 FR 20049 (Apr. 14, 2015).

[5] *See* letter from Peter D. Selman, Goldman Sachs & Co., to Commission, dated May 5, 2015.

[6] 15 U.S.C. 78s(b)(2).

[7] *Id.*

[8] 17 CFR 200.30–3(a)(31).

respect to a guilty plea entered on May 20, 2015, by J.P. Morgan Chase & Co. (''JPMC'' or the ''Settling Firm''), a Delaware corporation, in the United States District Court for the District of Connecticut (the ''District Court'') in connection with a plea agreement (''Plea Agreement'') between JPMC and the United States Department of Justice (''DOJ''), until the Commission takes final action on an application for a permanent order (the ''Permanent Order,'' and with the Temporary Order, the ''Orders''). Applicants also have applied for a Permanent Order.

APPLICANTS: JPMC, J.P. Morgan Investment Management Inc. (''JPMIM''), J.P. Morgan Institutional Investments, Inc. (''JPMII''), J.P. Morgan Partners, LLC (''JPMP''); J.P. Morgan Private Investments Inc. (''JPMPI''), J.P. Morgan Alternative Asset Management, Inc. (''JPMAAM''); Bear Stearns Asset Management Inc. (''BSAM''); BSCGP Inc. (''BSCGP''); Constellation Growth Capital LLC (''Constellation''); Constellation Ventures Management II, LLC (''Constellation II''); JF International Management Inc. (''JFIMI''); JPMorgan Distribution Services, Inc. (''JPMDS''); OEP Co-Investors Management II, Ltd. (''OEP II''); OEP Co-Investors Management III, Ltd. (''OEP III,'' and together with OEP II, the ''OEP Entities''); Security Capital Research & Management Incorporated (''Security Capital''); and Sixty Wall Street Management Company, LLC (''Sixty Wall Management'', and together with JPMIM, JPMII, JPMP, JPMPI, JPMAAM, BSAM, BSCGP, Constellation, Constellation II, JFIMI, JPMDS, the OEP Entities, and Security Capital, the ''Fund Servicing Applicants'') (each an ''Applicant'' and collectively, the ''Applicants'').

FILING DATE: The application was filed on May 20, 2015.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 15, 2015, and should be accompanied by proof of service on Applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: JPMC, JPMIM, JPMII, JPMP, JPMPI, JPMAAM, BSAM, BSCGP, Constellation II and Sixty Wall Management, 270 Park Avenue, New York, NY 10017; Constellation, 40 W. 57th Street, 32nd Floor, New York, NY 10019; JFIMI, 21st Floor, Chater House, 8 Connaught Road Central, Hong Kong; JPMDS, 1111 Polaris Parkway, Columbus, Ohio 43240; OEP II and OEP III, 270 Park Avenue, 10th Floor, New York, NY 10017; and Security Capital, 10 South Dearborn Street, Suite 1400, Chicago, Illinois 60063.

FOR FURTHER INFORMATION CONTACT: Elizabeth G. Miller, Senior Counsel, Vanessa M. Meeks, Senior Counsel, or Holly Hunter-Ceci, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a temporary order and a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. JPMC, a Delaware corporation, is a financial services holding company whose businesses provide a broad range of financial services to consumer and corporate customers. JPMC is also the ultimate parent of each of the Fund Servicing Applicants. JPMC does not provide Fund Service Activities (as defined below) to any Fund.[1]

2. JPMIM, JPMPI, JPMAAM, JFIMI and Security Capital are registered as investment advisers under the Investment Advisers Act of 1940, as amended (the ''Advisers Act'') and serve as investment advisers or sub-advisers to various Funds. JPMP and Sixty Wall Management are registered as investment advisers under the Advisers Act and serve as investment advisers or sub-advisers to ESCs. BSAM is registered as an investment adviser under the Advisers Act and serves as general partner that provides investment advisory services to various ESCs (as defined below).[2] BSCGP, Constellation II and the OEP Entities serve as general partners that provide investment advisory services to various ESCs. Constellation serves as a sub-adviser to various ESCs. JPMDS and JPMII are registered as broker-dealers under the Securities Exchange Act of 1934 and serve as principal underwriter to various Funds.

3. Other than the Fund Servicing Applicants, no existing company of which JPMC is an affiliated person currently serves as an investment adviser (as defined in section 2(a)(20) of the Act), or depositor of any Fund, employees' securities companies (as defined in section 2(a)(13) of the Act) subject to section 9 of the Act (''ESCs'') or investment company that has elected to be treated as a business development company under the Act, or principal underwriter for any registered open-end company, unit investment trust under the Act (''UIT''), or face-amount certificate company registered under the Act (such activities, collectively, ''Fund Service Activities''). Applicants request that any relief granted by the Commission also apply to any other existing company of which JPMC is an affiliated person within the meaning of section 2(a)(3) of the Act and to any other company of which JPMC may become an affiliated person in the future (together with the Applicants, the ''Covered Persons'').

4. On May 20, 2015, the DOJ filed a one-count criminal information in the District Court charging JPMC with a one-count violation of the Sherman Antitrust Act, 15 U.S.C. 1 (the ''Information''). The Information charges that from July 2010 until at least January 2013, JPMC, through one of its euro/U.S. dollar (''EUR/USD'') traders, entered into and engaged in a conspiracy to fix, stabilize, maintain, increase or decrease the price of, and rig bids and offers for, the EUR/USD currency pair exchanged in the FX spot market by agreeing to eliminate competition in the purchase and sale of the EUR/USD currency pair in the U.S. and elsewhere (the ''Conduct''). The Conduct involved near daily conversations, some of which were in code, in an exclusive electronic chat room used by certain EUR/USD traders, including the EUR/USD trader employed by JPMC.

[1] For purposes of the application, ''Funds'' refer to any registered investment company, business development company, or ESC for which a Covered Person serves, or may in the future serve, as an investment adviser, sub-adviser, general partner or depositor, or any registered open-end investment company, registered unit investment trust or registered face amount certificate company for which a Covered Person (as defined below) serves, or may in the future serve, as principal underwriter.

[2] Every Applicant that is a general partner that provides investment advisory services to one or more ESCs believes, for purposes of the application, that it is performing a function that falls within the definition of ''investment adviser'' in section 2(a)(20) of the Act.

5. JPMC has agreed to resolve the action brought through the Plea Agreement presented to the District Court on May 20, 2015. Under the Plea Agreement, JPMC agreed to enter a plea of guilty to the charge set out in the Information (the ''Plea''). In addition, JPMC will make an admission of guilt to the District Court. Applicants expect that the District Court will enter a judgment against JPMC that will require remedies that are materially the same as set forth in the Plea Agreement. According to the Plea Agreement, JPMC agrees that the District Court shall order a term of probation, which would include certain conditions, as outlined in the application. Along with the DOJ, the Board of Governors of the Federal Reserve System (''FRB''), the Office of the Comptroller of the Currency (''OCC''), the U.S. Commodity Futures Trading Commission (''CFTC''), and the United Kingdom Financial Conduct Authority (''FCA'') have or have been conducting investigations into the practices of JPMC and its direct and indirect subsidiaries relating to FX trading. Specifically, the FRB entered a cease and desist order on May 20, 2015 against JPMC concerning unsafe and unsound banking practices relating to JPMC's FX business (''FRB Order''); the OCC entered a cease and desist order on November 11, 2014 against JPMorgan Chase Bank, N.A. (''JPMCB'') concerning deficiencies and unsafe or unsound practices relating to JPMCB's wholesale FX business (''OCC Order''); the CFTC entered a cease and desist order on November 11, 2014 against JPMCB relating to certain FX trading activities (''CFTC Order''); and the FCA entered a warning notice on November 11, 2014 against JPMCB for failing to control business practices in its G10 spot FX trading operations (''FCA Order'').

Applicants' Legal Analysis

1. Section 9(a)(1) of the Act provides, in pertinent part, that a person may not serve or act as, among other things, an investment adviser or depositor of any investment company registered under the Act or business development company or as a principal underwriter for any registered open-end investment company, registered UIT, or registered face-amount certificate company, or as investment adviser of an ESC if the person ''within 10 years has been convicted of any felony or misdemeanor . . . arising out of such person's conduct'' as a bank, among other things. Section 2(a)(10) of the Act defines the term ''convicted'' to include a plea of guilty. Section 9(a)(3) of the Act extends the prohibitions of section 9(a)(1) to a company, any ''affiliated person'' of which is disqualified under the provisions of section 9(a)(1). ''Affiliated person'' is defined in section 2(a)(3) of the Act to include, among others, any person directly or indirectly controlling, controlled by, or under common control with, the other person. Applicants state that JPMC is an affiliated person of the Fund Servicing Applicants within the meaning of section 2(a)(3). Applicants state that a guilty plea would result in a disqualification of such Fund Servicing Applicants and other Covered Persons for ten years under section 9(a) of the Act because JPMC would become the subject of a conviction described in 9(a)(1).

2. Section 9(c) of the Act provides that, upon application, the Commission shall by order grant a person an exemption from the provisions of section 9(a), either unconditionally or on an appropriate temporary or other conditional basis, if the person establishes that: (1) The prohibitions of section 9(a), as applied to the person, are unduly or disproportionately severe; or (2) the conduct of the person has been such as not to make it against the public interest or the protection of investors to grant the exemption. Applicants have filed an application pursuant to section 9(c) seeking a Temporary Order and a Permanent Order exempting the Applicants and other Covered Persons from the disqualification provisions of section 9(a) of the Act. The Applicants and other Covered Persons may, if the relief is granted, in the future act in any of the capacities contemplated by section 9(a) of the Act subject to the applicable terms and conditions of the Orders.

3. Applicants believe they meet the standards for exemption specified in section 9(c). Applicants assert that the prohibitions of section 9(a), if applied to Covered Persons, would be unduly or disproportionately severe, and that the conduct of JPMC is not such as to make it against the public interest or the protection of investors to issue the Orders. Applicants represent that the Conduct giving rise to the Plea did not involve any of the Applicants acting in the capacity of investment adviser, sub-adviser, or depositor for a Fund (including as general partner providing investment advisory services to ESCs) or principal underwriter for any registered open-end investment company, registered UIT, or registered face amount certificate company. Applicants further represent that the Conduct did not relate to the Funds' management or distribution, and that the Conduct did not involve any Fund or the assets of any Fund. Applicants also state that the individual referenced in the Complaint as responsible for the Conduct is no longer employed by JPMC or its affiliates. As a result of the foregoing, Applicants assert that the conduct of Applicants has not been such as to make it against the public interest or the protection of investors to grant the application.

4. Applicants assert that their inability to continue to serve as investment adviser or sub-adviser of the Funds (including as general partner providing investment advisory services to ESCs) or principal underwriter for the Funds that are registered open-end investment companies would result in the Funds and their shareholders facing potentially severe hardships. Applicants argue that neither the protection of investors nor the public interest would be served by permitting the section 9(a) disqualifications to apply to the Applicants because those disqualifications would deprive the shareholders of the Funds of the investment advisory or sub-advisory and underwriting services (including as general partner providing investment advisory services to ESCs) that shareholders expected the Funds would receive when they decided to invest in the Funds. Applicants also outline a number of other uncertainties, inefficiencies, and expenses that they submit would result from the prohibitions of section 9(a) and operate to the detriment of the financial interests of the Funds and their shareholders.

5. Applicants further assert that the prohibitions of section 9(a) would have an adverse effect on the Applicants, including their employees, as outlined in the application. Applicants therefore assert that the imposition of the section 9(a) disqualification on the Fund Servicing Applicants would be unduly and disproportionately severe.

6. Applicants represent that: (i) None of the current or former directors, officers or employees of the Fund Servicing Applicants had any knowledge of, or had any involvement in, the Conduct; (ii) no current or former employee of JPMC or of any other Covered Person who previously has been or who subsequently may be identified by JPMC, or any U.S. or non-U.S. regulatory or enforcement agencies as having been responsible for the Conduct will have any involvement in providing Fund Service Activities (including as general partners providing advisory services to ESCs) or will be an officer, director, or employee of any Applicant or of any other Covered Person; (iii) no employee of JPMC or of any other Covered Person who was involved in the Conduct had any, or

will have any future, involvement in the Covered Persons' activities in any capacity described in section 9(a) of the Act; and (iv) because the personnel of the Fund Servicing Applicants did not have any involvement in the Conduct, shareholders of the Funds were not affected any differently than if the Funds had received services from any other non-affiliated investment adviser or principal underwriter. Applicants assert that the conduct of Applicants has not been such as to make it against the public interest or the protection of investors to grant the requested exemption from section 9(a).

7. To provide further assurance that the exemptive relief being requested herein would be consistent with the public interest and the protection of investors, the Applicants undertake that they will, as soon as reasonably practicable, distribute to the boards of directors (''Boards'') of the Funds written materials describing the circumstances that led to the Plea, any impact on the Funds and the application. The written materials will include an offer to discuss the materials at an in-person meeting with each Board for which the Applicants provide Fund Service Activities (excluding for this purpose, the ESCs), including the directors who are not ''interested persons'' of such Funds as defined in section 2(a)(19) of the Act and their independent legal counsel as defined in rule 0–1(a)(6) under the Act. The Applicants undertake to provide such Funds' Boards with the information concerning the Plea Agreement and the application necessary for those Funds to fulfill their disclosure and other obligations under the federal securities laws and will provide them a copy of the Plea Agreement as entered by the District Court.

8. Applicants further state that JPMC has implemented remedial measures to protect against conduct similar to the Conduct, as outlined in greater detail in the application. For example, JPMC has enhanced governance through the development of a Macro Trading Business Control Committee. JPMC has improved its compliance risk assessment to better identify risks, including the types of risk identified during the FX matters, through improvements to: (1) The risk assessment framework, which includes more detailed guidance and procedures to enhance quality and consistency of execution; (2) the risk assessment tool and process, which includes improvements to compliance officers' ability to document risk/control impact at a more granular level; and (3) qualitative data collection to improve the qualitative information gathered by Compliance, including about lessons from internal and external control issues. JPMC has also developed a plan to improve monitoring and surveillance, including, among other things, expanding transaction surveillance across thirty-six currency pair benchmarks and establishing a process whereby it reviews its electronic communication lexicons and transaction surveillance scenarios and makes enhancements, as appropriate, at least annually. JPMC has also identified improvements in its internal audit function that it has taken or will take, including the establishment of a team dedicated to the identification of, and focus on, cross business issues and emerging risks.

9. Applicants state that certain of the Applicants and their affiliates have previously received an order under section 9(c) of the Act, as the result of conduct that triggered section 9(a), as described in greater detail in the application.

Applicants' Conditions

Applicants agree that any order granted by the Commission pursuant to the application will be subject to the following conditions:

1. Any temporary exemption granted pursuant to the application shall be without prejudice to, and shall not limit the Commission's rights in any manner with respect to, any Commission investigation of, or administrative proceedings involving or against, Covered Persons, including, without limitation, the consideration by the Commission of a permanent exemption from section 9(a) of the Act requested pursuant to the application or the revocation or removal of any temporary exemptions granted under the Act in connection with the application.

2. Neither the Applicants nor any of the other Covered Persons will employ any of the current or former employees of the Settling Firm or any Covered Person who previously has been or who subsequently may be identified by the Settling Firm or any U.S. or non-U.S. regulatory or enforcement agency as having been responsible for the Conduct, without first making a further application to the Commission pursuant to section 9(c).

3. Each Applicant and Covered Person will adopt and implement policies and procedures reasonably designed to ensure that it will comply with the terms and conditions of the Orders within 60 days of the date of the Permanent Order or, with respect to condition 4, such date as may be contemplated by the Plea Agreement, or the CFTC Order, the OCC Order, the FRB Order, the FCA Order, or any other orders issued by regulatory or enforcement agencies addressing the Conduct.

4. The Settling Firm will comply in all material respects with the material terms and conditions of the Plea Agreement, the CFTC Order, the OCC Order, the FRB Order, the FCA Order, or any other orders issued by regulatory or enforcement agencies addressing the Conduct.

5. Applicants will provide written notification to the Chief Counsel of the Commission's Division of Investment Management with a copy to the Chief Counsel of the Commission's Division of Enforcement of a material violation of the terms and conditions of any of the Orders within 30 days of discovery of the material violation.

Temporary Order

The Commission has considered the matter and finds that Applicants have made the necessary showing to justify granting a temporary exemption.

Accordingly,

It is hereby ordered, pursuant to section 9(c) of the Act, that the Applicants and any other Covered Persons are granted a temporary exemption from the provisions of section 9(a), solely with respect to the guilty plea entered into pursuant to the Plea Agreement, subject to the representations and conditions in the application, from May 20, 2015 until the Commission takes final action on their application for a permanent order.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–12755 Filed 5–26–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Form N–3, OMB Control No. 3235–0316, SEC File No. 270–281.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information

summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The title for the collection of information is ''Form N–3 (17 CFR 239.17a and 274.11b) under the Securities Act of 1933 (15 U.S.C. 77) and under the Investment Company Act of 1940 (15 U.S.C. 80a), Registration Statement of Separate Accounts Organized as Management Investment Companies.'' Form N–3 is the form used by separate accounts offering variable annuity contracts which are organized as management investment companies to register under the Investment Company Act of 1940 (''Investment Company Act'') and/or to register their securities under the Securities Act of 1933 (''Securities Act''). Form N–3 is also the form used to file a registration statement under the Securities Act (and any amendments thereto) for variable annuity contracts funded by separate accounts which would be required to be registered under the Investment Company Act as management investment companies except for the exclusion provided by Section 3(c)(11) of the Investment Company Act (15 U.S.C. 80a–3(c)(11)). Section 5 of the Securities Act (15 U.S.C. 77e) requires the filing of a registration statement prior to the offer of securities to the public and that the statement be effective before any securities are sold, and Section 8 of the Investment Company Act (15 U.S.C. 80a–8) requires a separate account to register as an investment company.

Form N–3 also permits separate accounts offering variable annuity contracts which are organized as investment companies to provide investors with a prospectus and a statement of additional information covering essential information about the separate account when it makes an initial or additional offering of its securities. Section 5(b) of the Securities Act requires that investors be provided with a prospectus containing the information required in a registration statement prior to the sale or at the time of confirmation or delivery of the securities. The form also may be used by the Commission in its regulatory review, inspection, and policy-making roles.

Commission staff estimates that there are zero initial registration statements and 10 post-effective amendments to initial registration statements filed on Form N–3 annually and that the average number of portfolios referenced in each post-effective amendment is 2. The Commission further estimates that the hour burden for preparing and filing a post-effective amendment on Form N–3 is 155.2 hours per portfolio. The total annual hour burden for preparing and filing post-effective amendments is 3,104 hours (10 post-effective amendments × 2 portfolios × 155.2 hours per portfolio). The estimated annual hour burden for preparing and filing initial registration statements is 0 hours. The total annual hour burden for Form N–3, therefore, is estimated to be 3,104 hours (3,104 hours + 0 hours).

The information collection requirements imposed by Form N–3 are mandatory. Responses to the collection of information will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: May 20, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–12683 Filed 5–26–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75012; File No. SR–FINRA–2014–047]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change Relating to FINRA Rule 2241 (Research Analysts and Research Reports) in the Consolidated FINRA Rulebook

May 20, 2015.

I. Introduction

On November 14, 2014, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''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 to adopt NASD Rule 2711 (Research Analysts and Research Reports) as a FINRA rule, with several modifications, amend NASD Rule 1050 (Registration of Research Analysts) and Incorporated NYSE Rule 344 to create an exception from the research analyst qualification requirement, and renumber NASD Rule 2711 as FINRA Rule 2241 in the consolidated FINRA rulebook. The proposal was published for comment in the **Federal Register** on November 24, 2014.[3] The Commission received four comments on the original proposal.[4] On February 19, 2015, FINRA filed Amendment No. 1 responding to these original comments received to the proposal as well as to propose amendments in response to these comments. The proposal, as amended by Amendment No. 1, was published for comment in the **Federal Register** on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Act Release No. 73622 (Nov. 18, 2014); 79 FR 69939 (Nov. 24, 2014). On January 6, 2015, FINRA consented to extending the time period for the Commission to either approve or disapprove the proposed rule change, or to institute proceedings to determine whether to approve or disapprove the proposed rule change, to February 20, 2015.

[4] *See* Letter from Kevin Zambrowicz, Associate General Counsel & Managing Director and Sean Davy, Managing Director, SIFMA, dated Dec. 15, 2014, Letter from Hugh D. Berkson, President-Elect, Public Investors Arbitration Bar Association, dated Dec. 15, 2014, Letter from Stephanie R. Nicholas, WilmerHale, dated Dec. 16, 2014, and Letter from William Beatty, President and Washington (State) Securities Administrator, North American Securities Administrators Association, Inc., dated Dec. 19, 2014.

March 18, 2015.[5] On February 20, 2015, the Commission issued an order instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposal. This order was published for comment in the **Federal Register** on February 26, 2015.[7] The Commission received a further three comments regarding the proceedings or in response to Amendment No. 1,[8] to which FINRA responded via letter on May 5, 2015.[9]

Section 19(b)(2) of the Act[10] provides that, after initiating approval or disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposal was published for comment in the **Federal Register** on November 24, 2014.[11] The 180th day after publication of the notice of the filing of the proposed rule change in the **Federal Register** is May 23, 2015 and the 240th day after publication of the notice of the filing of the proposed rule change in the **Federal Register** is July 22, 2015.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, including the matters raised in the comment letters to the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[12] designates July 22, 2015 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–FINRA–2014–047).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–12689 Filed 5–26–15; 8:45 am]

BILLING CODE 8011–01–P

[5] Exchange Act Release No. 74488 (Mar. 12, 2015); 80 FR 14174 (Mar. 18, 2015).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] Exchange Act Release No. 74339 (Feb. 20, 2015); 80 FR 10528 (Feb. 26, 2015). Specifically, the Commission instituted proceedings to allow for additional analysis of the proposed rule change's consistency with Section 15A(b)(9) of the Act, which requires that FINRA's rules be designed to, among other things, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and Section 15D of the Act, which requires rules reasonably designed to address conflicts of interest that can arise when research analysts recommend equity securities in research reports and public appearances. *See id.*

[8] Letter from Egidio Mogavero, Managing Director and Chief Compliance Officer, JMP Securities, dated Mar. 19, 2015, Letter from Stephanie R. Nicholas, WilmerHale, dated Apr. 6, 2015, and Letter from William Beatty, President and Washington (State) Securities Administrator, North American Securities Administrators Association, Inc., dated Apr. 17, 2015.

[9] Letter from Philip Shaikun, Vice President and Associate General Counsel, FINRA, dated May 5, 2015.

[10] 15 U.S.C. 78s(b)(2).

[11] *See supra* note 3 and accompanying text.

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75003; File No. SR–CBOE–2015–045]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to Rule 6.53C and Complex Orders on the Hybrid System

May 20, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 12, 2015, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify Rule 6.53C, Complex Orders on the Hybrid System, to give the Exchange the flexibility to distinguish between Professional and non-Professional orders for the purposes of determining eligibility for COA. The text of the proposed rule change is provided below.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(additions are *italicized*; deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated

Rules

* * * * *

Rule 6.53C. Complex Orders on the Hybrid System

(a)–(b) No change.

(c) Complex Order Book

(i) Routing of Complex orders: The Exchange will determine which classes and which complex order origin [types] *codes* (*i.e.,* non-broker-dealer public customers *that are not Voluntary Professional Customers or Professional Customers, non-broker-dealer public customers that are Voluntary Professional Customers or Professional Customers,* broker-dealers that are not Market-Makers or specialists on an options exchange, and/or Market-Makers or specialists on an options exchange) are eligible for entry into the COB and whether such complex orders can route directly to the COB and/or from PAR to the COB. Complex orders not eligible to route to COB (either directly or from PAR to COB) will route to PAR or at the order entry firm's discretion to the order entry firm's booth.

(ii)–(iv) No change.

(d) Process for Complex Order RFR Auction: Prior to routing to the COB or once on PAR, eligible complex orders may be subject to an automated request for responses (''RFR'') auction process.

(i) For purposes of paragraph (d):

(1) No Change.

(2) A ''COA-eligible order'' means a complex order that, as determined by the Exchange on a class-by-class basis, is eligible for a COA considering the order's marketability (defined as a number of ticks away from the current market), size, complex order type (as defined in paragraphs (a) and (b) above) and complex order origin [types] *codes* (as defined in subparagraph (c)(i) above). Complex orders processed through a COA may be executed without consideration to prices of the same complex orders that might be available on other exchanges.

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange seeks to modify Rule 6.53C to allow the Exchange to further distinguish between the complex order origin types [3] that are eligible for the Complex Order Book (''COB'') and the Complex Order Auction (''COA'').

Background

Under CBOE rules, a ''public customer'' or ''customer'' is a person or entity that is neither a member nor a broker/dealer. The terms are used in specific CBOE rules that provide certain marketplace advantages to public customer orders over non-customer orders (*e.g.,* orders for the account of members or broker/dealers). In particular, under CBOE rules, subject to certain exceptions, (i) public customer orders are given priority over non-customer orders and Market-Maker quotes at the same price,[4] and (ii) Trading Permit Holders are generally not charged a transaction fee for the execution of public customer orders. The purpose of providing these marketplace advantages to public customer orders is to attract retail investor order flow to the Exchange by leveling the playing field for retail investors over market professionals [5] and providing competitive pricing.

To ensure that the above mentioned marketplace advantages for public customers are protected, the Exchange adopted the terms ''Voluntary Professional'' and ''Professional'' (hereinafter ''Professional(s)'') in Rule 1.1(fff) and (ggg) respectively, which provide that Professionals are not brokers or dealers but will be treated in the same manner as brokers or dealers for purposes of many CBOE rules (including, *e.g.,* Rules 6.53C(c)(ii) and 6.53C(d)(v)).[6]

COA is a feature within CBOE's Hybrid System that exposes eligible complex orders for price improvement. In classes where COA is activated, eligible orders are electronically exposed for an exposure period. During the applicable exposure period, the orders that are subject to exposure are eligible to receive a better price. At the conclusion of the COA process, as applicable, the order is then allocated or, to the extent not executed, booked or routed as described in the relevant rules.

A ''COA-eligible order'' means a complex order that, as determined by the Exchange on a class-by-class basis, is eligible for COA considering the order's marketability (defined as a number of ticks away from the current market), size, complex order type (as defined in paragraphs (a) and (b) of Rule 6.53C and complex order origin types (as defined in subparagraph (c)(i) of Rule 6.53C).[7] Subparagraph (c)(i) of Rule 6.53C indicates that complex order origin type means orders for non-broker-dealer public customers, broker-dealers that are not Market-Makers or specialists on an options exchange, and/or Market-Makers or specialists on an options exchange.[8] Non-broker-dealer public customers include Professionals and non-professional customers. Under the current COA eligibility parameters, there is no distinction between Professionals and non-professional public customers.

Proposal

Currently, Professionals are not given priority, but are allowed to cancel and replace their orders as often as they wish without incurring any cancellation fees. The issue with this current structure is that each of the orders as well as the cancellations and replacements generate a new COA. Yet, only a few of these orders actually execute in the auction process. Rather, the result is an excess of auction messages that are generated unnecessarily. The Exchange notes that a disproportionate number of the COA messages in comparison to COA executions result from Professionals. Therefore, in order to eliminate the clutter of unnecessary Professional COA messages, as well as to increase the likelihood of executions for public customers, the Exchange is seeking the flexibility to disable COA functionality for Professionals.

In order to gain the flexibility to disable COA functionality for Professionals, the Exchange seeks to amend Rule 6.53C(c)(i), which defines the complex order origin types (hereinafter origin ''code'' as the Exchange is also proposing to change origin ''type'' to origin ''code'' in order to adopt the manner in which origin ''code'' is used in several other Exchange rules) [9] that are eligible for COA. As amended, the definition of a complex order origin code will be defined as either: Non-broker-dealer public customers that are not Voluntary Professional Customers or Professional Customers; non-broker-dealer public customers that are Voluntary Professional Customers or Professional Customers; broker-dealers that are not Market-Makers or specialists on an options exchange; and/or Market-Makers or specialists on an options exchange. The proposal would not, however, permit the Exchange to discriminate among individual market participants of the same origin code (*e.g.,* permit certain Professional orders to the exclusion of orders from a different Professional).

The Exchange is proposing these changes because the Exchange believes allowing Professionals to participate in COA can be detrimental to non-professional public customer order flow and cause a large amount of auctions to be processed without executions arising from those auctions. This is because Professionals frequently cancel and

[3] The Exchange notes that many CBOE rules use origin ''code'' in the same manner as origin ''type'' is used in Rule 6.53C(c). For example, Rules 6.2B(a)(i), 6.13(b)(i), 6.13A(a), 6.14A(a), 6.74A.07, 6.74B.01, 24B.5A, and 24B.5B use origin ''code'' to distinguish between public customer orders, non-Market Maker broker-dealer orders, and Market Maker broker-dealer orders). This proposal seeks to, among other things, amend Rule 6.53C(c) to use origin ''code'' instead of ''type'' in order to make the rules more consistent.

[4] *See, e.g.,* CBOE Rules 6.45, *Priority of Bids and Offers—Allocation of Trades,* 6.45A, *Priority and Allocation of Equity Options Trades on the CBOE Hybrid System,* and 6.45B, *Priority and Allocation of Trades in Index Options and Options on ETFs on the CBOE Hybrid System.*

[5] Market professionals have access to sophisticated trading systems that contain functionality not available to retail customers, including things such as continuously updated pricing models based upon real-time streaming data, access to multiple markets simultaneously, and order and risk management tools.

[6] *See* Securities Exchange Act Release No. 34–61198 (December 17, 2009), 74 FR 68880 (December 29, 2009) (SR–CBOE–2009–078) (order approving proposed rule change as relating to professional orders). A Professional is a person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). A Voluntary Professional is any person or entity that is not a broker or dealer that elects to be treated as a Professional.

[7] *See* Rule 6.53C(d)(i)(2) (indicating that complex order origin type is defined in Rule 6.53C(c)(i).

[8] *See* Rule 6.53C(c)(i).

[9] *See supra,* note 1 [sic].

replace their orders and prices as a means of attempting to quote with their orders. The Exchange believes that Professionals should not be a priority over non-professional public customer order flow, which is why, the Exchange notes, there are separate CBOE rules for Professionals in the first place.[10]

The proposed change modifies the definition of a ''COA-eligible order'' to give the Exchange the flexibility to distinguish between complex orders from Professionals and complex orders from non-professional public customer order flow. Any changes to the COA-eligible order parameters would be announced via Regulatory Circular.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed change is in accordance with the Act as it is merely intended to provide the Exchange the flexibility to distinguish between Professionals and non-professional public customer orders for the purposes of COA, which is intended to benefit non-professional public customers by providing a more efficient COA for eligible complex orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Although the Exchange recognizes that the proposal will allow the Exchange to exclude Professionals from COA, the current rules already allow the Exchange to differentiate between order origin types (*i.e.,* non-broker-dealer public customer, broker-dealers that are not Market-Makers or specialists on an options exchange, and/or Market-Makers or specialist on an options exchange). The Exchange believes any perceived burden on Professionals would be outweighed by the potential benefits to public customers. In addition, the proposal would not permit the Exchange to discriminate among individual market participants of the same origin code (*e.g.,* the proposal would not allow the Exchange to permit certain Professional orders to the exclusion of orders from a different Professional).[14] The Exchange does not believe the proposed changes will have any burden on intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2015–045 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2015–045. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2015–045, and should be submitted on or before June 17, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–12687 Filed 5–26–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services,

[10] *See* Rules 1.1 (fff) and (ggg).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *Id.*

[14] *See supra,* note 5.

[15] 17 CFR 200.30–3(a)(12).

100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 31a–2, OMB Control No. 3235–0179, SEC File No. 270–174.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Section 31(a)(1) of the Investment Company Act of 1940 (the ''Act'') (15 U.S.C. 80a–30(a)(1)) requires registered investment companies (''funds'') and certain underwriters, broker-dealers, investment advisers, and depositors to maintain and preserve records as prescribed by Commission rules. Rule 31a–1 under the Act (17 CFR 270.31a–1) specifies the books and records that each of these entities must maintain. Rule 31a–2 under the Act (17 CFR 270.31a–2), which was adopted on April 17, 1944, specifies the time periods that entities must retain certain books and records, including those required to be maintained under rule 31a–1.

Rule 31a–2 requires the following:

1. Every fund must preserve permanently, and in an easily accessible place for the first two years, all books and records required under rule 31a–1(b)(1)–(4).[1]

2. Every fund must preserve for at least six years, and in an easily accessible place for the first two years:

a. All books and records required under rule 31a–1(b)(5)–(12);[2]

b. all vouchers, memoranda, correspondence, checkbooks, bank statements, canceled checks, cash reconciliations, canceled stock certificates, and all schedules evidencing and supporting each computation of net asset value of fund shares, and other documents required to be maintained by rule 31a–1(a) and not enumerated in rule 31a–1(b);

c. any advertisement, pamphlet, circular, form letter or other sales literature addressed or intended for distribution to prospective investors;

d. any record of the initial determination that a director is not an interested person of the fund, and each subsequent determination that the director is not an interested person of the fund, including any questionnaire and any other document used to determine that a director is not an interested person of the company;

e. any materials used by the disinterested directors of a fund to determine that a person who is acting as legal counsel to those directors is an independent legal counsel; and

f. any documents or other written information considered by the directors of the fund pursuant to section 15(c) of the Act (15 U.S.C. 80a–15(c)) in approving the terms or renewal of a contract or agreement between the fund and an investment advisor.[3]

3. Every underwriter, broker, or dealer that is a majority-owned subsidiary of a fund must preserve records required to be preserved by brokers and dealers under rules adopted under section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) (''section 17'') for the periods established in those rules.

4. Every depositor of a fund, and every principal underwriter of a fund (other than a closed-end fund), must preserve for at least six years records required to be maintained by brokers and dealers under rules adopted under section 17 to the extent the records are necessary or appropriate to record the entity's transactions with the fund.

5. Every investment adviser that is a majority-owned subsidiary of a fund must preserve the records required to be preserved by investment advisers under rules adopted under section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) (''section 204'') for the periods specified in those rules.

6. Every investment adviser that is not a majority-owned subsidiary of a fund must preserve for at least six years records required to be maintained by registered investment advisers under rules adopted under section 204 to the extent the records are necessary or appropriate to reflect the adviser's transactions with the fund.

The records required to be maintained and preserved under this part may be maintained and preserved for the required time by, or on behalf of, a fund on (i) micrographic media, including microfilm, microfiche, or any similar medium, or (ii) electronic storage media, including any digital storage medium or system that meets the terms of rule 31a–2(f). The fund, or person that maintains and preserves records on its behalf, must arrange and index the records in a way that permits easy location, access, and retrieval of any particular record.[4]

We periodically inspect the operations of all funds to ensure their compliance with the provisions of the Act and the rules under the Act. Our staff spends a significant portion of its time in these inspections reviewing the information contained in the books and records required to be kept by rule 31a–1 and to be preserved by rule 31a–2.

There are 3146 funds currently operating as of December 31, 2014, all of which are required to comply with rule 31a–2. Based on conversations with representatives of the fund industry and past estimates, our staff estimates that each fund currently spends 220 total hours per year complying with rule 31a–2. Our staff estimates that the 220 hours spent by typical fund would be split evenly between administrative and computer operation personnel,[5] with 110 hours spent by a general clerk at a rate of $57 per hour and 110 hours spent by a senior computer operator at a rate of $87 per hour.[6] Based on these

[1] These include, among other records, journals detailing daily purchases and sales of securities, general and auxiliary ledgers reflecting all asset, liability, reserve, capital, income and expense accounts, separate ledgers reflecting separately for each portfolio security as of the trade date all ''long'' and ''short'' positions carried by the fund for its own account, and corporate charters, certificates of incorporation, by-laws and minute books.

[2] These include, among other records, records of each brokerage order given in connection with purchases and sales of securities by the fund, records of all other portfolio purchases or sales, records of all puts, calls, spreads, straddles or other options in which the fund has an interest, has granted, or has guaranteed, records of proof of money balances in all ledger accounts, files of all advisory material received from the investment adviser, and memoranda identifying persons, committees, or groups authorizing the purchase or sale of securities for the fund.

[3] Section 15 of the Act requires that fund directors, including a majority of independent directors, annually approve the fund's advisory contract and that the directors first obtain from the adviser the information reasonably necessary to evaluate the contract. The information request requirement in section 15 provides fund directors, including independent directors, a tool for obtaining the information they need to represent shareholder interests.

[4] In addition, the fund, or person who maintains and preserves records for the fund, must provide promptly any of the following that the Commission (by its examiners or other representatives) or the directors of the fund may request: (A) A legible, true, and complete copy of the record in the medium and format in which it is stored; (B) a legible, true, and complete printout of the record; and (C) means to access, view, and print the records; and must separately store, for the time required for preservation of the original record, a duplicate copy of the record on any medium allowed by rule 31a–2(f). In the case of records retained on electronic storage media, the fund, or person that maintains and preserves records on its behalf, must establish and maintain procedures: (i) To maintain and preserve the records, so as to reasonably safeguard them from loss, alteration, or destruction; (ii) to limit access to the records to properly authorized personnel, the directors of the fund, and the Commission (including its examiners and other representatives); and (iii) to reasonably ensure that any reproduction of a non-electronic original record on electronic storage media is complete, true, and legible when retrieved.

[5] However, the hour burden may be incurred by a variety of fund staff, and the type of staff position used for compliance with the rule may vary widely from fund to fund.

[6] The estimated salary rates are derived from SIFMA's *Office Salaries in the Securities Industry*

Continued

estimates, our staff estimates that the total annual burden for all funds to comply with rule 31a–2 is 692,120 hours at an estimated cost of $49,832,640.[7]

The hour burden estimates for retaining records under rule 31a–2 are based on our experience with registrants and our experience with similar requirements under the Act and the rules under the Act. The number of burden hours may vary depending on, among other things, the complexity of the fund, the issues faced by the fund, and the number of series and classes of the fund. The estimated average burden hours are made solely for purposes of the Paperwork Reduction Act and are not derived from quantitative, comprehensive, or even representative survey or study of the burdens associated with our rules and forms.

Based on conversations with representatives of the fund industry and past estimates, our staff estimates that the average cost of preserving books and records required by rule 31a–2 is approximately $74,782 annually per fund.[8] As discussed previously, there are 3146 funds currently operating, for a total cost of preserving records as required by rule 31a–2 of approximately $235,264,172 per year.[9] Our staff understands, however, based on previous conversations with representatives of the fund industry, that even in the absence of rule 31a–2 funds would already spend approximately half of this amount ($117,632,086) to preserve these same books and records, as they are also necessary to prepare financial statements, meet various state reporting requirements, and prepare their annual federal and state income tax returns. Therefore, we estimate that the total annual cost burden for all funds as a result of compliance with rule 31a–2 is approximately $117,632,086 per year.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

The collection of information under rule 31a–2 is mandatory for all funds. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov*.

Dated: May 20, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–12684 Filed 5–26–15; 8:45 am]

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2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

[7] This estimate is based on the following calculations: 3146 funds × 220 hours = 692,120 total hours; 692,120 hours/2 = 346,060 hours; 346,060 × $57 rate per hour for a clerk = $19,725,420; 346,060 × $87 rate per hour for a computer operator = $30,107,220; $19,725,420 + $30,107,220 = $49,832,640 total cost.

[8] This estimate is based on staff's 2012 estimate of costs of preserving books and records required by rule 31a–2 ($70,000), adjusted for inflation to January 2015 values using the Personal Consumption Expenditures Chain-Type Price Index (''PCE Index''). The values of the PCE Index are available from the Bureau of Economic Analysis, a bureau of the Department of Commerce. *See* Bureau of Economic Analysis, Table 2.8.6. Real Personal Consumption Expenditures by Major Type of Product, Monthly, Chained Dollars (Last Revised on March 2, 2015), *available at http://www.bea.gov/iTable/iTable.cfm?ReqID=9&step=1#reqid=9&step=3&isuri=1&903=83.* Thus, $70,000 (2012 estimate) × 11,163.6 (Jan. 2015 PCE Index value)/10,449.7 (2012 PCE Index value) = $74,782 (Jan. 2015 inflation adjusted estimate).

[9] This estimate is based on the following calculation: 3146 funds × $74,782 = $235,264,172.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75013; File No. SR–FINRA–2014–048]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change to Adopt FINRA Rule 2242 (Debt Research Analysts and Debt Research Reports)

May 20, 2015.

I. Introduction

On November 14, 2014, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule to adopt new FINRA Rule 2242 (Debt Research Analysts and Debt Research Reports) to address conflicts of interest relating to the publication and distribution of debt research reports. The proposal was published for comment in the **Federal Register** on November 24, 2014.[3] The Commission received five comments on the proposal.[4] On February 19, 2015, FINRA filed Amendment No. 1 responding to the comments received to the proposal as well as to propose amendments in response to these comments. The proposal, as amended by Amendment No. 1, was published for comment in the **Federal Register** on March 18,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Act Release No. 73623 (Nov. 18, 2014); 79 FR 69905 (Nov. 24, 2014). On January 6, 2015, FINRA consented to extending the time period for the Commission to either approve or disapprove the proposed rule change, or to institute proceedings to determine whether to approve or disapprove the proposed rule change, to February 20, 2015.

[4] Letter from Hugh D. Berkson, Executive Vice President and President-Elect, Public Investors Arbitration Bar Association, to Brent J. Fields, Secretary, SEC, dated Dec. 15, 2014; Letter from Kevin Zambrowicz, Associate General Counsel and Managing Director, and Sean Davy, Managing Director, Securities Industry and Financial Markets Association, to Brent J. Fields, Secretary, SEC, dated Dec. 15, 2014; Letter from Yoon-Young Lee, Wilmer Cutler Pickering Hale and Dorr LLP, to Brent J. Fields, Secretary, SEC, dated Dec. 16, 2014; Letter from William Beatty, President, North American Securities Administrators Association, Inc., Brent J. Fields, Secretary, SEC, dated Dec. 19, 2014; and Letter from Kurt N. Schacht, Managing Director, Standards and Financial Market Integrity, and Linda L. Rittenhouse, Director, Capital Markets Policy, CFA Institute, to Brent J. Fields, Secretary, SEC, dated Feb. 9, 2015.

2015.[5] On February 20, 2015, the Commission issued an order instituting proceedings pursuant to Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposal. The order was published for comment in the **Federal Register** on February 26, 2015.[7] The Commission received a further four comments regarding the proceedings or in response to Amendment No. 1,[8] to which FINRA responded via letter on May 5, 2015.[9]

Section 19(b)(2) of the Act[10] provides that, after initiating approval or disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposal was published for comment in the **Federal Register** on November 24, 2014.[11] The 180th day after publication of the notice of the filing of the proposed rule change in the **Federal Register** is May 23, 2015 and the 240th day after publication of the notice of the filing of the proposed rule change in the **Federal Register** is July 22, 2015.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, including the matters raised in the comment letters to the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[12] designates July 22, 2015 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–FINRA–2014–048).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–12690 Filed 5–26–15; 8:45 am]

BILLING CODE 8011–01–P

[5] Exchange Act Release No. 74490 (Mar. 12, 2015); 80 FR 14198 (Mar. 18, 2015).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] Exchange Act Release No. 74340 (Feb. 20, 2015); 80 FR 10538 (Feb. 26, 2015). Specifically, the Commission instituted proceedings to allow for additional analysis of the proposed rule change's consistency with Section 15A(b)(9) of the Act, which requires that FINRA's rules be designed to, among other things, promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. *See id.*

[8] Letter from Stephanie R. Nicholas, WilmerHale, dated Apr. 6, 2015, Letter from Kurt N. Schacht, Managing Director, Standards and Financial Market Integrity, and Linda L. Rittenhouse, Director, Capital Markets Policy, CFA Institute, to Brent J. Fields, Secretary, SEC, dated April 7, 2015, an anonymous comment dated Apr. 8, 2015, and Letter from William Beatty, President and Washington (State) Securities Administrator, North American Securities Administrators Association, Inc., dated Apr. 17, 2015.

[9] Letter from Philip Shaikun, Vice President and Associate General Counsel, FINRA, dated May 5, 2015.

[10] 15 U.S.C. 78s(b)(2).

[11] *See supra* note 3 and accompanying text.

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–31642; File No. 812–14469]

The Royal Bank of Scotland plc, et al.; Notice of Application and Temporary Order

May 20, 2015.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Temporary order and notice of application for a permanent order under section 9(c) of the Investment Company Act of 1940 (''Act'').

SUMMARY OF APPLICATION: Applicants have received a temporary order (''Temporary Order'') exempting them from section 9(a) of the Act, with respect to a guilty plea entered on May 20, 2015, by the Royal Bank of Scotland plc (''RBS'' or the ''Settling Firm'') in the United States District Court for the District of Connecticut (the ''District Court'') in connection with a plea agreement (''Plea Agreement'') between the Settling Firm and the United States Department of Justice (''DOJ''), until the Commission takes final action on an application for a permanent order (the ''Permanent Order,'' and with the Temporary Order, the ''Orders''). Applicants also have applied for a Permanent Order.

APPLICANTS: RBS and Citizens Investment Advisors (''Citizens IA'') (each an ''Applicant'' and together, the ''Applicants'').

DATES: *Filing Date:* The application was filed on May 20, 2015.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 15, 2015, and should be accompanied by proof of service on Applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: RBS: RBS, Gogarburn, P.O. Box 1000, Edinburgh, EH12 1HQ, Scotland; Citizens IA: c/o Citizens Bank, N.A., Mail Stop RC 03–30, One Citizens Plaza, Providence, Rhode Island 02903.

FOR FURTHER INFORMATION CONTACT: Parisa Haghshenas, Senior Counsel, Vanessa M. Meeks, Senior Counsel, or Holly Hunter-Ceci, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a temporary order and a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Applicants' Representations

1. RBS is a company organized under the laws of Scotland and is a wholly-owned subsidiary of The Royal Bank of Scotland Group plc (''RBSG''). RBS and RBSG are international banking and financial services companies that provide a wide range of products and services to customers around the world. RBS and RBSG are both foreign banking organizations for purposes of Section 8 of the International Banking Act of 1978, as amended, and Subpart B of Regulation K, bank holding companies for purposes of the Bank Holding Company Act of 1956, as amended (the ''BHC Act'') and financial holding companies for purposes of the BHC Act. Citizens IA is a separately identifiable department of Citizens Bank, N.A., which is an indirect subsidiary of RBSG and bank subsidiary of Citizens Financial Group, Inc.

2. Citizens IA is an investment adviser registered under the Investment Advisers Act of 1940, as amended. Citizens IA serves as investment sub-

adviser to one management investment company registered under the Act (the ''Fund''). No existing company of which the Settling Firm is an ''affiliated person'' within the meaning of section 2(a)(3) of the Act (''Affiliated Person'') (other than Citizens IA as described above) currently serves as an investment adviser or depositor of any investment company registered under the Act (''RIC''), employees' securities company (''ESC'') or investment company that has elected to be treated as a business development company under the Act (''BDC''), or principal underwriter for any open-end registered investment company under the Act (''Open-End Fund''), unit investment trust registered under the Act (''UIT''), or face-amount certificate company registered under the Act (''FACC'') (such activities, ''Fund Service Activities''), Applicants request that any relief granted by the Commission pursuant to the application also apply to any existing company of which the Settling Firm is an Affiliated Person and to any other company of which the Settling Firm may become an Affiliated Person in the future (together with the Applicants, the ''Covered Persons'') with respect to any activity contemplated by section 9(a) of the Act.[1]

3. On May 20, 2015, the United States Department of Justice (the ''Department of Justice'') filed a one-count criminal information (the ''Information'') in the U.S. District Court for the District of Connecticut (the ''District Court''). The Information charges that between approximately December 2007 and April 2010, the Settling Firm, through one of its euro/U.S. dollar (''EUR/USD'') traders, entered into and engaged in a conspiracy to fix, stabilize, maintain, increase or decrease the price of, and rig bids and offers for, the EUR/USD currency pair exchanged in the foreign currency exchange spot market (''FX Spot Market'') by agreeing to eliminate competition in the purchase and sale of the EUR/USD currency pair in the United States and elsewhere (the ''Conduct'') in violation of Title 15, United States Code, Section 1. The Conduct involved near daily conversations, some of which were in code, in an exclusive electronic chat room used by certain EUR/USD traders, including the EUR/USD trader employed by RBS.

4. Pursuant to the Plea Agreement, the Settling Firm entered a plea of guilty (the ''Guilty Plea'') on May 20, 2015 in the District Court to the offense charged in the Information. In the Plea Agreement, the Settling Firm, among other things, agreed to a fine of $395 million. The Applicants expect that the District Court will enter a judgment against the Settling Firm (the ''Judgment'') that will require remedies that are materially the same as set forth in the Plea Agreement. The individual at the Settling Firm who was identified by the Settling Firm, RBSG or any U.S. or non-U.S. regulatory or enforcement agencies as being responsible for the Conduct has left RBS as of April 2010. RBS and RBS Securities Inc. will also enter into a settlement with the Board of Governors of the Federal Reserve System to resolve certain findings by the Federal Reserve (the ''Federal Reserve Order''). Additionally, RBS entered into a settlement with the U.S. Commodity Futures Trading Commission on November 11, 2014 to resolve certain findings by the CFTC (the ''CFTC Order'') and with the U.K. Financial Conduct Authority (''FCA'') on November 11, 2014 to resolve certain findings by the FCA (the ''FCA Order'').

Applicants' Legal Analysis

1. Section 9(a)(1) of the Act provides, in pertinent part, that a person may not serve or act as an investment adviser or depositor of any registered investment company or a principal underwriter for any registered open-end investment company, registered unit investment trust, or registered face-amount certificate company, if such person within ten years has been convicted of any felony or misdemeanor, including those arising out of such person's conduct as a bank. Section 2(a)(10) of the Act defines the term ''convicted'' to include a plea of guilty. Section 9(a)(3) of the Act extends the prohibitions of section 9(a)(1) to a company any affiliated person of which has been disqualified under the provisions of section 9(a)(1). Section 2(a)(3) of the Act defines ''affiliated person'' to include, among others, any person directly or indirectly controlling, controlled by, or under common control with, the other person. The Settling Firm is an Affiliated Person of Citizens IA within the meaning of section 2(a)(3) of the Act. Therefore, the Applicants state that the Guilty Plea would result in a disqualification of the Applicants for ten years under section 9(a)(3) were they to act in any of the capacities listed in section 9(a) because they would become the subject of a conviction described in section 9(a)(1).

2. Section 9(c) of the Act provides that, upon application, the Commission shall by order grant an exemption from the disqualification provisions of section 9(a) of the Act, either unconditionally or on an appropriate temporary or other conditional basis, to any person if that person establishes that: (a) The prohibitions of section 9(a), as applied to the person, are unduly or disproportionately severe or (b) the conduct of the person has been such as not to make it against the public interest or the protection of investors to grant the exemption. Applicants have filed an application pursuant to section 9(c) seeking a Temporary Order and a Permanent Order exempting the Applicants and other Covered Persons from the disqualification provisions of section 9(a) of the Act. The Applicants and other Covered Persons may, if the relief is granted, in the future act in any of the capacities contemplated by section 9(a) of the Act subject to the applicable terms and conditions of the Orders.

3. Applicants believe they meet the standards for exemption specified in section 9(c). Applicants assert that (i) the scope of the misconduct was limited and did not involve the Adviser Applicant (as defined below) or Fund Service Activities, (ii) application of the statutory bar would impose significant hardships on the Fund and its shareholders, (iii) the prohibitions of section 9(a), if applied to the Adviser Applicant and other Covered Persons, would be unduly or disproportionately severe and (iv) the Conduct did not constitute conduct that would make it against the public interest or protection of investors to grant the exemption from section 9(a).

4. Applicants represent that the Conduct did not involve the Adviser Applicant nor did it involve any of the Applicants acting in the capacity of investment adviser, sub-adviser or depositor to any RIC, or in the capacity of principal underwriter for any Open-End Fund, UIT or FACC. Applicants represent that the Conduct similarly did not involve any RIC, Open-End Fund, UIT or FACC with respect to which the Applicants engaged in Fund Service Activities. Instead, a single employee, who was not employed by the Adviser Applicant or engaged in Fund Service Activities, was identified as being responsible for the Conduct. That employee is no longer employed, and will not be employed in the future, by the Applicants or any other Covered Person. Applicants assert that, in light of the limited scope of the Conduct, it would be unduly and disproportionately severe to impose a section 9(a) disqualification on the Applicants. Applicants further represent that depriving the Fund of the Adviser

[1] The Applicants and other Covered Persons may, if the Orders are granted, in the future act in any of the capacities contemplated by Section 9(a) of the Act subject to the applicable conditions of the Orders.

Applicant as its sub-adviser because of the activities of the Settling Firm would be an unduly severe result, both for the Adviser Applicant's financial position and for the shareholders of the Fund, who would be deprived of the knowledge and expertise of a key service provider. Applicants assert that the conduct of the Applicants has not been such to make it against the public interest or the protection of investors to grant the exemption from section 9(a).

5. Applicants assert that the inability of the Applicant, *i.e.,* Citizens IA, that serves as investment sub-adviser to the Fund (the ''Adviser Applicant'') to continue providing such services to the Fund would result in the Fund and its shareholders facing potential hardship, as outlined in the application. Applicants assert that neither the protection of investors nor the public interest would be served by permitting the section 9(a) disqualifications to apply to the Adviser Applicant because those disqualifications would deprive the Fund of the sub-advisory services that shareholders expected the Fund would receive when they decided to invest in the Fund. Applicants also assert that the prohibitions of section 9(a) could operate to the financial detriment of the Fund and its shareholders, which would be an unduly and disproportionately severe consequence given that the Adviser Applicant was not involved in the Conduct and that the Conduct did not involve Fund Service Activities.

6. Applicants assert that if the Adviser Applicant were barred under section 9(a) from providing investment advisory services to the Fund and were unable to obtain the requested exemption, the effect on its business and employees would be unduly and disproportionately severe. Applicants state that the Adviser Applicant has committed substantial capital and other resources to establishing expertise in sub-advising RICs. Applicants further state that prohibiting the Adviser Applicant from engaging in Fund Service Activities would not only adversely affect its business, but would also adversely affect its employees who are involved in these activities. Many of these employees could experience significant difficulties in finding alternative, fund-related employment. In addition, Applicants assert that if the Applicants or Covered Persons are unable to expand their businesses in the future because of the imposition of the section 9(a) disqualification, it could also have an adverse impact on their businesses.

7. Applicants represent that: (i) None of the current or former directors, officers or employees of Citizens IA had any knowledge of, or had any involvement in, the Conduct; (ii) no current or former employee of the Settling Firm or of any other Covered Person who previously has been or who subsequently may be identified by the Settling Firm, or any U.S. or non-U.S. regulatory or enforcement agencies as having been responsible for the Conduct will have any involvement in providing Fund Service Activities on behalf of any Covered Person or will be an officer, director, or employee of any Applicants or of any other Covered Person; (iii) no employee of the Settling Firm or of any other Covered Person who was involved in the Conduct had any, or will have any future, involvement in the Covered Persons' activities in any capacity described in section 9(a) of the Act; and (iv) because the personnel of Citizens IA did not have any involvement in the Conduct, shareholders of the Fund were not affected any differently than if the Fund had received services from any other non-affiliated investment adviser or principal underwriter.

8. Applicants have agreed that neither they nor any of the other Covered Persons will employ any of the current or former employees of Settling Firm or any Covered Person who previously have been or who subsequently may be identified by the Settling Firm, RBSG or any U.S. or non-U.S. regulatory or enforcement agency as having been responsible for the Conduct without first making a further application to the Commission pursuant to section 9(c).

9. Applicants have also agreed that each Applicant (and any Covered Person) will adopt and implement policies and procedures reasonably designed to ensure compliance with the terms and conditions of the Orders granted under section 9(c).

10. In addition, the Settling Firm has agreed to comply in all material respects with the material terms and conditions of the Plea Agreement, the CFTC Order, the Federal Reserve Order, the FCA Order, or any other orders issued by regulatory or enforcement agencies addressing the Conduct. Applicants further state that RBS and its affiliates have undertaken certain remedial measures, as described in greater detail in the application. These include certain remedial measures as required by the Plea Agreement, the CFTC Order, the Federal Reserve Order, and the FCA Order, including improvements to the oversight, internal controls, compliance, risk management and audit programs for FX trading. Specifically, Applicants represent that RBSG and RBS have taken a number of steps to enhance its internal controls, policies and procedures relating to its FX activities. These changes, include, but are not limited to the following: Restricting participation by traders in multi-bank chat rooms; prohibiting mobile communication devices on dealing floors; strengthening surveillance of electronic, audio and trade communications at FX desks; mandating regular training for all FX employees concerning appropriate trading behavior; enhancing policies, procedures and guidance related to market color, client orders and FX fix orders; and improving customer disclosures relating to and enhancing controls around FX fix orders.

11. As a result, Applicants submit that granting an exemption as requested in the application would be consistent with the public interest and the protection of investors.

12. To provide further assurance that the exemptive relief being requested herein would be consistent with the public interest and the protection of the investors, the Applicants agree that they will, as soon as reasonably practical, distribute to the board of trustees (''Board'') of the Fund written materials describing the circumstances that led to the Guilty Plea, any impact on the Fund and the application. The written materials will include an offer to discuss the materials at an in-person meeting with the Board of the Fund, including the directors who are not ''interested persons'' of the Fund as defined in section 2(a)(19) of the Act and their independent legal counsel as defined in rule 0–1(a)(6) under the Act. The Applicants undertake to provide the Fund's Board with all information concerning the Plea Agreement and the application necessary for the Fund to fulfill its disclosure and other obligations under the federal securities laws and will provide it a copy of the Judgment as entered by the District Court.

13. Applicants state that certain of the Applicants and their affiliates have previously received an order under section 9(c) of the Act, as the result of conduct that triggered section 9(a), as described in greater detail in the application.

Applicants' Conditions

Applicants agree that any order granted by the Commission pursuant to the application will be subject to the following conditions:

1. Any temporary exemption granted pursuant to the application shall be without prejudice to, and shall not limit the Commission's rights in any manner with respect to, any Commission investigation of, or administrative

proceedings involving or against, Covered Persons, including, without limitation, the consideration by the Commission of a permanent exemption from section 9(a) of the Act requested pursuant to the application or the revocation or removal of any temporary exemptions granted under the Act in connection with the application.

2. Neither the Applicants nor any of the other Covered Persons will employ any of the current or former employees of the Settling Firm or any Covered Person who previously has been or who subsequently may be identified by the Settling Firm, RBSG or any U.S. or non-U.S. regulatory or enforcement agency as having been responsible for the Conduct, without first making a further application to the Commission pursuant to section 9(c).

3. Each Applicant and Covered Person will adopt and implement policies and procedures reasonably designed to ensure that it will comply with the terms and conditions of the Orders within 60 days of the date of the Permanent Order or, with respect to condition 4, such date as may be contemplated by the Plea Agreement, or the CFTC Order, the Federal Reserve Order, the FCA Order, or any other orders issued by regulatory or enforcement agencies addressing the Conduct.

4. The Settling Firm will comply in all material respects with the material terms and conditions of the Plea Agreement, with the material terms of the CFTC Order, the Federal Reserve Order, the FCA Order or any other orders issued by regulatory or enforcement agencies addressing the Conduct.

5. Applicants will provide written notification to the Chief Counsel of the Commission's Division of Investment Management with a copy to the Chief Counsel of the Commission's Division of Enforcement of a material violation of the terms and conditions of any of the Orders within 30 days of discovery of the material violation.

Temporary Order

The Commission has considered the matter and finds that Applicants have made the necessary showing to justify granting a temporary exemption.

Accordingly,

It is hereby ordered, pursuant to section 9(c) of the Act, that the Applicants and any other Covered Persons are granted a temporary exemption from the provisions of section 9(a), solely with respect to the guilty plea entered into pursuant to the Plea Agreement, subject to the representations and conditions in the application, from May 20, 2015 until the Commission takes final action on their application for a permanent order.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–12757 Filed 5–26–15; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 23c–3 and Form N–23c–3, OMB Control No. 3235–0422, SEC File No. 270–373.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et. seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 23c–3 (17 CFR 270.23c–3) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) permits a registered closed-end investment company (''closed-end fund'' or ''fund'') that meets certain requirements to repurchase common stock of which it is the issuer from shareholders at periodic intervals, pursuant to repurchase offers made to all holders of the stock. The rule enables these funds to offer their shareholders a limited ability to resell their shares in a manner that previously was available only to open-end investment company shareholders. To protect shareholders, a closed-end fund that relies on rule 23c–3 must send shareholders a notification that contains specified information each time the fund makes a repurchase offer (on a quarterly, semi-annual, or annual basis, or, for certain funds, on a discretionary basis not more often than every two years). The fund also must file copies of the shareholder notification with the Commission (electronically through the Commission's Electronic Data Gathering, Analysis, and Retrieval System (''EDGAR'')) on Form N–23c–3, a filing that provides certain information about the fund and the type of offer the fund is making.[1] The fund must describe in its annual report to shareholders the fund's policy concerning repurchase offers and the results of any repurchase offers made during the reporting period. The fund's board of directors must adopt written procedures designed to ensure that the fund's investment portfolio is sufficiently liquid to meet its repurchase obligations and other obligations under the rule. The board periodically must review the composition of the fund's portfolio and change the liquidity procedures as necessary. The fund also must file copies of advertisements and other sales literature with the Commission as if it were an open-end investment company subject to section 24 of the Investment Company Act (15 U.S.C. 80a–24) and the rules that implement section 24. Rule 24b–3 under the Investment Company Act (17 CFR 270.24b–3), however, exempts the fund from that requirement if the materials are filed instead with the Financial Industry Regulatory Authority (''FINRA'').

The requirement that the fund send a notification to shareholders of each offer is intended to ensure that a fund provides material information to shareholders about the terms of each offer. The requirement that copies be sent to the Commission is intended to enable the Commission to monitor the fund's compliance with the notification requirement. The requirement that the shareholder notification be attached to Form N–23c–3 is intended to ensure that the fund provides basic information necessary for the Commission to process the notification and to monitor the fund's use of repurchase offers. The requirement that the fund describe its current policy on repurchase offers and the results of recent offers in the annual shareholder report is intended to provide shareholders current information about the fund's repurchase policies and its recent experience. The requirement that the board approves and review written procedures designed to maintain portfolio liquidity is intended to ensure that the fund has enough cash or liquid securities to meet its repurchase obligations, and that written procedures are available for review by shareholders and examination by the Commission. The requirement that the fund file advertisements and sales literature as if it were an open-end fund is intended to facilitate the review

[1] Form N–23c–3, entitled ''Notification of Repurchase Offer Pursuant to Rule 23c–3,'' requires the fund to state its registration number, its full name and address, the date of the accompanying shareholder notification, and the type of offer being made (periodic, discretionary, or both).

of these materials by the Commission or FINRA to prevent incomplete, inaccurate, or misleading disclosure about the special characteristics of a closed-end fund that makes periodic repurchase offers.

Based on staff experience, the Commission staff estimates that 21 funds make use of rule 23c–3 annually, including six funds that are relying upon rule 23c–3 for the first time. The Commission staff estimates that on average a fund spends 89 hours annually in complying with the requirements of the rule and Form N–23c–3, with funds relying upon rule 23c–3 for the first time incurring an additional one-time burden of 28 hours. The Commission therefore estimates the total annual burden of the rule's and form's paperwork requirements to be 2,037 hours. In addition to the burden hours, the Commission estimates that the average yearly cost to each fund that relies on rule 23c–3 to print and mail repurchase offers to shareholders is approximately $29,966.50. The Commission estimates total annual cost is therefore approximately $629,297.

Estimates of average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of the rule and form is mandatory only for those funds that rely on the rule in order to repurchase shares of the fund. The information provided to the Commission on Form N–23c–3 will not be kept confidential. 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.

Written comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burdens of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: May 20, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–12685 Filed 5–26–15; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14319 and #14320]

New York Disaster #NY–00160

AGENCY: U.S. Small Business Administration.

ACTION: Notice

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of NEW YORK dated 05/19/2015.

Incident: Multi Story Buildings Fire.

Incident Period: 04/10/2015.

Effective Date: 05/19/2015.

Physical Loan Application Deadline Date: 07/20/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 02/19/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Rensselaer

Contiguous Counties:

New York: Albany, Columbia, Greene, Saratoga, Washington

Massachusetts: Berkshire

Vermont: Bennington

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.625
Homeowners Without Credit Available Elsewhere	1.813
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14319 5 and for economic injury is 14320 0.

The States which received an EIDL Declaration # are New York, Massachusetts, Vermont.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: May 19, 2015.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2015–12677 Filed 5–26–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14321 and #14322]

West Virginia Disaster #WV–00019

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of West Virginia (FEMA–4220–DR), dated 05/18/2015.

Incident: Severe Storms, Flooding, Landslides, and Mudslides.

Incident Period: 04/08/2015 through 04/11/2015.

Effective Date: 05/18/2015.

Physical Loan Application Deadline Date: 07/17/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 02/18/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 05/18/2015, Private Non-Profit organizations that provide essential services of governmental nature may file

disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Braxton, Brooke, Doddridge, Gilmer, Jackson, Lewis, Marshall, Ohio, Pleasants, Ritchie, Tyler, Wetzel.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14321B and for economic injury is 14322B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–12680 Filed 5–26–15; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2015–0029]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and extensions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov.*

Or you may submit your comments online through *www.regulations.gov*, referencing Docket ID Number [SSA–2015–0029].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than July 27, 2015. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. *Statement of Employer—20 CFR 404.801–404.803—0960–0030.* When workers report they were paid wages but cannot provide proof of those earnings, and the wages do not appear in SSA's records of earnings, SSA uses Form SSA–7011–F4 to document the alleged wages. Specifically, the agency uses the form to resolve discrepancies in the individual's Social Security earnings record and to process claims for Social Security benefits. We only send Form SSA–7011–F4 to employers if we are unable able to locate the earnings information within our own records. The respondents are employers who can verify wage allegations made by wage earners.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–7011–F4	500	1	20	167

2. *Function Report Adult-Third Party—20 CFR 404.1512 & 416.912—0960–0635.* Individuals receiving or applying for Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) provide SSA with medical evidence and other proof SSA requires to prove their disability. SSA, and Disability Determination Services (DDS) on our behalf, collect this information using Form SSA–3380–BK. We use the information to document how claimant's disabilities affect their ability to function, and to determine eligibility for SSI and SSDI claims. The respondents are third parties familiar with the functional limitations (or lack thereof) of claimants who apply for SSI and SSDI benefits.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–3380–BK	780,000	1	61	793,000

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding the information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than June 26, 2015. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. *Application for Parent's Insurance Benefits—20 CFR 404.370–404.374, 20 CFR 404.601–404.603—0960–0012.* Section 202(h) of the Social Security Act establishes the conditions of eligibility a claimant must meet to receive monthly benefits as a parent of a deceased worker. SSA uses information from Form SSA–7–F6 to determine if the

claimant meets the eligibility and application criteria. The respondents are applicants for, and recipients of, Social Security Old Age, Survivors, and Disability Insurance (OASDI).

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Modernized Claims System (MCS)	153	1	15	38
MCS/Signature Proxy	158	1	14	37
Paper Form	4	1	15	1
Total	315			76

2. *Request for Withdrawal of Application—20 CFR 404.640—0960–0015.* Form SSA–521 documents the information SSA needs to process the withdrawal of an application for benefits. A paper SSA–521 is our preferred instrument for executing a withdrawal request; however, any written request for withdrawal signed by the claimant or a proper applicant on the claimant's behalf will suffice. Individuals who wish to withdraw their applications for benefits complete Form SSA–521, or sign the completed form for each request to withdraw. SSA uses the information from the SSA–521 to process the request for withdrawal. The respondents are applicants for Retirement, Survivors, Disability, and Health Insurance benefits.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–521	39,000	1	5	3,250

3. *Claimant's Medication—20 CFR 404.1512, 416.912—0960–0289.* In cases where claimants request a hearing after denial of their disability claim for Social Security, SSA uses Form HA–4632 to request information from the claimant regarding the medications they use. This information helps the administrative law judge overseeing the case to fully investigate: (1) The claimant's medical treatment and (2) the effects of the medications on the claimant's medical impairments and functional capacity. The respondents are applicants (or their representatives) for OASDI benefits or SSI payments who request a hearing to contest an agency denial of their claim.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HA–4632 (paper)	20,000	1	15	5,000
Electronic Records Express	180,000	1	15	45,000
Total	200,000			50,000

4. *Permanent Residence in the United States Under Color of Law (PRUCOL)—20 CFR 416.1615 and 416.1618—0960–0451.* As per 20 CFR 416.1415 and 416.1618 of the Code of Federal Regulations, SSA requires claimants or recipients to submit evidence of their alien status when they apply for SSI payments, and periodically thereafter as part of the eligibility determination process for SSI. When SSA cannot verify evidence of alien status through the regular claimant interview process, SSA verifies the validity of the evidence of PRUCOL for grandfathered nonqualified aliens with the Department of Homeland Security (DHS), and determines if the individual qualifies for PRUCOL status based on the DHS response. SSA does not maintain any forms or applications for respondents to use, rather, the regulations listed in 20 CFR 416.1615 and 416.1618 specify the information respondents need to submit to SSA to show evidence of PRUCOL. Without this information, SSA is unable to determine whether the PRUCOL individual is eligible for SSI payments. Respondents are qualified and unqualified aliens who apply for SSI payments under PRUCOL.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Personal or Telephone Interview	1,049	1	5	87

5. *Authorization for the Social Security Administration to Obtain Account Records from a Financial Institution and Request for Records (Medicare)—0960–0729.* The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) established the Medicare Part D program for voluntary prescription drug coverage of premium, deductible, and copayment costs for individuals with limited income and resources. The MMA mandates that the Government provide subsidies for those individuals who qualify for the program, and who meet eligibility criteria for help with premium, deductible, or co-payment costs. SSA uses the SSA–4640, Authorization for the Social Security Administration to Obtain Account Records from a Financial Institution and Request for Records (Medicare) to determine if subsidy applicants or recipients qualify, or continue to qualify, for the subsidy. SSA uses Form SSA–4640 to:

(1) Obtain the individual's consent to verify balances of financial institution (FI) accounts; and (2) obtain verification of such balances from the FI. Respondents are Medicare Part D program subsidy applicants or claimants, and their financial institutions.

This is a correction notice. SSA published this information collection as a revision on March 9, 2015 at 80 FR 12542. Since we are not revising the Privacy Act Statement, this is now an extension of an OMB-approved information collection.

Type of Request: Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Medicare Part D Subsidy Applicants	5,000	1	1	83
Financial Institutions	5,000	1	4	333
Total	10,000			416

Dated: May 20, 2015.

Faye I. Lipsky,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2015–12671 Filed 5–26–15; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 9147]

Certifications Pursuant to Section 609 of Public Law 101–162

SUMMARY: On April 27, 2015, the Department of State certified, pursuant to Section 609 of Public Law 101–162, that 14 nations have adopted programs to reduce the incidental capture of sea turtles in their shrimp fisheries comparable to the program in effect in the United States. The Department also certified that the fishing environments in 26 other countries and one economy do not pose a threat of the incidental taking of sea turtles protected under Section 609.

DATES: Effective on Publication.

FOR FURTHER INFORMATION CONTACT: Stephen J. Wilger, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520–7818; telephone: (202) 647–3263; email: *wilgersj2@state.gov.*

SUPPLEMENTARY INFORMATION: Section 609 of Public Law 101–162 (''Section 609'') prohibits imports of certain categories of shrimp unless the President certifies to the Congress by May 1, 1991, and annually thereafter, either: (1) That the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State (''the Department''). Revised State Department guidelines for making the required certifications were published in the **Federal Register** on July 2, 1999 (Vol. 64, No. 130, Public Notice 3086).

On April 27, 2015, the Department certified 14 nations on the basis that their sea turtle protection programs are comparable to that of the United States: Colombia, Costa Rica, Ecuador, El Salvador, Gabon, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Nigeria, Pakistan, Panama, and Suriname. The Department also certified 26 shrimp harvesting nations and one economy as having fishing environments that do not pose a danger to sea turtles. Sixteen nations have shrimping grounds only in cold waters where the risk of taking sea turtles is negligible. They are: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. Ten nations and one economy only harvest shrimp using small boats with crews of less than five that use manual rather than mechanical means to retrieve nets, or catch shrimp using other methods that do not threaten sea turtles. Use of such small-scale technology does not adversely affect sea turtles. The 10 nations and one economy are: The Bahamas, Belize, China, the Dominican Republic, Fiji, Hong Kong, Jamaica, Oman, Peru, Sri Lanka, and Venezuela. The Department of State has communicated the certifications under Section 609 to the Office of Field Operations of U.S. Customs and Border Protection.

All DS–2031 forms accompanying shrimp imports from uncertified nations must be originals and signed by the competent domestic fisheries authority.

Shrimp harvested with turtle excluder devices (TEDs) in an uncertified nation may, under specific circumstances, be eligible for importation into the United States under the DS–2031 section 7(A)(2) provision for ''shrimp harvested by commercial shrimp trawl vessels using TEDs comparable in effectiveness to those required in the United States.'' Use of this provision requires that the Department of State determine in advance that the government of the harvesting nation has put in place adequate procedures to monitor the use of TEDS in the specific fishery in question and to ensure the accurate completion of the DS–2031 forms. At this time, the Department has made such a determination only with respect to specific and limited fisheries in Australia and France. Thus, the importation of TED-caught shrimp from any other uncertified nation will not be allowed. For Australia, shrimp harvested in the Exmouth Gulf Prawn Fishery, the Northern Prawn Fishery,

the Queensland East Coast Trawl Fishery, and the Torres Strait Prawn Fishery are eligible for entry under this provision. For France, shrimp harvested in the French Guiana domestic trawl fishery are eligible for entry under this provision. An official of the competent domestic fisheries authority for the country where the shrimp were harvested must sign the DS–2031 form accompanying these imports into the United States.

In addition, the Department has determined that shrimp harvested in the Spencer Gulf region in Australia and Mediterranean red shrimp (*Aristeus antennatus*) harvested in the Mediterranean Sea by Spain may be exported to the United States under the DS–2031 section 7(A)(4) provision for ''shrimp harvested in a manner or under circumstances determined by the Department of State not to pose a threat of the incidental taking of sea turtles.'' An official of the Government of Australia or Spain must certify the DS–2031 form accompanying these imports into the United States.

Dated: May 20, 2015.

David A. Balton,

Deputy Assistant Secretary of State for Oceans and Fisheries, Department of State.

[FR Doc. 2015–12750 Filed 5–26–15; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 9148]

Determination and Certification Under Section 40A of the Arms Export Control Act

Pursuant to section 40A of the Arms Export Control Act (22 U.S.C. 2781), and Executive Order 13637, as amended, I hereby determine and certify to the Congress that the following countries are not cooperating fully with United States antiterrorism efforts:

Eritrea

Iran

Democratic People's Republic of Korea (DPRK, or North Korea)

Syria

Venezuela

This determination and certification shall be transmitted to the Congress and published in the **Federal Register**.

Dated: May 11, 2015.

John Kerry,

Secretary of State.

[FR Doc. 2015–12747 Filed 5–26–15; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Buy America Waiver Notification

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the obligation of Federal-aid funds for 21 State projects involving the acquisition of vehicles and equipment on the condition that they be assembled in the U.S.

DATES: The effective date of the waiver is May 28, 2015.

FOR FURTHER INFORMATION CONTACT: For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, 202–366–1562, or via email at *gerald.yakowenko@dot.gov*. For legal questions, please contact Mr. Jomar Maldonado, FHWA Office of the Chief Counsel, 202–366–1373, or via email at *jomar.maldonado@dot.gov*. Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded from the **Federal Register**'s home page at *http://www.archives.gov* and the Government Printing Office's database at *http://www.access.gpo.gov/nara.*

Background

This notice provides information regarding FHWA's finding that a Buy America waiver is appropriate for the obligation of Federal-aid funds for 21 State projects involving the acquisition of vehicles (including sedans, vans, pickups, trucks, buses, and street sweepers) and equipment (such as snooper truck and trail grooming equipment) on the condition that they be assembled in the U.S. The waiver would apply to approximately 249 vehicles. The requests, available at *http://www.fhwa.dot.gov/construction/contracts/cmaq150325.cfm,* are incorporated by reference into this notice. These projects are being undertaken to implement air quality improvement, safety, and mobility goals under FHWA's Congestion Mitigation and Air Quality Improvement Program; National Bridge and Tunnel Inventory and Inspection Program; and the Recreational Trails Program.

Title 23, Code of Federal Regulations, section 635.410 requires that steel or iron materials (including protective coatings) that will be permanently incorporated in a Federal-aid project must be manufactured in the U.S. For FHWA, this means that all the processes that modified the chemical content, physical shape or size, or final finish of the material (from initial melting and mixing, continuing through the bending and coating) occurred in the U.S. The statute and regulations create a process for granting waivers from the Buy America requirements when its application would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. In 1983, FHWA determined that it was both in the public interest and consistent with the legislative intent to waive Buy America for manufactured products other than steel manufactured products. However, FHWA's national waiver for manufactured products does not apply to the requests in this notice because they involve predominately steel and iron manufactured products. The FHWA's Buy America requirements do not have special provisions for applying Buy America to ''rolling stock'' such as vehicles or vehicle components (see 49 U.S.C. 5323(j)(2)(C), 49 CFR 661.11, and 49 U.S.C. 24405(a)(2)(C) for examples of Buy America rolling stock provisions for other DOT agencies).

Based on all the information available to the agency, FHWA concludes that there are no domestic manufacturers that produce the vehicles and vehicle components identified in this notice in such a way that their steel and iron elements are manufactured domestically. The FHWA's Buy America requirements were tailored to the types of products that are typically used in highway construction, which generally meet the requirement that steel and iron materials be manufactured domestically. In today's global industry, vehicles are assembled with iron and steel components that are manufactured all over the world. The FHWA is not aware of any domestically produced vehicle on the market that meets FHWA's Buy America requirement to have all its iron and steel be manufactured exclusively in the U.S. For example, the Chevrolet Volt, which was identified by many commenters in a November 21, 2011, **Federal Register** Notice (76 FR 72027) as a car that is made in the U.S., is comprised of only 45 percent of U.S. and Canadian content according to the National Highway Traffic Safety Administration's Part 583 American Automobile Labeling Act Report Web

page (*http://www.nhtsa.gov/Laws+&+Regulations/Part+583+American+Automobile+Labeling+Act+(AALA)+Reports*). Moreover, there is no indication of how much of this 45 percent content is U.S.-manufactured (from initial melting and mixing) iron and steel content.

In accordance with Division K, section 122 of the ''Consolidated and Further Continuing Appropriations Act, 2015'' (P.L. 113–235), FHWA published a notice of intent to issue a waiver on its Web site at *http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=106* on March 25, 2015. The FHWA received six comments in response to the publication. Four commenters expressed support for granting the waiver. Two commenters opposed the waiver. One commenter opposed granting the waiver indicating that granting large quantity blanket waivers was not the intent of Congress. Another commenter argued for establishing a reduced share or a penalty program instead of granting the waiver. The commenter questioned the grant applicants' decisions to request funding for new vehicles instead of converting existing vehicles to Compressed Natural Gas (CNG) vehicles and to request funding for CNG school buses. The commenter also indicated the lack of connection between congestion and air quality mitigation with recreational trail snow grooming equipment. The FHWA notes that this equipment would be funded with funds made available under the Recreational Trails Program. None of the commenters objecting to the waiver identified a manufacturer that meets the Buy America requirements for the vehicles and equipment listed in the March 25, 2015 notice.

Based on FHWA's conclusion that there are no domestic manufacturers that can produce the vehicles and equipment identified in this notice in such a way that steel and iron materials are manufactured domestically, and after consideration of the comments received, FHWA finds that application of FHWA's Buy America requirements to these products is inconsistent with the public interest (23 U.S.C. 313(b)(1) and 23 CFR 635.410(c)(2)(i)). However, FHWA believes that it is in the public interest and consistent with the Buy America requirements to impose the condition that the vehicles and the vehicle components be assembled in the U.S. Requiring final assembly to be performed in the U.S. is consistent with past guidance to FHWA Division Offices on manufactured products (see Memorandum on Buy America Policy Response, Dec. 22, 1997, *http://www.fhwa.dot.gov/programadmin/contracts/122297.cfm*). A waiver of the Buy America requirement without any regard to where the vehicle is assembled would diminish the purpose of the Buy America requirement. Moreover, in today's economic environment, the Buy America requirement is especially significant in that it will ensure that Federal Highway Trust Fund dollars are used to support and create jobs in the U.S. This approach is similar to the conditional waivers previously given for various vehicle projects. Thus, so long as the final assembly of the 21 State projects occurs in the U.S., applicants to this waiver request may proceed to purchase these vehicles and equipment consistent with the Buy America requirement.

In accordance with the provisions of section 117 of the ''Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Technical Corrections Act of 2008'' (Pub. L. 110–244), FHWA is providing this notice of its finding that a public interest waiver of Buy America requirements is appropriate on the condition that the vehicles and equipment identified in the notice be assembled in the U.S. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to FHWA's Web site via the link provided to the waiver page noted above.

(Authority: 23 U.S.C. 313; Pub. L. 110–161, 23 CFR 635.410)

Issued on: May 19, 2015.

Gregory G. Nadeau,

Acting Administrator, Federal Highway Administration.

[FR Doc. 2015–12759 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0062]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TRILOGY; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before June 26, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0062. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., ET, Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel TRILOGY is:

Intended Commercial Use of Vessel: ''Passenger chartering in and around the waters near Fort Lauderdale, FL for purpose of leisure recreation and site seeing.''

Geographic Region: ''Florida, Georgia, North Carolina, Virginia, Maryland.''

The complete application is given in DOT docket MARAD–2015–0062 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into 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, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: May 12, 2015.

Thomas M. Hudson, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–12731 Filed 5–26–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0068]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel KOOKABURRA; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before June 26, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0068. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel KOOKABURRA is:

Intended Commercial Use of Vessel: ''Bare Boat Charter''.

Geographic Region: Washington State.

The complete application is given in DOT docket MARAD–2015–0068 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

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By Order of the Maritime Administrator

Date: May 19, 2015.

Thomas M. Hudson, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–12728 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0066]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel QUEEN ANNE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before June 26, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0066. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel QUEEN ANNE is:

Intended Commercial Use Of Vessel: ''Carry passengers only''.

Geographic Region: ''California''.

The complete application is given in DOT docket MARAD–2015–0066 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders

or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into 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, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: May 19, 2015.

Thomas M. Hudson, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–12729 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0063]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel RONIN; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before June 26, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0063. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel RONIN is:

Intended Commercial Use of Vessel: ''Commercial sailing charters navigating the waters of the North West''.

Geographic Region: Washington State.

The complete application is given in DOT docket MARAD–2015–0063 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into 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, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: May 12, 2015.

Thomas M. Hudson, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–12749 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0065]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ANTHEM; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before June 26, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0065. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ANTHEM is:

Intended Commercial Use of Vessel: ''Day and overnight charter''.

Geographic Region: ''Florida''.

The complete application is given in DOT docket MARAD–2015–0065 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into 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, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: May 19, 2015.

Thomas M. Hudson, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–12727 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket Number NHTSA–2015–0049]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below will be forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden.

DATES: Comments must be received on or before June 26, 2015.

ADDRESSES: Send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Gary R. Toth, Office of Data Acquisition (NVS–410), Room W53–505, 1200 New Jersey Avenue SE., Washington, DC 20590. Mr. Toth's telephone number is (202) 366–5378 and his email address is *gary.toth@dot.gov.*

SUPPLEMENTARY INFORMATION: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). In compliance with these requirements, this notice announces that the following information collection request has been forwarded to OMB. A **Federal Register** Notice with a 60-day comment period was published on Monday, September 29, 2014 (Volume 79, Number 188, pages 58402 and 58403). NHTSA did not receive any comments.

Title: Crash Report Sampling System (CRSS).

Type of Request: New information collection.

OMB Control Number: None.

Abstract: Under both the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle Safety Act of 1966, the National Highway Traffic Safety Administration (NHTSA) has the responsibility to collect crash data that support the establishment and enforcement of motor vehicle regulations and highway safety programs. These regulations and programs are developed to reduce the severity of injury and the property damage associated with motor vehicle crashes. In the late 1970s, NHTSA's National Center for Statistics and Analysis (NCSA) devised a multidisciplinary approach to meet the data needs of our end users that utilizes an efficient combination of census, sample-based, and existing State files to provide nationally representative traffic crash data on a timely basis. NCSA operates data programs consisting of records-based systems that include the Fatality Analysis Reporting System (FARS) and the National Automotive Sampling System General Estimates System (NASS–GES); and detailed crash investigation-based systems which include the National Automotive Sampling System Crashworthiness Data System (NASS–CDS) and the Special Crash Investigations (SCI) program. NASS–CDS focused on the crashworthiness of passenger cars, light trucks, and vans involved in crashes and damaged enough to be towed. NASS–GES, on the other hand, collected limited data on other highway crashes in order to produce general estimates.

Recognizing the importance as well as the limitations of the current National Automotive Sampling Systems, NHTSA is undertaking a modernization effort to upgrade our data systems by improving the information technology infrastructure, updating the data we collect and reexamining the sample sites. The goal of this overall modernization effort is to develop new crash data systems that meet current and future data needs. The new systems will be designed to collect record-based information and investigation-based information. The redesigned records-based acquisition process will identify highway safety problem areas and provide general data trends and will be referred to as the Crash Report Sampling System (CRSS).

CRSS will obtain data from a nationally representative probability sample selected from police-reported motor vehicle traffic crashes. Specifically, crashes involving at least one motor vehicle in transport on a trafficway that result in property damage, injury or a fatality will be included in the CRSS sample. The crash reports sampled will be chosen from selected areas that reflect the geography, population, miles driven, and the number of crashes in the United States. No additional data beyond the selected crash reports will be collected. Once the crash reports are received they will be coded and the data will be entered into the CRSS database.

CRSS will acquire national information on fatalities, injuries and property damage only directly from existing State police crash reports. CRSS data quality reviews will be conducted to determine whether the data acquired are responsive to the total user population needs. The user population includes Federal and State agencies, automobile manufacturers, insurance companies, and the private sector. Annual changes in the sample parameters are minor in terms of operation and method of data collection, and do not affect the reporting burden of the respondent (CRSS data coders will utilize existing State crash files).

Affected Public: Federal and State agencies and the private sector.

Estimated Annual Burden: 7,280 hours.

Requested Expiration Date of Approval: Three (3) years from the approval date. Please note that this period was incorrectly stated as five (5) years in the 60 day notice.

Estimated Number of Responses: 840.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. chap. 35; 49 U.S.C. 30181–83.

Under authority delegated in 49 CFR 1.95.

Terry T. Shelton,

Associate Administrator, National Center for Statistics and Analysis.

[FR Doc. 2015–12679 Filed 5–26–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 55 (Sub-No. 740X)]

CSX Transportation, Inc.—Abandonment Exemption—in Niagara Falls, Niagara County, NY

CSX Transportation, Inc. (CSXT) has filed a verified notice of exemption under 49 CFR pt. 1152 subpart F—*Exempt Abandonments* to abandon approximately a 0.48-mile rail line on its Northern Region, Albany Division, Niagara Subdivision, between milepost QDD 173.81 (south of Lafayette Avenue) and the end of the track at milepost QDD 173.33 (north of University Drive) in Niagara Falls, Niagara County, NY (the Line).[1] The Line traverses United States Postal Service Zip Code 14305. CSXT states that the Niagara Falls station at OPSL 40730 and FSAC 17780 serves the Line, but will not be closed as a result of the proposed abandonment.

CSXT has certified that: (1) No freight traffic has moved over the Line for at least two years; (2) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is either pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (3) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on June 26, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by June 8, 2015. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 16, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to CSXT's representative: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

CSXT has filed environmental and historic reports that address the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by June 1, 2015. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by CSXT's filing of a notice of consummation by May 27, 2016, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV*.''

Decided: May 21, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2015–12819 Filed 5–26–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

AGENCY: Department of the Treasury.

ACTION: Notice.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before June 26, 2015 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to

[1] CSXT states that, following abandonment, it plans to salvage the track and materials and sell or lease the real estate.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

(1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by emailing *PRA@treasury.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Alcohol and Tobacco Tax and Trade Bureau (TTB)

OMB Number: 1513–0026.

Type of Review: Revision of a currently approved collection.

Title: Claim for Drawback of Tax on Tobacco Products, Cigarette Papers, and Cigarette Tubes.

Form: TTB F 5620.7.

Abstract: Respondents use TTB F 5620.7 to document the export of, and to claim drawback of the Federal excise tax paid on, tobacco products, cigarette papers, and cigarette tubes exported to a foreign country, Puerto Rico, or the Virgin Islands after tax payment.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 97.

OMB Number: 1513–0112.

Type of Review: Revision of a currently approved collection.

Title: Special (Occupational) Tax Registration and Return.

Form: TTB F 5630.5a, 5630.5d, and 5630.5t.

Abstract: Chapter 52 of the Internal Revenue Code (26 U.S.C.) requires tobacco products manufacturers, cigarette papers and tubes manufacturers, and tobacco product export warehouse proprietors to register for and pay special (occupational) tax (SOT). TTB F 5630.5t is used for registration and tax payment for such businesses. With regard to alcohol, in 2005, section 11125 of Public Law 109–59 permanently repealed, effective July 1, 2008, the SOT on all alcohol dealers required by chapter 51 of the Internal Revenue Code (26 U.S.C.). However, the registration requirement for such entities remains in force. TTB F 5630.5a is a tax return/registration for persons already in business who failed to register or pay SOT on or before June 30, 2008, and TTB F 5630.5d is used to register alcohol dealers on and after July 1, 2008.

Affected Public: Private Sector: Businesses or other for-profits, Not-for-profit institutions; Individuals or Households.

Estimated Annual Burden Hours: 3,478.

Dated: May 21, 2015.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2015–12725 Filed 5–26–15; 8:45 am]

BILLING CODE 4810–31–P

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H.R. 606/P.L. 114–14

Don't Tax Our Fallen Public Safety Heroes Act (May 22, 2015; 129 Stat. 198)

H.R. 651/P.L. 114–15

To designate the facility of the United States Postal Service located at 820 Elmwood Avenue in Providence, Rhode Island, as the ''Sister Ann Keefe Post Office''. (May 22, 2015; 129 Stat. 199)

H.R. 1075/P.L. 114–16

To designate the United States Customs and Border Protection Port of Entry located at First Street and Pan American Avenue in Douglas, Arizona, as the ''Raul Hector Castro Port of Entry''. (May 22, 2015; 129 Stat. 200)

H.R. 1191/P.L. 114–17

Iran Nuclear Agreement Review Act of 2015 (May 22, 2015; 129 Stat. 201)

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