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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 400 and 401

[Docket No.: FAA–2012–0045; Amdt. Nos. 400–5 and 401–8]

RIN 2120–AJ90

Exclusion of Tethered Launches From Licensing Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is amending its commercial space transportation regulations to exclude specified tethered launches from its licensing and permitting requirements. This action maintains safety by providing launch vehicle operators with clear and simple criteria for a safe tethered launch, while relieving operators and the FAA from the administrative burden of filing and processing license and permit applications or waiver requests. The intent of this final rule is to enhance the safety of tethered launches and improve regulatory effectiveness.

DATES: Effective August 3, 2015.

ADDRESSES: For information on where to obtain copies of rulemaking documents and other information related to this final rule, see ''How To Obtain Additional Information'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this rule, contact Stewart Jackson, AST–300, Office of Commercial Space Transportation, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–7903; email *Stewart.Jackson@faa.gov.*

For legal questions concerning this rule, contact Sabrina Jawed, AGC–250, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8839; email *Sabrina.Jawed@faa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The Commercial Space Launch Act of 1984, as amended and re-codified at 51 U.S.C. 50901–50923 (the Act), authorizes the Department of Transportation and the FAA, through delegations, to oversee, license, and regulate commercial launch and reentry activities, 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). The Act directs the FAA to exercise this responsibility consistent with public health and safety, safety of property, and the national security and foreign policy interests of the United States (51 U.S.C. 50905). Section 50901(a)(7) directs the FAA to regulate only to the extent necessary, in relevant part, to protect the public health and safety and safety of property. The FAA is also responsible for encouraging, facilitating, and promoting commercial space launches by the private sector (51 U.S.C. 50903).

I. Overview of Final Rule

This action provides launch vehicle, tether system, and operational criteria required to conduct a safe tethered launch. Tethered launches that meet the criteria contained in this final rule are excluded from chapter III licensing, permitting, and waiver requirements.

This rule defines a tether system as a device that contains launch vehicle hazards by physically constraining a launch vehicle in flight to a specified range from its launch point. It includes all components, from the point where the tether attaches to the vehicle to a solid base, that experience load during a tethered launch. For a tethered launch to be excluded from the FAA's licensing and permitting requirements, the tether system, including the points of attachment within the tether system, must:

- Not yield or fail under the maximum dynamic load on the system or two times the maximum potential engine thrust;
- Have a minimum safety factor of 3.0 for yield stress and 5.0 for ultimate stress;
- Constrain the launch vehicle within 75 feet above ground level as measured from the ground to the attachment point of the vehicle to the tether;
- Display no damage prior to launch; and
- Be insulated or located such that it will not experience thermal damage due to the launch vehicle's exhaust.

In addition, tethered operations must be carried out within specified separation distances based on the amount of propellant onboard a launch vehicle. Lastly, the launch vehicle must be unmanned, be powered by a liquid or hybrid engine, carry no more than 5,000 pounds of propellant, and must not use any of the toxic propellants listed in Table I417–2 or I417–3 in Appendix I of part 417. The structural criteria mitigate the hazards that can compromise the structural integrity of the tether system. The vehicle requirements and operational criteria provide additional protection to the public by mitigating potential hazards posed by a tether system failure.

This action alleviates burdens on both the vehicle operator and the FAA. The operator will no longer incur the costs associated with submitting a launch license application, permit application or petition for waiver under chapter III. Also, the operator will not incur the costs associated with any delay in processing applications or waivers. Finally, the FAA will not have to evaluate applications, conduct independent analyses, or issue licenses, permits or waivers.

II. Background

On August 23, 2012, the FAA published a notice of proposed rulemaking (NPRM) (77 FR 50956) [1] that proposed to exclude certain tethered launches from chapter III requirements if the tethered launches met specified safety criteria. The proposed criteria did not address the use of toxic propellants onboard a launch vehicle. During the NPRM comment period, the FAA received a comment stating the agency should revise the proposed rule to protect the public from the potential harm that could result from exposure to a toxic propellant. The FAA agreed that

[1] Exclusion of Tethered Launches From Licensing Requirements, NPRM, 77 FR 50956 (Aug. 23, 2012).

it should have addressed toxic propellants in its proposal. As a result, in July 2014, the agency issued a supplemental notice of proposed rulemaking (SNPRM) [2] proposing to require any launch operator using any of the toxic propellants identified in tables I417–2 and I417–3 in Appendix I of part 417 to satisfy the chapter III requirements.

In addition to the comment about toxic propellants, the FAA received other comments to the NPRM, which were discussed in the SNPRM. Two of the comments resulted in clarifications to the proposed rule and have been adopted in this final rule. First, the FAA removed the term, ''established strength properties'' from § 400.2(c)(2)(i) to better clarify the proposed requirement and preserve the original intent, which is to ensure that the tether system can withstand the maximum dynamic load placed on it without imposing on the launch operator the burden of determining strength properties. Second, the FAA revised § 400.2(c)(2)(iii) to clarify that the maximum flight limit of 75 feet for a tethered launch vehicle would be measured from the ground to a fully-extended tether's attachment point to a vertically-oriented vehicle.

III. Discussion of Public Comments to the SNPRM and Final Rule

The comment period for the July 2014 SNPRM closed on September 22, 2014. The FAA did not receive comments to the SNPRM. However, as noted under the ''Background'' section of this final rule, the agency did receive comments to the August 2012 NPRM, and provided detailed responses to them in the SNPRM. If you wish to review that information, refer to the ''Background'' section of the SNPRM.

Because the FAA did not receive comments to the SNPRM, the agency adopts the amendments proposed in the SNPRM without change.

IV. 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 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 final rule. The reasoning for this determination is because the FAA has licensing authority over tethered launches, which are considered launches under chapter III unless they meet the definition of an amateur rocket launch.[3] Today, to conduct such tethered non-amateur rocket launches, operators must obtain a launch license, experimental permit, or apply for a waiver from chapter III. Applying for waivers, licenses, and permits imposes a financial burden on vehicle operators and the FAA because of time and resources required to create and analyze these applications.

The final rule establishes clear and simple criteria for an effective tether system, and vehicle and operational criteria as added measures to protect the public in the event of a tether system failure. Operators will not have to apply for a launch license, permit, or waiver from chapter III to conduct tethered launches of non-amateur rockets [4] that meet the rule criteria for an effective tether system and the vehicle and operational criteria. Operators that meet the criteria will not have to incur the costs of applying for a launch license, permit, or waiver and will not have to sustain the costs associated with delay in the processing of these applications. The FAA will not have to conduct case-by-case analyses of tethered launches that meet the established criteria to verify public safety from a launch vehicle explosion or confirm that the tether system will not fail. Furthermore, launch operators that conduct tethered launches will not be compelled to follow the criteria in this final rule because they will still have the option of applying for a launch license, permit, or waiver under chapter III. Therefore, the final rule will impose no additional requirements on operators, but will provide an alternative to conducting a tethered launch under chapter III. If the operator deems it more cost effective or prefers to apply for a license, permit, or waiver than to follow the criteria listed here, the operator will have that option.

The FAA requested but received no comments on its conclusion in the NPRM that the rule would be cost relieving to operators and the FAA. The FAA then issued an SNPRM that revised the FAA's original proposal by excluding from chapter III only those eligible launches that do not use specified toxic propellants. Even with the change that was proposed in the SNPRM, the rule is still cost relieving relative to the current regulations. Tethered launches using toxic fuel will continue to comply with current chapter III requirements and incur no new costs. Operators launching vehicles that are eligible for the chapter III exclusion will still benefit from cost savings relative to the current chapter III requirements. The FAA concluded in the SNPRM that the rule would be cost relieving to operators and the FAA. The FAA did not receive any comments to the SNPRM.

For the reasons discussed, the rule will be cost relieving to both operators and the FAA. The FAA has determined that this 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, agencies

[2] Exclusion of Tethered Launches From Licensing Requirements, SNPRM, 79 FR 42475 (July 22, 2014).

[3] Launches of amateur rockets are excluded from the requirements of chapter III. 14 CFR 400.2 (2015).

[4] Operators launching amateur rockets on a tether will still be subject to part 101 of chapter I and will continue to be excluded from chapter III.

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 final rule is expected to provide an alternative to conducting tethered launches under chapter III and therefore could alleviate the financial burden of applying for a launch license, permit, or waiver to chapter III if an operator met the criteria. The expected outcome will therefore be either a cost saving impact or no impact on small entities affected by the rule. Even the change proposed in the SNPRM that launches using toxic propellants would have to continue to comply with chapter III will not impose costs, as operators conducting tethered launches currently have to comply with chapter III. Thus, the FAA concludes the rule will still have either a cost saving impact or no impact on small entities. The FAA did not receive comments when it reached this conclusion in both the SNPRM and NPRM.

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 Administrator 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. If a foreign launch operator conducts a tethered launch in the United States that meets the requirements of this final rule, it will be eligible for the exclusion from chapter III. The FAA has assessed the potential effect of this final rule and determined that it will have the same impact on domestic and international entities and thus have a neutral trade impact.

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 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 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 final rule.

Public comments: The FAA did not receive comments to the NPRM or the SNPRM on its determination that the proposed rule would not impose new paperwork requirements.

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these regulations.

G. Environmental

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.

V. 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 (May 18, 2001). 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.

VI. How To Obtain Additional Information

A. Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the Internet—

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

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

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

Copies may also be obtained by sending a request (identified by notice, amendment, or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue

SW., Washington, DC 20591, or by calling (202) 267–9680.

B. Comments Submitted to the Docket

Comments received may be viewed by going to *http://www.regulations.gov* and following the online instructions to search the docket number for this action. Anyone is able to search the electronic form of all comments received into any of the FAA's dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

C. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document, may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the Internet, visit *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects

14 CFR Part 400

Licensing, Safety, Space transportation and exploration.

14 CFR Part 401

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 400—BASIS AND SCOPE

■ 1. The authority citation for part 400 continues to read as follows:

Authority: 51 U.S.C. 50901–50923.

■ 2. Revise § 400.2 to read as follows:

§ 400.2 Scope.

The regulations in this chapter set forth the procedures and requirements applicable to the authorization and supervision under 51 U.S.C. subtitle V, chapter 509, of commercial space transportation activities conducted in the United States or by a U.S. citizen. The regulations in this chapter do not apply to—

(a) Space activities carried out by the United States Government on behalf of the United States Government;

(b) The launch of an amateur rocket as defined in § 1.1 of chapter I of this title; or

(c) A launch of a tethered launch vehicle that meets all the following criteria:

(1) *Launch vehicle.* The launch vehicle must—

(i) Be unmanned;

(ii) Be powered by a liquid or hybrid rocket motor;

(iii) Not use any of the toxic propellants of Table I417–2 and Table I417–3 in Appendix I of part 417 of this chapter; and

(iv) Carry no more than 5,000 pounds of propellant.

(2) *Tether system.* The tether system must—

(i) Not yield or fail under—

(A) The maximum dynamic load on the system; or

(B) A load equivalent to two times the maximum potential engine thrust.

(ii) Have a minimum safety factor of 3.0 for yield stress and 5.0 for ultimate stress.

(iii) Constrain the launch vehicle within 75 feet above ground level as measured from the ground to the attachment point of the vehicle to the tether.

(iv) Display no damage prior to the launch.

(v) Be insulated or located such that it will not experience thermal damage due to the launch vehicle's exhaust.

(3) *Separation distances.* The launch operator must separate its launch from the public and the property of the public by a distance no less than that provided for each quantity of propellant listed in Table A of this section.

TABLE A—SEPARATION DISTANCES FOR TETHERED LAUNCHES

Propellant carried (lbs.)	Distance (ft.) of the public and property of the public from the launch point
1–500	900
501–1,000	1,200
1001–1,500	1,350
1,501–2,000	1,450
2,001–2,500	1,550
2,501–3,000	1,600
3,001–3,500	1,650
3,501–4,000	1,700
4,001–4,500	1,750
4,501–5,000	1,800

PART 401—ORGANIZATION AND DEFINITIONS

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

Authority: 51 U.S.C. 50901–50923.

■ 4. Amend § 401.5 by adding the definition of *tether system* in alphabetical order to read as follows:

§ 401.5 Definitions.

* * * * *

Tether system means a device that contains launch vehicle hazards by physically constraining a launch vehicle in flight to a specified range from its launch point. A tether system includes all components, from the tether's point of attachment to the vehicle to a solid base, that experience load during a tethered launch.

* * * * *

Issued under authority provided by 49 U.S.C. 106(f) in Washington, DC, on May 18, 2015.

Michael P. Huerta,

Administrator.

[FR Doc. 2015–13557 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 744

[Docket No. 150304211–5211–01]

RIN 0694–AG55

Addition of Certain Person to the Entity List

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) by adding one person to the Entity List. The person who is added to the Entity List is located in Ecuador and has been determined by the U.S. Government to be acting contrary to the national security or foreign policy interests of the United States. This person will be listed on the Entity List under the destination of Ecuador.

DATES: *Effective Date:* This rule is effective June 4, 2015.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, Department of Commerce, Phone: (202) 482–5991, Fax: (202) 482–3911, Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Entity List notifies the public about entities that have engaged in activities that could result in an

increased risk of the diversion of exported, reexported or transferred (in-country) items to weapons of mass destruction (WMD) programs. Since its initial publication, grounds for inclusion on the Entity List have expanded to include activities sanctioned by the State Department and activities contrary to U.S. national security or foreign policy interests. Certain exports, reexports, and transfers (in-country) to entities identified on the Entity List require licenses from BIS and are usually subject to a policy of denial. The availability of license exceptions in such transactions is very limited. The license review policy for each entity is identified in the license review policy column on the Entity List and the availability of license exceptions is noted in the **Federal Register** notices adding persons to the Entity List. BIS places entities on the Entity List based on certain sections of part 744 (Control Policy: End-User and End-Use Based) and part 746 (Embargoes and Other Special Controls) of the EAR.

The End-User Review Committee (ERC), composed of representatives of the Departments of Commerce (Chair), State, Defense, Energy and, where appropriate, the Treasury, makes all decisions regarding additions to, removals from, or other modifications to the Entity List. The ERC makes all decisions to add an entry to the Entity List by majority vote and all decisions to remove or modify an entry by unanimous vote. This rule implements a decision of the Advisory Committee on Export Policy (ACEP), which the ERC has deemed to also be the decision of the ERC in this matter, to approve this change to the Entity List.

ERC Entity List Decision

Addition to the Entity List

Under § 744.11(b) (Criteria for revising the Entity List) of the EAR, persons for whom there is reasonable cause to believe, based on specific and articulable facts, have been involved, are involved, or pose a significant risk of being or becoming involved in, activities that are contrary to the national security or foreign policy interests of the United States and those acting on behalf of such persons may be added to the Entity List. The person being added to the Entity List has been determined to be involved in activities that are contrary to the national security or foreign policy interests of the United States. Paragraphs (b)(1) through (b)(5) of § 744.11 include an illustrative list of activities that could be contrary to the national security or foreign policy interests of the United States.

The Departments represented on the ERC, by way of a decision of the ACEP, which the ERC has deemed to also be the decision of the ERC in this matter, determined that the person being added to the Entity List under the destination of Ecuador has been involved in activities contrary to the national security and foreign policy interests of the United States. There is reasonable cause to believe that the Corporacion Nacional de Telecommunicaciones (CNT), the state-owned telecommunications utility in Ecuador, has been involved, is involved, or poses a significant risk of being or becoming involved in, activities that are contrary to the foreign policy interests of the United States as defined in § 744.11(b) of the EAR.

Pursuant to § 744.11(b) of the EAR, the Departments represented on the ERC by way of a decision of the ACEP, which the ERC has deemed to also be the decision of the ERC in this matter, determined that the conduct of this person raises sufficient concern that prior review of exports, reexports, or transfers (in-country) of items subject to the EAR involving this person, and the possible imposition of license conditions or license denials on shipments to the person, will enhance BIS's ability to prevent violations of the EAR.

For the one person added to the Entity List, BIS imposes a license requirement for any transaction in which items classified under Export Control Classification Numbers (ECCNs) 5D002 or 5A002 are to be exported, reexported, or transferred (in-country) to this person or in which such person acts as purchaser, intermediate consignee, ultimate consignee, or end-user. The license review policy will be case-by-case review. In addition, no license exceptions are available for exports, reexports, or transfers (in-country) to the person being added to the Entity List in this rule for items classified under ECCNs 5D002 or 5A002.

This final rule adds the following person to the Entity List:

Ecuador

(1) *Corporacion Nacional de Telecommunicaciones (CNT),* Avenida Gaspar de Villaroel Quito, Ecuador; *and* Avda. Veintimilla, Suite 1149 y Amazonas, Edificio Estudio Z, Quito, Ecuador.

Savings Clause

Shipments of items removed from eligibility for a License Exception or export or reexport without a license (NLR) as a result of this regulatory action that were en route aboard a carrier to a port of export or reexport, on June 4, 2015, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR).

Export Administration Act

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 7, 2014, 79 FR 46959 (August 11, 2014), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and carries a burden estimate of 43.8 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are not expected to increase as a result of this

rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public comment and a delay in effective date are inapplicable because this regulation involves a military or foreign affairs function of the United States. (*See* 5 U.S.C. 553(a)(1)). BIS implements this rule to protect U.S. national security or foreign policy interests by preventing items from being exported, reexported, or transferred (in country) to the person being added to the Entity List. If this rule were delayed to allow for notice and comment and a delay in effective date, then the entity being added to the Entity List by this action would continue to be able to receive items without a license and to conduct activities contrary to the national security or foreign policy interests of the United States. In addition, publishing a proposed rule would give this party notice of the U.S. Government's intention to place them on the Entity List and would create an incentive for this person to either accelerate receiving items subject to the EAR to conduct activities that are contrary to the national security or foreign policy interests of the United States, and/or to take steps to set up additional aliases, change addresses, and other measures to try to limit the impact of the listing on the Entity List once a final rule was published. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 7, 2014, 79 FR 46959 (August 11, 2014); Notice of September 17, 2014, 79 FR 56475 (September 19, 2014); Notice of November 7, 2014, 79 FR 67035 (November 12, 2014); Notice of January 21, 2015, 80 FR 3461 (January 22, 2015).

■ 2. Supplement No. 4 to part 744 is amended by adding in alphabetical order the destination of Ecuador under the Country Column, and one Ecuadorian entity to read as follows:

Supplement No. 4 to Part 744—Entity List

Country	Entity	License requirement	License review policy	**Federal Register** citation
*	*	*	*	*
ECUADOR	*	* * *	* *	
	Corporacion Nacional de Telecommunicaciones (CNT), Avenida Gaspar de Villaroel Quito, Ecuador; *and* Avda. Veintimilla, Suite 1149 y Amazonas, Edificio Estudio Z, Quito, Ecuador.	For items classified under Export Control Classification Numbers (ECCNs) 5D002 or 5A002. (See § 744.11 of the EAR).	Case-by-case review	80 FR [INSERT FR PAGE NUMBER] 6/4/15.
*	*	*	*	*

Dated: May 29, 2015.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2015–13632 Filed 6–3–15; 8:45 am]

BILLING CODE 3510–33–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 230, 232, 239, 240, 249, and 260

[Release Nos. 33–9741A; 34–74578A; 39–2501A; File No. S7–11–13]

RIN 3235–AL39

Amendments for Small and Additional Issues Exemptions Under the Securities Act (Regulation A)

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects an instruction for the authority to part 200 in a final rule published in the **Federal Register** of April 20, 2015 regarding the Amendments for Small and Additional Issues Exemptions under the Securities Act (Regulation A).

DATES: This correction is effective June 19, 2015.

FOR FURTHER INFORMATION CONTACT: Naomi P. Lewis, Office of the Secretary at (202) 551–5400.

SUPPLEMENTARY INFORMATION: In FR Document No. 2015–07305, published on April 20, 2015, on page 21894, third column, 5th line, instruction number 1 should read as follows:

■ 1. The authority citation for part 200, subpart A is revised to read, in part, as follows:

Dated: June 1, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–13627 Filed 6–3–15; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9720]

RIN 1545–BK85

Substantial Business Activities

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations regarding when an expanded affiliated group will be considered to have substantial business activities in a foreign country. These regulations affect certain domestic corporations and partnerships (and certain parties related to them), and foreign corporations that acquire substantially all of the properties of such domestic corporations or partnerships.

DATES:

Effective date: These regulations are effective on June 4, 2015.

Applicability date: For date of applicability, see § 1.7874–3(f).

FOR FURTHER INFORMATION CONTACT: David A. Levine, (202) 317–6937 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On June 6, 2006, temporary regulations under section 7874 (TD 9265) were published in the **Federal Register** (71 FR 32437) concerning the treatment of a foreign corporation as a surrogate foreign corporation (2006 temporary regulations). A notice of proposed rulemaking (REG–112994–06) cross-referencing the 2006 temporary regulations was published in the same issue of the **Federal Register** (71 FR 32495). On July 28, 2006, Notice 2006–70 (2006–2 CB 252) was published, announcing a modification to the effective date contained in the 2006 temporary regulations. See § 601.601(d)(2)(ii)(*b*). On June 12, 2009, the 2006 temporary regulations and the related notice of proposed rulemaking were withdrawn and replaced with new temporary regulations (2009 temporary regulations), which generally apply to acquisitions completed on or after June 9, 2009. TD 9453 (74 FR 27920). A notice of proposed rulemaking (REG–112994–06) cross-referencing the 2009 temporary regulations was published in the same issue of the **Federal Register** (74 FR 27947). On June 12, 2012, the 2009 temporary regulations and the related notice of proposed rulemaking were withdrawn and replaced with new temporary regulations (2012 temporary regulations), which generally apply to acquisitions completed on or after June 7, 2012. TD 9592 (77 FR 34785). A notice of proposed rulemaking (REG–107889–12) cross-referencing the 2012 temporary regulations was published in the same issue of the **Federal Register** (77 FR 34887). No public hearing was requested or held; however, comments were received. All comments are available at *www.regulations.gov* or upon request. After consideration of the comments, the 2012 temporary regulations are adopted as final regulations with the modifications described in this preamble. The 2012 temporary regulations are removed.

Explanation of Revisions and Summary of Comments

A. General Approach

A foreign corporation generally is treated as a surrogate foreign corporation under section 7874(a)(2)(B) if pursuant to a plan (or a series of related transactions): (i) The foreign corporation completes after March 4, 2003, the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation (acquisition); (ii) after the acquisition, at least 60 percent of the stock (by vote or value) of the foreign corporation is held by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation; and (iii) after the acquisition, the expanded affiliated group that includes the foreign corporation (EAG) does not have substantial business activities in the foreign country in which, or under the law of which, the foreign corporation is created or organized (relevant foreign country), when compared to the total business activities of the EAG. Similar provisions apply if a foreign corporation acquires substantially all of the properties constituting a trade or business of a domestic partnership.

The 2009 temporary regulations provided that whether an EAG will be considered to have substantial business activities in the relevant foreign country is based on all the facts and circumstances and, unlike the 2006 temporary regulations, did not provide a safe harbor. The 2012 temporary regulations replaced this facts-and-circumstances test with a bright-line rule describing the threshold of activities required for an EAG to be considered to have substantial business activities in the relevant foreign country. Under this bright-line rule, an EAG will be considered to have substantial business activities in the relevant foreign country only if at least 25 percent of the group employees, group assets, and group income are located or derived in the relevant foreign country.

Some comments criticized this approach and asserted that there is insufficient support for this bright-line rule in the legislative history. In addition, some comments recommended reverting to a general facts and circumstances test, along with a safe harbor, given the difficulty of formulating a bright-line rule that produces appropriate results in all circumstances. As an alternative, comments suggested that the failure to satisfy the bright-line rule could establish a rebuttable presumption that an EAG does not have substantial business activities in the relevant foreign country.

After consideration of the comments, the Department of the Treasury (Treasury Department) and the IRS have concluded that the bright-line rule in the 2012 temporary regulations is consistent with section 7874 and its underlying policies. In addition, the bright-line rule has proven more administrable than a facts-and-circumstances test and has the benefit of providing certainty in applying section 7874 to particular transactions. As a result, these final regulations retain the bright-line rule subject to certain modifications, which are described in this preamble.

B. Threshold of Business Activities

As described in section A of this preamble, the 2012 temporary regulations provide that an EAG will be considered to have substantial business activities in the relevant foreign country only if at least 25 percent of its group employees, group assets, and group income are located or derived in the relevant foreign country. Comments addressed both the magnitude of the 25-percent threshold and the requirement that each of the group employees, group assets, and group income tests must be satisfied. Although one comment stated that a 25-percent threshold is a reasonable measure of substantiality, other comments stated that it is overly

stringent, asserting that it is unlikely that an EAG would have 25 percent of its business activities in any one country given the global nature of commerce. Another comment suggested that an EAG should only be required to satisfy the 25-percent threshold with respect to two out of the three tests provided that the average of all three tests is at least 25 percent.

After consideration of these comments, the Treasury Department and the IRS have concluded that requiring an EAG to satisfy a 25-percent threshold for all three tests in order to be considered to have substantial business activities in the relevant foreign country is consistent with the policies underlying section 7874. Accordingly, the final regulations retain the 25-percent threshold for all three tests in the 2012 temporary regulations.

C. Standards for Determining Group Employees, Group Assets, and Group Income

The 2012 temporary regulations provide standards for determining which employees, assets, and income are group employees, group assets, and group income, respectively, for purposes of determining if the EAG has substantial business activities in the relevant foreign country. All employees of members of the EAG constitute group employees. Group income generally is limited to the gross income of members of the EAG from transactions occurring in the ordinary course of business with customers that are not related persons. In order to constitute group assets, assets must be tangible personal property or real property used or held for use in the active conduct of a trade or business by members of the EAG.

A comment questioned the need for these different standards and suggested applying the same standard for determining the employees, assets, and income that are taken into account, with the one standard being based on whether the employees, assets, or income relate to the active conduct of a trade of business. The comment acknowledged, however, that, under this alternative approach, special rules would be necessary to exclude gain from the sale of capital assets and section 1231 property from group income and to address situations in which an EAG has primarily passive income and only a small active business.

The Treasury Department and the IRS have concluded that it is not necessary for the definitions of group employees, group assets, and group income to be based on the same standard, as they measure different facets of an EAG's business activities. In addition, the standards used in the 2012 temporary regulations are commonly used in other areas of the tax law and therefore are more administrable than the recommended alternative. Consequently, the final regulations do not adopt this recommendation.

D. Applicable Date

Section 7874(a)(2)(B)(iii) provides that the determination of whether an EAG has substantial business activities is made after an acquisition described in section 7874(a)(2)(B)(i). Under the 2012 temporary regulations, group assets and the number of group employees are measured as of the ''applicable date,'' and group income and employee compensation are calculated for a one-year ''testing period'' ending on the applicable date. The applicable date, which must be applied consistently, is either the date on which the acquisition is completed (acquisition date) or the last day of the month immediately preceding the month in which the acquisition is completed. The 2012 temporary regulations permit taxpayers to use the latter date because certain information required for the tests may not be readily determinable as of the acquisition date if the acquisition is not completed on the last day of the month.

A comment suggested that the definition of applicable date be modified to be either the acquisition date or, for transactions involving unrelated parties, the first date on which the written agreement to effect the acquisition becomes binding. The comment stated that this change would allow taxpayers sufficient opportunity to unwind their contractual commitments if it appears that the EAG would not be treated as having substantial business activities in the relevant foreign country. Because a written agreement may become binding long before the date on which the acquisition is completed, the Treasury Department and the IRS have determined that this change would be inconsistent with section 7874(a)(2)(B)(iii), which looks to whether the EAG has substantial business activities in the relevant foreign country after the acquisition. In addition, as the comment noted, taxpayers may condition the closing of the acquisition on the EAG's having substantial business activities in the relevant foreign country after the acquisition. Accordingly, the final regulations do not adopt this suggestion.

E. Determining the Members of the EAG

1. In General

The 2012 temporary regulations provide that the EAG that includes the foreign acquiring corporation is determined as of the close of the acquisition date. One comment requested that this standard be clarified to provide that the EAG includes both the foreign acquiring corporation and the domestic entity that it acquires, but that it excludes entities that are disposed of (or substantially all the assets of which are disposed of) before the acquisition.

The Treasury Department and the IRS believe that it is clear under the 2012 temporary regulations that the EAG generally does not include an entity that is disposed of before the acquisition. Nonetheless, in response to this comment and for the avoidance of doubt, the final regulations are modified to further clarify that an entity that is not a member of the EAG on the acquisition date is not a member of the EAG, even though the entity would have qualified as a member if the EAG were determined at some earlier point during the testing period. The disposition of substantially all the assets of an entity may or may not cause it to cease to be a member of the EAG, depending on whether the entity remains in existence on the acquisition date.

The final regulations also clarify that, consistent with the requirement under section 7874(a)(2)(B) to take into account all events that occur ''pursuant to a plan (or series of related transactions)'' in determining whether an entity is a surrogate foreign corporation, members of the EAG are determined taking into account all transactions related to the acquisition, even if they occur after the acquisition date. This clarification is consistent with the rule provided in section 2.03(b)(i) of Notice 2014–52 (2014–42 IRB 712), which provides that all transactions related to an acquisition must be taken into account for purposes of determining the members of an EAG, a U.S-parented group, and a foreign-parented group.

2. Treatment of Partnerships

The 2012 temporary regulations provide that, for purposes of the substantial business activities test, a partnership is treated as a corporation that is a member of an EAG if, in the aggregate, more than 50 percent (by value) of its interests are owned by one or more members of the EAG (deemed corporation rule). A comment stated that the deemed corporation rule would not treat a partnership owning more

than 50 percent of the stock of the foreign acquiring corporation or its corporate partners as members of the EAG because the partnership is not otherwise owned by a member of the EAG. For example, assume that P, a corporation, owns (by value) 75 percent of the interests of PS, a domestic partnership. PS forms FA, a foreign corporation, and transfers substantially all of its assets constituting a trade or business to FA in exchange for all the stock of FA. According to the comment, neither PS nor P is treated as a member of the EAG that includes FA under the 2012 temporary regulations.

The Treasury Department and the IRS have determined that this result is inappropriate. Accordingly, the final regulations provide that, in determining the corporations that are members of the EAG, each partner in a partnership is treated as holding its proportionate share of the stock held by the partnership (look-through rule). This rule is consistent with the rules provided in § 1.7874–1(e) (disregarding certain affiliate-owned stock) and section 2.03(b)(i) of Notice 2014–52 (addressing subsequent transfers of stock of the foreign acquiring corporation). The final regulations coordinate the application of the deemed corporation rule with the look-through rule by providing that the look-through rule applies first and without regard to the deemed corporation rule. The result is that the look-through rule applies only for purposes of determining whether an entity that is actually a corporation for U.S. income tax purposes is a member of the EAG. Then, once those corporate entities are identified, the deemed corporation rule applies to treat certain partnerships in which those corporate entities are partners as corporations that are members of the EAG.

F. Anti-Abuse Rule

The 2012 temporary regulations contain an anti-abuse rule pursuant to which the following items are not taken into account in the numerator, but are taken into account in the denominator, for purposes of the group employees, group assets, and group income tests: (i) Any group assets, group employees, or group income attributable to business activities that are associated with property or liabilities the transfer of which is disregarded under section 7874(c)(4) (generally, if the transfer is part of a plan with a principal purpose of avoiding the purposes of section 7874); (ii) any group assets or group employees located in, or group income derived in, the relevant foreign country as part of a plan with a principal purpose of avoiding the purposes of section 7874; and (iii) any group assets or group employees located in, or group income derived in, the relevant foreign country if such group assets or group employees, or the business activities to which such group income is attributable, are subsequently transferred to another country in connection with a plan that existed at the time of the acquisition.

A comment suggested modifying the anti-abuse rule by revising the first prong and eliminating the second prong. The comment stated that the first prong of the rule should exclude items from both the numerator and the denominator for consistency. Although such a rule may, for example, produce appropriate results in the case of certain transfers through which the EAG acquires assets from shareholders, it would not produce appropriate results for certain other transfers, such as distributions of assets by EAG members to shareholders. Accordingly, the final regulations adopt this suggestion for items associated with a transfer of property to the EAG that is disregarded under section 7874(c)(4), but retain the rule in the 2012 temporary regulations in all other cases.

The comment also suggested eliminating the second prong of the anti-abuse rule because it relies on an inherently subjective determination and has the potential to detract from the certainty provided by the bright-line rule. Although the same argument could be made for eliminating the third prong, the comment recommended retaining the third prong because the statute looks to whether the EAG has substantial business activities in the relevant foreign country after the acquisition.

The Treasury Department and the IRS believe, in this context, that it is appropriate to bolster bright-line rules with anti-abuse rules. Furthermore, the Treasury Department and the IRS have determined that the second prong of the rule is necessary because otherwise a member of the EAG may be able to relocate assets or employees or shift income to the relevant foreign country without engaging in a ''transfer'' that would implicate the first prong. Accordingly, the final regulations do not adopt this suggestion.

G. Comments on Specific Tests

This section discusses comments that are specific to each of the group employees, group assets, and group income tests.

1. Group Employees

The 2012 temporary regulations set forth two prongs of the group employees test, both of which must be satisfied based on individuals who are employees of members of the EAG (group employees). The first prong is satisfied if, on the applicable date, the number of group employees based in the relevant foreign country is at least 25 percent of the total number of group employees. The second prong is satisfied if, during the one-year testing period, the employee compensation incurred with respect to group employees based in the relevant foreign country is at least 25 percent of the total employee compensation incurred with respect to all group employees. The final regulations adopt the definition of the terms ''group employees'' and ''employee compensation'' in the 2012 temporary regulations, subject to certain modifications.

Under the 2012 temporary regulations and the final regulations, a group employee is considered to be based in the relevant foreign country only if the employee spent more time providing services in that country than in any other country during the testing period. One comment noted that other potential approaches might be more reflective of where the employee's activities take place, but nevertheless suggested that the standard in the 2012 temporary regulations be retained for its simplicity. The Treasury Department and the IRS agree with this comment, and the final regulations retain this standard.

The 2012 temporary regulations do not specify the standard for determining if an individual is an employee for purposes of the group employees test. One comment suggested that individuals who are treated as employees under either U.S. federal tax principles or under applicable local country law should be treated as employees for this purpose. In response to this comment, and to simplify the application of the group employees test, the final regulations provide that whether individuals are employees must be determined for all members of the EAG under U.S. federal tax principles or for all members of the EAG based on the relevant tax laws (in general, for each member of the EAG, the tax law to which that member is subject). For example, if the EAG has two members, FA, the foreign acquiring corporation that is subject to the tax law of Country A, and USP, the domestic entity, the EAG may determine its employees either (i) under U.S. federal tax principles, or (ii) based on the tax law of Country A for those individuals who perform services for FA and U.S. federal tax law for those individuals who perform services for USP.

A comment suggested taking into account independent contractors for purposes of the group employees test in certain circumstances, as they may constitute the majority of the workforce in certain industries. The comment further suggested as a possible approach that the rule include only those independent contractors who perform core functions of the business. The Treasury Department and the IRS have determined that it is not appropriate to include independent contractors for this purpose given, at least in some cases, the transient nature of their relationships with the member of the EAG for which they perform services. In addition, the Treasury Department and the IRS have concluded that taking into account independent contractors based on whether they perform core functions of the business would add undue complexity. Accordingly, this comment is not adopted.

Comments requested clarification of when employee compensation is deemed to be incurred, as well as the standard for determining the amount of compensation. One comment recommended that the compensation be treated as incurred in the period for which it would be deductible for U.S. federal income tax purposes. In response to these comments, and to simplify the determination of employee compensation, the final regulations provide that employee compensation is treated as incurred when it would be deductible by the employer as compensation, and the amount of employee compensation equals the amount that would be deductible by the employer as compensation. Both the timing and the amount of the deduction for all employee compensation must be determined for all group employees under U.S. federal income tax principles or for all group employees based on the relevant tax laws.

2. Group Assets

Under the 2012 temporary regulations, the group assets test is satisfied if, on the applicable date, the value of the group assets located in the relevant foreign country is at least 25 percent of the total value of all group assets. The term group assets means tangible personal property or real property used or held for use in the active conduct of a trade or business by members of the EAG, provided such property is owned (or leased from a non-member) by members of the EAG at the close of the acquisition date. Group assets must be valued consistently using either their adjusted tax basis or fair market value. A group asset that is leased, however, is valued at eight times the annual rent. The final regulations adopt the definition of the term ''group assets'' in the 2012 temporary regulations, subject to the modifications discussed below.

The 2012 temporary regulations provide that a group asset is considered to be located in the relevant foreign country only if the asset was physically present in such country (i) at the close of the acquisition date, and (ii) for more time than in any other country during the testing period. One comment stated that the requirement that an asset be present in the relevant country on the acquisition date is problematic for highly mobile assets (such as aircraft and vessels) and therefore should be eliminated. The comment also suggested, as an alternative, special rules for determining the location of assets, including, depending on the type of asset: (i) Applying a proportionate approach based on the source of income produced from the asset during the testing period, (ii) ignoring the asset for purposes of the group asset test (for example, an asset used in space), or (iii) treating the asset as located outside of the relevant foreign country (for example, an offshore drilling rig located exclusively in international waters). The Treasury Department and the IRS have determined that providing special rules to address all types of assets in all fact patterns would be unduly complex. The Treasury Department and the IRS agree, however, that relief should be provided for assets that are mobile in nature and are used in transportation activities, like vessels, aircraft, and motor vehicles. Accordingly, the final regulations provide that such assets do not have to be physically present in the relevant foreign country at the close of the acquisition date, and need only be physically present in such country for more time than in any other country during the testing period, to be considered present in the relevant foreign country.

The 2012 temporary regulations provide that group assets include certain property rented by members of the EAG and treat the value of such rented property as equal to eight times the net annual rent paid or accrued with respect to such property. One comment stated that valuing all rented assets at eight times the net annual rent is potentially distortive and suggested that the multiple instead be based on the type of asset (for example, based on the applicable recovery period of the asset under section 168). After consideration of these comments, the Treasury Department and the IRS have concluded that the benefits of using different multiples for different classes of rented assets would be outweighed by the complexity and difficulty of determining appropriate multiples and classes. Consequently, the final regulations retain the rule in the 2012 temporary regulations.

A comment suggested excluding from the test certain assets that are owned and maintained by third parties, such as computer servers. The comment noted that start-up companies may be especially reliant on such assets, and their ability to satisfy the bright-line rule may depend on the location of such assets and whether they are viewed as leased by the company or as being used by the third party to provide a service to the company. The Treasury Department and the IRS have concluded that these types of assets do not merit special treatment, and the final regulations do not adopt this comment.

3. Group Income

Under the 2012 temporary regulations, the group income test is satisfied if, during the one-year testing period, group income derived in the relevant foreign country is at least 25 percent of the total group income. The term group income means the gross income of members of the EAG from transactions occurring in the ordinary course of business with customers that are not related persons. The final regulations adopt the definition of the term ''group income'' in the 2012 temporary regulations, subject to the modifications discussed below.

The 2012 temporary regulations state that group income is considered to be derived in the relevant foreign country only if it is derived from a transaction with a customer located in that country. One comment stated that this standard is difficult to apply in practice because it is difficult to determine where a customer is located in certain contexts. The comment suggested instead that income be treated as derived in a relevant foreign country if the services, goods, or other property are sold for use, consumption, or disposition within that country. The comment also suggested that special rules for certain financial income could be developed based on the current rules for determining whether such income is effectively connected with a trade or business conducted in the United States. The Treasury Department and the IRS have concluded that the location of the customer provides a more accurate and less manipulable measure of the business activities of the EAG than the suggested alternative. Accordingly, the final regulations retain the standard in the 2012 temporary regulations.

A comment also suggested that the group income test be based on gross receipts rather than gross income. The comment stated that gross receipts may be a more appropriate standard because (i) the amount of gross income will depend on the choice of inventory accounting method, (ii) the gross receipts standard would take into account sales that generate losses or no income, and (iii) an EAG's gross income will be reduced if there are intermediate transactions among members of the EAG. The Treasury Department and the IRS have determined that gross income should be the standard for determining group income, as this standard better reflects the location of an EAG's profitable business activities. In addition, gross income is a standard used in analogous contexts. See, for example, § 1.884–5(e)(3)(i)(B) (regarding the substantial presence test for purposes of determining whether a foreign corporation is a qualified resident of a foreign country for treaty purposes). Thus, the final regulations do not adopt this comment. However, to simplify the application of the group income test, the final regulations provide that group income must be determined consistently for all members of the EAG using either U.S. federal income tax principles or relevant financial statements, in general, defined as financial statements prepared in accordance with U.S. Generally Accepted Accounting Principles (U.S. GAAP) or International Financial Reporting Standards (IFRS).

H. Effective/Applicability Date

The final regulations apply to acquisitions completed on or after June 3, 2015.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, the requirements of the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding this regulation was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is David A. Levine of the Office of Associate Chief Counsel (International). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is revised by adding an entry for § 1.7874–3 to read as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.7874–3 is also issued under 26 U.S.C. 7874(c)(6) and (g). * * *

■ **Par. 2.** Section 1.7874–3T is removed.

■ **Par. 3.** Section 1.7874–3 is added to read as follows:

§ 1.7874–3 Substantial business activities.

(a) *Scope.* This section provides rules regarding when an expanded affiliated group will be considered to have substantial business activities in the relevant foreign country when compared to the total business activities of the expanded affiliated group for purposes of section 7874(a)(2)(B)(iii). Paragraph (b) of this section provides the threshold of business activities that constitute substantial business activities. Paragraph (c) of this section describes certain items that are not taken into account as located or derived in the relevant foreign country. Paragraph (d) of this section provides definitions and certain rules of application. Paragraph (e) of this section provides rules regarding the treatment of partnerships for purposes of this section. Paragraph (f) of this section provides the effective/applicability dates.

(b) *Threshold of business activities.* The expanded affiliated group will be considered to have substantial business activities in the relevant foreign country after an acquisition described in section 7874(a)(2)(B)(i) when compared to the total business activities of the expanded affiliated group only if, subject to paragraph (c) of this section, each of the tests described in paragraphs (b)(1) through (3) of this section is satisfied.

(1) *Group employees*—(i) *Number of employees.* The number of group employees based in the relevant foreign country is at least 25 percent of the total number of group employees on the applicable date.

(ii) *Employee compensation.* The employee compensation incurred with respect to group employees based in the relevant foreign country is at least 25 percent of the total employee compensation incurred with respect to all group employees during the testing period.

(2) *Group assets.* The value of the group assets located in the relevant foreign country is at least 25 percent of the total value of all group assets on the applicable date.

(3) *Group income.* The group income derived in the relevant foreign country is at least 25 percent of the total group income during the testing period.

(c) *Items not to be considered*—(1) *General rule.* Except to the extent provided in paragraph (c)(2) of this section, the following items are not taken into account in the numerator, but are taken into account in the denominator, for each of the tests described in paragraphs (b)(1) through (3) of this section:

(i) Any group assets, group employees, or group income attributable to business activities that are associated with properties or liabilities the transfer of which is disregarded under section 7874(c)(4).

(ii) Any group assets or group employees located in, or group income derived in, the relevant foreign country as part of a plan with a principal purpose of avoiding the purposes of section 7874.

(iii) Any group assets or group employees located in, or group income derived in, the relevant foreign country if such group assets or group employees, or the business activities to which such group income is attributable, are subsequently transferred to another country in connection with a plan that existed at the time of the acquisition described in section 7874(a)(2)(B)(i).

(2) *Transfers of properties to the expanded affiliated group.* Any group assets, group employees, or group income attributable to business activities that are associated with property that is transferred to the expanded affiliated group in a transfer that is disregarded under section 7874(c)(4) are not taken into account in the numerator or the denominator for each of the tests described in paragraphs (b)(1) through (3) of this section.

(d) *Definitions and application of rules.* The following definitions and rules apply for purposes of this section:

(1) The term *acquisition date* means the date on which the acquisition

described in section 7874(a)(2)(B)(i) is completed.

(2) The term *applicable date* means either of the following dates, applied consistently for all purposes of this section:

(i) The acquisition date; or

(ii) The last day of the month immediately preceding the month that includes the acquisition date.

(3) The term *employee compensation* means all amounts incurred by members of the expanded affiliated group that directly relate to services performed by group employees (including, for example, wages, salaries, deferred compensation, employee benefits, and employer payroll taxes). Employee compensation with respect to a particular group employee is treated as incurred when it would be deductible by the employer as compensation, and the amount of employee compensation equals the amount that would be deductible by the employer as compensation. Both the timing and the amount of the deduction for employee compensation must be determined for all group employees under U.S. federal income tax principles or for all group employees based on the relevant tax laws. Employee compensation is determined in U.S. dollars, translated, if necessary, using the weighted average exchange rate (as defined in § 1.989(b)–1) for the testing period.

(4) The term *expanded affiliated group* means, with respect to an acquisition described in section 7874(a)(2)(B)(i), the affiliated group defined in section 7874(c)(1) determined as of the close of the acquisition date, but taking into account all transactions related to the acquisition. Thus, for example, the expanded affiliated group does not include a corporation wholly owned by a member of the expanded affiliated group during a portion of the testing period if, before the end of the testing period, the member sells all of its stock in the corporation to a person that is not a member of the expanded affiliated group. The term *member of the expanded affiliated group* means an entity included in the expanded affiliated group. A reference to a member of the expanded affiliated group includes a predecessor with respect to such member.

(5) The term *group assets* means tangible personal property or real property used or held for use in the active conduct of a trade or business by members of the expanded affiliated group, provided such property is either owned or, in the circumstances described below, rented by members of the expanded affiliated group at the close of the acquisition date. A group asset is considered to be located in the relevant foreign country only if the asset was physically present in such country at the close of the acquisition date and the asset was physically present in such country for more time than in any other country during the testing period. Notwithstanding the foregoing, a group asset that is mobile in nature and is used in a transportation activity, such as a vessel, an aircraft, or a motor vehicle, is considered to be located in the relevant foreign country if the asset was physically present in such country for more time than in any other country during the testing period, regardless of whether the asset was physically present in such country at the close of the acquisition date. Group assets must be valued on a gross basis (that is, not reduced by liabilities) by consistently using for all group assets of the expanded affiliated group either the adjusted tax basis or fair market value determined in U.S. dollars, translated, if necessary, at the spot rate determined under the principles of § 1.988–1(d)(1), (2), and (4). Tangible personal property or real property that is rented by members of the expanded affiliated group from a person other than a member of the expanded affiliated group is also treated as a group asset, provided such property is used in the active conduct of a trade or business and is being rented by members of the expanded affiliated group at the close of the acquisition date. For purposes of this section, a group asset that is rented is valued at eight times the net annual rent paid or accrued with respect to the property by members of the expanded affiliated group.

(6) The term *group employees* means all individuals who are employees of members of the expanded affiliated group. Whether individuals are employees must be determined for all members of the expanded affiliated group under U.S. federal tax principles or for all members of the expanded affiliated group based on the relevant tax laws. A group employee is considered to be based in the relevant foreign country only if the employee spent more time providing services in such country than in any other single country during the testing period.

(7) The term *group income* means gross income of members of the expanded affiliated group from transactions occurring in the ordinary course of business with customers that are not related persons. Group income must be determined consistently for all members of the expanded affiliated group either under U.S. federal income tax principles or as reflected in the relevant financial statements. Group income is translated into U.S. dollars, if necessary, using the weighted average exchange rate (as defined in § 1.989(b)–1) for the testing period. Group income is considered derived in the relevant foreign country only if it is derived from a transaction with a customer located in such country.

(8) The term *net annual rent* means the annual rent paid or accrued with respect to property, less any payments received or accrued from subleasing such property (or other similar arrangement).

(9) The term *related person* has the meaning specified in section 954(d)(3), except that section 954(d)(3) is applied by substituting ''one or more members of the expanded affiliated group'' for ''a controlled foreign corporation'' and ''the controlled foreign corporation'' each place they appear.

(10) The term *relevant financial statements* means financial statements prepared consistently for all members of the expanded affiliated group in accordance with either U.S. Generally Accepted Accounting Principles (U.S. GAAP) or International Financial Reporting Standards (IFRS) used for consolidated financial statement purposes, but, if, after the acquisition described in section 7874(a)(2)(B)(i), financial statements will not be prepared consistently for all members of the expanded affiliated group in accordance with either U.S. GAAP or IFRS, then, for each member, financial statements prepared in accordance with either U.S. GAAP or IFRS.

(11) The term *relevant foreign country* means the foreign country in which, or under the law of which, the foreign corporation described in section 7874(a)(2)(B) was created or organized.

(12) The term *relevant tax law* means, for purposes of determining whether a particular individual who performs services for a member of the expanded affiliated group is an employee for purposes of paragraph (d)(6) of this section and the timing and amount of employee compensation for a particular employee of a member of the expanded affiliated group for purposes of paragraph (d)(3) of this section, the tax law to which the member is subject. Notwithstanding the foregoing, if the tax law to which a member is subject does not distinguish between whether an individual is an employee, or, for example, an independent contractor, then for this purpose the relevant tax law is considered to be U.S. federal tax law.

(13) The term *testing period* means the one-year period ending on the applicable date.

(e) *Treatment of partnerships*—(1) *Stock held by a partnership.* In determining the members of the expanded affiliated group for purposes of this section, each partner in a partnership, as determined without regard to the application of paragraph (e)(2) of this section, shall be treated as holding its proportionate share of the stock held by the partnership, as determined under the rules and principles of sections 701 through 777.

(2) *Business activities of a partnership.* For purposes of this section, if one or more members of the expanded affiliated group, as determined after the application of paragraph (e)(1) of this section, own, in the aggregate, more than 50 percent (by value) of the interests in a partnership, the partnership will be treated as a corporation that is a member of the expanded affiliated group. Thus, all items of such a partnership are taken into account for purposes of this section. No items of a partnership are taken into account for purposes of this section unless the partnership is treated as a member of the expanded affiliated group pursuant to this paragraph (e)(2).

(f) *Effective/applicability dates.* This section applies to acquisitions that are completed on or after June 3, 2015. For acquisitions completed before June 3, 2015, see § 1.7874–3T as contained in 26 CFR part 1 revised as of April 1, 2015.

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: May 20, 2015.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2015–13541 Filed 6–3–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2015–0375]

RIN 1625–AA00

Safety Zones; Annual Events in the Captain of the Port Detroit Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zones for annual marine events in the Captain of the Port Detroit zone from 8 p.m. on May 24, 2015 through 10 a.m. on September 13, 2015. This action is necessary and intended to ensure safety of life on the navigable waters immediately prior to, during, and immediately after fireworks events. During the aforementioned period, the Coast Guard will enforce restrictions upon, and control movement of, vessels in a specified area immediately prior to, during, and immediately after fireworks events. During the enforcement period, no person or vessel may enter any safety zone without permission of the Captain of the Port.

DATES: The regulations in 33 CFR 165.941 listed below will be enforced at various times between 8 p.m. on May 24, 2015 through 10 a.m. on September 13, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email LT Jennifer M. Disco, Waterways Branch Chief, Marine Safety Unit Toledo, 420 Madison Ave., Suite 700, Toledo, Oh, 43604; telephone (419) 418–6023; email *Jennifer.M.Disco@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.941, Safety Zones; Annual Events in the Captain of the Port Detroit Zone, at the following times for the following events:

(1) *Put-In-Bay Chamber of Commerce Fireworks, Put-In-Bay, OH.* The safety zone listed in 33 CFR 165.941(a)(57) will be enforced between from 9:45 p.m. until 10:15 p.m. on July 4, 2015.

(2) *Catawba Island Club Fireworks, Catawba Island, OH.* The safety zone listed in 33 CFR 165.941(a)(21) will be enforced from 9:40 p.m. to 10:05 p.m. on July 2, 2015.

(3) *Catawba Island Club Fireworks, Catawba Island, OH.* The safety zone listed in 33 CFR 165.941(a)(28) will be enforced from 9:30 p.m. to 9:45 p.m. on September 6, 2015.

(4) *Toledo Fourth of July Fireworks, Toledo, OH.* The safety zone listed in 33 CFR 165.941(a)(54) will be enforced from 9:30 p.m. to 10 p.m. on July 4, 2015.

(5) *Bay Point Fireworks Display, Marblehead, OH.* The safety zone listed in 33 CFR 165.941(a)(58) will be enforced from 10 p.m. to 10:30 p.m. on July 3, 2015.

(6) *Catawba Island Club Memorial Day Fireworks, Catawba Island, OH.* The safety zone listed in 33 CFR 165.941(a)(56) will be enforced from 9:15 p.m. to 9:35 p.m. on May 24, 2015.

(7) *Luna Pier Fireworks Show, Luna Pier, MI.* The safety zone listed in 33 CFR 165.941(a)(16) will be enforced from 9:30 p.m. to 11 p.m. on July 4, 2015.

(8) *Lakeside Labor Day Fireworks, Lakeside, OH. T*he safety zone listed in 33 CFR 165.941(a)(27) will be enforced from 9:45 p.m. to 10:30 p.m. on September 5, 2015.

(9) *Washington Township Firefighters Summerfest, Toledo, OH.* The safety zone listed in 33 CFR 165.941(a)(2) will be enforced from 8 p.m. to 10:30 p.m. on June 27, 2015.

(10) *Revolution 3 Triathlon, Cedar Point, OH.* The safety zone listed in 33 CFR 165.941(a)(60) will be enforced from 7 a.m. to 10 a.m. on each day of September 12–13, 2015.

(11) *Red, White and Blues Bang Fireworks, Huron, OH.* The safety zone listed in 33 CFR 165.941(a)(22) will be enforced from 10:30 p.m. to 10:45 p.m. on July 4, 2015.

(12) *Huron Riverfest Fireworks, Huron, OH.* The safety zone listed in 33 CFR 165.941(a)(23) will be enforced from 10:15 p.m. to 10:30 p.m. on July 10, 2015.

Under the provisions of 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the Captain of the Port Detroit or his designated representative. Vessels that wish to transit through the safety zones may request permission from the Captain of the Port Detroit or his designated representative. Requests must be made in advance and approved by the Captain of Port Detroit before transits will be authorized. Approvals will be granted on a case by case basis. The Captain of the Port Detroit may be contacted via U.S. Coast Guard Sector Detroit on channel 16, VHF–FM. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

This notice is issued under authority of 33 CFR 165.23 and 5 U.S.C. 552(a). If the Captain of the Port Detroit determines that the enforcement of these safety zones need not occur as stated in this notice, he or she may suspend such enforcement and notify the public of the suspension via a Broadcast Notice to Mariners.

Dated: May 14, 2015.

Scott B. Lemasters,

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

[FR Doc. 2015–13667 Filed 6–3–15; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 601

Purchasing of Property and Services

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is revising the provision of its purchasing regulations concerning contract claims and disputes to update references to the Contract Disputes Act of 1978, as recodified, and to notify contractors of the implementation of an electronic filing system by the Postal Service Board of Contract Appeals.

DATES: *Effective date:* July 6, 2015.

ADDRESSES: Written inquiries may be addressed to Supply Management Infrastructure, USPS, Room 1141, 475 L'Enfant Plaza SW., Washington, DC 20260.

FOR FURTHER INFORMATION CONTACT: Paul McGinn, (202) 268–4638.

SUPPLEMENTARY INFORMATION: This document contains two revisions to 39 CFR 601.109, *Contract claims and disputes.* That section implements the Contract Disputes Act of 1978, 41 U.S.C. 7101–7109. The first amended paragraph, § 601.109(a), *General,* states that the regulation implements the Contract Disputes Act of 1978. The sole purpose of the revision is to update the recodified citation for the Contract Disputes Act.

The second amended paragraph, § 601.109(g)(7), *Wording of decisions,* clarifies that the identified paragraph must be included in decisions issued by a contracting officer for the Postal Service subject to the Contract Disputes Act of 1978, and advises contractors of the implementation of an electronic filing system by the Postal Service Board of Contract Appeals.

List of Subjects in 39 CFR Part 601

Government procurement.

Accordingly, for the reasons stated, 39 CFR part 601 is amended as follows:

PART 601—PURCHASING OF PROPERTY AND SERVICES

■ 1. The authority citation for 39 CFR part 601 continues to read as follows:

Authority: 39 U.S.C. 401, 404, 410, 411, 2008, 5001–5605.

■ 2. In § 601.109, revise paragraphs (a) and (g)(7) to read as follows:

§ 601.109 Contract claims and disputes.

(a) *General.* This section implements the Contract Disputes Act of 1978, as amended (41 U.S.C. 7101–7109). If ADR is used, the SDR official may serve as a mediator for contract performance disagreements prior to bringing a contract claim or dispute under this part.

* * * * *

(g) * * *

(7) *Wording of decisions.* The contracting officer's final decision must contain the following paragraph: ''This is the final decision of the contracting officer pursuant to the Contract Disputes Act of 1978 and the clause of your contract entitled Claims and Disputes. You may appeal this decision to the Postal Service Board of Contract Appeals by filing a new Postal Service Board of Contract Appeals case through the USPS Judicial Officer Department's Electronic Filing System Web site located at *https://uspsjoe.newdawn.com/JusticeWeb* within ninety days from the date you receive this decision. You also may appeal this decision to the Postal Service Board of Contract Appeals by mailing or otherwise furnishing written notice to the contracting officer within ninety days from the date you receive this decision. The notice should identify the contract by number, reference this decision, and indicate that an appeal is intended. Alternatively, you may bring an action directly in the United States Court of Federal Claims within twelve months from the date you receive this decision.''

* * * * *

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–13558 Filed 6–3–15; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2015–0123; FRL–9928–60–Region 7]

Approval and Promulgation of Air Quality Implementation Plans; State of Missouri, Construction Permits Required

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the State Implementation Plan (SIP) for the State of Missouri submitted on October 2, 2013. This final action will amend the SIP to update the construction permits rule to incorporate by reference recent EPA actions related to plantwide applicability limitations (PALs) for greenhouse gases (GHGs) and to correct the definition of ''regulated NSR pollutant.'' Other revisions include modifying the notification period for initial equipment start-up and clarifying de minimis permit air quality analysis requirements.

DATES: This final rule is effective on July 6, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2015–0123. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. The Regional Office's official hours of business are Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Paula Higbee, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913)551–7028, or by email at *higbee.paula@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?

EPA is taking final action to approve the SIP revision submitted by the state of Missouri for 10 CSR 10–6.060, ''Construction Permits Required''. EPA previously proposed approval of this rule on March 18, 2015 (80 FR 14062). On October 3, 2013, EPA received a request to amend the SIP to incorporate by reference all paragraphs of title 40, Code of Federal Regulations (CFR), section 52.21, except for paragraphs (a),

(q) and (s) through July 1, 2012. Missouri also requested to amend the SIP to incorporate by reference EPA's July 12, 2012, final rule finalizing PALs for GHGs (77 FR 41051) and EPA's October 25, 2012, final rule amending the definition of ''Regulated NSR Pollutant'' concerning condensable particulate matter (77 FR 65107). In Missouri's letter to EPA, Missouri also requested to amend the SIP to incorporate EPA's May 18, 2011, rule repealing the grandfathering provisions for particulate matter less than 2.5 micrometers ($PM_{2.5}$) under the PSD program; the state already has an approved PSD program which incorporates by reference the provisions of 40 CFR 52.21 through July 1, 2011. Therefore, Missouri's Federally approved program already incorporates this action. Other revisions to Missouri's rule which we are taking final action on include clarifying the requirements for conducting an air quality analysis in section 5, De Minimis Permits; making minor administrative clarifications; and revising the notification period for initial start-up in section 6, General Permits.

II. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the proposed rule that was published in the **Federal Register** on March 18, 2015, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. EPA's Response to Comments

The public comment period on EPA's proposed rule opened March 18, 2015, the date of its publication in the **Federal Register**, and closed on April 18, 2015. During this period, EPA received no comments.

IV. What action is EPA taking?

EPA is taking final action to approve the revisions to the SIP. These revisions update the construction permits rule to incorporate by reference recent EPA actions related to PALs for GHGs, and amend the definition of ''Regulated NSR Pollutant.'' Other revisions include modifying the notification period for initial equipment start-up and clarifying de minimis permit air quality analysis requirements.

Statutory and Executive Order Reviews

In this rule, EPA is including final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is taking final action to incorporate by reference Missouri 10 CSR 10–6.060 ''Construction Permits Required'' described in the amendments to 40 CFR part 52 set forth below. 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).

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

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 3, 2015. Filing a petition for reconsideration by the Administrator of this rule does not affect the finality of this rulemaking 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 effectivess of such future 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 21, 2015.

Becky Weber,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, EPA is amending 40 CFR part 52 as set forth below:

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 AA—Missouri

■ 2. In § 52.1320, the table in paragraph (c) is amended by revising the entry for 10–6.060 to read as follows:

§ 52.1320 Identification of Plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri				
*	*	*	*	*
10–6.060	Construction Permits Required ..	10/30/13	6/4/15 *and* [Insert **Federal Register** citation].	Provisions of the 2010 $PM_{2.5}$ PSD—Increments, SILs and SMCs rule (75 FR 64865, October 20, 2010) relating to SILs and SMCs that were affected by the January 22, 2013, U.S. Court of Appeals decision are not SIP approved. Provisions of the 2002 NSR reform rule relating to the Clean Unit Exemption and Pollution Control Projects are not SIP approved. In addition, we have not approved Missouri's rule incorporating EPA's 2007 revision for the definition of ''chemical processing plants'' (the ''Ethanol Rule,'' 72 FR 24060 (May 1, 2007). Although exemptions previously listed in 10 CSR 10–6.060 have been transferred to 10 CSR 10–6.061, the Federally-approved SIP continues to include the following exemption; ''Livestock and livestock handling systems from which the only potential contaminant is odorous gas.'' Section 9, pertaining to hazardous air pollutants, is not SIP approved.
*	*	*	*	*

* * * * *

[FR Doc. 2015–13410 Filed 6–3–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–8385]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Bret Gates, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4133.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Region I				
Maine:				
Belfast, City of, Waldo County	230129	July 8, 1975, Emerg; May 3, 1990, Reg; July 6, 2015, Susp.	July 6, 2015	July 6, 2015.
Brooks, Town of, Waldo County	230253	July 23, 1975, Emerg; September 18, 1985, Reg; July 6, 2015, Susp.	do*	Do.
Burnham, Town of, Waldo County	230130	November 3, 1977, Emerg; June 3, 1991, Reg; July 6, 2015, Susp.	do	Do.
Frankfort, Town of, Waldo County	230254	June 5, 1975, Emerg; May 17, 1990, Reg; July 6, 2015, Susp.	do	Do.
Freedom, Town of, Waldo County	230255	October 1, 1975, Emerg; September 27, 1985, Reg; July 6, 2015, Susp.	do	Do.
Isleboro, Town of, Waldo County	230256	May 30, 1975, Emerg; May 15, 1991, Reg; July 6, 2015, Susp.	do	Do.
Knox, Town of, Waldo County	230258	July 30, 1975, Emerg; September 27, 1985, Reg; July 6, 2015, Susp.	do	Do.
Liberty, Town of, Waldo County	230259	July 23, 1975, Emerg; September 27, 1985, Reg; July 6, 2015, Susp.	do	Do.
Lime Island, Waldo County	230985	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2015, Susp.	do	Do.
Lincolnville, Town of, Waldo County	230172	October 1, 1975, Emerg; May 3, 1990, Reg; July 6, 2015, Susp.	do	Do.
Little Bermuda Island, Waldo County	230984	April 4, 1979, Emerg; April 30, 1984, Reg; July 6, 2015, Susp.	do	Do.
Monroe, Town of, Waldo County	230260	May 22, 1975, Emerg; September 27, 1985, Reg; July 6, 2015, Susp.	do	Do.
Montville, Town of, Waldo County	230261	October 2, 2008, Emerg; April 1, 2009, Reg; July 6, 2015, Susp.	do	Do.
Morrill, Town of, Waldo County	230262	July 16, 1975, Emerg; September 18, 1985, Reg; July 6, 2015, Susp.	do	Do.
Northport, Town of, Waldo County	230179	July 23, 1975, Emerg; May 15, 1991, Reg; July 6, 2015, Susp.	do	Do.
Palermo, Town of, Waldo County	230263	July 15, 1975, Emerg; March 1, 1987, Reg; July 6, 2015, Susp.	do	Do.
Searsmont, Town of, Waldo County	230265	July 16, 1975, Emerg; September 27, 1985, Reg; July 6, 2015, Susp.	do	Do.
Searsport, Town of, Waldo County	230185	July 2, 1975, Emerg; May 17, 1990, Reg; July 6, 2015, Susp.	do	Do.
Stockton Springs, Town of, Waldo County.	230266	July 30, 1975, Emerg; February 4, 1987, Reg; July 6, 2015, Susp.	do	Do.
Swanville, Town of, Waldo County	230267	June 11, 1975, Emerg; February 4, 1987, Reg; July 6, 2015, Susp.	do	Do.
Thorndike, Town of Waldo County	230268	June 14, 1976, Emerg; September 27, 1985, Reg; July 6, 2015, Susp.	do	Do.
Troy, Town of, Waldo County	230269	March 15, 1976, Emerg; April 17, 1987, Reg; July 6, 2015, Susp.	do	Do.
Unity, Town of, Waldo County	230131	July 15, 1975, Emerg; September 27, 1985, Reg; July 6, 2015, Susp.	do	Do.
Winterport, Town of, Waldo County	230271	October 1, 1975, Emerg; May 3, 1990, Reg; July 6, 2015, Susp.	do	Do.
Region III				
Virginia:				
Charles City County, Unincorporated Areas.	510198	October 20, 1975, Emerg; September 5, 1990, Reg; July 6, 2015, Susp.	do	Do.
Region IV				
Florida:				
Clewistown, City of, Hendry County	120108	September 29, 1972, Emerg; March 15, 1977, Reg; July 6, 2015, Susp.	do	Do.
Hendry County, Unincorporated Areas	120107	August 27, 1974, Emerg; May 17, 1982, Reg; July 6, 2015, Susp.	do	Do.
LaBelle, City of, Hendry County	120109	July 30, 1974, Emerg; January 20, 1982, Reg; July 6, 2015, Susp.	do	Do.
Region V				
Michigan:				
Fruitland, Township of, Muskegon County.	260265	December 11, 1973, Emerg; September 1, 1986, Reg; July 6, 2015, Susp.	do	Do.
Montague, City of, Muskegon County	260160	April 12, 1974, Emerg; May 1, 1978, Reg; July 6, 2015, Susp.	do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Muskegon, Charter Township, Muskegon County.	260163	September 6, 1974, Emerg; August 1, 1977, Reg; July 6, 2015, Susp.	.....do	Do.
Muskegon, City of, Muskegon County ..	260161	May 25, 1973, Emerg; June 1, 1977, Reg; July 6, 2015, Susp.	.....do	Do.
Muskegon Heights, City of, Muskegon County.	260162	May 9, 1975, Emerg; February 18, 1981, Reg; July 6, 2015, Susp.	.....do	Do.
North Muskegon, City of, Muskegon County.	260164	December 11, 1973, Emerg; May 2, 1977, Reg; July 6, 2015, Susp.	.....do	Do.
Norton Shores, City of, Muskegon County.	260162	May 9, 1975, Emerg; February 18, 1981, Reg; July 6, 2015, Susp.	.....do	Do.
Muskegon Heights, City of, Muskegon County.	260162	May 9, 1975, Emerg; February 18, 1981, Reg; July 6, 2015, Susp.	.....do	Do.
North Muskegon, City of, Muskegon County.	260164	December 11, 1973, Emerg; May 2, 1977, Reg; July 6, 2015, Susp.	.....do	Do.
Norton Shores, City of, Muskegon County.	260165	April 6, 1973, Emerg; September 15, 1977, Reg; July 6, 2015, Susp.	.....do	Do.
Ravenna, Township of, Muskegon County.	260731	October 6, 1982, Emerg; May 17, 1989, Reg; July 6, 2015, Susp.	.....do	Do.
White River, Township of, Muskegon County.	260299	June 21, 1974, Emerg; January 16, 1981, Reg; July 6, 2015, Susp.	.....do	Do.
Whitehall, City of, Muskegon County	260166	May 13, 1975, Emerg; October 15, 1980, Reg; July 6, 2015, Susp.	.....do	Do.
Region VI				
Arkansas:				
Alexander, Town of, Pulaski and Saline Counties.	050377	September 26, 1980, Emerg; January 20, 1982, Reg; July 6, 2015, Susp.	.....do	Do.
Jacksonville, City of, Pulaski County	050180	November 26, 1973, Emerg; September 29, 1978, Reg; July 6, 2015, Susp.	.....do	Do.
Little Rock, City of, Pulaski County	050181	March 16, 1973, Emerg; March 4, 1980, Reg; July 6, 2015, Susp.	.....do	Do.
Maumelle, City of, Pulaski County	050577	March 6, 1979, Emerg; February 29, 1988, Reg; July 6, 2015, Susp.	.....do	Do.
North Little Rock, City of, Pulaski County.	050182	January 17, 1974, Emerg; July 16, 1980, Reg; July 6, 2015, Susp.	.....do	Do.
Pulaski County, Unincorporated Areas	050179	March 6, 1979, Emerg; July 16, 1981, Reg; July 6, 2015, Susp.	.....do	Do.
Sherwood, City of, Pulaski County	050235	February 15, 1974, Emerg; October 17, 1978, Reg; July 6, 2015, Susp.	.....do	Do.
Louisiana:				
Campti, Town of, Natchitoches Parish ..	220401	August 28, 1992, Emerg; July 3, 2003, Reg; July 6, 2015, Susp.	.....do	Do.
Clarence, Village of, Natchitoches Parish.	220130	March 8, 1976, Emerg; September 18, 1987, Reg; July 6, 2015, Susp.	.....do	Do.
Goldonna, Village of, Natchitoches Parish.	220290	April 2, 1981, Emerg; June 29, 1982, Reg; July 6, 2015, Susp.	.....do	Do.
Natchez, Village of, Natchitoches Parish.	220370	September 29, 1975, Emerg; September 18, 1987, Reg; July 6, 2015, Susp.	.....do	Do.
Natchitoches, City of, Natchitoches Parish.	220131	April 17, 1974, Emerg; September 18, 1987, Reg; July 6, 2015, Susp.	.....do	Do.
Natchitoches Parish, Unincorporated Areas.	220129	May 10, 1973, Emerg; September 18, 1987, Reg; July 6, 2015, Susp.	.....do	Do.
Provencal, Village of, Natchitoches Parish.	220132	June 27, 1975, Emerg; November 1, 1992, Reg; July 6, 2015, Susp.	.....do	Do.
Robeline, Village of, Natchitoches Parish.	220133	August 11, 1975, Emerg; August 5, 1985, Reg; July 6, 2015, Susp.	.....do	Do.
Region VIII				
Montana:				
Missoula, City of, Missoula County	300049	March 14, 1975, Emerg; January 6, 1983, Reg; July 6, 2015, Susp.	.....do	Do.
Missoula County, Unincorporated Areas	300048	January 15, 1975, Emerg; August 15, 1983, Reg; July 6, 2015, Susp.	.....do	Do.

* -do- =Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: May 18, 2015.

Roy E. Wright,

Deputy Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2015–13664 Filed 6–3–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

49 CFR Part 1510

[Docket No. TSA–2001–11120; Amendment No. 1510–5]

RIN 1652–AA68

Adjustment of Passenger Civil Aviation Security Service Fee

AGENCY: Transportation Security Administration, DHS.

ACTION: Interim final rule; request for comments.

SUMMARY: The Transportation Security Administration (TSA) is issuing this interim final rule (IFR) to address a statutory change affecting the IFR published on June 20, 2014 (2014 IFR), which implemented the passenger civil aviation security service fee (security service fee) increase mandated by the Bipartisan Budget Act of 2013. This IFR conforms TSA's regulations to statutory amendments enacted since publication of the 2014 IFR. These amendments impose a round-trip limitation on the security service fee. All other aspects of the regulations, including those made by the 2014 IFR and provisions unchanged by this rule, remain in effect. TSA is also requesting comments on added definitions related to imposition of a round-trip limitation. TSA is not soliciting comments with respect to any other issues concerning the 2014 IFR, except to the extent affected by this rule, as the deadline for such comments has expired.

DATES:

Effective date: June 4, 2015, except for the definition of ''co-terminal'' in § 1510.3, which is effective July 6, 2015.

Comment date: Comments must be received by August 3, 2015.

Applicability date: Direct air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation originating at airports in the United States (air carriers) will be held responsible for applying the round-trip limitation to all relevant air transportation sold on or after 12 a.m. (Eastern Standard Time) on December 19, 2014.

ADDRESSES: You may submit comments, identified by the TSA docket number to this rulemaking, to the Federal Docket Management System (FDMS), a government-wide, electronic docket management system, using any one of the following methods:

Electronically: You may submit comments through the Federal eRulemaking portal at *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail, In Person, or Fax: Address, hand-deliver, or fax your written comments to the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; fax (202) 493–2251. The Department of Transportation (DOT), which maintains and processes TSA's official regulatory dockets, will scan the submission and post it to FDMS.

See **SUPPLEMENTARY INFORMATION** for format and other information about comment submissions.

FOR FURTHER INFORMATION CONTACT: Michael Gambone, Office of Revenue, TSA–14, Transportation Security Administration, 701 South 12th Street, Arlington, VA 20598–6014; telephone (571) 227–2323; email: *tsa-fees@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Retroactive Application

This IFR conforms TSA's regulations to recently enacted amendments to 49 U.S.C. 44940(c) that require a limitation for round-trip air transportation.[1] As the law stipulates that the statutory amendment shall apply ''to a trip in air transportation or intrastate air transportation that is purchased on or after the date of the enactment of this Act,'' [2] the statutory amendments became effective on December 19, 2014. Therefore, direct air carriers and foreign air carriers in air transportation, foreign air transportation, and intrastate air transportation originating at airports in the United States (air carriers) will be held responsible for applying the round-trip limitation to all relevant air transportation sold on or after 12 a.m. (Eastern Standard Time) on December 19, 2014.

Comments Invited

TSA is requesting public comment on this IFR. TSA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments must be limited to the issues raised in this IFR as the comment period for the 2014 IFR has closed. *See* **ADDRESSES** above for information on where to submit comments.

With each comment, please identify the docket number at the beginning of your comments. TSA encourages commenters to provide their names and addresses. The most helpful comments reference a specific portion of the rulemaking, explain the reason for any recommended change, and include supporting data. You may submit comments and material electronically, in person, by mail, or fax as provided under **ADDRESSES**, but please submit your comments and material by only one means. If you submit comments by mail or delivery, submit them in an unbound format, no larger than 8.5 by 11 inches, suitable for copying and electronic filing.

If you would like TSA to acknowledge receipt of comments submitted by mail, include with your comments a self-addressed, stamped postcard on which the docket number appears. We will stamp the date on the postcard and mail it to you.

TSA will file all comments to our docket address, as well as items sent to the address or email under **FOR FURTHER INFORMATION CONTACT**, in the public docket, except for comments containing confidential information and sensitive security information (SSI). Should you wish your personally identifiable information redacted prior to filing in the docket, please so state. TSA will consider all comments that are in the docket on or before the closing date for comments and will consider comments filed late to the extent practicable. The docket is available for public inspection before and after the comment closing date.

Handling of Confidential or Proprietary Information and Sensitive Security Information (SSI) Submitted in Public Comments

Do not submit comments that include trade secrets, confidential commercial or financial information, or SSI to the public regulatory docket. Please submit such comments separately from other comments on the rulemaking. Comments containing this type of information should be appropriately marked as containing such information and submitted by mail to the address listed in **FOR FURTHER INFORMATION CONTACT** section.

TSA will not place comments containing SSI in the public docket and will handle them in accordance with

[1] Public Law 113–294 (Dec. 19, 2014; 128 Stat. 4009).

[2] *Id.* at sec. 1(b).

applicable safeguards and restrictions on access. TSA will hold documents containing SSI, confidential business information, or trade secrets in a separate file to which the public does not have access, and place a note in the public docket explaining that commenters have submitted such documents. TSA may include a redacted version of the comment in the public docket. If an individual requests to examine or copy information that is not in the public docket, TSA will treat it as any other request under the Freedom of Information Act (FOIA) (5 U.S.C. 552) and the Department of Homeland Security's (DHS') FOIA regulation found in 6 CFR part 5.

Reviewing Comments in the Docket

Please be aware that anyone is able to search the electronic form of all comments in any of our dockets by the name of the individual who submitted the comment (or signed the comment, if an association, business, labor union, *etc.,* submitted the comment). You may review the applicable Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477) and modified on January 17, 2008 (73 FR 3316).

You may review TSA's electronic public docket on the Internet at *http://www.regulations.gov.* In addition, DOT's Docket Management Facility provides a physical facility, staff, equipment, and assistance to the public. To obtain assistance or to review comments in TSA's public docket, you may visit this facility between 9 a.m. and 5 p.m., Monday through Friday, excluding legal holidays, or call (202) 366–9826. This docket operations facility is located in the West Building Ground Floor, Room W12–140 at 1200 New Jersey Avenue SE., Washington, DC 20590.

Availability of Rulemaking Document

You may obtain an electronic copy of this document using the Internet by—

(1) Searching the electronic Federal Docket Management System (FDMS) Web page at *http://www.regulations.gov;*

(2) Accessing the Government Printing Office's Web page at *http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR* to view the daily published **Federal Register** edition; or accessing the ''Search the **Federal Register** by Citation'' in the ''Related Resources'' column on the left, if you need to do a Simple or Advanced search for information, such as a type of document that crosses multiple agencies or dates; or

(3) Visiting TSA's Security Regulations Web page at *http://www.tsa.gov* and accessing the link for ''Stakeholders'' at the top of the page, then the link ''Research Center'' in the left column.

In addition, copies are available by writing or calling the individual in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this rulemaking.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires TSA to comply with small entity requests for information and advice about compliance with statutes and regulations within TSA's jurisdiction. Any small entity that has a question regarding this document may contact the person listed in **FOR FURTHER INFORMATION CONTACT.** Persons can obtain further information regarding SBREFA on the Small Business Administration's Web page at *http://www.sba.gov/advo/laws/law_lib.html.*

Background

The security service fee was initially authorized under the Aviation and Transportation Security Act (ATSA), enacted in 2001 following the events of September 11, 2001 and the government's assumption of civil aviation services previously provided by air carriers.[3] As enacted under ATSA, the fee was limited by statute to no more than $2.50 per enplanement or $5.00 per one-way trip.[4] The ATSA provision was implemented through an IFR published in December 2001 (2001 IFR).[5] In the 2001 IFR, the passenger fee was set at $2.50 per enplanement. The regulation further limited application of the passenger fee to no more than two (2) enplanements per one-way trip or four (4) enplanements per round trip. As enacted by ATSA, the law provided that the fee ''may not *exceed'' [emphasis added]* $2.50 per enplanement or $5.00 per one-way trip, thus vesting TSA with discretion to cap fees at a lower amount, such as by including a cap on enplanements charged per round trip.[6]

In December of 2013, Congress amended 49 U.S.C. 44940(c) as part of the Bipartisan Budget Act of 2013 (Budget Act of 2013).[7] The Budget Act of 2013 amended 49 U.S.C. 44940 to restructure the basis and amount of the fee. As amended, 49 U.S.C. 44940(c) stated that the fee ''shall be $5.60 per one-way trip. . . .'' TSA implemented the Budget Act of 2013's amendments through an IFR published on June 20, 2014 (2014 IFR),[8] which took effect July 21, 2014.

Since publication of the 2014 IFR, sec. 44940(c) was further amended by Congress in December 2014 to include a round-trip limitation.[9] The section now reads (amendment in *italics*):

> ''. . . Fees imposed under subsection (a)(1) shall be $5.60 per one-way trip in air transportation or intrastate air transportation that originates at an airport in the United States, *except that the fee imposed per round trip shall not exceed $11.20.*

The amendment also added a definition of round trip:

> ''. . . In this subsection, the term ''round trip'' means a trip on an air travel itinerary that terminates or has a stopover at the origin point (or co-terminal).

Finally, the law specified that the changes ''shall apply with respect to a trip in air transportation or intrastate air transportation that is purchased on or after the date of the enactment of this Act.'' As a result, the round-trip limitation became effective for all tickets sold after 12:00 a.m. (EST) on December 19, 2014 (the day the legislation was signed by the President).

Good Cause for Adoption Without Prior Notice and Comment

This action is being taken without providing the opportunity for notice and comment. Section 44940(d) of title 49, U.S.C., exempts the imposition of the civil aviation security fees authorized in sec. 44940 from the procedural rulemaking notice and comment procedures set forth in 5 U.S.C. 553 of the Administrative Procedure Act (APA).

Apart from the statutory exemption discussed above, the APA allows an agency to forego notice and comment rulemaking when ''the agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [10] Public Law 113–294 took effect on December 19, 2014, creating a discrepancy between TSA's regulations and what is statutorily required. Because the requirement is in effect without this rulemaking, TSA finds that good cause exists under 5 U.S.C. 553(b) for making this an IFR without advance notice and comment. In addition, as the statute has already taken effect and passengers and industry may seek

[3] Public Law 107–71 (115 Stat. 597; Nov. 19, 2001) (codified in relevant portions at 49 U.S.C. 44940).

[4] *See* 49 U.S.C. 44940(c) (2002).

[5] 66 FR 67698 (Dec. 31, 2001), codified at 49 CFR part 1510.

[6] 49 U.S.C. 44940(c) (2002).

[7] Public Law 113–67 (127 Stat. 1165; Dec. 26, 2013).

[8] 79 FR 35461 (June 20, 2014).

[9] Public Law 113–294.

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

confirmation from TSA with respect to proper implementation of the statute, TSA believes that further delays associated with notice and comment procedures would be impracticable and contrary to the public interest.

This IFR only includes a delayed effective date for the co-terminal definition (including the approved list of co-terminals referenced in that definition), which has not been previously included in TSA's regulations—although it has been consistently applied throughout the history of implementing the security service fee. The APA allows an agency to implement a rule immediately, rather than requiring a 30-day delayed effective date, if the agency finds good cause.[11] This regulation is necessary to make TSA's regulations consistent with adjustments to the security service fee that took effect on December 19, 2014. Publication of this IFR does not modify the effective date of the statutory requirement contained in Public Law 113–294; air carriers are required to apply a round-trip limitation to the security service fee for air transportation sold on or after December 19, 2014. Therefore, TSA finds good cause to implement these conforming regulations immediately, as the statutory requirements are already in effect, and thus a delayed effective date is unnecessary.

Although this action is exempt from notice and comment requirements, TSA has chosen to issue this rulemaking as an IFR to provide an opportunity for comments before the 2014 IFR is finalized. TSA will accept comments on this rulemaking supplement to the 2014 IFR until August 3, 2015. TSA is not soliciting comments with respect to any other issues concerning the 2014 IFR, except to the extent affected by this rule, as the deadline for such comments has expired. *See* **DATES** and **SUPPLEMENTARY INFORMATION** for guidance on the schedule and method for submitting comments. TSA will address the comments received on this IFR in a subsequent final rule.

Issuance of Interim Final Rule

In light of amendments to the relevant statutory provision while TSA is in the rulemaking process to implement previous amendments to the same provision, TSA is issuing an IFR to conform its regulations consistent with the statute (*i.e.,* 49 U.S.C. 44940(c) as amended by Pub. L. 113–294). This IFR, like the 2014 IFR, implements the requirements of 49 U.S.C. 44940 in TSA regulations and allows TSA to ensure consistent implementation of the statute as it affects passengers in air transportation until such time as a final rule is published.

Changes to the 2014 Interim Final Rule

The amendments made by Public Law 113–294 provide that the fee imposed per round trip shall not exceed $11.20 and define ''round trip'' to mean a trip on an air travel itinerary that terminates or has a stopover at the origin point (or co-terminal). Therefore, 49 CFR 1510.5 is amended by this IFR to add that passengers may not be charged more than $11.20 per round trip, conforming the regulation to the amendments made by Public Law 113–294. The definition of a ''round trip'' stipulated in Public Law 133–294 is being added to 49 CFR 1510.3. As previously noted, a ''round trip'' is defined in 49 U.S.C. 44940(c)(2)[12] as ''a trip on an air travel itinerary that terminates or has a stopover at the origin point (or co-terminal).''[13] This definition is the same definition in use before the 2014 IFR for purposes of determining with a round-trip limitation applied. Consistent with previous practice, TSA notes that just as it is possible for there to be multiple one-way trips on an itinerary, there can also be multiple round trips on an itinerary.[14] In addition to including the definition of ''round trip'' provided in the statute, which is consistent with TSA's use of this term in the past for implementing the fee,[15] this IFR also includes definitions for other terms used in the statutory definition of ''round trip.'' These terms include ''co-terminal,'' ''origin point,'' and ''terminates.'' The term ''stopover,'' which is also used in the statute, was previously defined in the 2014 IFR.

Consistent with the statute and previous practice before July 21, 2014, a trip on an air travel itinerary that terminates or has a stopover at either the origin point, or a co-terminal of the origin point, is subject to the round-trip limitation. A ''co-terminal'' is defined to incorporate situations where multiple airports provide service to the same geographic area.[16] Co-terminal relationships are used by some air carriers for fare construction or routing, such as standby and flight changes.

The docket for this rulemaking includes a comprehensive list of co-terminal airports (both domestic and foreign airports) which TSA has approved for determining application of the security service fee. TSA has based its list of approved co-terminals on consistent use of these designations by the industry for purposes of fare construction and routing and by TSA for compliance reviews associated with the security service fee. Through this IFR, TSA invites comments on the co-terminal designations. TSA will publish a notice in the **Federal Register** should the list of approved co-terminals be revised in the future.

The terms ''origin point'' and ''terminates'' are added solely for the purpose of determining whether the round-trip limitation applies. In other words, the ''origin point'' of an itinerary is considered for purposes of determining whether the round-trip limitation applies; the definition has no bearing on the determination whether a trip is in ''air transportation . . . that originates at an airport in the United States.''[17] The security service fee applies to any one-way trip in air transportation that departs from an airport in the United States, including certain domestic flights that are part of air travel to or from a foreign country.[18]

TSA welcomes comment on each of these changes.

In Table 1 of the 2014 IFR, TSA provided an analysis comparing itinerary examples showing the difference in fee imposition between the 2001 IFR and the 2014 IFR. In Table 1 of this IFR, TSA updates that analysis to reflect a comparison between fee imposition under the 2014 IFR and imposition as a result of Pub. L. 113–294.[19] Consistent with past practice under the regulatory round-trip limitation that existed until July 2014, the only itinerary example in this analysis affected by the round-trip limitation is the trip that begins in Newark, sequential stopovers in

[11] *See* 5 U.S.C. 553(d)(3).

[12] As amended by Public Law 113–294.

[13] *See* 49 U.S.C. 44940(c)(2) as the provision is amended by Public Law 113–294.

[14] *See* U.S. DHS/TSA Letter re: Rule-Fees-ATA Docket Response and Clarification Letter TSA 06–11–07 (dated October 24, 2006) (TSA 2006 Letter). This document is available at *www.regulations.gov,* under docket number TSA–2001–11120–0075.

[15] *Id.*

[16] Although TSA has not previously defined ''co-terminal'' for these purposes, TSA provides a definition here to foster transparency and consistent application of the fee across airlines and reservation systems. TSA anticipates that the definition is consistent with the historic practice of airlines in this context.

[17] 49 U.S.C. 44940(c) (2014); *see also* 49 U.S.C. 44940(a) (the TSA Administrator ''shall impose a uniform fee, on passengers of air carriers and foreign air carriers in air transportation and intrastate air transportation originating at airports in the United States'').

[18] *See* 79 FR at 35465.

[19] TSA has removed examples intended to demonstrate differences in the definition of ''stopover,'' as they are not relevant to this rulemaking.

Chicago, Denver, Las Vegas, and Chicago, then returns to Newark (the penultimate itinerary in Table 1).

Chicago, then returns to Newark (the penultimate itinerary in Table 1).

TABLE 1—COMPARISON OF CURRENT FEE IMPOSITION (UNDER 49 CFR PART 1510) (EFFECTIVE JULY 21, 2014) AND FEE IMPOSITION RESULTING FROM PUBLIC LAW 113–294 (EFFECTIVE DECEMBER 19, 2014)

Itinerary examples	49 CFR Part 1510	Public Law 113–294
Washington Dulles to Chicago (stopover), Chicago to Washington Dulles.	$11.20; 2 one-way trips	$11.20; 1 round trip with 2 chargeable one-way trips.
Washington Dulles to Chicago, Chicago to Washington Dulles[20]	$5.60; 1 one-way trip	$5.60; 1 round trip with 1 chargeable one-way trip.
Washington Dulles to Chicago, Chicago to Los Angeles (stopover), Los Angeles to Chicago, Chicago to Washington Dulles.	$11.20; 2 one-way trips	$11.20; 1 round trip with 2 chargeable one-way trips.
Washington Dulles to Chicago, Chicago to Los Angeles, Los Angeles to Seattle (stopover), Seattle to Los Angeles, Los Angeles to Chicago, Chicago to Washington Dulles.	$11.20; 2 one-way trips	$11.20; 1 round trip with 2 chargeable one-way trips.
Washington Dulles to Chicago, Chicago to Los Angeles, Los Angeles to Seattle (stopover), Seattle to Los Angeles.	$11.20; 2 one-way trips	$11.20; 2 one-way trips.
Paris to New York, New York to Chicago	$5.60; 1 one-way trip	$5.60. 1 one-way trip.
Chicago to New York (stopover), New York to Frankfurt (stopover), Frankfurt to Chicago, Chicago to Minneapolis.	$16.80; 3 one-way trips	$16.80; 3 one-way trips.
Newark to Chicago (stopover), Chicago to Denver (stopover), Denver to Las Vegas (stopover), Las Vegas to Chicago (stopover), Chicago to San Francisco.	$28.00; 5 one-way trips	$28.00; 5 one-way trips.
Newark to Chicago (stopover), Chicago to Denver (stopover), Denver to Las Vegas (stopover), Las Vegas to Chicago (stopover), Chicago to Newark.	$28.00; 5 one-way trips	$11.20; 1 round trip with 2 chargeable one-way trips.
Orlando to Pittsburgh (stopover), Pittsburgh to Orlando (stopover), Orlando to Pittsburgh (stopover), Pittsburgh to Orlando (stopover), Orlando to Pittsburgh (stopover), Pittsburgh to Orlando.	$33.60; 6 one-way trips	$33.60; 3 round trips with 6 chargeable one-way trips (2 chargeable one-way trips per round trip).

Regulatory Impact Analyses

Executive Orders (E.O.s) 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This IFR consists of an administrative revision necessary to conform TSA regulations to a self-executing amendment to 49 U.S.C. 44940(c), which took effect on the date of enactment—December 19, 2014.[21] This rulemaking is significant under E.O. 12866 and, therefore, OMB has reviewed this IFR. TSA has prepared an analysis of its estimated costs and benefits, presented in the following paragraphs using the current 2014 IFR as a baseline. Table 2 presents the OMB Circular A–4 Accounting Statement for this IFR.

TABLE 2—OMB A–4 ACCOUNTING STATEMENT

[Fiscal Year 2015—Fiscal Year 2023]

Category	Estimate
Benefits	
Annualized monetized benefits	—
Annualized quantified, but unmonetized, benefits	—
Qualitative (un-quantified) benefits	Provides a regulatory efficiency by aligning current regulations with Legislation.
	—
	Allow TSA to continue providing security functions made possible by the collection of fees.

[20] This itinerary example is being added in response to questions received to clarify that application of the fee to this itinerary is unchanged from how it has been charged since the security service fee was first collected in 2002.

[21] Public Law 113–294.

TABLE 2—OMB A–4 ACCOUNTING STATEMENT—Continued

[Fiscal Year 2015—Fiscal Year 2023]

Category	Estimate	
Costs		
Annualized monetized costs	—	
Annualized quantified, but unmonetized, costs	—	
Qualitative (un-quantified) costs	Direct air carriers and foreign air carriers may incur costs to update their computer and ticket sales systems to reflect the new fee structure.	
Transfers		
Annualized monetized transfers	$85,917,221	7%
	$86,699,144	3%
From whom to whom?	From the government to air passengers.	

Costs

As previously noted, this IFR consists of an administrative revision to make TSA's regulations consistent with an amendment to 49 U.S.C. 44940(c), which requires air carriers to apply a round-trip limitation of $11.20 to the security service fee for air transportation sold on or after December 19, 2014.[22] As this limitation was not included in the Budget Act of 2013, it was not considered for the analysis of the 2014 IFR. As such, to estimate the impact of this IFR, TSA compares the impact of the fee structure imposed by the Budget Act of 2013 (considered as baseline) and the fee structure with a round-trip limitation as imposed by Public Law 113–294.

Under the Budget Act of 2013, TSA was required to deposit a specified amount of revenue per year from 2014–2023 to the general fund of the Treasury, with the remaining receipts offsetting TSA appropriations. Table 3 below shows this breakdown, as it was presented in the 2014 IFR.

TABLE 3—FEE ALLOCATION UNDER THE BUDGET ACT OF 2013

[No round-trip limitation]

Fiscal year	Fee allocated for security services	Fees allocated for the general fund	Total fees collected—$5.60 per one-way trip
FY14 Q4	$560,070,072	$390,000,000	$950,070,072
FY15	2,453,125,839	1,190,000,000	3,643,125,839
FY16	2,465,988,356	1,250,000,000	3,715,988,356
FY17	2,510,308,123	1,280,000,000	3,790,308,123
FY18	2,546,114,285	1,320,000,000	3,866,114,285
FY19	2,583,436,571	1,360,000,000	3,943,436,571
FY20	2,622,305,302	1,400,000,000	4,022,305,302
FY21	2,662,751,408	1,440,000,000	4,102,751,408
FY22	2,704,806,437	1,480,000,000	4,184,806,437
FY23	2,748,502,565	1,520,000,000	4,268,502,565
Total	23,857,408,958	12,630,000,000	36,487,408,958

The estimated fees collected, as presented in Table 3, do not include a round-trip limitation. As described in the Background section of this preamble, the Budget Act of 2013 amended 49 U.S.C. to restructure the basis and amount of the security service fee and also removed TSA's ability to provide for a round-trip limitation in its regulations. TSA implemented the Budget Act of 2013's amendments through the 2014 IFR.

A round-trip limitation is now being imposed as a result of the amendment to 49 U.S.C. 44940(c) made by Public Law 113–294. To estimate the fee collection with the $11.20 limitation on round trips, TSA first determined the number of round-trip itineraries using data from the Bureau of Transportation Statistics (BTS).[23] According to BTS data, approximately 66 percent of all tickets are considered round-trip tickets. Using the number of round-trip versus not-round-trip tickets, TSA estimates

[22] Public Law 113–294.

[23] TSA uses the Airline Origin and Destination Survey (DB1B) showing the Number of Passengers by Market Coupons for 2012. According to the BTS, a coupon is defined as a piece of paper or series of papers indicating the itinerary of a passenger. Each segment, or trip, on an itinerary has one coupon.

that approximately 79 percent [24] of total one-way trips are part of a round-trip itinerary. Table 4 presents the breakdown of trips. As required by Public Law 113–294, imposition of a round-trip limitation took effect at 12:00 a.m. on December 19, 2014. As such, TSA only accounts for 285 days in FY15 in order to estimate the impact of the statutory amendment upon implementation.

TABLE 4—BREAKDOWN OF ONE-WAY TRIPS BY ITINERARY TYPE

Fiscal year	One-way trips as part of round-trip itinerary [25] (a)	One-way trips (b)	Total trips (c)
FY15	403,606,577	104,363,513	507,970,090
FY16	527,237,644	136,331,705	663,569,349
FY17	537,782,397	139,058,339	676,840,736
FY18	548,538,045	141,839,506	690,377,551
FY19	559,508,806	144,676,296	704,185,102
FY20	570,698,982	147,569,822	718,268,804
FY21	582,112,962	150,521,218	732,634,180
FY22	593,755,221	153,531,643	747,286,864
FY23	605,630,326	156,602,275	762,232,601
Total	4,928,870,961	1,274,494,316	6,203,365,277

The imposition of a fee limitation for round trips results in a decrease in fees assessed from air passengers for those one-way trips that are part of a round-trip itinerary. To establish this difference, TSA again used BTS data to determine the average number of segments per each round-trip flight. Based on the BTS data of round-trip itineraries with more than two flight-coupons,[26] TSA estimates that the average round-trip itinerary has 3.1 coupons. TSA uses the number of coupons to represent the number of one-way trips on a single itinerary. The fee limitation allows TSA to collect security service fees for two segments of an average round-trip itinerary. As a result, on average, TSA estimates the round-trip limitation will result in not collecting 1.1 security service fees for each itinerary with more than two segments.[27] Table 5 provides TSA's estimates of the count and amount of revenue collected with a round-trip limitation. The total fees collected over the period of analysis would be $33.95 billion undiscounted, or $24.19 billion and $29.17 billion, discounted at 7 and 3 percent, respectively.

TABLE 5—ESTIMATED FEES COLLECTED WITH ESTIMATED ROUND TRIPS

Fiscal year	Total count of round trip fees [28] (A)	Count of one-way fees (B)	Fees collected round trip (C = round trip fees × $11.20)	Fees collected one-way (D = one-way fees × $5.60)	Total fees collected (F) = (C) + (D)
FY15	196,059,350	104,363,513	$2,195,864,720	$584,435,673	$2,780,300,393
FY16	256,115,425	136,331,705	2,868,492,755	763,457,547	3,631,950,302
FY17	261,237,733	139,058,339	2,925,862,610	778,726,698	3,704,589,308
FY18	266,462,488	141,839,506	2,984,379,863	794,301,232	3,778,681,095
FY19	271,791,737	144,676,296	3,044,067,460	810,187,257	3,854,254,716
FY20	277,227,572	147,569,822	3,104,948,809	826,391,002	3,931,339,811
FY21	282,772,124	150,521,218	3,167,047,785	842,918,822	4,009,966,607
FY22	288,427,566	153,531,643	3,230,388,741	859,777,198	4,090,165,939
FY23	294,196,117	156,602,275	3,294,996,516	876,972,742	4,171,969,258
Total	2,394,290,112	1,274,494,316	26,816,049,258	7,137,168,171	33,953,217,429

Comparing the fee structure, with and without a round-trip limitation, results in an estimated decrease in revenue collected from passengers of $785.63 million over the period of analysis.[29] Table 6 compares the estimated revenue as analyzed in the 2014 IFR to the estimated revenue as a result of the amendments made by Public Law 213–294.

[24] TSA estimated that 79 percent of total trips are part of a round trip itinerary by dividing (c) by (a) on Table 4.

[25] The number of one-way trips as part of a round trip itinerary is calculated by multiplying the total number of trips by 79 percent.

[26] Each coupon represents a distinct trip, or travel segment, of the itinerary. As such, the number of coupons on an itinerary equals the number of one-way trips that could potentially require a security service fee.

[27] This estimate is based on data from the BTS DB1B ticket query. To calculate the average number of coupons, TSA divided the total number of coupons for round trip itineraries with more than two coupons by the itinerary count. On average, an itinerary with more than two coupons has 3.1 coupons. (3,500,928/1,126,565=3.1). If collections are limited to two one-way trips per itinerary, TSA will be forfeiting the collection of 1.1 security service fees (3.1–2).

[28] To estimate the number of round trip fees, TSA subtracts the number of fees not collected from the number of one-way trips as part of a round-trip itinerary and divides by two. Fees not collected is calculated by multiplying the number of round trips with more than two coupons by 1.1 coupons not considered for collection, which is then subtracted from the total number of trips to estimate the total number of trips with fees collected. This is then subtracted from the total number of fees to estimate the fees not collected.

[29] To compare the 2014 IFR to this rule, TSA uses a period of analysis that includes the remaining portion of FY15 through the end of FY23, as that is the remaining period for which allocated funds to the general fund of the Treasury are specified.

TABLE 6—COMPARING ESTIMATED REVENUE FROM 2014 IFR WITH IMPOSITION OF ROUND-TRIP LIMITATION UNDER PUBLIC LAW 113–294

Fiscal year	2014 IFR	Public Law 113–294	Difference (lost revenue)	Lost revenue (discounted at 7%)	Lost revenue (discounted at 3%)
FY15	$2,844,632,504	$2,780,300,393	($64,332,112)	($60,123,469)	($62,458,361)
FY16	3,715,988,356	3,631,950,302	(84,038,053)	(73,402,090)	($79,213,925)
FY17	3,790,308,123	3,704,589,308	(85,718,814)	(69,972,086)	($78,444,858)
FY18	3,866,114,285	3,778,681,095	(87,433,191)	(66,702,363)	($77,683,258)
FY19	3,943,436,571	3,854,254,716	(89,181,855)	(63,585,430)	($76,929,051)
FY20	4,022,305,302	3,931,339,811	(90,965,492)	(60,614,148)	($76,182,167)
FY21	4,102,751,408	4,009,966,607	(92,784,801)	(57,781,711)	($75,442,534)
FY22	4,184,806,437	4,090,165,939	(94,640,497)	(55,081,631)	($74,710,083)
FY23	4,268,502,565	4,171,969,258	(96,533,307)	(52,507,723)	($73,984,742)
Total	34,738,845,552	33,953,217,429	(785,628,123)	(559,770,652)	(675,048,979)
Annualized				(85,917,221)	(86,699,144)

Because these changes affect information provided in the 2014 IFR, Table 7 provides a revised analysis of the revenue to be collected from the security service fee in terms of the allocations available to offset TSA's appropriations for providing civil aviation security.

TABLE 7—REVISED REVENUE ALLOCATION

Fiscal year	Fee allocated for security services	Fees allocated for the general fund	Total fees collected
FY15[30]	$1,590,300,393	$1,190,000,000	$2,780,300,393
FY16	2,381,950,302	1,250,000,000	3,631,950,302
FY17	2,424,589,308	1,280,000,000	3,704,589,308
FY18	2,458,681,095	1,320,000,000	3,778,681,095
FY19	2,494,254,716	1,360,000,000	3,854,254,716
FY20	2,531,339,811	1,400,000,000	3,931,339,811
FY21	2,569,966,607	1,440,000,000	4,009,966,607
FY22	2,610,165,939	1,480,000,000	4,090,165,939
FY23	2,651,969,258	1,520,000,000	4,171,969,258
Total	21,713,217,429	12,240,000,000	33,953,217,429

From the $33.95 billion collected over the period of analysis, $12.24 billion will be credited as offsetting receipts and deposited in the general funds of the Treasury, as specified in the Budget Act of 2013. As such, TSA will see a $785.63 million reduction in fees collected from air passengers for security services over the period of analysis, as compared to the 2014 IFR.[31]

TSA anticipates that there might be costs associated with each direct and foreign air carrier updating their current computer and ticket sales systems to reflect the new fee structure. Such costs are associated with the changes required by the statute that took effect on December 19, 2014.

[30] For Table 7, TSA presents fees allocated for security services and total fees collected based on 285 days in FY15, but includes the total FY15 allocation for the General Fund as mandated in the Budget Act of 2013.

[31] Under the 2014 IFR, TSA would collect $23.30 billion for security services, whereas under this rule, TSA would collect $21.71 billion for the period of analysis.

Alternatives Discussion

As this IFR is simply conforming TSA's regulations to changes in the statute, TSA has limited discretion when formulating this rule. Because of the unambiguous nature of the legislative language, there are no feasible alternatives for TSA to explore with this rulemaking that were not discussed in the 2014 IFR.

Regulatory Flexibility Act Assessment

The Regulatory Flexibility Act (RFA) of 1980 requires that agencies perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. If the determination is that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA. For purposes of the RFA, small entities include small businesses, not-for-profit organizations, and small governmental jurisdictions. Individuals and States are not included in the definition of a small entity. When no notice of proposed rulemaking has first been published, no such assessment is required for a final rule. Furthermore, 5 U.S.C. 553(b)(B) exempts rules from the requirements of the RFA when an agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. As discussed in the preamble, this IFR is exempt from the procedural rulemaking requirements of 5 U.S.C. 553.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*) requires that a Federal agency consider the impact of paperwork and other information collection burdens imposed on the public and, under the provisions of PRA sec. 3507(d), obtain approval from the Office of Management and Budget (OMB) for each collection of information it conducts, sponsors, or requires through regulations.

Information collection requirements associated with the security service fee requirements of 49 CFR part 1510 have been approved by the OMB through August 31, 2015, under the PRA

provisions, and assigned OMB Control Number 1652–0001. There are no changes to the information collection resulting from this rulemaking.

International Trade Impact Assessment

The Trade Agreements Act of 1979 [32] prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. TSA has assessed the potential effect of this rulemaking and as TSA has determined that it does not impose significant barriers to international trade.

Unfunded Mandates Assessment

The Unfunded Mandates Reform Act of 1995 [33] (UMRA), is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final rule that may result in a $100 million or more expenditure (adjusted annually for inflation) 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.'' Before TSA promulgates a rule for which a written statement is needed, sec. 205 of UMRA generally requires TSA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of sec. 205 do not apply when they are inconsistent with applicable law. In addition, the requirements of Title II of UMRA do not apply when rulemaking actions are taken without the issuance of a notice of proposed rulemaking. Accordingly, TSA has not prepared a written statement.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is TSA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. TSA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these regulations.

The ICAO guidance document on aviation fees and charges, ICAO Document 9082 (Ninth Edition—2012), ICAO's Policies on Charges for Airports and Air Navigation Services, recommends consultations before fees are imposed on carriers. In addition, Article 12 of the Air Transport Agreement between the United States of America and the European Community and its Member States, signed on April 25 and 30, 2007, encourages consultation between the charging authority and affected carriers.

As the change to the security service fee has been set by Congress and there are no additional changes to how the program is implemented by TSA, no additional consultations by TSA are required.

Executive Order 13132, Federalism

TSA has analyzed this IFR under the principles and criteria of E.O. 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or on the relationship between the National 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.

Environmental Analysis

TSA has reviewed this action for purposes of the National Environmental Policy Act of 1969 [34] (NEPA) and has determined that this action will not have a significant effect on the human environment. This action is covered by categorical exclusion (CATEX) number A3(b) in DHS Management Directive 023–01 (formerly Management Directive 5100.1), Environmental Planning Program, which guides TSA compliance with NEPA.

Energy Impact Analysis

The energy impact of the action has been assessed in accordance with the Energy Policy and Conservation Act [35] (EPCA). We have determined that this rulemaking is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 49 CFR Part 1510

Accounting, Auditing, Air carriers, Air transportation, Enforcement, Federal oversight, Foreign air carriers, Reporting and recordkeeping requirements, Security measures.

The Amendments

For the reasons set forth in the preamble, the Transportation Security Administration amends part 1510 of Chapter XII of Title 49, Code of Federal Regulations as follows:

PART 1510—PASSENGER CIVIL AVIATION SECURITY SERVICE FEES

■ 1. The authority citation for part 1510 continues to read as follows:

Authority: 49 U.S.C. 114, 40113, and 44940.

■ 2. In § 1510.3, add definitions for ''co-terminal,'' ''origin point,'' ''round trip,'' and ''terminates'' in alphabetical order to read as follows:

§ 1510.3 Definitions.

* * * * *

Co-terminal means an airport serving a multi-airport city or metropolitan area that has been approved by TSA to be used as the same point for purposes of determining application of the security service fee imposed under § 1510.5 of this part. Copies of the approved list are available on TSA's Web site at *www.tsa.gov* or by contacting *tsa-fees@dhs.gov.*

* * * * *

Origin point means the location at which a trip on a complete air travel itinerary begins.

* * * * *

Round trip means a trip on an air travel itinerary that terminates or has a stopover at the origin point (or co-terminal).

* * * * *

Terminates means the location at which a trip on a complete air travel itinerary ends.

■ 3. In § 1510.5, revise paragraph (a) to read as follows:

§ 1510.5 Imposition of security service fees.

(a) Each direct air carrier and foreign air carrier described in § 1510.9(a) shall impose a security service fee of $5.60 per one-way trip for air transportation originating at an airport in the United States. Passengers may not be charged more than $5.60 per one-way trip or $11.20 per round trip.

* * * * *

Issued in Arlington, Virginia, on May 29, 2015.

Mark Hatfield,

Acting Deputy Administrator.

[FR Doc. 2015–13506 Filed 6–3–15; 8:45 am]

BILLING CODE 9110–05–P

[32] Public Law 96–39 (93 Stat. 144; July 26, 1979).

[33] Public Law 104–4 (109 Stat. 66; March 22, 1995).

[34] 42 U.S.C. 4321 *et seq.*

[35] Public Law 94–163 (89 Stat. 871; Dec. 22, 1975), as amended (42 U.S.C. 6362).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 140904754–5188–02]

RIN 0648–BF08

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2015–2016 Biennial Specifications and Management Measures; Inseason Adjustments

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

ACTION: Final rule; inseason adjustments to biennial groundfish management measures.

SUMMARY: This final rule announces inseason changes to management measures in the Pacific Coast groundfish fisheries. This action, which is authorized by the Pacific Coast Groundfish Fishery Management Plan (PCGFMP), is intended to protect overfished and depleted stocks while allowing fisheries to access more abundant groundfish stocks.

DATES: This final rule is effective June 1, 2015.

FOR FURTHER INFORMATION CONTACT: Gretchen Hanshew, phone: 206–526–6147, fax: 206–526–6736, or email: *gretchen.hanshew@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Electronic Access

This rule is accessible via the Internet at the Office of the Federal Register Web site at *https://www.federalregister.gov.* Background information and documents are available at the Pacific Fishery Management Council's Web site at *http://www.pcouncil.org/.* Copies of the final environmental impact statement (FEIS) for the Groundfish Specifications and Management Measures for 2015–2016 and Biennial Periods Thereafter are available from Donald McIsaac, Executive Director, Pacific Fishery Management Council (Council), 7700 NE. Ambassador Place, Portland, OR 97220, phone: 503–820–2280.

Background

The PCGFMP and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subparts C through G, regulate fishing for over 90 species of groundfish off the coasts of Washington, Oregon, and California. Groundfish specifications and management measures are developed by the Pacific Fishery Management Council (Council), and are implemented by NMFS.

The final rule to implement the 2015–2016 harvest specifications and management measures for most species of the Pacific coast groundfish fishery was published on March 10, 2015 (80 FR 12567).

The Council, in coordination with Pacific Coast Treaty Indian Tribes and the States of Washington, Oregon, and California, recommended changes to current groundfish management measures at its April 10–16, 2015, meeting. Specifically, the Council recommended implementing a trip limit for big skate in the Shorebased Individual Fishing Quota (IFQ) Program and scheduled re-consideration of the stocks ecosystem component (EC) species designation. Consistent with the Council's recommendation and regulations at § 660.12, NMFS is implementing the trip limit and a sorting requirement for big skate in the Shorebased IFQ Program.

Harvest and Management of Big Skate

Up until 2015, big skate was managed as a component stock within the Other Fish complex. The Other Fish complex was comprised of several skate species and other species where catch was low and little information was available to inform stock status. Best available estimates of the overfishing limit (OFL) for component stocks contributed to the OFL harvest specification that was set at for the Other Fish complex. For additional description of the methods used for calculating OFLs for component stocks that are managed in a complex, see proposed rule for the 2011–2012 harvest specifications and management measures (75 FR 67810, November 3, 2010).

During development of the 2015–2016 harvest specifications and management measures the Council, based on the best information available when they made their final recommendation, recommended removing skates except for longnose skate from the Other Fish complex and designating most of the skates including big skate as EC species. NMFS approved and implemented that recommendation. Best estimates of mortality at that time indicated that harvest of big skate was 18 percent of the big skate contribution to the Other Fish OFL. Big skate was designated as an EC species because best available scientific information indicated that it was not in need of conservation and management and that it generally met many of the criteria for EC species designation outlined in the National Standard 1 Guidelines.

Since that time, new information indicates that mortality of big skate is approaching or exceeding the 2014 big skate contribution to the Other Fish OFL and therefore big skate may not be appropriately designated as an EC species. Therefore, at the April meeting, the Council considered management measures to reduce mortality of big skate to a level at or below its 2014 OFL contribution while the Council, its Scientific and Statistical Committee (SSC), and NMFS determine how and when to reclassify big skate.

In conjunction with the EC species designation, impacts to the species are monitored to inform whether the designation should be reconsidered based on new information. At its 2015 April meeting, the Council considered new information indicating landings of ''unspecified skate'' were predominantly big skate (over 90 percent) and therefore recent mortality of big skate may be much closer to the 2014 big skate contribution to the Other Fish OFL than previously believed.

Big skate landings are currently sorted and accounted for at a species-specific level in California, but the states of Oregon and Washington report big skate landings combined with other skate species within ''unspecified'' and ''other'' skate categories. As described in statements from the Council's Groundfish Management Team at the April meeting, a coastwide total mortality estimate for big skate was developed using a methodology endorsed by the SSC. Based on this estimate, harvest of big skate in 2014 may have been as high as 500 mt, exceeding the 2014 big skate contribution to the Other Fish OFL of 458 mt. Because in 2014 big skate contributed to the Other Fish complex OFL, and estimated catch of other species in the complex was lower than their respective contributions, the OFL for the Other Fish complex was not exceeded. Therefore, this level of catch of big skate is not overfishing by definition. However, it raised concerns that harvest of the stock may be above the fishing level that would maintain maximum sustainable yield (MSY), and that the designation of this stock as an EC species may not be appropriate.

Reducing Impacts to Big Skate

To reduce the risk of overfishing big skate, the Council considered options for taking inseason action to reduce harvest to a level below the best estimate of the OFL; the 2014 OFL contribution of 458 mt. The Council also considered what changes to

management measures would be necessary to reduce catch to a level below the big skate acceptable biological catch (ABC) contribution of 318 mt to the Other Fish ABC.

Based on available information from the Pacific Fisheries Information Network (PacFIN), catch of big skate occurs predominantly by vessels using bottom trawl gear, which is used primarily in the Shorebased IFQ Program. The Council and NMFS may implement trip limits for big skate as a routine management measure for the Shorebased IFQ Program. Since an action to reduce big skate landings in the Shorebased IFQ Program is anticipated to reduce total impacts to the stock, and because the Council and NMFS can take swift inseason action, the Council dismissed alternatives involving creation of new management measures for other sectors of the groundfish fishery that harvest less big skate. Therefore, the changes to management measures described in this action will apply only to vessels participating in the Shorebased IFQ Program.

The Council considered setting a trip limit for big skate in the Shorebased IFQ Program, beginning in June 2015. A range of trip limits was considered: Unlimited, a high trip limit (37,500 lb per two months) estimated to bring total mortality just below the OFL contribution, and a low trip limit (2,000 lb per two months) estimated to bring total mortality just below the ABC contribution. The Council's recommended a trip limit that was more precautionary than 37,000 lbs per two months but much less restrictive than the 2,000 lbs per two months trip limit to maximize opportunity, while keeping mortality estimates below the OFL contribution. The Council recommended and NMFS is implementing a trip limit reduction from ''unlimited'' to ''15,000 lb per month'' for the month of June, and ''20,000 lbs per two months'' in periods 4–6 (from July through December). Best estimates indicate that total mortality of big skate through the end of 2015 under this trip limit structure would be 441 mt, 17 mt lower than the 2014 OFL contribution of 458 mt. The Council-recommended trip limits are added to Tables 1 (North) and 1 (South) to Subpart C.

It is prohibited for first receivers and catcher vessels in the Shorebased IFQ Program to fail to sort any species with a trip limit (though timing and weighing methods may vary, as described in § 660.140(j)). This is because sorting must occur to account for catch of each species or species group against the applicable trip limit. Analyses presented to the Council at its April 2015 meeting indicated that sorting is necessary for trip limits to be effectively implemented. Therefore, in order to effectively implement the Council's recommended trip limits, NMFS is including in this inseason action the addition of big skate to the list of species required to be sorted under the Shorebased IFQ Program, at § 660.130(d).

The Council acknowledged that the mortality estimates and the OFL contribution have a high degree of uncertainty, and recommended these precautionary management measures described above to reduce the risk of overfishing big skate. Additionally, these measures will increase the amount of species-specific landings information, thereby reducing the uncertainty in estimated landings for both big skate and ''unspecified'' skates. This information will likely prove useful when the Council considers reclassifying big skate in the future.

Reconsideration of EC Species Designation

The Council recommended that reconsideration of the stock's EC species designation be incorporated into development of the 2017–2018 harvest specifications and management measures. That 2017–2018 biennial management process begins at the Council's June 2015 meeting, and will continue into the following year. If a change is made to re-designate big skate as ''in the fishery,'' then harvest specifications for this species would be necessary; therefore it is opportune to consider re-designation of big skate within the biennial harvest specifications process.

Classification

This final rule makes routine inseason adjustments to groundfish fishery management measures, based on the best available information, consistent with the PCGFMP and its implementing regulations.

This action is taken under the authority of 50 CFR 660.60(c) and is exempt from review under Executive Order 12866.

The aggregate data upon which these actions are based are available for public inspection at the Office of the Administrator, West Coast Region, NMFS, during business hours.

NMFS finds good cause to waive prior public notice and comment on the revisions to groundfish management measures under 5 U.S.C. 553(b) because notice and comment would be impracticable and contrary to the public interest. Also, for the same reasons, NMFS finds good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), so that this final rule may become effective June 1, 2015.

New information regarding the likely historical catch of big skate was presented to the Council at its April 2015 meeting. At that meeting, the Council recommended that these changes be implemented June 1, 2015, which is the beginning of a cumulative limit period in the commercial groundfish fishery off the West Coast. These restrictions to the amount of landings must be implemented at the start of a cumulative limit period to allow fishermen in the Shorebased IFQ Program an opportunity to continue harvesting big skate, but at a level that will not exceed the new, lower trip limit that will be imposed for the cumulative limit period. If this limit is not in place by the start of the cumulative limit period, a vessel that landed an amount greater than these limits early in the cumulative limit period would find themselves in violation of this new, lower trip limit. The trip limits recommended by the Council and implemented by NMFS in this action are anticipated to keep catch of big skate below its contribution to the Other Fish OFL, if implemented on June 1. If the recommended limits are not in place June 1, more restrictive measures may be necessary later in the year to keep catch of big skate below its contribution to the Other Fish OFL. There was not sufficient time after the April meeting to undergo proposed and final rulemaking before June 1. For the actions to be implemented in this final rule, affording the time necessary for prior notice and opportunity for public comment would prevent NMFS from managing fisheries using the best available science to prevent overfishing in accordance with the PCGFMP and applicable law. It would be contrary to the public interest to delay implementation of these changes until after public notice and comment, because making this regulatory change by June 1, 2015, allows harvest as intended by the Council, consistent with the best scientific information available. These changes allow continued harvest in fisheries that are important to coastal communities while continuing to prevent potential overfishing.

No aspect of this action is controversial, and changes of this nature were anticipated in the biennial harvest specifications and management measures established for 2015–2016.

Accordingly, for the reasons stated above, NMFS finds good cause to waive

prior notice and comment and to waive the delay in effectiveness.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, and Indian fisheries.

Dated: June 1, 2015.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.130, revise paragraph (d)(1)(i) to read as follows:

§ 660.130 Trawl fishery—management measures.

* * * * *

(d) * * *

(1) * * *

(i) *Coastwide.* Widow rockfish, canary rockfish, darkblotched rockfish, yelloweye rockfish, shortbelly rockfish, black rockfish, blue rockfish, minor nearshore rockfish, minor shelf rockfish, minor slope rockfish, shortraker rockfish, rougheye/blackspotted rockfish, shortspine and longspine thornyhead, Dover sole, arrowtooth flounder, petrale sole, starry flounder, English sole, other flatfish, lingcod, sablefish, Pacific cod, spiny dogfish, other fish, longnose skate, and Pacific whiting; and big skate in the Shorebased IFQ Program;

* * * * *

■ 3. Table 1 (North) and 1 (South) to part 660, subpart D, are revised to read as follows:

BILLING CODE 3510–22–P

Table 1 (North) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting North of 40°10' N. Lat.

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table

06012015

TABLE 1 (North)

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
Rockfish Conservation Area (RCA)1/:							
1	North of 48°10' N. lat.	shore - modified[2/] 200 fm line[1/]	shore - 200 fm line[1/]	shore - 150 fm line[1/]		shore - 200 fm line[1/]	shore - modified[2/] 200 fm line[1/]
2	48°10' N. lat. - 45°46' N. lat.	100 fm line[1/] - 150 fm line[1/]					
3	45°46' N. lat. - 40°10' N. lat.	100 fm line[1/] - modified[2/] 200 fm line[1/]					

Selective flatfish trawl gear is required shoreward of the RCA; all bottom trawl gear (large footrope, selective flatfish trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope and small footrope trawl gears (except for selective flatfish trawl gear) are prohibited shoreward of the RCA. Midwater trawl gear is permitted only for vessels participating in the primary whiting season. **Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E.**

See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70-660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).

State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.

4	**Minor Nearshore Rockfish & Black rockfish**	300 lb/ month					
5	**Whiting[3/]**						
6	midwater trawl	Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.					
7	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.					
8	**Cabezon[4/]**						
9	North of 46°16' N. lat.	Unlimited					
10	46°16' N. lat. - 40°10' N. lat.	50 lb/ month					
11	**Shortbelly**	Unlimited					
12	**Spiny dogfish**	60,000 lb/ month					
13	**Big skate**	Unlimited		15,000 lb/ month	20,000 lb/ 2 months		
14	**Longnose skate**	Unlimited					
15	**Other Fish [4/]**	Unlimited					

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ The "modified" fathom lines are modified to exclude certain petrale sole areas from the RCA.

3/ As specificed at §660.131(d), when fishing in the Eureka Area, no more than 10,000 lb of whiting may be taken and retained, possessed, or landed by a vessel that, at any time during the fishing trip, fished in the fishery management area shoreward of 100 fm contour.

4/ "Other Fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 1 (South) to Part 660, Subpart D -- Limited Entry Trawl Rockfish Conservation Areas and Landing Allowances for non-IFQ Species and Pacific Whiting South of 40°10' N. Lat.

This table describes Rockfish Conservation Areas for vessels using groundfish trawl gear. This table describes incidental landing allowances for vessels registered to a Federal limited entry trawl permit and using groundfish trawl or groundfish non-trawl gears to harvest individual fishing quota (IFQ) species.

Other Limits and Requirements Apply -- Read § 660.10 - § 660.399 before using this table 06012015

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)1/:						
1	South of 40°10' N. lat.	100 fm line[1/] - 150 fm line [1/ 2/]					
	Small footrope trawl gear is required shoreward of the RCA; all trawl gear (large footrope, selective flatfish trawl, midwater trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope trawl gear and midwater trawl gear are prohibited shoreward of the RCA. **Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry groundfish trawl fishery landing allowances in this table, regardless of the type of fishing gear used. Vessels fishing groundfish trawl quota pounds with groundfish non-trawl gears, under gear switching provisions at § 660.140, are subject to the limited entry fixed gear non-trawl RCA, as described in Tables 2 (North) and 2 (South) to Part 660, Subpart E.**						
	See § 660.60, § 660.130, and § 660.140 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.70-660.74 and §§ 660.76-660.79 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.						
2	**Longspine thornyhead**						
3	South of 34°27' N. lat.	24,000 lb/ 2 months					
4	**Minor Nearshore Rockfish & Black rockfish**	300 lb/ month					
5	**Whiting**						
6	midwater trawl	Before the primary whiting season: CLOSED. -- During the primary season: mid-water trawl permitted in the RCA. See §660.131 for season and trip limit details. -- After the primary whiting season: CLOSED.					
7	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.					
8	**Cabezon**	50 lb/ month					
9	**Shortbelly**	Unlimited					
10	**Spiny dogfish**	60,000 lb/ month					
11	**Big skate**	Unlimited		15,000 lb/ month	20,000 lb/ 2 months		
12	**Longnose skate**	Unlimited					
13	**California scorpionfish**	Unlimited					
14	**Other Fish** [3/]	Unlimited					

TABLE 1 (South)

1/ The Rockfish Conservation Area is an area closed to fishing by particular gear types, bounded by lines specifically defined by latitude and longitude coordinates set out at §§ 660.71-660.74. This RCA is not defined by depth contours, and the boundary lines that define the RCA may close areas that are deeper or shallower than the depth contour. Vessels that are subject to the RCA restrictions may not fish in the RCA, or operate in the RCA for any purpose other than transiting.

2/ South of 34°27' N. lat., the RCA is 100 fm line - 150 fm line along the mainland coast; shoreline - 150 fm line around islands.

3/ "Other Fish" are defined at § 660.11 and include kelp greenling, leopard shark, and cabezon in Washington

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

[FR Doc. 2015–13635 Filed 6–1–15; 4:15 pm]

BILLING CODE 3510–22–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 140113035–5475–02]

RIN 0648–XD082

Pacific Island Fisheries; 2014–15 Annual Catch Limits and Accountability Measures; Main Hawaiian Islands Deep 7 Bottomfish

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

ACTION: Final specifications.

SUMMARY: NMFS specifies an annual catch limit (ACL) of 346,000 lb for Deep 7 bottomfish in the main Hawaiian Islands (MHI) for the 2014–15 fishing year. As an accountability measure (AM), if the ACL is projected to be reached, NMFS would close the commercial and non-commercial fisheries for MHI Deep 7 bottomfish for the remainder of the fishing year. The ACL and AM specifications support the long-term sustainability of Hawaii bottomfish.

DATES: The final specifications are effective from July 6, 2015, through August 31, 2015.

ADDRESSES: Copies of the Fishery Ecosystem Plan for the Hawaiian Archipelago are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or *www.wpcouncil.org.* Copies of the environmental assessments and findings of no significant impact for this action, identified by NOAA–NMFS–2013–0176, are available from *www.regulations.gov,* or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd. Bldg. 176, Honolulu, HI 96818.

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

SUPPLEMENTARY INFORMATION: On April 21, 2015, NMFS published proposed specifications and a request for public comments (80 FR 22158) for the Deep 7 bottomfish in the main Hawaiian Islands (MHI) for the 2014–15 fishing year. You may review additional background information on this action in the preamble to the proposed specifications; we do not repeat this information here.

Through this action, NMFS is specifying an ACL of 346,000 lb of Deep 7 bottomfish in the MHI for the 2014–15 fishing year. This ACL is the same as that set for the 2013–14 fishing year. The MHI Management Subarea is the portion of U.S. Exclusive Economic Zone around the Hawaiian Archipelago lying to the east of 161°20′ W. longitude. The Deep 7 bottomfish consist of: onaga (*Etelis coruscans*), ehu (*E. carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*P. sieboldii*), opakapaka (*P. filamentosus*), lehi (*Aphareus rutilans*), and hapuupuu (*Epinephelus quernus*). The ACL that is established by this final rule adopts the Council's recommended ACL, which was based on the best available scientific, commercial, and other information, taking into account the associated risk of overfishing.

The MHI bottomfish fishing year started September 1, 2014, and is currently open. NMFS will monitor the fishery, and if the fishery reaches the ACL before August 31, 2015, NMFS will, as an associated accountability measure authorized in 50 CFR 665.4(f), close the non-commercial and commercial fisheries for Deep 7 bottomfish in Federal waters through August 31. During a fishery closure for Deep 7 bottomfish, no person may fish for, possess, or sell any of these fish in the MHI. There is no prohibition on fishing for or selling other (*non*-Deep 7) bottomfish throughout the year. All other management measures continue to apply in the MHI bottomfish fishery.

Comments and Responses

The comment period for the proposed specifications ended on May 6, 2015. NMFS received comments from three individuals, including two fishermen who participate in the Deep 7 bottomfish fishery, all in support of the proposed action.

Comments: In addition to expressing support for the proposed specifications, two commenters provided suggestions for improving future bottomfish stock assessments. The suggestions included increasing fishermen involvement in the development of stock assessment models, incorporating the potential effects of bottomfish restricted fishing areas in estimating exploitable biomass, and refining catch per unit of effort methodologies by better accounting for differences in catchability of bottomfish between fishermen of the various Hawaiian Islands due differences in available fishing areas, fishing strategies, and environmental factors.

Response: While these comments are beyond the immediate scope of the proposed specifications, NMFS continues to make improvements in the stock assessment process, and will consider the recommended actions in future stock assessments and updates. Additionally, NMFS is already reaching out to fishermen to ensure that their input is considered at important points in the bottomfish stock assessment process. NMFS continues to explore fishery-independent methods and technologies for assessing bottomfish resources. As information becomes available, NMFS will accommodate such data in future stock assessments to improve our understanding of the condition of bottomfish resources.

Changes From the Proposed Specifications

There are no changes in the final specifications from what was published in the proposed specifications on April 21, 2015.

Classification

The Regional Administrator, NMFS PIR, determined that this action is necessary for the conservation and management of MHI Deep 7 bottomfish, and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed specification stage that this action would not have a significant economic impact on a substantial number of small entities. NMFS published the factual basis for certification in the proposed specifications, and does not repeat it here. NMFS did not receive comments regarding this certification. As a result, a final regulatory flexibility analysis is not required, and one was not prepared.

This action is exempt from review under Executive Order 12866.

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

Dated: May 29, 2015.

Samuel D. Rauch III,

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

[FR Doc. 2015–13605 Filed 6–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 150311250–5474–01]

RIN 0648–BE97

Fisheries of the Northeastern United States; Blueline Tilefish Fishery; Secretarial Emergency Action

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

ACTION: Temporary rule, emergency action.

SUMMARY: This temporary rule implements possession limits for the blueline tilefish fishery in waters north of the Virginia/North Carolina border as requested by the Mid-Atlantic Fishery Management Council. These emergency management measures are necessary to temporarily constrain fishing effort on the blueline tilefish stock while a long-term management plan is developed. The rule is expected to reduce fishing mortality and help ensure the long-term sustainability of the stock.

DATES: Effective June 4, 2015, through December 1, 2015, except for the amendment to the ''Tilefish'' definition in § 648.2, which is effective June 4, 2015. Comments must be received on or before July 6, 2015.

ADDRESSES: Copies the Environmental Assessment and Regulatory Impact Review (EA/RIR) and other supporting documents for this emergency action are available from John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA, 01930. The EA/RIR is also accessible via the Internet at: *http://www.greateratlantic.fisheries.noaa.gov/.*

You may submit comments, identified by NOAA–NMFS–2015–0062, by either of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal e-Rulemaking portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0062,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Submit written comments to NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on Blueline Tilefish Emergency.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Tobey Curtis, Fishery Policy Analyst, (978) 281–9273.

SUPPLEMENTARY INFORMATION:

Background

Blueline tilefish (*Caulolatilus microps*) are mainly distributed off the southeastern U.S., and have been managed as part of the South Atlantic Fishery Management Council's Snapper Grouper Fishery Management Plan (FMP). The South Atlantic Council developed, and NMFS has implemented, Amendment 32 to the Snapper Grouper FMP to end overfishing of blueline tilefish within the South Atlantic Council's management jurisdiction. Amendment 32 includes reduced commercial and recreational possession limits (80 FR 16583; March 30, 2015). However, Amendment 32 measures do not apply to vessels fishing for blueline tilefish north of the South Atlantic Council's jurisdiction (which extends as far north as the latitude of the Virginia/North Carolina border).

In recent years, there has been increasing recreational and commercial fishing activity for blueline tilefish in the Greater Atlantic Region, outside the jurisdiction of the South Atlantic Council's Snapper Grouper FMP. Commercial landings in the Greater Atlantic Region (Virginia to Maine) averaged 11,000 lb (5 mt) per year for 2005–2013. Recreational charter/party vessels reported an average of 2,400 fish per year for 2002–2011. However, commercial landings in 2014 increased to over 217,000 lb (98 mt), and recreational landings from 2012–2014 increased to 10,000–16,000 fish per year. The rapid increase in blueline tilefish harvest in the Greater Atlantic Region represents a risk to the conservation of the species and the long-term sustainability of the fisheries.

Blueline tilefish north of the Virginia/North Carolina border warrant precautionary management. Based upon these concerns, on March 10, 2015, the Mid-Atlantic Fishery Management Council submitted a request for Secretarial emergency action under section 305(c) of the Magnuson-Stevens Act to implement temporary management measures for blueline tilefish in the Greater Atlantic Region. Additionally, at its April 2015 meeting, the Mid-Atlantic Council initiated an action to develop a long-term management approach.

Subsequently, on May 6, 2015, the South Atlantic Council submitted a new request to the NMFS Southeast Regional Office for emergency action in the blueline tilefish fishery, based upon the preliminary findings of its Scientific and Statistical Committee (SSC). In its request, the South Atlantic Council states that the most recent stock assessment for blueline tilefish (SEDAR 32) applied to the blueline tilefish stock coastwide, and that the assessment represents the best scientific information available on which to base management measures. Therefore, the South Atlantic Council requested that the current blueline tilefish management measures included in its Snapper Grouper Fishery Management Plan (analyzed as ''Alternative 2'' in the environmental assessment supporting the temporary rule) be implemented in the Greater Atlantic Region. The Council further asserts that these measures, which appear to be more restrictive than those included in the current temporary rule as requested by the Mid-Atlantic Council, are needed to end overfishing on the stock.

On May 11, 2015, the Mid-Atlantic Council commented on the South Atlantic Council's emergency action request in a letter to the Greater Atlantic Regional Administrator. The Mid-Atlantic Council disagrees with the South Atlantic Council's interpretation of the results of SEDAR 32, identifies relevant data that were not included in SEDAR 32, and argues that the assessment is not applicable to the blueline tilefish resource in the Greater Atlantic Region.

Based upon the conflicting information received from the two Councils, there is a need to further evaluate the scientific basis for the conclusions reached by both Councils in order to decide on the proper long-term approach. The South Atlantic Council's SSC is meeting on June 3, 2015, to consider stock projections and fishing level recommendations. While the more restrictive management measures recommended by the South Atlantic Council may appear to be warranted, additional time would be necessary to

fully analyze the impacts of those measures on both the blueline tilefish resource and the recreational and commercial fisheries that depend on access to these fish. The additional time needed for this further review and analysis would prolong addressing the primary, immediate emergency need of stopping unacceptably high levels of harvest by the commercial fleet. Both Councils are united by the desire to immediately put *some* measures in place in order to constrain the ability of the commercial fleet to land in New Jersey or other ports where there are no limits on the landing of blueline tilefish.

The proposed emergency rule to implement the Mid-Atlantic Council's request will have the practical effect of equaling what appear to be the more restrictive South Atlantic measures for the commercial fishery. The commercial fishery is the component that is exerting substantial pressure on the stock, while the recreational fishery appears to be having less of an impact. The proposed 300-lb (136-kg) trip limit will have the practical effect of ending directed commercial fishing on this stock once the South Atlantic Council's 100-lb (45.4-kg) trip limit south of Virginia has been reached, or the South Atlantic Council's commercial fishery has been closed. This is because it is not economically feasible for vessels to catch a limit of 300 lb (136 kg) of blueline tilefish off Virginia or Maryland and then steam all the way to New Jersey to land it. We expect a 300-lb (136-kg) trip limit to induce fishermen to cease commercially targeting blueline tilefish. The trip limit allows fishermen targeting other species to retain limited amounts of incidentally caught blueline tilefish, thus reducing waste that would occur if no retention was allowed.

Moreover, the proposed recreational limit of seven fish per angler is consistent with measures in place in Virginia and Maryland. The recreational component of this fishery is very small compared to the commercial component and our records indicate that only 12 percent of anglers catch seven blueline tilefish per day. Implementing the less restrictive recreational measures mitigates socio-economic impacts on the recreational fleet without undermining the conservation benefits coming from the primary focus of this rule which is to stop the commercial fleet's landing of high levels of blueline tilefish.

These measures are expected to constrain fishing mortality and reduce the risk of overfishing on blueline tilefish while the Mid-Atlantic and South Atlantic Councils develop a long-term management plan for blueline tilefish throughout its range. NMFS will continue to evaluate all of the available information and determine whether additional restrictions are needed.

Emergency Management Measures

Based upon the recommendation of the Mid-Atlantic Council, we are implementing the following management measures for blueline tilefish in the Greater Atlantic Region:

1. A requirement for commercial or charter/party vessels landing blueline tilefish in the Northeast region (*i.e.,* north of the latitude of the Virginia/North Carolina border: 36° 33′ 01.0″ N. latitude) to hold a valid Northeast open access golden tilefish commercial or charter/party vessel permit, which are issued by the Greater Atlantic Regional Fisheries Office;

2. A commercial possession limit of 300 lb (136 kg) whole weight per trip; and

3. A recreational possession limit of seven blueline tilefish per person, per trip.

None of these management measures modify the existing possession regulations for golden tilefish, or any other species. The requirement to hold a valid Northeast permit will ensure that catch, effort, and fishing location information for blueline tilefish will be reported moving forward. This information will be valuable to both Councils as they further develop long-term approaches for managing blueline tilefish across its distribution. The duration of this emergency action is limited by the Magnuson-Stevens Act to an initial period of 180 days, with a potential extension of an additional 186 days.

Classification

NMFS has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson-Stevens Act and other applicable law. NMFS has determined that the rapid expansion of fishing activity for blueline tilefish in the Greater Atlantic Region justifies the emergency requested by the Mid-Atlantic Council. NMFS reviewed the Council's request for temporary emergency rulemaking with respect to section 305(c) of the Magnuson-Stevens Act and NMFS policy guidance for the use of emergency rules (62 FR 44421, August 21, 1997) and determined that the Council's request meets both the criteria and justifications for invoking the emergency rulemaking provisions of the Magnuson-Stevens Act. The action is needed to address unforeseen rapid increases in landings and fishing effort for blueline tilefish in the Greater Atlantic Region. This action is needed to help prevent a serious conservation problem—fishing potentially resulting in rapidly increasing catch and the potential for unconstrained fishing mortality. Finally, the immediate benefits to the blueline tilefish resource outweigh the value of the advance notice and public comments provided under the normal rulemaking process, hence, this action is being implemented as a final temporary rule.

Pursuant to section 553(b)(B) of the Administrative Procedure Act, the Assistant Administrator (AA) for Fisheries, NOAA, finds that it would be impracticable and contrary to the public interest to provide for prior notice and opportunity for the public to comment on this rule. During the 2014 fishing year, it became apparent that unregulated blueline tilefish landings in the Greater Atlantic Region were increasing rapidly compared to previous years. The Mid-Atlantic Council analyzed and discussed the issue, and on February 25, 2015, voted to request that we implement emergency measures. The emergency request was submitted to us on March 10, 2015. Since blueline tilefish fishing activity has typically started in May, and there is a clear need to establish measures to constrain fishing mortality on the stock in the Greater Atlantic Region, it would be potentially harmful to the long-term sustainability of resource to further delay implementation of these measures through notice-and-comment rulemaking. Given the South Atlantic Council's concerns about the status of the blueline tilefish stock, any additional unregulated harvests could increase the risk of overfishing during the current fishing year. Public comments will be accepted on this final temporary rule, and there will be multiple opportunities for public participation and notice-and-comment rulemaking as the Mid-Atlantic and South Atlantic Councils develop a long-term management plans for blueline tilefish in the Greater Atlantic Region.

Additionally, the AA finds good cause to waive the requirement for a 30-day delay in effectiveness pursuant to section 553(d) of the Administrative Procedure Act. For the reasons described above, delaying the effectiveness of these regulations could undermine the purpose of this emergency action, to put in place measures to reduce catch during the 2015 fishing year as a stop-gap measure while both Councils further develop suitable long-term approaches for sustainable harvest of blueline tilefish.

This action is being taken pursuant to the emergency provision of the

Magnuson-Stevens Act and is exempt from OMB review.

This rule is exempt from the otherwise applicable requirement of the Regulatory Flexibility Act to prepare a regulatory flexibility analysis because the rule is issued without opportunity for prior public comment.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 28, 2015.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. Section 648.2 is amended as follows:

■ a. Add in alphabetical order a definition for ''Blueline tilefish,'' and

■ b. Revise the definition of ''Tilefish.''

The addition and revision read as follows:

§ 648.2 Definitions.

* * * * *

Blueline tilefish means *Caulolatilus microps.*

* * * * *

Tilefish means golden tilefish, *Lopholatilus chamaeleonticeps,* unless otherwise specified.

* * * * *

■ 3. In § 648.4, paragraph (a)(12)(ii) is added to read as follows:

§ 648.4 Vessel permits.

* * * * *

(a) * * *

(12) * * *

(ii) *Blueline tilefish vessels*—(A) *Commercial.* Any vessel of the United States must have been issued and have on board a valid Federal commercial tilefish permit to fish for, catch, possess, transport, land, sell, trade, or barter, any blueline tilefish in excess of the recreational possession limit as specified under § 648.298(c) from the EEZ portion of the area defined at § 648.298(a).

(B) *Party and charter vessel permits.* Any party or charter vessel must have been issued, under this part, a Federal Charter/Party tilefish vessel permit to fish for blueline tilefish in the EEZ portion of the area defined at § 648.298(a), if it carries passengers for hire. Any person onboard such a vessel must observe the recreational possession limit as specified at § 648.298(c) and the prohibition on sale in § 648.14(w)(1)(ii).

* * * * *

■ 4. In § 648.5, add paragraph (a)(1) and reserved paragraph (a)(2) to read as follows:

§ 648.5 Operator permits.

(a) * * *

(1) The operator permit provisions outlined in § 648.5(a) pertaining to operator permit requirements also apply to the operator of any vessel fishing for or possessing blueline tilefish harvested in or from the EEZ portion of the area defined at § 648.298(a).

(2) [Reserved]

* * * * *

■ 5. In § 648.14, add paragraph (w) to read as follows:

§ 648.14 Prohibitions.

* * * * *

(w) *Blueline tilefish.* It is unlawful for any person owning or operating a vessel to do any of the following:

(1) *Permit requirements*—(i) *Operator permit.* Operate a vessel with a tilefish permit to fish for or possess blueline tilefish in or from the EEZ portion of the area defined at § 648.298(a), unless the operator has been issued, and is in possession of, a valid operator permit.

(ii) *Vessel permit.* Fish for, catch, possess, transport, land, sell, trade, or barter any blueline tilefish for a commercial purpose, other than solely for transport on land, unless the vessel has been issued a tilefish permit, or unless the blueline tilefish were harvested by a vessel without a tilefish permit that fished exclusively in State waters.

(2) *Possession and landing.* (i) Fish for, possess, retain, or land blueline tilefish, unless:

(A) The blueline tilefish are being fished for or were harvested in or from the EEZ portion of the area defined at § 648.298(a) by a vessel holding a valid tilefish permit under this part, and the operator on board such vessel has been issued an operator permit that is on board the vessel.

(B) The blueline tilefish were harvested by a vessel that has not been issued a tilefish permit and that was fishing exclusively in State waters.

(C) The blueline tilefish are being fished for or were harvested in or from the EEZ portion of the area defined at § 648.298(a) in accordance with the possession limits specified at § 648.298(b) or (c).

(3) Fish for or possess blueline tilefish inside and outside of the EEZ portion of the area defined at § 648.298(a) on the same trip.

(4) *Transfer and purchase.* (i) Purchase, possess, or receive for a commercial purpose, other than solely for transport on land; or attempt to purchase, possess, or receive for a commercial purpose, other than solely for transport on land; blueline tilefish caught by a vessel without a tilefish permit, unless the blueline tilefish were harvested by a vessel without a tilefish permit that fished exclusively in State waters.

(5) *Presumption.* For purposes of this part, the following presumption applies: All blueline tilefish retained or possessed on a vessel issued any permit under § 648.4 are deemed to have been harvested in or from the EEZ portion of the area defined at § 648.298(a), unless the preponderance of all submitted evidence demonstrates that such tilefish were harvested by a vessel fishing exclusively in State waters.

■ 6. Add § 648.298 to read as follows:

§ 648.298 Blueline tilefish management measures.

(a) *Management unit.* The regulations in this paragraph apply to vessels or operators of vessels fishing for blueline tilefish in the area of the Atlantic Ocean from the latitude of the VA and NC border (36° 33′ 01.0″ N. Lat.), extending eastward from the shore to the outer boundary of the EEZ and northward to the United States-Canada border.

(b) *Commercial possession limit.* A vessel or operator of a vessel that has been issued a valid Federal commercial tilefish permit under this part may fish for, possess, and/or land up to 300 lb (136 kg) whole weight of blueline tilefish per trip from the area defined in this section.

(c) *Recreational possession limit.* Any person fishing on a vessel who is not fishing under a commercial tilefish vessel permit issued pursuant to § 648.4(a)(12), may land up to seven blueline tilefish per trip from the area defined in this section.

[FR Doc. 2015–13407 Filed 6–3–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 107
Thursday, June 4, 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.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2009–0541; A–1–FRL–9928–72–Region 1]

Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Rhode Island Low Emission Vehicle Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. The regulations adopted by Rhode Island include the California Low Emission Vehicle (LEV) II light-duty motor vehicle emission standards effective in model year 2008, the California LEV II medium-duty vehicle standards effective in model year 2009, and greenhouse gas emission standards for light-duty motor vehicles and medium-duty vehicles effective with model year 2009. The Rhode Island LEV regulation submitted also includes a zero emission vehicle (ZEV) provision. Rhode Island has adopted these revisions to reduce emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_X) in accordance with the requirements of the Clean Air Act (CAA), as well as to reduce greenhouse gases (carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons). In addition, Rhode Island has worked to ensure that their program is identical to California's, as required by the CAA. These actions are being taken under the Clean Air Act.

DATES: Written comments must be received on or before July 6, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R01–OAR–2009–0541 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: arnold.anne@epa.gov.*
3. *Fax:* (617) 918–0047.
4. *Mail:* ''Docket Identification Number EPA–R01–OAR–2009–0541,'' Anne Arnold, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109—3912.
5. *Hand Delivery or Courier.* Deliver your comments to: Anne Arnold, Manager, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, 5 Post Office Square—Suite 100, (mail code OEP05–2), Boston, MA 02109—3912. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R01–OAR–2009–0541. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov,* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact 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 legal holidays.

In addition, copies of the state submittal are also available for public inspection during normal business hours, by appointment at the State Air Agency; Office of Air Resources, Department of Environmental Management, 235 Promenade Street, Providence, RI 02908–5767.

FOR FURTHER INFORMATION CONTACT: Ariel Garcia, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100 (mail code: OEP05–2), Boston, MA 02109–3912, telephone number (617) 918–1660, fax number (617) 918–0660, email *garcia.ariel@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA.

Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background and Purpose

On September 5, 2008, the Rhode Island Department of Environmental Management (DEM) submitted a revision to its State Implementation Plan (SIP) consisting of Rhode Island's amended Air Pollution Control Regulation No. 37 (APCR No. 37), ''Rhode Island's Low Emission Vehicle Program.'' Rhode Island's amended APCR No. 37, with an effective date of December 22, 2005, adopts the California LEV II program. Rhode Island first adopted California's LEV I program standards on June 6, 1996. In 1999, APCR No. 37 was amended to allow automobile manufacturers to comply with the National Low Emission Vehicle (NLEV) program in lieu of complying with the California LEV program. In 2004, Rhode Island adopted California's LEV II standards. In September 2005, California amended their LEV II standards to include standards for greenhouse gas emissions to apply to model year 2009 and later vehicles.

The December 22, 2005 amendments to Rhode Island's LEV program, rescinded both the California LEV I program and the NLEV program. In accordance with section 177 of the Clean Air Act (CAA), Rhode Island adopted the California LEV II program, including all ''zero emission vehicle'' program elements, commencing with 2008 model year vehicles and including the California LEV II program standards relating to greenhouse gas emissions beginning with 2009 model year vehicles.

On December 22, 2005, Rhode Island amended APCR No. 37, making minor technical corrections and clarifications: adopting California LEV II emission standards and related provisions for medium-duty vehicles commencing with the 2009 model year, adopting recently announced revisions concerning LEV II greenhouse gas emission standards and related provisions for passenger cars, light-duty trucks, and medium-duty passenger vehicles commencing with the 2009 model year in accordance with section 177 of the CAA, and providing additional clarification and flexibility with respect to the implementation of the zero emissions vehicle (ZEV) program in Rhode Island.

II. The California LEV Program

The California Air Resources Board (CARB) adopted the first generation of LEV regulations (LEV I) in 1990, which impacted vehicles through the 2003 model year. CARB adopted California's second generation LEV regulations (LEV II) following a November 1998 hearing. Subsequent to the adoption of the California LEV II program in February 2000, EPA adopted separate Federal standards known as the Tier 2 regulations (February 10, 2000; 65 FR 6698). In December 2000, CARB modified the California LEV II program to take advantage of some elements of the Federal Tier 2 regulations to ensure that only the cleanest vehicle models would continue to be sold in California. EPA granted California a waiver for its LEV II program on April 22, 2003 (68 FR 19811).

The LEV II regulations expanded the scope of the LEV I regulations by setting strict fleet-average emission standards for light-duty, medium-duty (including sport utility vehicles), and heavy-duty vehicles. The standards began with the 2004 model year and increased in stringency through the 2010 model year and beyond. The LEV II regulations provide flexibility to auto manufacturers by allowing them to certify their vehicle models to one of several different emissions standards. The different tiers of increasingly stringent LEV II emission standards to which a manufacturer may certify a vehicle are: Low emission vehicle (LEV), ultra-low emission vehicle (ULEV), super ultra-low emission vehicle (SULEV), partial zero emission vehicle (PZEV), advanced technology partial zero emission vehicle (ATPZEV), and zero emission vehicle (ZEV).

The manufacturer must show that the overall fleet for a given model year meets the specified phase-in requirements according to the fleet average non-methane hydrocarbon requirement for that year. The fleet average non-methane hydrocarbon emission limits are progressively lower with each model year. The program also requires auto manufacturers to include a ''smog index'' label on each vehicle sold, which is intended to inform consumers about the amount of pollution produced by that vehicle relative to other vehicles.

In addition to meeting the LEV II requirements, large or intermediate volume manufacturers must ensure that a certain percentage of the passenger cars and lightest light-duty trucks that they market in California are ZEVs. This is referred to as the ZEV mandate. California has modified the ZEV mandate several times since it took effect. Most recently, CARB has put in place an alternative compliance program (ACP) to provide auto manufacturers with several options to meet the ZEV mandate. The ACP established ZEV credit multipliers to allow auto manufacturers to take credit for meeting the ZEV mandate by selling more PZEVs and ATPZEVs than they are otherwise required to sell. On December 28, 2006, EPA granted California's request for a waiver of Federal preemption to enforce provisions of the ZEV regulations through model year 2011.

On October 15, 2005, California amended its LEV II program to include greenhouse gas (GHG) emission standards for passenger cars, light-duty trucks, and medium-duty passenger vehicles. On December 21, 2005, California requested that EPA grant a waiver of preemption under CAA section 209(b) for its greenhouse gas emission regulations. On June 30, 2009, EPA granted CARB's request for a waiver of CAA preemption to enforce its greenhouse gas emission standards for model year 2009 and later new motor vehicles (July 8, 2009; 74 FR 32744–32784). This decision withdrew and replaced EPA's prior denial of the CARB's December 21, 2005 waiver request, which was published in the **Federal Register** on March 6, 2008 (73 FR 12156–12169).

III. Relevant EPA and CAA Requirements

Section 209(a) of the CAA prohibits states from adopting or enforcing standards relating to the control of emissions from new motor vehicles or new motor vehicle engines. However, under section 209(b) of the CAA, EPA shall grant a waiver of the section 209(a) prohibition to the State of California unless EPA makes specified findings, thereby allowing California to adopt its own motor vehicle emissions standards. Other states may adopt California's motor vehicle emission standards under section 177 of the CAA.

For additional information regarding California's motor vehicle emission standards and adoption by other states, please see EPA's ''California Waivers and Authorizations'' Web page at URL address: *http://www.epa.gov/otaq/cafr.htm.* This Web site also lists relevant **Federal Register** notices that have been issued by EPA in response to California waiver and authorization requests.

A. Waiver Process

The CAA allows California to seek a waiver of the preemption which prohibits states from enacting emission standards for new motor vehicles. EPA must grant this waiver before California's rules may be enforced. When California files a waiver request, EPA publishes a notice for public hearing and written comment in the

Federal Register. The written comment period remains open for a period of time after the public hearing. Once the comment period expires, EPA reviews the comments and the Administrator determines whether the requirements for obtaining a waiver have been met.

According to CAA section 209—State Standards, EPA shall grant a waiver unless the Administrator finds that California:

—Was arbitrary and capricious in its finding that its standards are in the aggregate at least as protective of public health and welfare as applicable Federal standards;
—does not need such standards to meet compelling and extraordinary conditions; or
—proposes standards and accompanying enforcement procedures that are not consistent with section 202(a) of the CAA.

The most recent EPA waiver relevant to EPA's proposed approval of Rhode Island's LEV program is ''California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles'' (July 8, 2009; 74 FR 32744–32784). This final rulemaking allows California to establish standards to regulate greenhouse gas emissions from new passenger cars, light-duty trucks and medium-duty vehicles. The four new greenhouse gas air contaminants added to California's existing regulations for criteria and criteria-precursor pollutants and air toxic contaminants are: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and hydrofluorocarbons (HFCs).

B. State Adoption of California Standards

Section 177 of the CAA allows other states to adopt and enforce California's standards for the control of emissions from new motor vehicles, provided that, among other things, such state standards are identical to the California standards for which a waiver has been granted under CAA section 209(b). In addition, the state must adopt such standards at least two years prior to the commencement of the model year to which the standards will apply. EPA issued guidance (CISD–07–16) [1] regarding its cross-border sales policy for California-certified vehicles. This guidance includes a list and map of states that have adopted California standards, specific to the 2008–2010 model years. All SIP revisions submitted to EPA for approval must also meet the requirements of CAA section 110.

The provisions of section 177 of the CAA require Rhode Island to amend the Rhode Island LEV program at such time as the State of California amends its California LEV program. Rhode Island has demonstrated its commitment to maintain a Rhode Island LEV program consistent with the California LEV program through the continuous adoption of regulatory amendments to Rhode Island's APCR No. 37. For example, an earlier version of APCR No. 37, effective in the State of Rhode Island on December 7, 1999, was previously approved into the Rhode Island SIP on March 9, 2000 (65 FR 12476).

In addition, Rhode Island's September 5, 2008 SIP revision meets the anti-backsliding requirements of section 110 of the CAA. This SIP revision sets new requirements, the California LEV II standards, which are more stringent than the California LEV I standards previously approved into the SIP, and expands program coverage to model year vehicles not covered by the California LEV I standards.

EPA notes that a number of California Code of Regulations (CCR) Title 13 provisions incorporated-by-reference in Rhode Island's APCR No. 37 have been amended by California since Rhode Island adopted the December 22, 2005 amendments to APCR No. 37 currently being proposed for approved. Subsequent revisions to California regulations, and the resulting revisions to Rhode Island's APCR No. 37, in accordance with section 177 of the CAA, will be addressed by Rhode Island at a later date.[2]

IV. Proposed Action

EPA is proposing to approve, and incorporate into the Rhode Island SIP, Rhode Island's APCR No. 37, Rhode Island's Low Emission Vehicle (LEV) program, effective in the State of Rhode Island on December 22, 2005, and submitted to EPA as a SIP revision on September 5, 2008. The Rhode Island LEV program amendments adopted by Rhode Island include: the California LEV II light-duty program beginning with model year 2008; the California LEV II medium-duty vehicle emission standards beginning with model year 2009; the California LEV II greenhouse gas emission standards for passenger cars, light-duty trucks and medium-duty passenger vehicles commencing with 2009 model year vehicles; and the California ZEV provision. EPA is proposing to approve the Rhode Island LEV program requirements into the SIP because EPA has found that the requirements are consistent with the CAA.

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA New England Regional Office listed in the **ADDRESSES** section of this **Federal Register**.

V. Incorporation by Reference

In this rule, the EPA is proposing to finalize regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing the incorporation by reference of Rhode Island's Air Pollution Control Regulation No. 37, Rhode Island's Low Emission Vehicle (LEV) program, effective in the State of Rhode Island on December 22, 2005. 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).

VI. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed 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 proposed action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735,

[1] See EPA's October 29, 2007 letter to Manufactures regarding ''Sales of California-certified 2008–2010 Model Year Vehicles (Cross-Border Sales Policy),'' with attachments. Attachment 1—EPA Policy on Cross-Border Sales of 2008 to 2010 Model Years California-Certified Vehicles; Attachment 2—Questions and Answers on EPA's Cross Border Sales Policies; and Attachment 3—Updated summary table and a set of maps reflecting the status of Section 177 states by model year. *http://iaspub.epa.gov/otaqpub/display_file.jsp?docid=16888&flag=1*.

[2] On July 17, 2013, Rhode Island adopted revisions to Air Pollution Control Regulation No. 37 ''Rhode Island's Low Emission Vehicle Program.'' These revisions have not yet been submitted to EPA as a SIP revision and are not part of today's action.

October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 20, 2015.

H. Curtis Spalding,

Regional Administrator, EPA New England.

[FR Doc. 2015–13679 Filed 6–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2015–0111; FRL–9928–76–OAR]

Public Hearing for the 2014, 2015, and 2016 Standards for the Renewable Fuel Standard Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of public hearing.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a public hearing to be held in Kansas City, Kansas on June 25, 2015 for the proposed rule ''Renewable Fuel Standard Program: Standards for 2014, 2015, and 2016 and Biomass-Based Diesel Volume for 2017.'' This proposed rule will be published separately in the **Federal Register**. The pre-publication version of this proposal can be found at *http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm.* In the separate notice of proposed rulemaking, EPA has proposed amendments to the renewable fuel standard program regulations that would establish annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and renewable fuels that would apply to all gasoline and diesel produced in the U.S. or imported in the years 2014, 2015, and 2016. In addition, the separate proposal includes a proposed biomass-based diesel applicable volume for 2017.

DATES: The public hearing will be held on June 25, 2015 at the location noted below under **ADDRESSES**. The hearing will begin at 9:00 a.m. and end when all parties present who wish to speak have had an opportunity to do so. Parties wishing to testify at the hearing should notify the contact person listed under **FOR FURTHER INFORMATION CONTACT** by June 12, 2015. Additional information regarding the hearing appears below under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The hearing will be held at the following location: Jack Reardon Center, 520 Minnesota Avenue, Kansas City, Kansas 66101 (phone number 913–342–7900). A complete set of documents related to the proposal will be available for public inspection through the Federal eRulemaking Portal: *http://www.regulations.gov,* Docket ID No. EPA–HQ–OAR–2015–0111. Documents can also be viewed at the EPA Docket Center, located at 1301 Constitution Avenue NW, Room 3334, Washington, DC between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Julia MacAllister, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4131; Fax number: (734) 214–4816; Email address: *macallister.julia@epa.gov*.

SUPPLEMENTARY INFORMATION: The proposal for which EPA is holding the public hearing will be published separately in the **Federal Register**. The pre-publication version can be found at *http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm*.

Public Hearing: The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposal (which can be found at *http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm*). The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Written comments must be received by the last day of the comment period, as specified in the notice of proposed rulemaking.

How can I get copies of this document, the proposed rule, and other related information?

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2015–0111. The EPA has also developed a Web site for the Renewable Fuel Standard (RFS) program, including the notice of proposed rulemaking, at the address given above. Please refer to the notice of proposed rulemaking for detailed information on accessing information related to the proposal.

Dated: May 29, 2015.

Christopher Grundler,

Director, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2015–13676 Filed 6–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 745

[EPA–R08–OPPT–2015–0044; FRL–9928–31–Region–8]

Lead-Based Paint Renovation, Repair and Painting Activities in Target Housing and Child-Occupied Facilities; State of Utah; Notice of Self-Certification Program Authorization

AGENCY: Environmental Protection Agency (EPA).

ACTION: Self-certification program authorization; request for comments and opportunity for public hearing.

SUMMARY: This document announces that on April 20, 2010, the State of Utah was deemed authorized under section 404(a) of the Toxic Substances Control Act (TSCA) to administer and enforce requirements for a renovation, repair and painting (RRP) program in accordance with section 402(c)(3) of TSCA. This document also announces that the Environmental Protection Agency (EPA) is seeking comment during a 45-day public comment period, and is providing an opportunity to request a public hearing within the first 15 days of this comment period on whether Utah's program is at least as protective as the federal program and provides for adequate enforcement. This document also announces that the authorization of the Utah 402(c)(3) program, which was deemed authorized by regulation and statute, will continue without further notice unless the EPA, based on its own review and/or comments received during the comment period, disapproves the Utah program application.

DATES: Comments, identified by docket identification (ID) number EPA–R08–OPPT–2015–0044, must be received on or before July 20, 2015. In addition, a public hearing request must be submitted on or before June 19, 2015.

ADDRESSES: Comments and requests for a public hearing may be submitted by mail, electronically or in person. Please follow the detailed instructions for each method as provided in section I. General Information of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by the EPA, it is important that you identify docket ID number EPA–R08–OPPT–2015–0044 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Michelle Reichmuth, Technical Contact, Lead, Pesticides and Children's Health Unit, Partnerships and Environmental Stewardship Program, Office of Partnerships and Regulatory Assistance, United States Environmental Protection Agency, Region 8, 1595 Wynkoop Street (8P–PES), Denver, Colorado 80202; telephone: (303) 312–6966; or email: *reichmuth.michelle@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, to entities offering Lead-Safe Renovation courses, and to firms and individuals engaged in renovation and remodeling activities of pre-1978 housing in the State of Utah. Individuals and firms falling under the North American Industrial Classification System (NAICS) codes 231118, 238210, 238220, 238320, 531120, 531210, 53131, *e.g.,* General Building Contractors/Operative Builders, Renovation Firms, Individual Contractors, and Special Trade Contractors like Carpenters, Painters, Drywall Workers and Plumbers, ''Home Improvement'' Contractors, as well as Property Management Firms and some Landlords are also affected by these rules. This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed here could also be affected. The NAICS codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get additional information, including copies of this document or other related documents?

1. *Electronically:* The EPA has established an official record for this action under docket ID number EPA–R08–OPPT–2015–0044. The official record consists of the documents specifically referenced in this action, this document, the State of Utah 402(c)(3) program authorization application, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI).

All documents in the official record are listed in the docket index available at *http://www.regulations.gov.* Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at *http://www.regulations.gov* or, if only available in hard copy, at the addresses listed below.

2. *In person:* You may read this document and related documents by visiting the Utah Department of Environmental Quality (UDEQ), Division of Air Quality (DAQ), 195 North 1950 West, 4th Floor, Salt Lake City, Utah, 84116. You should arrange your visit to the UDEQ office by contacting Robert Ford at (801) 536–4451 or by email at *rwford@utah.gov.* You may also read this document and related documents by visiting the EPA Region 8 Office at 1595 Wynkoop Street, Denver, Colorado, 80202. You should arrange your visit by contacting Michelle Reichmuth at (303) 312–6966 or by email at *reichmuth.michelle@epa.gov.*

C. How and to whom do I submit comments?

You may submit comments electronically, through the mail, or in person. To ensure proper receipt by the EPA, it is important that you identify docket ID number EPA–R08–OPPT–2015–0044 in the subject line on the first page of your response.

1. *Electronically:* You may submit your comments and hearing requests electronically by email to: *reichmuth.michelle@epa.gov* or through *http://www.regulations.gov,* or mail your computer disk to the address identified below. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in Microsoft Word or ASCII file format.

2. *By mail:* Submit your comments and hearing requests to Michelle Reichmuth, EPA Region 8, 1595 Wynkoop Street (8P–PES), Denver, Colorado 80202.

3. *By person or courier:* Deliver your comments and hearing requests to: EPA Region 8, 1595 Wynkoop Street (8P–PES), Denver, Colorado 80202. The regional office is open from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays. The telephone number for the regional office is (303) 312–6312.

D. How should I handle CBI information that I want to submit to the agency?

You may claim information that you submit to the EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

E. What should I consider as I prepare my comments for the EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you use.
3. Provide copies of any technical information and/or data you use that support your views.
4. If you estimate potential burden or costs, explain how you arrive at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by the EPA, identify docket ID number EPA–R08–OPPT–2015–0044 in the subject line on the first page of your response. You may also provide the name, date and **Federal Register** citation.

II. Background

A. What action is the agency taking?

The EPA is announcing that the State of Utah was deemed authorized under section 404(a) of TSCA, 15 United States Code (U.S.C.) 2684(a) and 40 CFR 745.324(d)(2), to administer and enforce requirements for an RRP program in accordance with section 402(c)(3) of TSCA, 15 U.S.C. 2682(c)(3) on April 20, 2010. The 402(c)(3) program ensures that training providers are accredited to teach renovation classes, that individuals performing renovation activities are properly trained and certified as renovators, that firms are certified as renovation firms, and that specific work practices are followed during renovation activities. On April 20, 2010, Utah submitted an application under section 404 of TSCA requesting authorization to administer and enforce requirements for an RRP program in accordance with section 402(c)(3) of TSCA. Utah's application included self-certification that the program is at least as protective as the federal program and provides for adequate enforcement. Therefore, pursuant to section 404(a) of TSCA and 40 CFR 745.324(d)(2), the Utah RRP program is deemed authorized as of the date of submission and until such time as the agency disapproves the program application or withdraws program authorization. On May 2, 2012, the Utah Air Quality Board (Board) adopted proposed UDEQ DAQ lead-based paint administrative rule changes with an effective date of May 3, 2012. The changes reflect EPA rule amendments through August 5, 2011 (76 FR 47918). Pursuant to section 404(b) of TSCA and 40 CFR 745.324(e)(2), the EPA is providing notice, opportunity for public comment and opportunity for a public hearing on whether the state program application and subsequent administrative rule changes are at least as protective as the federal program and provide for adequate enforcement. If a hearing is requested and granted, the EPA will issue a **Federal Register** notice announcing the date, time and place of the hearing. The authorization of the Utah 402(c)(3) program, which was deemed authorized by regulation and statute on April 20, 2010, will continue without further notice unless the EPA, based on its own review and/or comments received during the comment period, disapproves the program application.

B. What is the EPA's authority for taking this action?

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102–550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That act amended TSCA (15 U.S.C. 2601–2695d) by adding Title IV (15 U.S.C. 2681–2692), entitled ''Lead Exposure Reduction.'' On April 22, 2008, the EPA promulgated the final TSCA section 402(c)(3) regulations governing renovation activities (73 FR 21692). These regulations require that in order to do renovation activities for compensation, renovators must first be properly trained and certified, must be associated with a certified renovation firm, and must follow specific work practice standards, including recordkeeping requirements. In addition, the rule prescribes requirements for the training and certification of dust sampling technicians. The EPA believes that regulation of renovation activities will help to reduce the exposures that cause serious lead poisonings, especially in children under age 6 who are particularly susceptible to the hazards of lead.

Under section 404 of TSCA, a state may seek authorization from the EPA to administer and enforce its own RRP program in lieu of the federal program. The regulation governing the authorization of a state program under section 402 of TSCA are codified at 40 CFR part 745, subpart Q. States that choose to apply for program authorization must submit a complete application to the appropriate regional EPA office for review. Those applications will be reviewed by the EPA within 180 days of receipt of the complete application. To receive EPA approval, a state must demonstrate that its program is at least as protective of human health and the environment as the federal program, and provides for adequate enforcement, as required by section 404(b) of TSCA. EPA's regulations at 40 CFR part 745, subpart Q provide the detailed requirements a state program must meet in order to obtain EPA approval.

A state may choose to certify that its own RRP program meets the requirements for EPA approval, by submitting a letter signed by the Governor or Attorney General stating that the program is at least as protective of human health and the environment as the federal program and provides for adequate enforcement. Upon submission of such a certification letter, the program is deemed authorized pursuant to TSCA section 404(a) and 40 CFR 745.324 (d)(2). This authorization is withdrawn, however, if the EPA disapproves the application or withdraws the program authorization.

III. State Program Description Summary

The following sections are from the legislative and administrative rule summaries and the general program and enforcement and compliance program descriptions submitted in the UDEQ DAQ's TSCA 402(c) RRP Rule Program Authorization Application:

A. Legislative Summary

During the 1998 Utah legislative session, Senate Bill 118 (SB 118) was unanimously passed by both the House and the Senate. SB 118 amended Utah

Code Annotated (UCA) section 19–2–104 of the Utah Air Conservation Act which provides authority for the Board to make administrative rules for a Utah lead-based paint program. The legislation specifically gives authority to the Board to make rules for training, certification and performance requirements in accordance with TSCA sections 402 and 404. SB 118 also provides the Board with the authority to establish work practice, certification and clearance sampling requirements for persons who conduct lead-based paint inspections in facilities subject to TSCA Title IV.

The Utah Attorney General's Office reviewed the content of SB 118 prior to enactment and determined that SB 118 would provide the Board with the necessary legislative authority to develop a Utah lead-based paint program that is as protective as the federal lead-based paint program (40 CFR part 745).

B. Administrative Rule Summary

On January 6, 2010, the UDEQ DAQ provided the Board with a proposed modification to the existing administrative rule (Utah Administrative Code (UAC) R307–840—Lead-Based Paint Accreditation, Certification and Work Practice Standards) to establish the rules necessary for the Utah lead-based paint program to administer 40 CFR part 745 subpart E—Residential Property Renovation which is otherwise known as the RRP rule. UAC R307–840, R307–841 and R307–842 substantially adopt 40 CFR part 745 subpart E by reference.

On April 7, 2010, the UDEQ DAQ reported back to the Board that no public comments were received during the public hearing period. The Board subsequently adopted the UDEQ DAQ proposed modifications to the existing version of UAC R307–840 with an effective date of April 8, 2010.

UAC R307–840, R307–841 and R307–842 incorporate the federal regulation with a few modifications to facilitate lead-based paint program implementation by the State of Utah. The UDEQ DAQ considers these modifications necessary to implement an effective lead-based paint program and also considers these modifications to be as protective to human health and the environment as the federal lead-based paint program. The following paragraphs provide a brief summary of the three sections in UAC R307–840. Each section will identify which parts of the federal regulations in 40 CFR part 745 subpart E are adopted by reference and gives a brief overview of the contents of each section.

Throughout UAC R307–840, R307–841, and R307–842, where appropriate, references to the ''EPA'' (the U.S. Environmental Protection Agency) have been replaced with ''the Executive Secretary'' (meaning Executive Secretary of the Utah Air Quality Board) when ''EPA'' is used for lead-based paint program administrative activities.

1. UAC R307–840—Lead-Based Paint Program Purpose, Applicability and Definitions

This section substantially adopts 40 CFR 745.83 and 745.220 by reference. Where appropriate, references to federal rules were replaced with the corresponding reference to the UDEQ DAQ lead-based paint rule. Additionally, identical provisions that had separate definitions in different subparts of the federal regulation were replaced by the most stringent definition.

2. UAC R307–841—Residential Property and Child-Occupied Facility Renovation

This section substantially adopts 40 CFR 745.80, 745.81, 745.82, 745.84, 745.85, 745.86, 745.89, 745.90 and 745.91(a) from the federal lead-based paint regulations by reference. This section outlines the requirements for Utah lead-based paint rule purpose, effective dates, applicability, information distribution requirements, work practice standards, recordkeeping and reporting, and firm and renovator certification regulations as they apply to the Utah RRP rule. The federal rule was also modified to better conform to state rule formatting and punctuation and references to federal rules were replaced with the corresponding reference to the UDEQ DAQ lead-based paint rule. References to fee refunds were also removed as fees are nonrefundable per State of Utah policy.

3. UAC R307–842—Lead-Based Paint Activities

This section was modified to incorporate changes made by federal RRP regulations in 40 CFR 745.225 and 745.226. The federal rule was also modified to better conform to state rule formatting and punctuation and references to federal rules were replaced with the corresponding reference to the UDEQ DAQ lead-based paint rule. Finally this section was also modified to include fees for renovator, dust sampling technician and firm certification.

C. General Program Description

As directed by the Board, the UDEQ DAQ developed state administrative rules for 40 CFR part 745 subpart E. The Board finalized the rulemaking process modifying UAC R307–840—Lead-Based Paint Accreditation, Certification and Work Practice Standards on April 7, 2010, making the rules effective on April 8, 2010.

UAC R307–840, R307–841 and R307–842 substantially adopt 40 CFR part 745 subpart E by reference. Because the UDEQ DAQ substantially adopted the federal regulations by reference, the Utah lead-based paint rule is substantially the same as the federal lead-based paint rule and it is unnecessary to further describe the federal lead-based paint program to the EPA. A detailed explanation of the modifications found in UAC R307–840, R307–841 and R307–842 are described in the program analysis section of the Utah program application. It is the opinion of the UDEQ DAQ that UAC R307–840, R307–841 and R307–842 allow the state to develop and implement a Utah RRP program that is as protective to human health and the environment as the federal program.

The UDEQ DAQ believes UAC R307–840, R307–841 and R307–842 meet the procedures and requirements for administration of the RRP program as outlined in 40 CFR 745.326(a), (c), (d), and (e). The UDEQ DAQ believes it has established the procedures and work practice requirements for compensated RRP projects in regulated facilities as well as training program accreditation, and renovator certification by substantially adopting the federal regulations by reference. By adopting the federal regulations by reference, UDEQ DAQ believes UAC R307–840, R307–841 and R307–842 have clear standards for identifying activities that trigger the RRP rule requirements and establishes procedures for certification of firms and individuals and work practice requirements equivalent to the federal standards.

D. Enforcement and Compliance Program Description

The UDEQ DAQ is applying for final Enforcement/Compliance (E/C) program approval for the Utah lead-based paint program in its April 20, 2010 submission. This description of the E/C program shows that the DAQ has the legal authority and ability to immediately implement an E/C program. The DAQ has adequate standards, administrative rules and legal authority as demonstrated below in E/C Element 1. The DAQ will carry out a level of compliance monitoring and enforcement necessary to ensure that the Utah lead-based paint program addresses any significant risks posed by

noncompliance with the Utah lead-based paint administrative rules.

Additionally, the DAQ will implement all of the components outlined in E/C Element 2 and E/C Element 3. This requires the DAQ to submit an annual report to the EPA Region 8 Administrator summarizing the Utah lead-based paint E/C program activities performed during the previous year for, at least, the first three years of authorization. The following sections provide the additional required information about E/C Elements 1–3 (as outlined in 40 CFR 745.327):

1. Enforcement and Compliance Element 1

i. Lead-Based Paint Activities and Requirements

The DAQ demonstrated in its application that the Utah lead-based paint program has the legislative authority (as shown in the enrolled copy of Senate Bill 118, House Bill 165 (Appendix 3 of the Utah program application) and the Utah Air Conservation Act (Appendix 9 of the Utah program application)) and that its lead-based paint administrative rules meet the standards outlined in 40 CFR 745.326 (as shown in R307–840, R307–841 and R307–842 UAC, Appendix 4 of the Utah program application).

ii. Authority To Enter

Authority to enter for the Utah lead-based paint program is found in the Utah Air Conservation Act 19–2–107(2)(d), UCA, which states:

(2) The executive secretary may:

(d) as authorized by the board, subject to the provisions of this chapter, authorize any employee or representative of the department to enter at reasonable time and upon reasonable notice in or upon public or private property for the purposes of inspecting and investigating conditions and plant records concerning possible air pollution.

Additional authority to enter is found in the Utah Air Conservation Act 19–2–108(6)(a), UCA, which states:

(6)(a) Any authorized officer, employee, or representative of the board may enter and inspect any property, premise, or place on or at which an air contaminant source is located or is being constructed, modified, installed, or established at any reasonable time for the purpose of ascertaining the state of compliance with this chapter and the rules adopted under it.

The Utah lead-based paint program is authorized by the Utah Air Conservation Act 19–2–104(1)(i), 19–2–104(3)(r)(iv) and 19–2–104(3)(w), UCA and the Utah lead-based paint rule was written based on this authority. It is the opinion of the Utah Attorney General's office that the authority stated above is sufficient to perform the inspections necessary to assess compliance with UAC R307–840, UAC R307–841 and UAC R307–842.

iii. Flexible Remedies

The Utah lead-based paint E/C program will provide for a diverse and flexible array of enforcement remedies. These remedies will include warning letters, notices of noncompliance, notices of violation, administrative or civil actions and criminal actions, when appropriate. The Utah lead-based paint program will be able to select from several enforcement alternatives, taking into consideration the potential or actual risk and the gravity of the violation.

Warning letters, notices of noncompliance and notices of violations are methods currently being used within the DAQ and specifically the Utah lead-based paint program. Specific authority to issue notices of violation are found in UCA 19–2–110(1)(a), which states:

Whenever the executive secretary has reason to believe that a violation of any provision of this chapter or any rule issued under it has occurred, he may serve written notice of the violation upon the alleged violator. The notice shall specify the provision of this chapter or rule alleged to be violated, the facts alleged to constitute the violation, and may include an order that necessary corrective action be taken within a reasonable time.

Authority to issue warning letters or notices of noncompliance to initiate voluntary compliance is found in UCA 19–2–110(2), which states:

Nothing in this chapter prevents the board from making efforts to obtain voluntary compliance through warning, conference, conciliation, persuasion, or other appropriate means.

Civil or criminal actions can also be used as a flexible remedy by the Utah lead-based paint program which was authorized through the Utah Air Conservation Act (Title 19, Chapter 2, UCA). The authority to assess civil penalties is found in the Utah Air Conservation Act 19–2–115(2)(a), UCA, which states:

(2)(a) A person who violates this chapter, or any rule, order, or permit issued or made under this chapter is subject in a civil proceeding to a penalty not to exceed $10,000 per day for each violation.

Authority to assess criminal penalties is found in the Utah Air Conservation Act 19–2–115(3) and (4), UCA, which states:

(3) A person is guilty of a class A misdemeanor and is subject to imprisonment under Section 76–3–204 and a fine of not more than $25,000 per day of violation if that person knowingly violates any of the following under this chapter:

(a) an applicable standard or limitation;

(b) a permit condition; or

(c) a fee or filing requirement.

(4) A person is guilty of a third degree felony and is subject to imprisonment under Section 76–3–203 and a fine of not more than $25,000 per day of violation who knowingly:

(a) Makes any false material statement, representation, or certification, in any notice or report required by permit; or

(b) renders inaccurate any monitoring device or method required to be maintained by this chapter or applicable rules made under this chapter.

iv. Resources To Implement Lead-Based Paint Compliance and Enforcement Program

Personnel resources to implement the Utah lead-based paint program include 1.4 Environmental Scientist full time equivalent positions who will perform program administrative as well as E/C duties. The section Manager, Environmental Program Coordinator and Office Technician will provide the necessary support for the administration as well as E/C activities for the lead-based paint program. Additionally, the twelve Utah Local Health Departments/Districts (LHDs) will provide additional inspection support to the DAQ. These LHDs can provide the necessary inspections of lead-based paint activities performed within their jurisdiction. Personnel resources will be reevaluated on an annual basis to determine if they are adequate for the program. Fiscal resources for the Utah lead-based paint program are currently limited to the EPA lead-based paint grant authorized through 40 CFR 745.330 and fees generated by lead-based paint abatement project notification requirements as well as lead-based paint certification fees for individuals and firms.

2. Enforcement and Compliance Element 2

i. Training

The DAQ will continue to use its existing procedures for training enforcement and inspection personnel used by the Utah lead-based paint program. Inspectors will receive appropriate training and will be required to demonstrate knowledge of the lead-based paint abatement supervisor, abatement worker, inspector, risk assessor, project designer, renovator and dust sampling technician disciplines.

Inspectors will also be trained in violation discovery, obtaining consent, evidence gathering, preservation of evidence and chain-of-custody sampling procedures. Enforcement personnel will

meet the training requirements of the inspector as well as additional training in case development procedures and maintenance of proper case files.

ii. Compliance Assistance

The DAQ will continue to implement its existing compliance assistance program for the public and the regulated community to help facilitate awareness and understanding of the Utah lead-based paint program. The Utah compliance assistance program will continue to focus on the requirements established in the Utah lead-based paint rule but will provide information to the public and regulated communities about other lead-based paint related subjects.

iii. Sampling Techniques

The Utah lead-based paint program presently has the equipment, training and technological capability necessary to collect samples for E/C issues. State and LHD personnel have received training as part of the Utah lead-based paint inspector and risk assessor courses in performing x-ray fluorescence (XRF) testing and collecting paint chip, dust wipe, soil and water samples. Additional training was received from the XRF manufacturer in analyzing samples with the NITON XLp 300 Series spectrum analyzer currently owned by the DAQ. Equipment to collect paint chip, dust wipe, soil and water samples have been assembled into kits at the DAQ and similar kits have been distributed to the LHDs. The DAQ has contracted with EMSL Analytical, Inc. (EMSL) to conduct the analysis of paint chip, dust wipe, soil and water samples. EMSL has been accredited by the American Industrial Hygiene Association (AIHA) through the EPA Environmental Lead Proficiency Analytical Testing (ELPAT) program (AIHA ELPAT Lab ID#07014).

iv. Tracking Tips and Complaints

The DAQ has an existing program to track tips and complaints and it is their intent to expand this existing program for use with the RRP program.

v. Targeting Inspections

The Utah lead-based paint program will continue to use its existing procedures for targeting inspections to ensure compliance with the Utah lead-based paint rule. The principal mechanism to target compliance inspections will be through inspection of firms conducting RRP activities.

vi. Follow Up to Inspection Reports

The DAQ lead-based paint E/C program will demonstrate the ability to reasonably, and in a timely manner, process and follow up on inspection reports and other information generated through enforcement-related activities. The state lead-based paint program will be in a position to correct lead-based paint violations and effectively develop and issue enforcement remedies as follow up on identified lead-based paint violations. Programs within the DAQ have followed the ''Timely and Appropriate Enforcement Response to Significant Air Pollution Violators'' and the Division's ''Compliance Program Operating Plan,'' or equivalent, which outlines timely and appropriate time frames for inspection and enforcement activities.

vii. Compliance Monitoring and Enforcement

The Utah lead-based paint program has demonstrated that it has the ability to ensure correction of lead-based paint violations and encompass either planned and/or responsive lead-based paint compliance inspections. The DAQ has also developed and issued enforcement responses, as appropriate, based on the violation.

3. Enforcement and Compliance Element 3

The DAQ will submit the Summary on Progress and Performance report which will summarize the results of implementing the lead-based paint E/C program. These reports will include all the required components as outlined in 40 CFR 745.324(h) and 40 CFR 745.327(d). These reports will be submitted to the EPA Region 8 Administrator on an annual basis for the first three years and either annually or bi-annually thereafter, at the discretion of the EPA.

IV. Federal Overfiling

Section 404(b) of TSCA makes it unlawful for any person to violate or fail or refuse to comply with any requirement of an approved state program. Therefore, the EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized state program.

V. Withdrawal of Authorization

Pursuant to section 404 of TSCA, the EPA Administrator may withdraw authorization of a state or tribal RRP program after notice and opportunity for corrective action, if the program is not being administered or enforced in compliance with standards, regulations and other requirements, established under the authorization. The procedures the EPA will follow for the withdrawal of an authorization are found at 40 CFR 745.324(i).

List of Subjects in 40 CFR Part 745

Environmental protection, Hazardous substances, Lead, Lead-based paint, Renovation, repair and painting, Work practice standards, Training, certification, Reporting and recordkeeping requirements.

Dated: March 23, 2015.

Shaun L. McGrath,

Regional Administrator, Region 8.

[FR Doc. 2015–12802 Filed 6–3–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R2–ES–2015–0028: FF09E42000 156 FXES11130900000]

RIN 1018–AX99

Endangered and Threatened Wildlife and Plants; Removing the Hualapai Mexican Vole From the Federal List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule and 12-month petition finding; request for comments.

SUMMARY: Under the authority of the Endangered Species Act of 1973, as amended (Act), we, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition and a proposed rule to remove the Hualapai Mexican vole (*Microtus mexicanus hualpaiensis*) from the Federal List of Endangered and Threatened Wildlife because the original classification is no longer the most appropriate determination. This action is based on a thorough review of the best available scientific and commercial information, which indicates that the currently listed subspecies is not a valid taxonomic entity. We are seeking information, data, and comments from the public on this proposed rule.

DATES: To ensure that we are able to consider your comments on this proposed rule, they must be received or postmarked on or before August 3, 2015. Comments submitted to the Federal eRulemaking Portal (see **ADDRESSES**) must be received by 11:59 p.m. Eastern Time on the closing date. Any comments that we receive after the closing date may not be considered in the final decision on this action. We must receive requests for public

hearings, in writing, at the address shown below in **FOR FURTHER INFORMATION CONTACT** by July 20, 2015.

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

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* Search for FWS–R2–ES–2015–0028, which is the docket number for this rulemaking.

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R2–ES–2011–0037; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service, MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 220411–3803.

We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Information Requested section below for more information).

FOR FURTHER INFORMATION CONTACT: Steve Spangle, Field Supervisor, U.S. Fish and Wildlife Service, Arizona Ecological Services Field Office, 2321 W. Royal Palm Road, Suite 103, Phoenix, AZ 85021; by telephone (602–242–0210) or by facsimile (602–242–2513). If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Information Requested

Any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate as possible. Therefore, we request comments or information from the public, other concerned governmental agencies, Native American Tribes, the scientific community, industry, or other interested parties concerning this proposed rule. The comments that will be most useful and likely to influence our decisions are those supported by data or peer-reviewed studies and those that include citations to, and analyses of, applicable laws and regulations. Please make your comments as specific as possible and explain the basis for them. In addition, please include sufficient information with your comments to allow us to authenticate any scientific or commercial data you reference or provide. In particular, we seek comments concerning the following:

(1) New information concerning the taxonomic classification and conservation status of Hualapai Mexican voles and Mexican voles in general;

(2) New information on the historical and current status, range, distribution, and population size of Hualapai Mexican voles, including the locations of any additional populations; and,

(3) New information regarding the life history, ecology, and habitat use of Hualapai Mexican voles.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

Prior to issuing a final rule on this proposed action, we will take into consideration all comments and any additional information we receive. Such information may lead to a final rule that differs from this proposal. All comments and recommendations, including names and addresses, will become part of the administrative record.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. We will not consider comments sent by email, fax, or to an address not listed in **ADDRESSES**. If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. Please note that comments posted to this Web site are not immediately viewable. When you submit a comment, the system receives it immediately. However, the comment will not be publicly viewable until we post it, which might not occur until several days after submission.

If you mail or hand-deliver hardcopy comments that include personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. To ensure that the electronic docket for this rulemaking is complete and all comments we receive are publicly available, we will post all hardcopy submissions on *http://www.regulations.gov.*

In addition, comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection in two ways:

(1) You can view them on *http://www.regulations.gov.* In the Search box, enter FWS–R2–ES–2015–0028, which is the docket number for this rulemaking.

(2) You can make an appointment, during normal business hours, to view the comments and materials in person at the U.S. Fish and Wildlife Service's Arizona Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing

Section 4(b)(5)(E) of the Act provides for one or more public hearings on this proposed rule, if requested. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by the date shown in **DATES**. We will schedule public hearings on this proposal, if any are requested, and places of those hearings, as well as how to obtain reasonable accommodations, in the **Federal Register** at least 15 days before the first hearing.

Background

Section 4(b)(3)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that, for any petition to revise the Federal Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or commercial information that delisting a species may be warranted, we make a finding within 12 months of the date of receipt of the petition. In this finding, we determine whether the petitioned action is: (a) Not warranted, (b) warranted, or (c) warranted, but immediate proposal of a regulation implementing the petitioned action is precluded by other pending proposals to determine whether species are threatened or endangered, and expeditious progress is being made to add or remove qualified species from the Federal Lists of Endangered and Threatened Wildlife and Plants. Section 4(b)(3)(C) of the Act requires that we treat a petition for which the requested action is found to be warranted but precluded as though resubmitted on the date of such finding, that is, requiring a subsequent finding to be made within 12 months. We must publish these 12-month findings in the **Federal Register**. This document represents our 12-month warranted finding on an August 18, 2004, petition by the Arizona Game and Fish Department (AGFD) to delist the Hualapai Mexican vole and a proposed rule to remove the Hualapai Mexican vole from the Federal List of Endangered and Threatened Wildlife due to data indicating that the original classification is no longer the appropriate determination.

Previous Federal Actions

The Hualapai Mexican vole was included in a list of species considered for listing in our Notice of Review published on December 30, 1982 (47 FR 58454). We published a proposed rule to list the Hualapai Mexican vole as

endangered on January 5, 1987 (52 FR 306). The Hualapai Mexican vole was listed as an endangered subspecies on October 1, 1987, without critical habitat (52 FR 36776). On August 19, 1991, a Recovery Plan for the Hualapai Mexican vole was finalized and signed by the Regional Director (Service 1991). The recovery plan outlined recovery objectives and provided management actions and research priorities, but did not contain recovery criteria for downlisting or delisting because of lack of information on the vole's biology and life history requirements (Service 1991, p. iv).

On August 23, 2004, we received a petition dated August 18, 2004, from the AGFD requesting that the Hualapai Mexican vole be delisted under the Act. Included in the petition was information in support of delisting the Hualapai Mexican vole because the original classification is no longer the appropriate determination due to evidence that the Hualapai Mexican vole is not a valid subspecies. On May 15, 2008, we announced a 90-day finding in the **Federal Register** (73 FR 28094) that the petition presented substantial information to indicate that the petitioned action may be warranted. Further, on March 29, 2010, we published a notice initiating 5-year status reviews for the Hualapai Mexican vole as well as 13 other species (75 FR 15454). However, the 5-year status review for the Hualapai Mexican vole was not completed.

On January 8, 2015, we received a 60-day notice of intent to sue from Sedgwick LLC (representing Mohave County and American Stewards for Liberty) for failure to publish a 12-month finding on the status of the Hualapai Mexican vole. This document represents our 12-month warranted finding on the August 18, 2004, petition by the AGFD to delist the Hualapai Mexican vole and a proposed rule to remove the Hualapai Mexican vole from the Federal List of Endangered and Threatened Wildlife because the original classification is no longer the appropriate determination due to evidence that the Hualapai Mexican vole is not a valid subspecies.

Species Information

Goldman (1938, pp. 493–494) described and named the Hualapai Mexican vole as *Microtus mexicanus hualpaiensis* in 1938. Goldman's (1938, pp. 493–494) subspecies description was based on four specimens; Cockrum (1960, p. 210), Hall (1981, p. 481), and Hoffmeister (1986, pp. 444–445) all recognized Goldman's description. Hoffmeister (1986, pp. 444–445) further recognized the *Microtus mexicanus hualpaiensis* subspecies based on an examination of morphological characteristics from seven additional specimens collected in two areas in Arizona (*i.e.,* Hualapai Mountains and lower end of Prospect Valley).

Based on morphological measurements, the Hualapai Mexican vole was previously considered one of three subspecies of Mexican voles (*Microtus mexicanus*) in Arizona (Kime *et al.* 1995, p. 1). The three subspecies of Mexican voles were the Hualapai Mexican vole (*M. m. hualpaiensis*), Navajo Mexican vole (*M. m. navaho*), and Mogollon Mexican vole (*M. m. mogollonensis*). The Hualapai Mexican vole differed from the Navajo Mexican vole subspecies by a slightly longer body, longer tail, and longer and broader skull (Hoffmeister 1986, p. 443). Additionally, the Navajo Mexican vole's range was farther to the northeast. The Haulapai Mexican vole was also differentiated from the Mogollon Mexican vole subspecies, located farther to the east, by a longer body, shorter tail, and a longer and narrower skull (Hoffmeister 1986, p. 443).

The final listing rule for the Hualapai Mexican vole (52 FR 36776; October 1, 1987) stated that this subspecies occupied the Hualapai Mountains, but also acknowledged that Spicer *et al.* (1985, p. 10) had found similar voles from the Music Mountains, which are located farther to the north in Arizona. The final listing rule (52 FR 36776; October 1, 1987) also stated that Hoffmeister (1986, p. 445) had tentatively assigned specimens from Prospect Valley to the Hualapai Mexican vole subspecies, pending a larger sample size. In addition, the final listing rule (52 FR 36776; October 1, 1987) stated that, if future taxonomic evaluation of voles from the Music Mountains and Prospect Valley should confirm that they are indeed the Hualapai Mexican vole subspecies, then they would be considered part of the federally listed entity. However, we never recognized Hualapai voles outside of the Hualapai Mountains due to insufficient data to support recognition of additional populations.

In May 1998, we reviewed Frey and Yates 1995 unpublished report, ''Hualapai Vole (*Microtus mexicanus hualpaiensis*) Genetic Study'', to determine if Hualapai Mexican voles occur in additional areas outside of the Hualapai Mountains. We found that the report did not provide sufficient data for us to conclude that populations outside the Hualapai Mountains are Hualapai Mexican voles. On May 29, 1998, the Southwest Regional Director's Office issued a memo to the Arizona Ecological Services Field Office stating that we would only consult on voles in the Hualapai Mountains until further investigations resulted in data definitive enough to establish that the Hualapai Mexican voles had a wider distribution than recognized at the time of listing. Thus, we referenced the memo in all requests for consultations on Federal projects outside the Hualapai Mountains. For these reasons, we have only considered the Hualapai Mexican vole's range to be the Hualapai Mountains.

Since the Hualapai Mexican vole was listed in 1987 (52 FR 36776; October 1, 1987), several studies on the subspecies' distribution, morphological characteristics, and genetic relationships to other Mexican vole subspecies were undertaken. We briefly describe these studies below. Researchers did not collect or analyze samples from the exact same locations, so locations across studies do not necessarily match. At this time, these studies represent the best scientific information available in order for us to analyze Hualapai Mexican vole distribution and taxonomic classification.

In a 1989 unpublished master's thesis, Frey conducted an extensive study of geographic variation of specimens from throughout the range of the *Microtus mexicanus* group, which included populations in the United States and Mexico. Frey (1989) analyzed 44 external and 19 cranial characters from 1,775 vole specimens. Based on morphological analysis, Frey (1989, p. 50) recommended that specimens from the Bradshaw Mountains (Coconino County, AZ), which was formerly considered the Mogollon Mexican vole subspecies, be reassigned to the Hualapai Mexican vole subspecies, (Hoffmeister, 1986). Frey (1989, p. 50) concluded that two specimens that had been discovered from the Music Mountains (Mohave County, AZ) were morphologically distinct from other recognized subspecies, and these two specimens represented a previously unrecognized taxonomy. Frey's (1989) study did not include specimens from Prospect Valley.

Frey and Yates (1993, pp. 1–23) conducted a genetic analysis of Hualapai Mexican vole tissue samples taken from 83 specimens across 13 populations using protein electrophoresis and mitochondrial DNA. The 13 populations represented all 3 subspecies in Arizona and 1 population from Mexico (Frey and Yates 1993, p. 20). Their results showed that three populations (*i.e.,* Hualapai Mountains,

Hualapai Indian Reservation, and Music Mountains) form a closely related group distinct from other populations in Arizona (Frey and Yates 1993, p. 10). According to their analysis, populations in the Hualapai Mountains, Hualapai Indian Reservation, and Music Mountains could be regarded as the Hualapai Mexican vole subspecies. Further, Frey and Yates (1993, p. 10) found that the Navajo Mexican vole subspecies populations from San Francisco Peaks and the Grand Canyon occurred in a clade (*i.e.,* related by a common ancestor) with the Mogollon Mexican vole subspecies populations along the Mogollon Rim. Frey and Yates (1993, p. 10) suggested that this grouping questions the validity of Navajo Mexican vole as a separate subspecies. However, in order to verify this suggestion, specimens would need to be examined from the type locality of the Navajo Mexican vole subspecies, which is Navajo Mountain, Utah (Frey and Yates 1993, p. 10). The authors recommended additional analyses, including larger sample sizes, to clarify the arrangement in three separate subspecies (Frey and Yates 1993, p. 10). At that time, we continued to recognize only recognize the Hualapai Mexican vole subspecies as occurring in the Hualapai Mountains.

Frey and Yates (1995) continued their genetic work on Mexican vole subspecies and analyzed 173 specimens from 28 populations (16 from Arizona, 10 from New Mexico, 1 from Utah, and 1 from Mexico) using protein electrophoresis and mitochondrial DNA. They found that six populations (Hualapai Mountains, Hualapai Indian Reservation, Music Mountains, Aubrey Cliffs/Chino Wash, Santa Maria Mountains, and Bradshaw Mountains) may be the Hualapai vole subspecies (Frey and Yates 1995, p. 9). The authors found unique alleles at two loci in these six populations, which identified them as being closely related (Frey and Yates 1995, p. 9). Based on geographic proximity, Frey and Yates (1995, p. 8) suspected that two other populations (Round Mountain and Sierra Prieta) could be the Hualapai vole subspecies, but they did not have adequate samples for genetic verification.

Additional genetic analyses were conducted by Busch *et al.* (2001). Busch *et al.* (2001, p. 4) examined nuclear genetic markers from 42 specimens across six populations in northwestern Arizona (Hualapai Mountains, Prospect Valley, Bradshaw Mountains, Sierra Prieta, Prescott, and Mingus Mountains) using Amplified Fragment Length Polymorphism (AFLP). Additionally, they examined mitochondrial (D-loop) DNA from 83 specimens across 13 populations in Arizona (Hualapai Mountains, Prospect Valley, Bradshaw Mountains, Sierra Prieta, Prescott, Mingus Mountains, South Rim Grand Canyon, San Francisco Mountain, Mogollon Rim, White Mountains, Chuska Mountains, Aubrey Cliffs, and Navajo Mountain). Results from their study did not support the separation of Mexican voles into three distinct subspecies based on nuclear and mitochondrial genetic analyses (Busch *et al.* 2001, p. 12). Populations referred to as the Navajo Mexican vole subspecies from Navajo Mountain, Mingus Mountain, San Francisco Peaks, and the Grand Canyon South Rim and populations referred to as the Mogollon Mexican vole subspecies from the Mogollon Rim, Chuska Mountains, and White Mountains were genetically similar to Mexican voles in the Hualapai Mountains, Hualapai Indian Reservation, Aubrey Cliffs, Bradshaw Mountains, Watson Woods, and Sierra Prieta (Busch *et al.* 2001, p. 12).

Busch *et al.* (2001, p. 12) suggested that only one subspecies of Mexican vole occurs in Arizona, but they did not suggest a new subspecies name or to which currently named subspecies the Mexican voles should belong. Further, Busch *et al.* (2001, p. 12) suggested that voles from the White Mountains and Chuska Mountains could be a different subspecies or may simply show some genetic differentiation due to geographic separation; however, their analysis was inconclusive. Even though Busch *et al.* (2001, p. 12) did not suggest a name for which the only subspecies of Mexican voles in Arizona belong, the AGFD's (2004, p. 4) petition referred to Busch *et al.*'s (2001) single subspecies as *Microtus mexicanus hualpaiensis.*

In 2003, the AGFD sent the Busch *et al.* (2001) report to five genetic experts representing the Arizona Cooperative Fish and Wildlife Research Unit, Conservation Breeding Specialist Group, University of Colorado at Boulder, Oklahoma State University, and New Mexico State University for review. Four out of the five reviewers agreed with the Busch *et al.* (2001, p. 12) findings that genetic data do not support separation of vole populations in Arizona into three subspecies. In other words, the genetic similarities indicate that individual vole populations cannot be assigned to one of the three subspecies. Two reviewers agreed with Busch *et al.* (2001, p. 12) that a possible exception could be in the White Mountains and Chuska Mountains; however, these populations may simply be showing slightly higher genetic distance based on geographic separation.

One of the five reviewers concluded that populations from the Hualapai Mountains, Music Mountains, and Hualapai Reservation form a closely related group distinct from other populations in Arizona. This reviewer further stated that *M. m. hualpaiensis* is a valid subspecies based on morphologic, genetic, and biogeographical data. The other four reviewers concurred with the conclusions of Busch *et al.* (2001) that all populations in Arizona could be referred to as *M. m. hualpaiensis.* Even though one reviewer believed that, based on morphological, genetic, and biogeographic evidence, populations for the Hualapai Mountains, Prospect Valley, Bradshaw Mountains area (including Sierra Prieta), and Chino Wash should be recognized as the Hualapai vole subspecies, the other four reviewers concurred with the Busch *et al.* (2001) report that all populations in Arizona are the same subspecies (AGFD 2004, p. 4).

At our request, the AGFD sent Busch *et al.'s* (2001) genetic report to two mammalian taxonomy experts for additional review. One of the taxonomic reviewers agreed with the one dissenting genetic reviewer from 2003 who stated that there are sufficient data to support distinguishing more than one subspecies of Mexican voles in Arizona, and concurred with the genetic reviewer's population assignments (AGFD 2004, p. 4). The other taxonomic reviewer concluded that there is no basis to consider the three subspecies of Mexican voles (Hualapai, Navajo, and Mogollon) separately. This second taxonomic reviewer stated that data used by Hoffmeister (1986) were insufficient to recognize three subspecies based on morphology, and that the genetic analyses conducted by Frey and Yates (1993; 1995) and Busch *et al.* (2001) were subject to methodological problems (AGFD 2004, p. 4). The second taxonomic reviewer asserted that all three subspecies should be considered as one subspecies, *M. m. mogollonensis* (common name not suggested).

In summary, the various analyses and reviews present multiple interpretations of the taxonomy and distribution of Mexican voles in Arizona, none of which correlate with that of our original listing. The final listing rule for the Hualapai Mexican vole (52 FR 36776; October 1, 1987) relied on the best available information at the time, and only included Mexican voles found in the Hualapai Mountains. The various published and unpublished reports all

offer different conclusions about which populations may or may not be Hualapai Mexican voles. At this time, the best available scientific information presents conflicting information on the taxonomy of Mexican voles in general, and no longer supports the recognition of a separate Hualapai Mexican vole subspecies. Reviews of the published and unpublished reports have inconsistent conclusions. However, there is sufficient evidence to indicate that the currently listed entity for the Hualapai Mexican vole is no longer a valid taxonomic subspecies. Therefore, based on the best available scientific and commercial information at this time, we find that the petitioned action to delist the subspecies is warranted, and we propose to remove the Hualapai Mexican vole (*Microtus mexicanus hualpaiensis*) from the Federal List of Endangered and Threatened Wildlife due to recent data indicating that the original determination is no longer appropriate.

Finding

We reviewed the petition, information available in our files, other available published and unpublished information, and we consulted with genetic and taxonomic experts and other Federal, State, and Tribal agencies. On the basis of the best scientific and commercial information available, we find that the petitioned action to delist the Hualapai Mexican vole is warranted because the original determination at the time the species was classified as endangered in 1987 is now in error and is no longer appropriate. There is sufficient evidence to indicate that the currently listed entity for the Hualapai Mexican vole is not a valid taxonomic subspecies.

In making this finding, we have followed the procedures set forth in section 4(a)(1) of the Act and regulations implementing the listing provisions of the Act in title 50 of the Code of Federal Regulations (CFR) (50 CFR part 424). We intend that any action for the Hualapai Mexican vole be as accurate as possible. Therefore, we will continue to accept additional information and comments from all concerned governmental agencies, the scientific community, Native American Tribes, industry, or any other interested party concerning this finding.

Delisting Proposal

Section 4 of the Act and its implementing regulations, 50 CFR part 424, set forth the procedures for listing, reclassifying, or removing species from the Federal Lists of Endangered and Threatened Wildlife and Plants. ''Species'' is defined by the Act as including any species or subspecies of fish or wildlife or plants, and any distinct vertebrate population segment of fish or wildlife that interbreeds when mature (16 U.S.C. 1532(16)). Once the ''species'' is determined, we then evaluate whether that species may be endangered or threatened because of one or more of the five factors described in section 4(a)(1) of the Act. We must consider these same five factors in reclassifying or delisting a species. For species that are already listed as endangered or threatened, the analysis of threats must include an evaluation of both the threats currently facing the species and the threats that are reasonably likely to affect the species in the foreseeable future following the delisting or downlisting and the removal or reduction of the Act's protections. We may delist a species according to 50 CFR 424.11(d) if the best available scientific and commercial data indicate that the species is neither endangered or threatened for the following reasons: (1) The species is extinct; (2) the species has recovered and is no longer endangered or threatened; and/or (3) the original scientific data used at the time the species was classified were in error. We determine that the original classification is in error because there is sufficient evidence that the currently listed entity for the Hualapai Mexican vole is not a valid taxonomic subspecies.

Effects of This Proposed Rule

This proposed rule, if made final, would revise our regulations at 50 CFR 17.11(h) by removing the Hualapai Mexican vole throughout its range from the Federal List of Endangered and Threatened Wildlife. Because no critical habitat was ever designated for this subspecies, this rule would not affect 50 CFR 17.95.

The prohibitions and conservation measures provided by the Act would no longer apply for the Hualapai Mexican vole. Interstate commerce, import, and export of this species would not be prohibited under the Act. In addition, Federal agencies would no longer be required to consult under section 7 of the Act on actions that may affect this species.

Post-Delisting Monitoring

Section 4(g)(1) of the Act requires the Secretary of the Interior, through the Service, to implement a system in cooperation with the States to monitor for not less than 5 years the status of all species that are removed from the Lists of Endangered and Threatened Wildlife and Plants (50 CFR 17.11, 17.12) due to recovery. The Hualapai Mexican vole is being proposed for delisting because the original determination at the time the species was classified is no longer appropriate. Because the Hualapai Mexican vole is not a valid taxonomic entity, no monitoring period following delisting would be required.

Peer Review

In accordance with our joint peer review policy with the National Marine Fisheries Service, ''Notice of Interagency Cooperative Policy for Peer Review in Endangered Species Act Activities,'' that was published in the **Federal Register** on July 1, 1994 (59 FR 34270), and the Office of Management and Budget's Final Information Quality Bulletin for Peer Review, dated December 16, 2004, we will seek the expert opinions of at least three appropriate independent specialists regarding the science in this proposed rule. The purpose of peer review is to ensure that our delisting decision is based on scientifically sound data, assumptions, and analyses. We will send copies of this proposed rule to the peer reviewers immediately following publication in the **Federal Register**. We will invite these peer reviewers to comment, during the public comment period, on the specific assumptions and conclusions in this proposed delisting of the Hualapai Mexican vole. We will summarize the opinions of these reviewers in the final decision document, and we will consider their input and any additional information we received as part of our process of making a final decision on this proposal. Such communication may lead to a final decision that differs from this proposal.

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES.** To help us better revise the rule, your comments should be as specific as

possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501, et seq.)

This rule does not contain any collections of information that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. 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.

National Environmental Policy Act

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. Therefore, we will solicit information from Native American Tribes during the comment period to determine potential effects on them or their resources that may result from the delisting of the Hualapai Mexican vole, and we will fully consider their comments on the proposed rule submitted during the public comment period. We have already been in contact with the Hualapai Tribe's Natural Resource Department.

References Cited

A complete list of all references cited in this rule is available on the Web site, *http://www.regulations.gov,* or upon request from the Field Supervisor, Arizona Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this section is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Author(s)

The primary authors of this document are the staff members of the Arizona Ecological Services Field Office, U.S. Fish and Wildlife Service (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; 4201–4245; unless otherwise noted.

§ 17.11 [Amended]

■ 2. Amend § 17.11(h) by removing the entry for ''Vole, Hualapai Mexican'' from the List of Endangered and Threatened Wildlife.

Dated: May 22, 2015.

Stephen Guertin,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2015–13479 Filed 6–3–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 150305220–5469–01]

RIN 0648–BE76

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 22

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Regulatory Amendment 22 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) (Regulatory Amendment 22), as prepared and submitted by the South Atlantic Fishery Management Council (Council). If implemented, this proposed rule would revise the annual catch limits (ACLs) for gag grouper (gag) and wreckfish, and the directed commercial quota for gag, based upon revisions to the acceptable biological catch (ABC) and the optimum yield (OY) for gag and wreckfish. The purpose of this proposed rule is to help achieve OY and prevent overfishing of gag and wreckfish in the South Atlantic region while minimizing, to the extent practicable, adverse social and economic effects to the snapper-grouper fishery.

DATES: Written comments must be received on or before July 6, 2015.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2015–0034'' by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0034,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Mary Janine Vara, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of Regulatory Amendment 22, which includes an environmental assessment, a Regulatory Flexibility Act (RFA) analysis and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/sg/2015/reg_am22/index.html.*

FOR FURTHER INFORMATION CONTACT: Mary Janine Vara, telephone: 727–824–5305, email: *mary.vara@noaa.gov.*

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

Background

The Council developed Regulatory Amendment 22 in response to the completion of stock assessments for gag and wreckfish that were reviewed by the Council's Scientific and Statistical Committee (SSC). The SSC made ABC recommendations to the Council for gag and wreckfish that extend through 2019 and 2020, respectively, based upon the data used in the assessments. As noted below, the gag assessment was done through the Southeast Data Assessment and Review (SEDAR) process and the wreckfish assessment was initially prepared by third party scientists and then peer reviewed through the Council's SSC Peer Review Process. The purpose of Regulatory Amendment 22 and this proposed rule is to adjust the ABC, ACL and OY for gag and wreckfish to address the recent stock assessment results and prevent overfishing while minimizing, to the extent practicable, adverse social and economic effects to the snapper-grouper fishery.

Status of Stock

In 2006, the gag stock was assessed through the SEDAR process and found to be undergoing overfishing and approaching an overfished condition (SEDAR 10 2006). The assessment was updated in 2014 to include data through 2012, and to provide new information on stock status (SEDAR 10 Update 2014). The 2014 update assessment indicated that the stock is undergoing overfishing based on the average fishing mortality rates from 2010–2012, but is not overfished. However, the Council's SSC noted that the fishing mortality rate for 2012, and the projected fishing mortality rate in 2013 based on the actual landings, suggested that overfishing did not occur in 2012 and 2013. Consequently, NMFS determined that the gag stock was not undergoing overfishing. At its April 2014 meeting, the Council's SSC determined that the 2014 update assessment is the best scientific information available and recommended a revised ABC to the Council. The Council chose the recommended ABC, and then chose a revised OY and ACL.

A statistical catch-at-age assessment of the wreckfish stock in the South Atlantic was conducted by non-governmental scientists in 2012. This assessment was outside of the formal stock assessment process, and the Council adopted a new SSC Peer Review Process in 2013 to address these types of third-party stock assessments and then determined that the wreckfish statistical catch-at-age assessment should be subject to the new process. The SSC reviewed the revised assessment at its April 2014 meeting, accepted it as representing the best scientific information available, and recommended a revised ABC to the Council. The Council chose the recommended ABC, and then chose a revised OY and ACL.

Regulatory Amendment 22

The Council would set a revised ABC, OY, and ACL for gag in Regulatory Amendment 22 to ensure that overfishing does not occur. The ACL and OY for gag would be set equal to 95 percent of the ABC. The directed commercial quota would be reduced from the commercial ACL by 27,218 lb (12,346 kg), gutted weight, to account for discard mortality after the commercial harvest for gag closes but the commercial harvest for shallow-water groupers remains open.

The Council also considered revising the recreational bag limit for gag in Regulatory Amendment 22. However, the Council decided not to make any changes to the recreational bag limit at this time.

The Council also recommended revising the ABC and OY and ACL for wreckfish in Regulatory Amendment 22, based on the revised stock assessment. The ACL would be set equal to the OY and the ABC.

Management Measures Contained in This Proposed Rule

Gag ACLs

This proposed rule would revise the directed commercial quota and the commercial and recreational ACLs for gag for the 2015 through the 2019 fishing years and subsequent fishing years. The directed commercial quota and the commercial and recreational ACLs would initially decrease from the 2014 levels but would gradually increase and exceed the 2014 levels in 2018, as biomass approaches the stock biomass expected to exist under equilibrium conditions (B_{MSY}). The commercial accountability measure (AM) for gag closes the commercial sector when the directed commercial quota is reached or projected to be reached. Therefore, this rulemaking would revise the directed commercial quotas for gag for the 2015 through the 2019 fishing years and subsequent fishing years. This proposed rule would also set the recreational ACLs for the 2015 through 2019 fishing years and subsequent fishing years. The recreational AM for gag states that when the recreational ACL is reached and gag are overfished, the recreational sector closes. However, regardless of the overfished status, if the recreational ACL is exceeded then the overage is deducted from the recreational ACL the following fishing year.

The commercial ACLs for gag proposed in this rule are: 322,677 lb (146,364 kg), gutted weight, 380,759 lb (172,709 kg), round weight, for 2015; 325,100 lb (147,463 kg), gutted weight, 383,618 lb (174,006 kg), round weight, for 2016; 345,449 lb (197,516 kg), gutted weight, 407,630 lb (184,898 kg), round weight, for 2017; 362,406 lb (164,385 kg), gutted weight, 427,639 lb (193,974 kg), round weight, for 2018; and 374,519 lb (169,879 kg), gutted weight, 441,932 lb (200,457 kg), round weight, for 2019 and subsequent fishing years.

The directed commercial quotas for gag (which are reduced from the commercial ACLs by 27,218 lb (12,346 kg)) proposed in this rule are: 295,459 lb (134,018 kg), gutted weight, 348,642 lb (158,141 kg), round weight, for 2015; 297,882 lb (135,117 kg), gutted weight, 351,501 (159,438 kg), round weight, for 2016; 318,231 lb (144,347 kg), gutted weight, 375,513 lb (170,330 kg), round weight, for 2017; 335,188 lb (152,039 kg), gutted weight, 395,522 lb (179,406 kg), round weight, for 2018; and 347,301 lb (157,533 kg), gutted weight, 409,816 lb (185,889 kg), round weight, for 2019 and subsequent fishing years.

The recreational ACLs for gag proposed in this rule are 310,023 lb (148,025 kg), gutted weight, 365,827 (165,936 kg), round weight, for 2015; 312,351 lb (149,137 kg), gutted weight, 368,574 lb (175,981 kg), round weight, for 2016; 331,902 lb (158,472 kg), gutted weight, 391,644 lb (186,997 kg), round weight, for 2017; 348,194 lb (166,251 kg), gutted weight, 410,869 lb (196,176 kg), round weight, for 2018; and 359,832 lb (171,807 kg), gutted weight, 424,602 lb (202,733 kg), round weight, for 2019 and subsequent fishing years.

Wreckfish ACLs

This proposed rule would set the commercial and recreational ACLs for wreckfish for the 2015 through the 2020 fishing years and subsequent fishing years. The commercial and recreational

ACLs would initially increase from 2014 levels but would gradually decrease in subsequent years as biomass approaches B_{MSY}; however, ACLs would remain above 2014 levels through 2020 and subsequent fishing years. The commercial quota is equal to the commercial ACL and the individual transferable quota (ITQ) program serves as the commercial AM. If the recreational ACL is exceeded, the recreational AM reduces the length of the following fishing season, if necessary, to account for the overage.

The commercial ACLs for wreckfish proposed in this rule are: 411,350 lb (186,585 kg), round weight, for 2015; 402,515 (182,578 kg), round weight, for 2016; 393,490 lb (178,484 kg), round weight, for 2017; 385,985 lb (175,080 kg), round weight, for 2018; 376,960 lb (170,986 kg), round weight, for 2019, and 369,645 lb (167,668 kg), round weight, for 2020 and subsequent fishing years.

The recreational ACLs for wreckfish proposed in this rule are: 21,650 (9,820 kg), round weight, for 2015; 21,185 lb (9,609 kg), round weight, for 2016; 20,710 lb (9,394 kg), round weight, for 2017; 20,315 lb (9,215 kg), round weight, for 2018; 19,840 lb (8,999 kg), round weight, for 2019; and 19,455 lb (8,825 kg), round weight, for 2020 and subsequent fishing years.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if implemented, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows:

The purpose of Regulatory Amendment 22 and this proposed rule is to adjust the ABC, ACL and OY for gag and wreckfish to address the recent stock assessment results and prevent overfishing while minimizing, to the extent practicable, adverse social and economic effects to the snapper-grouper fishery. The Magnuson-Stevens Act provides the statutory basis for this proposed rule.

This proposed rule, if implemented, would be expected to directly apply to all commercial fishing vessels that harvest either gag or wreckfish in the South Atlantic EEZ. Over the period 2009–2013, an average of 245 vessels per year recorded commercial landings of gag and 6 vessels per year recorded commercial landings of wreckfish. More recent final data are not available. Because of where the different species are harvested (wreckfish are harvested at water depths of 450–600 m (1,476–1,969 ft), whereas gag commonly occur at water depths of 39–152 m (127–499 ft)), these two groups of vessels are assumed to be mutually exclusive, though the vessels that harvest wreckfish may also harvest gag when not fishing for wreckfish and, if so, would be included in the count of vessels harvesting gag. This proposed rule would, therefore, be expected to affect an estimated 245 commercial fishing vessels per year that harvest gag and 6 commercial fishing vessels per year that harvest wreckfish. The estimated average annual gross revenue from all fishing activity by the commercial vessels that harvested gag over this period was approximately $49,000 (2013 dollars) and the average for the vessels that harvested wreckfish was approximately $288,000 (2013 dollars).

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

NMFS has not identified any other small entities that would be expected to be directly affected by this proposed rule.

The SBA has established size criteria for all major industry sectors in the U.S., including commercial fish harvesters. A business involved in commercial fish harvesting is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $20.5 million (NAICS code 114111, finfish fishing) for all its affiliated operations worldwide. Because the average annual revenue estimates provided above are significantly less than the SBA revenue threshold for this sector, all commercial vessels expected to be directly affected by this proposed rule are determined to be small business entities.

This proposed rule would set the annual commercial quotas for gag for 2015–2019 and beyond and for wreckfish for 2015–2020 and beyond. The 2019 gag commercial quota would remain in place in subsequent years unless changed, as would the 2020 wreckfish commercial quota. The proposed gag commercial quotas would be expected to result in a total reduction in revenue from gag for all vessels of approximately $154,000 (2013 dollars) in 2015, approximately $142,000 in 2016, and approximately $42,000 in 2017. Beginning in 2018, the proposed gag annual commercial quotas would be more than the current quota and would, as a result, be expected to result in increased revenue from gag each year. If the annual reductions in gag revenue are not offset by increased harvest and revenue from other species (the average annual revenue from other species harvested by these vessels was more than six times the revenue derived from gag from 2009–2013), the projected reductions in revenue from gag would equate to approximately $630 per vessel (245 vessels) in 2015, or approximately 1.3 percent of average annual revenue from all fishing activity, and decline to $580 per vessel in 2016, and $170 per vessel in 2017. Averaged over the entire 5 years (2015–2019), the average annual

reduction in revenue per vessel would be approximately $160, or less than 1 percent of the average annual fishing revenue per vessel. As a result, this proposed rule would be expected to result in a minor adverse economic effect on the affected small entities.

All of the proposed wreckfish annual commercial quotas would allow higher than currently allowed harvest levels. As a result, the revenue and profits associated with commercial wreckfish harvest could increase and this proposed rule would be expected to have a beneficial economic effect on the affected small entities.

Based on the discussion above, NMFS determines that this proposed rule, if implemented, would not have a significant adverse economic effect on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Annual Catch Limits, Fisheries, Fishing, Gag, Quotas, South Atlantic, Wreckfish.

Dated: May 29, 2015.

Samuel D. Rauch III,

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

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

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

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

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

■ 2. In § 622.190, the last sentence in the introductory paragraph for paragraph (a) and paragraphs (a)(7) and (b) are revised to read as follows:

§ 622.190 Quotas.

* * * * *

(a) * * * The quotas are in gutted weight, that is eviscerated but otherwise whole, except for the quotas in paragraphs (a)(4) through (7) of this section which are in both gutted weight and round weight.

* * * * *

(7) *Gag*—(i) For the 2015 fishing year—295,459 lb (134,018 kg), gutted weight; 348,642 lb (158,141 kg), round weight.

(ii) For the 2016 fishing year—297,882 lb (135,117 kg), gutted weight; 351,501 (159,438 kg), round weight.

(iii) For the 2017 fishing year—318,231 lb (144,347 kg), gutted weight; 375,513 lb (170,330 kg), round weight.

(iv) For the 2018 fishing year—335,188 lb (152,039 kg), gutted weight; 395,522 lb (179,406 kg), round weight.

(v) For the 2019 and subsequent fishing years—347,301 lb (157,533 kg), gutted weight; 409,816 lb (185,889 kg), round weight.

(b) *Wreckfish.* (1) The quotas for wreckfish apply to wreckfish shareholders, or their employees, contractors, or agents. The quotas are given round weight. See § 622.172 for information on the wreckfish shareholder under the ITQ system.

(i) For the 2015 fishing year—411,350 lb (186,585 kg).

(ii) For the 2016 fishing year—402,515 (182,578 kg).

(iii) For the 2017 fishing year—393,490 lb (178,484 kg).

(iv) For the 2018 fishing year—385,985 lb (175,080 kg).

(v) For the 2019 fishing year—376,960 lb (170,986 kg).

(vi) For the 2020 and subsequent fishing years—369,645 lb (167,668 kg).

(2) [Reserved]

* * * * *

■ 3. In § 622.193, paragraphs (c) and (r) are revised to read as follows:

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

* * * * *

(c) *Gag*—(1) *Commercial sector.* If commercial landings, as estimated by the SRD, reach or are projected to reach the applicable directed commercial quota, specified in § 622.190(a)(7), the AA will file a notification with the Office of the Federal Register to close the commercial sector for gag for the remainder of the fishing year. The commercial ACL for gag is 322,677 lb (146,364 kg), gutted weight, 380,759 lb (172,709 kg), round weight, for 2015; 325,100 lb (147,463 kg), gutted weight, 383,618 lb (174,006 kg), round weight, for 2016; 345,449 lb (197,516 kg), gutted weight, 407,630 lb (184,898 kg), round weight, for 2017; 362,406 lb (164,385 kg), gutted weight; 427,639 lb (193,974 kg), round weight, for 2018; and 374,519 lb (169,879 kg), gutted weight, 441,932 lb (200,457 kg), round weight, for 2019 and subsequent fishing years.

(2) *Recreational sector.* (i) If recreational landings, as estimated by the SRD, reach or are projected to reach the applicable recreational ACL, specified in paragraph (c)(2)(iv) of this section, and gag are overfished, based on the most recent Status of U.S. Fisheries Report to Congress, the AA will file a notification with the Office of the Federal Register to close the gag recreational sector for the remainder of the fishing year. On and after the effective date of such notification, the bag and possession limits for gag in or from the South Atlantic EEZ are zero. These bag and possession limits also apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

(ii) Without regard to overfished status, if gag recreational landings exceed the recreational ACL, the AA will file a notification with the Office of the Federal Register, at or near the beginning of the following fishing year, to reduce the recreational ACL for that fishing year by the amount of the overage.

(iii) Recreational landings will be evaluated relative to the ACL based on a moving multi-year average of landings, as described in the FMP.

(iv) The recreational ACL for gag is 310,023 lb (148,025 kg), gutted weight, 365,827 (165,936 kg), round weight, for 2015; 312,351 lb (149,137 kg), gutted weight, 368,574 lb (175,981 kg), round weight, for 2016; 331,902 lb (158,472 kg), gutted weight, 391,644 lb (186,997 kg), round weight, for 2017; 348,194 lb (166,251 kg), gutted weight, 410,869 lb (196,176 kg), round weight, for 2018; and 359,832 lb (171,807 kg), gutted weight, 424,602 lb (202,733 kg), round weight, for 2019 and subsequent fishing years.

* * * * *

(r) *Wreckfish*—(1) *Commercial sector.* The ITQ program for wreckfish in the South Atlantic serves as the accountability measure for commercial wreckfish. The commercial ACL for wreckfish is equal to the applicable commercial quota specified in § 622.190(b).

(2) *Recreational sector.* (i) If recreational landings for wreckfish, as estimated by the SRD, exceed the recreational ACL specified in paragraph (r)(2)(ii) of this section, then during the following fishing year, recreational landings will be monitored for a persistence in increased landings and, if necessary, the AA will file a notification with the Office of the Federal Register, to reduce the length of the following recreational fishing season by the amount necessary to ensure recreational landings do not exceed the recreational ACL in the following fishing year. However, the length of the recreational season will also not be reduced during the following fishing year if the RA determines, using the best scientific information available, that a reduction in the length of the following fishing season is unnecessary.

(ii) The recreational ACL for wreckfish is 21,650 (9,820 kg), round weight, for 2015; 21,185 lb (9,609 kg), round weight, for 2016; 20,710 lb (9,394 kg), round weight, for 2017; 20,315 lb (9,215 kg), round weight, for 2018; 19,840 lb (8,999 kg), round weight, for 2019; and 19,455 lb (8,825 kg), round weight, for 2020 and subsequent fishing years.

* * * * *

[FR Doc. 2015–13592 Filed 6–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 150112035–5035–01]

RIN 0648–BE80

Fisheries Off West Coast States; Highly Migratory Species Fishery Management Plan; Revision to Prohibited Species Regulations

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing regulations under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to revise the prohibited species regulations so that each of the exceptions to the policy in the Fishery Management Plan are explicitly identified in the regulations. The specific exceptions will allow HMS fishermen to retain: (1) Salmon and Pacific halibut, if all of the necessary regulations for those respective fisheries are followed; and (2) basking, megamouth, and great white sharks, if they are sold or donated to a scientific or educational organization. This action is necessary to more accurately reflect the intent of the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP).

DATES: Comments must be received on or before June 19, 2015.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2015–0006, by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0006,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Taylor Debevec, NMFS West Coast Region Long Beach Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier ''NOAA–NMFS–2015–0006'' in the comments.

Instructions: Comments must be submitted by one of the above methods to ensure they are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of the draft Regulatory Impact Review (RIR) and other supporting documents are available via the Federal eRulemaking Portal: *http://www.regulations.gov*, docket NOAA–NMFS–2015–0006 or contact the Regional Administrator, William W. Stelle, Jr., NMFS West Coast Region, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115–0070, or *RegionalAdministrator.WCRHMS@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Taylor Debevec, NMFS, 562–980–4066.

SUPPLEMENTARY INFORMATION:

Background

The HMS FMP was implemented in a final rule published on April 7, 2004 (69 FR 18444). NMFS was recently informed of a discrepancy between the implementing regulations and the intent of the HMS FMP regarding the policy on prohibited species. The HMS FMP identifies several fish as ''prohibited species'' (salmon, Pacific halibut, basking shark, megamouth shark, and great white shark) that cannot be retained in HMS fisheries, with the following exceptions: (1) Any can be kept for examination by an authorized observer or to return tagged fish as specified by the tagging agency; (2) salmon and Pacific halibut can be kept provided all applicable state and Federal regulations are followed (*e.g.,* gear, permits, season, fishing area); and (3) basking, megamouth, and great white sharks can be kept provided they are sold or donated to recognized scientific and educational organizations for research or display purposes. The implementing regulations, however, only identify the first exception above; the second and third are not included in the regulations. The prohibited species policy of the FMP was designed with the second and third exceptions to: Prevent salmon and Pacific halibut from being retained as incidental catch in HMS fisheries, and not preclude fishermen from legally participating in salmon and Pacific halibut fisheries (permits, closures, gears, etc.); and discourage targeting of the rare and low productivity sharks, and not waste them if caught.

The current regulations refer to prohibited species in three sections of the Code of Federal Regulations (in title 50 part 660 subpart K), which, collectively, do not convey the full prohibited species policy of the HMS FMP. The definition of ''prohibited species'' (§ 660.702) does not specify a list of prohibited species and is vague about the exceptions. The regulations on prohibitions (§ 660.705(e)) describe the action that should be taken if a prohibited species is caught (*i.e.,* return the fish to sea), but does not incorporate the exceptions. Finally, the regulations on general catch restrictions (§ 660.711(a)) identify the species that are prohibited in HMS fisheries. The lack of clarity and cohesion with the HMS FMP has prompted NMFS to modify the three sections of the regulations that govern prohibited species.

Proposed Regulations

The proposed rule would codify at § 660.705(e) the second and third exceptions in the prohibited species policy of the HMS FMP, as described above. The definition of ''Prohibited species'' at § 660.702 would be revised to remove the general description of what a prohibited species means, and instead simply set forth the species names; the prohibited species themselves would not change. As a result, the regulations at § 660.711(a), which currently include the species names, would be redundant and, therefore, would be deleted. By correcting the language at § 660.705(e) to explicitly identify all the exceptions and revising the definition of prohibited species, the regulations would be consistent with the HMS FMP.

Classification

The NMFS West Coast Regional Administrator has preliminarily

determined that this proposed rule is consistent with the MSA and other applicable laws.

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

This proposed rule has been determined to be categorically excluded from the requirement to prepare an Environmental Assessment under the National Environmental Policy Act because the rule falls within the scope of alternatives addressed in the environmental impact statement (EIS) prepared for the HMS FMP in 2003. The EIS determined that the prohibited species policy would ensure that neither the sharks nor the strict management of Pacific halibut and salmon are compromised by HMS fisheries.

Pursuant to the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The rationale for the certification is as follows:

This proposed rule, in accordance with the HMS FMP and the recommendation of the Pacific Fishery Management Council, will revise the prohibited species regulations so that the exceptions to the policy as outlined in the FMP are explicitly identified in the regulations. The specific exceptions will allow HMS fishermen to retain: (1) Salmon and Pacific halibut if all of the necessary regulations for those respective fisheries are followed, and (2) basking, megamouth, and great white sharks if they are sold or donated to a scientific or educational organization.

The main entities to which this action would apply are fishermen that fish for albacore using surface hook-and-line gear, as they often have the opportunity to fish for salmon with the same gear and on the same trip. Typically, albacore are available off of the coast of Oregon and Washington around May or June, while the salmon season is also open. Though albacore is caught beyond 10 miles off the coast, fishermen sometimes stop to catch salmon when returning to port and generally inside of 5 miles from the coast.

On June 12, 2014, the Small Business Administration (SBA) issued an interim final rule revising the small business size standards for several industries effective July 14, 2014 (79 FR 33467). The rule increased the size standard for Finfish Fishing from $19.0 million to $20.5 million, Shellfish Fishing from $5.0 million to $5.5 million, and Other Marine Fishing from $7.0 million to $7.5 million. NMFS conducted its analysis for this action in light of the new size standards. On average, there are 28 commercial vessels, and 4 charter/recreational vessels per year that would be impacted by this rule. NMFS considers all entities subject to this action to be small entities as defined by the revised size standards.

The clarification of these regulations will enable all fleets to operate their businesses as intended by the HMS FMP. This rule is expected to have a positive effect on income because HMS fishermen will be allowed to retain and sell salmon and halibut (provided the vessel is fishing under a salmon or halibut permit). This positive impact is expected to be modest, however, because not many fishermen actively participate across these fisheries, especially on the same trip. If this proposed rule were not finalized, fishermen would be more restricted than the HMS FMP intended; they would not be allowed to be in possession of, or land, species listed as prohibited while also possessing or landing HMS.

Because each affected vessel is a small business, this proposed action is considered to equally affect all of these small entities in the same manner. Based on the disproportionality and profitability analysis above, the proposed action, if adopted, will not have adverse or disproportional economic impact on these small business entities.

Because this rule would not have a significant economic impact on a substantial number of small entities, an Initial Regulatory Flexibility Analysis is not required, and one was not prepared for this proposed rule.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: May 29, 2015.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.702, revise the definition for ''Prohibited species'' to read as follows:

§ 660.702 Definitions.

* * * * *

Prohibited species means any highly migratory species for which quotas or catch limits under the FMP have been achieved and the fishery closed; salmon; great white shark; basking shark; megamouth shark; and Pacific halibut.

* * * * *

■ 3. In § 660.705, revise paragraph (e) to read as follows:

§ 660.705 Prohibitions.

* * * * *

(e) When fishing for HMS, fail to return a prohibited species to the sea immediately with a minimum of injury, except under the following circumstances:

(1) Any prohibited species may be retained for examination by an authorized observer or to return tagged fish as specified by the tagging agency.

(2) Salmon may be retained if harvested in accordance with subpart H of this part, and other applicable law.

(3) Great white sharks, basking sharks, and megamouth sharks may be retained if incidentally caught and subsequently sold or donated to a recognized scientific or educational organization for research or display purposes.

(4) Pacific halibut may be retained if harvested in accordance with part 300, subpart E of this title, and other applicable law.

* * * * *

§ 660.711 [Amended]

■ 4. In § 660.711, remove paragraph (a) and redesignate paragraphs (b) through (d) as (a) through (c).

[FR Doc. 2015–13637 Filed 6–3–15; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 80, No. 107
Thursday, June 4, 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

Forest Service

Glade Rangeland Management Analysis; San Juan National Forest; Colorado

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service intends to prepare an environmental impact statement to analyze and disclose the environmental effects of livestock grazing on eight allotments within the Glade Landscape analysis area. The project would continue domestic livestock grazing on all or portions of the Glade Landscape in a way that moves resource conditions toward desired on-the-ground conditions and is consistent with Forest Plan standards and guidelines.

DATES: While public participation in this analysis is welcome at any time, comments received by July 6, 2015, will be especially useful in the preparation of the draft EIS.

ADDRESSES: Scoping comments may be submitted in writing to Derek Padilla, District Ranger, Dolores Ranger District, 29211 Highway 184, Dolores, CO 81323; comments may also be emailed to *hjmusclow@fs.fed.us* or sent by facsimile to 970–882–6841. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying.

FOR FURTHER INFORMATION CONTACT: Heather Musclow, Rangeland Management Specialist, telephone 970–882–7296. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Purpose and Need for Action

The purpose of this action is to continue domestic livestock grazing of the Glade Landscape in a manner that moves resource conditions toward desired on-the-ground conditions and is consistent with Forest Plan standards and guidelines.

Proposed Action

The Glade Landscape consists of 165,000 acres in Townships 37–42 North, Ranges 15–18 West, in the northwest portion of the Dolores Ranger District, San Juan National Forest. It occupies parts of Dolores and Montezuma counties and contains eight livestock grazing allotments. If the District Ranger approves livestock grazing, the preferred NEPA alternative will guide the development of an Allotment Management Plan for that allotment. The Allotment Management Plans will become part of the corresponding term grazing permits.

The Proposed Action would continue livestock grazing on 7 allotments (Brumley, Mair, Salter, Glade, Long Park, Lone Mesa, and Calf). In addition, portions of the Sagehen Allotment is proposed for closure while other portions would continue to allow trailing and occasional livestock grazing. Adjustments to livestock numbers and/or management specific to each allotment are proposed to move each allotment towards desired conditions. Additional management actions are included for implementation should current proposed actions not achieve desired results.

Additional information about the proposed action can be obtained online at *http://www.fs.usda.gov/project/?project=43416*.

Decision To Be Made

The decision to be made is whether or not to allow livestock grazing on each allotment (the No Grazing Alternative) and if so, to implement the proposed action as described above (the Proposed Alternative) to meet the purpose and need through some combination of activities, or to take no action at this time (the No Action Alternative).

Scoping Process

Comments from the public and other agencies will be used in preparation of the draft EIS. The scoping process will be used to identify questions and issues regarding the proposed action. An issue is defined as a point of dispute, debate, or disagreement related to a specific proposed action based on its anticipated effects. Significant issues brought to our attention are used during an environmental analysis to develop alternatives to the proposed action.

Estimated Future Dates

The draft EIS is expected to be filed with the Environmental Protection Agency and available for public review in September of 2015. The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability of the draft EIS in the **Federal Register**.

Administrative Review Processes

For project-level decisions about livestock grazing and management, the Forest Service will apply its pre-decisional administrative review process described in 36 CFR part 218, subparts A and B. Preliminary decisions about livestock management will be described in a draft Record of Decision.

Responsible Official and Lead Agency

The USDA Forest Service is the lead agency for this proposal. District Ranger Derek Padilla is the responsible official.

Dated: May 4, 2015.

Derek Padilla,

Dolores District Ranger.

[FR Doc. 2015–13628 Filed 6–3–15; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

North Central Idaho Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The North Central Idaho Resource Advisory Committee (RAC) will meet in Grangeville, Idaho. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects

and funding consistent with Title II of the Act. Additional RAC information, including the meeting agenda, and the meeting summary/minutes can be found at the following Web site: *http://www.fs.usda.gov/main/nezperceclearwater/workingtogether/advisorycommittees.*

DATES: The meeting will be held on June 17 and 18, 2015, at 9 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Nez Perce-Clearwater National Forests Grangeville Office, 104 Airport Road, Grangeville, Idaho.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Nez Perce-Clearwater National Forests Grangeville Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Laura Smith, Designated Federal Officer, by phone at 208–983–5143 or via email at *lasmith02@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is:

1. Present project proposals; and

2. Select the projects to recommend for Title II funding.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by June 12th to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Laura Smith, Designated Federal Officer, 104 Airport Road, Grangeville, Idaho 83530; by email to *lasmith02@fs.fed.us* or via facsimile to 208–983–4099.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: May 27, 2015.

Cheryl Probert,

Forest Supervisor.

[FR Doc. 2015–13629 Filed 6–3–15; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Kansas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Kansas Advisory Committee (Committee) will hold a meeting on Tuesday, July 28, 2015, at 12 p.m. CST for the purpose of discussing the next steps toward completing the voting rights project. In January 2015, the Kansas Advisory Committee approved a proposal to study and provide advice to the Commission regarding the civil rights implications of Kansas' voter ID law.

DATES: The meeting will be held on Tuesday, July 28, 2015, at 12 p.m. CST.

ADDRESSES: Public Call Information: Dial: 888–378–0320, Conference ID: 8699783.

FOR FURTHER INFORMATION CONTACT: David Mussat, DFO, at 312–353–8311 or *dmussatt@usccr.gov*.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–378–0320, conference ID: 8699783. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement at the end of the meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also entitled to submit written comments; the comments must be received in the regional office by August 28, 2015. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records and documents discussed during the meeting, including the draft advisory memorandum, will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=249* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Introductions
Elizabeth Kronk Warner, Chai
Discussion of voting rights project
Kansas Advisory Committee Members
Future plans and actions
Adjournment

Dated May 29, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–13596 Filed 6–3–15; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Mississippi Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules

and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Mississippi Advisory Committee (Committee) will hold a meeting on Tuesday, July 7, 2015, at 2 p.m. CST for the purpose of discussing and voting on an advisory memorandum on the civil rights concerns relating to potential disparities in the distribution of federal child care subsidies in Mississippi on the basis of race or color. The committee previously gathered testimony on the topic April 29, 2015, and May 13, 2015.

DATES: The meeting will be held on Tuesday, July 7, 2015, at 2 p.m. CST.

ADDRESSES:

Public Call Information

Dial: 888–329–8877.
Conference ID: 2825613.

FOR FURTHER INFORMATION CONTACT: David Mussat, DFO, at 312–353–8311 or *dmussatt@usccr.gov*.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–329–8877, conference ID: 2825613. Any interested member of the public may call this number and listen to the meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also invited and welcomed to make statements at the end of the conference call. In addition, members of the public may submit written comments; the comments must be received in the regional office by August 7, 2015. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=257* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Introductions
Susan Glisson, Chair
Discussion and Vote on Childcare Subsidy Advisory Memorandum
Mississippi Advisory Committee
Open Comment
Adjournment

Dated: May 29, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–13597 Filed 6–3–15; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Nebraska Advisory Committee To Hear Testimony on Civil Rights Implications of LB 403

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Nebraska Advisory Committee (Committee) will hold a meeting on Wednesday, July 29, 2015, at 2:00 p.m. CST and on Wednesday, August 12, 2015, at 2:00 p.m. CST for the purpose of hearing testimony regarding the civil rights impact of LB 403. The Committee approved the project proposal on the topic at its meeting on May 5, 2015.

Members of the public can listen to the discussion. The July 29 meeting is available to the public through the following toll-free call-in number: 888–364–3109, conference ID: 6261793. The August 12 meeting is available to the public through the following toll-free call-in number: 888–329–8877, conference ID: 1830572. Any interested member of the public may call these numbers and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement at the end of each meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also entitled to submit written comments; the comments must be received in the regional office by September 12, 2015. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records and documents discussed during the meetings will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=260* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Introductions
Jonathan Benjamin-Alvarado, Chair
Panelist Testimony
Committee Question and Answer with Panelists
Open Comment Period
Adjournment

DATES: The meeting will be held on Wednesday, July 29, 2015, at 2:00 p.m. CST.

The meeting will be held on Wednesday, August 12, 2015, at 2:00 p.m. CST.

Public Call Information

July 29, 2015: Dial: 888–364–3109; Conference ID: 6261793
August 12, 2015: Dial: 888–329–8877; Conference ID: 1830572

FOR FURTHER INFORMATION CONTACT: David Mussatt, DFO, at 312–353–8311 or *dmussatt@usccr.gov.*

Dated: May 29, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–13598 Filed 6–3–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–913]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Corrected Notice of Decision of the Court of International Trade Not in Harmony and Corrected Notice of Amended Final Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On May 18, 2015, the United States Court of International Trade (CIT) granted plaintiff's motion for enforcement of judgment in *GPX International Tire Corp.* v. *United States,* Consol. Court No. 08–00285,[1] enforcing the Court's October 30, 2013, order that sustained a remand redetermination of the Department of Commerce (Department) relating to the countervailing duty (CVD) investigation on certain new pneumatic off-the-road tires (OTR Tires) from the People's Republic of China (PRC).[2] Consistent with the *GPX Enforcement Order* and 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 issuing this revised notice to the public that the final decision in this case is not in harmony with the Department's final affirmative determination in the CVD investigation of OTR Tires from the PRC and is correcting its earlier amended final determination with respect to the cash deposit rate for Tianjin United Tire & Rubber International Co., Ltd. (TUTRIC).[3]

DATES: *Effective Date:* November 9, 2013.

FOR FURTHER INFORMATION CONTACT: David Lindgren at (202) 482–3870; AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: In July 2008, the Department published a final determination in which it found that countervailable subsidies are being provided to producers/exporters of OTR tires from the PRC.[4] As part of the *Final Determination,* the Department calculated a CVD rate for TUTRIC of 6.85 percent.[5] A summary of that determination and resulting domestic litigation can be found in the *2010 Timken Notice.*[6]

In May 2012, the CAFC vacated and remanded the earlier final judgment of the CIT referenced in the *2010 Timken Notice.*[7] The CIT subsequently ordered the Department to reconsider several methodological and calculation issues from the Final Determination.[8] On remand, the Department recalculated the subsidy rate for TUTRIC's debt forgiveness as well as its total countervailable subsidy rate.[9] The CIT sustained the Department's remand redetermination in *GPX VIII.* As a result, on November 27, 2013, the Department issued the *2013 Timken Notice and Amended Final Determination* with the revised countervailable subsidy rate for TUTRIC of 3.93 percent, but the Department noted that the amendment did not change TUTRIC's cash deposit rate because of intervening final determination implemented pursuant to Section 129 of the Uruguay Round Agreements Act.[10]

TUTRIC then brought a motion for enforcement of the Court's October 30, 2013 judgment, and on May 18, 2015, the CIT ordered the Department to issue a revised Timken Notice, setting TUTRIC's cash deposit rate at 3.93 percent.[11]

Corrected Timken Notice: In its decision in *Timken,* as clarified in *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 October 30, 2013 judgment in *GPX VIII,* as enforced through the CIT's May 18, 2015 *GPX Enforcement Order,* constitutes a final decision of that court that is not in harmony with the Department's final determination. This notice is published in fulfillment of the publication requirements of *Timken* and of the Court's May 18, 2015 *GPX Enforcement Order.* 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.

Corrected Amended Final Determination: Because there is now a final CIT decision with respect to this litigation, the Department will issue revised cash deposit instructions to U.S. Customs and Border Protection, adjusting TUTRIC's cash deposit rate to 3.93 percent, effective November 9, 2013, in accordance with the *2013 Timken Notice and Amended Final Determination* and the CIT's May 18, 2015 *GPX Enforcement Order.*

This notice is issued and published in accordance with sections 516A(e)(1) and 777(i)(1) of the Act.

Dated: May 29, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–13681 Filed 6–3–15; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See GPX Int'l Tire Corp.* v. *United States,* Consol. Ct. No. 08–00285, Slip Op. 15–46 (CIT May 18, 2015) (*GPX Enforcement Order*).

[2] *See GPX Int'l Tire Corp.* v. *United States,* Consol. Ct. No. 08–00285, Slip Op. 13–132 (CIT October 30, 2013) (*GPX VIII*).

[3] *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Decision of the Court of International Trade Not in Harmony and Notice of Amended Final Determination,* 78 FR 70917 (November 27, 2013) (*2013 Timken Notice and Amended Final Determination*).

[4] *See Certain New Pneumatic Off-The-Road-Tires From the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Negative Determination of Critical Circumstances,* 73 FR 40480 (July 15, 2008) (*Final Determination*).

[5] *Id.,* 73 FR at 40483.

[6] *See Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Notice of Decision of the Court of International Trade Not in Harmony,* 75 FR 62505 (October 12, 2010) (*2010 Timken Notice*).

[7] *See GPX Int'l Tire Corp.* v. *United States,* 678 F.3d 1308 (Fed. Cir. 2012).

[8] *See GPX Int'l Tire Corp.* v. *United States,* 893 F. Supp. 2d 1296 (CIT 2013).

[9] *See GPX VIII.*

[10] *See 2013 Timken Notice and Amended Final Determination,* 78 FR at 70918.

[11] *See GPX Enforcement Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before June 24, 2015. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 14–024. Applicant: University of Maryland Baltimore County, 1000 Hilltop Circle, Baltimore, MD 21250. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to understand preparation—structure—property relationships of many different materials including nanocomposite powders and coatings, tooth enamel and its interaction with dental materials, and gold nanoparticles with and without functional groups. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: February 12, 2015.

Docket Number: 14–030. Applicant: W.M. Keck Observatory, 65–1120 Mamalahoa Hwy., Kamuela, HI 96743. Instrument: Next Generation Adaptive Optics (NGAO) Laser System. Manufacturer: Toptica Photonics AG, Germany. Intended Use: The instrument will be used to provide a high quality ''artificial star'' in the atmosphere to remove the image blurring caused by the atmosphere, as part of a Laser Guide Star Adaptive Optics System. The system uses a technique called Adaptive Optics that measures the turbulence in Earth's atmosphere that causes blurring or ''twinkling'' by ''flexing'' or ''bending'' a deformable mirror at speeds of hundreds of times per second. The instrument is used to excite sodium atoms residing in the mesosphere above the Earth's surface creating an ''artificial star'' for measuring the atmosphere's turbulence. The instrument uses a laser of a precise wavelength of 589nm projected onto the sodium layer at 90km in the atmosphere, for which the stability, format and bandwidth are critical. The wavelength, amount of power, and spectral content required to resonant atoms 90km in the atmosphere are not commonly used in the laser industry. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: February 5, 2015.

Docket Number: 14–035. Applicant: Texas A&M University, 200 Seawolf Parkway, Galveston, TX 77553. Instrument: Wartsila, W8L20 Generator set and related special purpose tools. Manufacturer: Wartsila Ship Power, Finland. Intended Use: The instrument will be used to prepare students to serve as licensed engineering officers in the U.S. Merchant Service and for other careers in demand in the Houston job market and elsewhere. Any generator set that would be useful for our instructional needs would need to be typical of the marine industry, be relatively large so students could have realistic laboratory experiences, and would need to not be excessively large so it would fit into the existing indoor high bay intended for this purpose. Justification for Duty-Free Entry: Marine Diesel engines of different design but in the same general category to that being donated are available in the US, but no detailed comparisons between competing equipment have been made because no domestically produced engine was offered as a donation. Application accepted by Commissioner of Customs: January 15, 2015.

Docket Number: 15–002. Applicant: Rhode Island Hospital (Lifespan Corporation), 593 Eddy Street, Providence, RI 02903. Instrument: Laser Scanning Microscope. Manufacturer: FEI Company/TILL Photonics, Germany. Intended Use: The instrument will be used to study the molecular mechanisms of adhesion receptor activation in leukocytes (white blood cells), and how these processes are different under certain disease states, such as in patients with septic shock. By tagging specific proteins/genes with fluorescent markers the instrument will be used to track their location at a subcellular scale and determine how they are involved in regulating the activation of adhesion receptors. The instrument is capable of Total Internal Reflection Fluorescence Imaging, which is a specialized typed of microscopy where it is possible to restrict observations to a very thin section of the cell where the adhesion receptors are concentrated. The instrument has a unique integrated laser scanning mechanism that allows for the laser beam position to be scanned around the perimeter of the objective plane, which gives a superior illumination uniformity compared to the instruments from domestic manufacturers. These features are critical since the experiments rely on comparing the brightness of fluorescence signal in one part of a cell to other parts of the cell in order to draw conclusions about how these proteins are activating adhesion receptors. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: January 13, 2015.

Docket Number: 15–003. Applicant: University of California Santa Barbara, Santa Barbara, CA 93106–6105. Instrument: Cryo Positioning Stage High Resonance. Manufacturer: Janssen Precision Engineering, the Netherlands. Intended Use: The instrument will be used to construct a variable temperature (4–300 Kelvin) scanning probe microscope with sub-nanometer stability, optical access and microwave integration to measure nitrogen vacancy probes. There is no domestic instrument that combines six degrees of freedom of linear motion in a tool that operates at cryogenic temperatures (<4 Kelvin) and has a resonant frequency larger than 1 kHz. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: February 5, 2015.

Docket Number: 15–004. Applicant: Drexel University, 3141 Chestnut Street, Philadelphia, PA 19104. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used to obtain structural and morphological information about materials such as metal alloys, polymers and ceramics using electron diffraction and bright field and dark field imaging. Composition of the materials will be studied using energy dispersive spectroscopy. These techniques will be used in static experiments as well as on materials that are subject to external stimuli. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: January 26, 2015.

Docket Number: 15–006. Applicant: Colorado School of Mines, 1500 Illinois St., Golden, CO 80401. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to elucidate structure-property relationships in a wide variety of materials including metals, ceramics, and semiconductors. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: February 10, 2015.

Docket Number: 15–008. Applicant: St. Jude Children's Research Hospital, 262 Danny Thomas Place, Memphis, TN 38105. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: The instrument will be used to study the best course of treatment and prevention of reoccurrence of pediatric cancers, by studying cell and tissue cultures as well as human tumor tissue. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: February 20, 2015.

Docket Number: 15–009. Applicant: University of Texas Health Science Center, 7703 Floyd Curl Drive, San Antonio, TX 78229. Instrument: Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used to document the light and ultrastructural change that occurs in the liver and adipose tissues from various sites under conditions of stress using mice with a targeted deletion of Tmem127. Electron microscopy will be used to document the size and effect of different conditions on lysosomal structure and distribution. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 8, 2015.

Docket Number: 15–013. Applicant: Washington State University, 220 French Administration Building, PO Box 641020, Pullman, WA 99164–1020. Instrument: CTK Reactor, High Pressure Reactor, Diff pump mass spectrometer. Manufacturer: OmniVac, Germany. Intended Use: The instrument will be used to take measurements during an ongoing catalytic reaction, *i.e.* under 'operando' reaction conditions so as to clarify mechanistic details during studies up to 100 bar so as to ensure optimal conditions for the production of fuels and other chemical feedstock such as detergents or lubricants. Such dynamic reaction studies will help elucidate the mechanisms of catalytic reactions such as the formation of transportation fuels from 'synthesis gas' (Fischer Tropsch synthesis). While CTK informs about the early run-in period in a time-resolved manner, the high pressure reactor allows the study of steady-state reaction behavior at a bench scale for many hours. The Quantachrome system allows measurements of the specific surfaces areas of materials, which is required for the optimization of catalysts. The CTK reactor comprises a gas cleaning and dosing system, along with gas inlets using mass flow controllers. The central part of the reactor is made of quartz, and temperatures can be varied at choice. The high pressure reactor comprises gas cleaning and inlet pressure up to 100 bar, surrounded by a temperature programmed oven which allows temperatures of up to 500 Celsius. The differential mass spectrometer serves to continuously control gas phase compositions and is equipped with a high-speed turbo molecular pump and rotary forevacuum pump. Sampling occurs with calibrated capillary at pressures controlled by ion gauges. The Quantachrome system allows specific surface areas to be determined using non-selective probe molecule adsorption at cryogenic temperatures. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 8, 2015.

Docket Number: 15–020. Applicant: The City University of New York, 205 East 42nd Street, Room 11–64, New York, NY 10017. Instrument: Electron Microscope. Manufacturer: FEI Company, Japan. Intended Use: The instrument will be used to understand the structural mechanism by which macromolecular complexes, organelles and cells carry out their actions, using single particle analysis and tomography, involving taking many images of biological materials in vitrified ice. Justification for Duty-Free Entry: There are no instruments of the same general category manufactured in the United States. Application accepted by Commissioner of Customs: May 8, 2015.

Dated: May 28, 2015.

Gregory W. Campbell,

Director of Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2015–13678 Filed 6–3–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–823]

Silicomanganese From India: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty (AD) order on silicomanganese from India. The period of review (POR) is May 1, 2013, through April 30, 2014. This review covers respondent Nava Bharat Ventures Limited (Nava). The Department preliminarily determines that Nava did not make sales of subject merchandise at prices below normal value (NV) during the POR. The preliminary results are listed below in the section titled ''Preliminary Results of Review.'' Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* June 4, 2015.

FOR FURTHER INFORMATION CONTACT: David Lindgren at (202) 482–3870; AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products subject to the order are all forms, sizes and compositions of silicomanganese, except low-carbon silicomanganese, including silicomanganese briquettes, fines and slag. The silicomanganese subject to the order is currently classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheading is provided for convenience and customs purposes. A full description of the scope of the order is contained in the Preliminary Decision Memorandum, which is hereby adopted by this notice.[1] The written description is dispositive.

[1] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for the Preliminary Results of the 2013–2014 Administrative Review of the Antidumping Duty Order on Silicomanganese from India (Preliminary Decision Memorandum).

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). Access to ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Methodology

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of this review, we preliminarily determine the following weighted-average dumping margin for the period May 1, 2013, through April 30, 2014.

Manufacturer/Exporter	Weighted-average margin
Nava Bharat Ventures Limited ...	0.00%

Disclosure and Public Comment

The Department will disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[2] Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs no later than 30 days after the date of publication of this notice.[3] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[4] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[5] Case and rebuttal briefs should be filed using ACCESS.[6] In order to be properly filed, ACCESS must successfully receive an electronically-filed document in its entirety by 5 p.m. Eastern Time.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 30 days after the date of publication of this notice.[7] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

The Department will issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act, unless that time is extended.

Assessment Rates

Upon completion of the administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

If Nava's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of silicomanganese from India entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the company under review will be the rate established in the final results of this review (except, if the rate is zero or *de minimis, i.e.,* less than 0.5 percent, no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be the all others rate from the investigation of this order, 17.74 percent. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 29, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2015–13683 Filed 6–3–15; 8:45 am]

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[2] *See* 19 CFR 351.224(b).

[3] *See* 19 CFR 351.309(c)(ii).

[4] *See* 19 CFR 351.309(d).

[5] *See* 19 CFR 351.309(c)(2) and (d)(2).

[6] *See* 19 CFR 351.303.

[7] *See* 19 CFR 351.310(c).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD975

Nominations to the Marine Fisheries Advisory Committee

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

ACTION: Notice; request for nominations.

SUMMARY: Nominations are being sought for appointment by the Secretary of Commerce to fill vacancy openings on the Marine Fisheries Advisory Committee (MAFAC or Committee) pending late October 2015. MAFAC is the only Federal advisory committee with the responsibility to advise the Secretary of Commerce (Secretary) on all matters concerning living marine resources that are the responsibility of the Department of Commerce. The Committee makes recommendations to the Secretary to assist in the development and implementation of Departmental regulations, policies, and programs critical to the mission and goals of NMFS. Nominations are encouraged from all interested parties involved with or representing interests affected by NMFS actions in managing living marine resources. Nominees should possess demonstrable expertise in a field related to the management of living marine resources and be able to fulfill the time commitments required for two annual meetings and year round subcommittee work. Individuals serve for a term of three years for no more than two consecutive terms if re-appointed. NMFS is seeking qualified nominees to fill upcoming vacancies being created by term limits.

DATES: Nominations must be postmarked or have an email date stamp on or before July 20, 2015.

ADDRESSES: Nominations should be sent to Jennifer Lukens, Executive Director, MAFAC, Office of Policy, NMFS F–14553, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Jennifer Lukens, MAFAC Executive Director; (301) 427–8004; email: *jennifer.lukens@noaa.gov*.

SUPPLEMENTARY INFORMATION: The establishment of MAFAC was approved by the Secretary on December 28, 1970, and subsequently chartered under the Federal Advisory Committee Act, 5 U.S.C. App. 2, on February 17, 1971. The Committee meets twice a year with supplementary subcommittee meetings as determined necessary by the Committee Chair and Subcommittee Chairs. No less than 15 and no more than 21 individuals may serve on the Committee. Membership is comprised of highly qualified, diverse individuals representing commercial, recreational, subsistence, and aquaculture fisheries interests; seafood industry; environmental organizations; academic institutions; tribal and consumer groups; and other living marine resource interest groups from a balance of U.S. geographical regions, including the Western Pacific and Caribbean.

A MAFAC member cannot be a Federal employee, a member of a Regional Fishery Management Council, a registered Federal lobbyist, or a State employee. Selected candidates must pass a security check and submit a financial disclosure form. Membership is voluntary, and except for reimbursable travel and related expenses, service is without pay.

Each nomination submission should include the nominee's name, a cover letter describing the nominee's qualifications and interest in serving on the Committee, curriculum vitae or resume of the nominee, and no more than three supporting letters describing the nominee's qualifications and interest in serving on the Committee. Self-nominations are acceptable. The following contact information should accompany each nominee's submission: Name, address, telephone number, fax number, and email address (if available).

Nominations should be sent to (see **ADDRESSES**) and must be received by July 20, 2015. The full text of the Committee Charter and its current membership can be viewed at the NMFS' Web page at *www.nmfs.noaa.gov/mafac.htm*.

Dated: May 29, 2015.

Samuel D. Rauch III,

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

[FR Doc. 2015–13593 Filed 6–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD949

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

ACTION: Notice; request for comments.

SUMMARY: The NMFS Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. This Exempted Fishing Permit would allow eight commercial lobster vessels to participate in a lobster growth and abundance study, under the direction of Massachusetts Division of Marine Fisheries in state and Federal waters off the coast of Massachusetts.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notification to provide interested parties the opportunity to comment on Exempted Fishing Permit applications.

DATES: Comments must be received on or before June 19, 2015.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email: NMFS.GAR.EFP@noaa.gov.* Include in the subject line ''Comments on MA DMF Lobster Study EFP.''
- *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on MA DMF Lobster Study EFP.''

FOR FURTHER INFORMATION CONTACT: Sustainable Fisheries Division, 978–281–9315.

SUPPLEMENTARY INFORMATION: The Massachusetts Division of Marine Fisheries (MA DMF) submitted a complete application for an Exempted Fishing Permit (EFP) to conduct a 2-year lobster abundance survey with modified lobster gear that Federal regulations would otherwise restrict. The purpose of this lobster study is to provide fishery-independent data on lobster

abundance in Massachusetts state waters of statistical area 514, from Ipswich Bay south to Cape Cod Bay; and state and Federal waters of Buzzards Bay, Vineyard Sound, and nearshore portions of Rhode Island Sound, in statistical areas 537 and 538. Currently, lobster abundance and distribution studies are primarily conducted through fishery independent, random stratified bottom-trawl surveys. MA DMF has stated that trawl surveys lack the capability to efficiently target areas with rocky bottom where lobsters also reside, and is seeking an EFP to use fixed lobster gear to sample such areas.

The EFP would authorize commercial lobster vessels to set, haul, and retain on board lobster traps with closed escape vents during sampling activity. Following a soak time ranging from 3 to 5 days, these lobster traps would be hauled twice per month on dedicated sampling trips, with at least one scientist from MA DMF on board during sampling activity. During sampling trips, no catch will be retained for sale or sold.

MA DMF requests exemption from lobster gear regulations to allow for closed escape vents in order to catch lobsters of all sizes. MA DMF is also requesting exemption from lobster trap limits. This would allow participating vessels to retain on-board survey lobster traps that may cause vessels to exceed their permitted allocation for Lobster Management Area (LMA) 1 (800 trap limit) or LMA 2 (historical qualification up to 800 trap limit). Federal lobster regulations require each active lobster trap to have a commercial trap tag permanently affixed. MA DMF is requesting exemption from this requirement because survey traps will be tagged with ''MA DMF Research Trap.''

MA DMF is also requesting exemption from the management area designation requirement to allow one Federal lobster permit holder to fish experimental traps in LMA 2 while having an LMA 3 designation on his Federal permit. This exemption would allow the vessel to set survey traps in an area not designated on his permit. This exemption would not allow him to commercially fish and/or land lobsters caught with traps in LMA 2.

Site selection would be based on a random stratified sampling design, consistent with standardized methodology used to perform lobster surveys. All catch during dedicated research trips would be retained on-board for a short period of time to allow MA DMF staff to record the following information: Number of lobsters caught; number of traps hauled; set-over days; trap and bait type; lobster carapace length; sex; shell hardness; culls and other shell damage; external gross pathology including symptoms of shell disease; mortality; and ovigerous status. MA DMF is requesting exemption from management measures of LMA 1 and 2 for lobster size restrictions, v-notch possession, and egg-bearing lobster possession. MA DMF plans on retaining a small amount of lobsters for growth and maturity research purposes.

If approved, MA DMF may request minor modifications and extensions to the EFP throughout the study. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

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

Dated: June 1, 2015.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–13643 Filed 6–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee on Arlington National Cemetery Explore, Remember, and Honor Subcommittee Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice; date correction.

SUMMARY: The notice of open meeting notices for the Explore, Remember and Honor subcommittees published in the **Federal Register** on May 20, 2015 (80 FR 28978 & 28979) has changed the date of the meetings. They will now be held on June 24, 2015 at the same times and locations.

FOR FURTHER INFORMATION CONTACT: Ms. Brenda K. Curfman; Alternate Designated Federal Officer for the committee and the Explore, Remember and Honor Subcommittees, in writing at Arlington National Cemetery, Arlington VA 22211, or by email at *brenda.k.curfman.civ@mail.mil,* or by phone at 703–614–0998.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–13476 Filed 6–3–15; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee on Arlington National Cemetery Meeting Notice

AGENCY: Department of the Army, DoD.

ACTION: Notice; date correction.

SUMMARY: The notice of an open committee meeting published in the **Federal Register** on May 18, 2015 (80 FR 28246) has changed the date of the meeting. It will now be held on June 25, 2015 at the same time and location.

FOR FURTHER INFORMATION CONTACT: Ms. Brenda Curfman; Alternate Designated Federal Officer for the Committee, in writing at Arlington National Cemetery, Arlington VA 22211, or by email at *brenda.k.curfman.civ@mail.mil,* or by phone at 703–614–0998.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2015–13475 Filed 6–3–15; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2015–0019]

Proposed Collection; Comment Request

AGENCY: Deputy Chief of Staff, G–1, Technology and Business Architecture Integration Directorate, Army Library Program, Army, DOD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Deputy Chief of Staff, G–1, Technology and Business Architecture Integration Directorate, Army Library Program announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 3, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Deputy Chief of Staff, G–1, Technology and Business Architecture Integration Directorate, ATTN: DAPE–TBL, 300 Army Pentagon, Washington, DC 20310–0300; or call Army Library Program at 703–695–5401.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Library Borrowers'/Users' Profile Files; GLIS Registration Form DA Form 745, OMB Control No. 0702–XXXX.

Needs and Uses: The information collection requirement is necessary to identify individuals authorized to borrow library materials from Army libraries; to ensure that all Army library property is returned and individual's account is cleared, and to provide librarian useful information for selecting, ordering, and meeting user requirements; to comply with the Children's Internet Protection Act and to provide authentication for borrowed electronic resources (for example, e-books, e-journals).

Affected Public: Individuals or Households.

Annual Burden Hours: 9,750.

Number of Respondents: 39,000.

Responses per Respondent: 1.

Annual Responses: 39,000.

Average Burden per Response: 15 minutes.

Frequency: One Time.

Respondents are individuals or households who register at Army installation's Morale, Welfare and Recreation (MWR) libraries or other Army libraries in order to check out print, audio-visual, and/or electronic materials. Army MWR libraries collect name, address, phone number, last four digits of Social Security Number (SSN), DoD ID number, rank, date of birth, and email address in order to identify individuals authorized to borrow library materials, to ensure that all library property is returned, and the individual's account is cleared. As there are over 500,000 registered borrowers/users in the MWR General Library Information System (GLIS), several identifiers are needed to match the record with the person requesting service. During registration, library borrowers agree to be responsible for replacement or reimbursement for lost or damaged materials borrowed by themselves or authorized Family members using Form DA 7745. If the responsible party does not replace or reimburse the library, AR 735–17 authorizes the library to collect the cost of the item. For service members, the Defense Finance and Accounting Services (DFAS) requires at least the last four numbers of the social security number to collect the debt. Other Army libraries collect less types of personal information for the borrower/user profile such as no SSN or no DoD ID.

Dated: June 1, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–13648 Filed 6–3–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 15–23]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 15–23 with attached transmittal, policy justification and 620C(d) document.

Dated: June 1, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

MAY 20 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-23, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Turkey for major defense equipment, and related equipment and services estimated to cost $310 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

You will also find attached a certification as required by Section 620C(d) of the Foreign Assistance Act of 1961, as amended, that this action is consistent with the principles set forth in subsection 620C(b) of that Act as codified in section 2373 of title 22, United States Code.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Section 620C(d) Certification

CERTIFICATION PURSUANT TO § 620C(d)
OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

Pursuant to Section 620C(d) of the Foreign Assistance Act of 1961, as amended (the Act), Executive Order 12163 and State Department Delegation of Authority No. 293-2, I hereby certify that the furnishing to Turkey of four (4) MK 15 Phalanx Close-In Weapons System (CIWS) Block 1B Baseline 2 systems and the overhaul, upgrade, and conversion of seventeen (17) MK 15 Phalanx CIWS Block 0 systems to the Block 1B Baseline 2 configuration is consistent with the principles contained in Section 620C(b) of the Act.

This certification will be made part of the notification to Congress under Section 36(b) of the Arms Export Control Act, as amended, regarding the proposed sale of the above-named articles and services and is based on the justification accompanying such notification, of which such justification constitutes a full explanation.

Rose Gottemoeller
Under Secretary of State
for Arms Control and International
Security

Transmittal No. 15–23

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective purchaser:* Turkey

(ii) *Total Estimated Value*

Major Defense Equipment *	$238 million
Other	$ 72 million
Total	$310 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Four (4) MK 15 Phalanx Close-In Weapons System (CIWS) Block 1B Baseline 2 systems and the overhaul, upgrade, and conversion of seventeen (17) MK 15 Phalanx CIWS Block 0 systems to the Block 1B Baseline 2 configuration. Also included are twenty one (21) Remote Control Stations, twenty one (21) Local Control Stations, spare and repair parts, support and test equipment, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor engineering, technical, and logistics support services, and other related elements of program and ogistics support.

(iv) *Military Department:* Navy (LLI)

(v) *Prior Related Cases:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

* as defined in Section 47(6) of the Arms Export Control Act.

(viii) *Date Report Delivered to Congress:* 20 May 2015.

POLICY JUSTIFICATION

Turkey—MK 15 Phalanx CIWS Upgrades

The Republic of Turkey has requested a possible sale for four (4) MK 15 Phalanx Close-In Weapons System (CIWS) Block 1B Baseline 2 systems and the overhaul, upgrade, and conversion of seventeen (17) MK 15 Phalanx CIWS Block 0 systems to the Block 1B Baseline 2 configuration. Also included are twenty one (21) Remote Control Stations, twenty one (21) Local Control Stations, spare and repair parts, support and test equipment, personnel training and training equipment, publications and technical documentation, U.S. Government and contractor engineering, technical, and logistics support services, and other related elements of program and logistics support. The estimated cost is $310 million.

Turkey is a partner of the United States in ensuring peace and stability in the region. It is vital to the U.S. national interest to assist our NATO ally in developing and maintaining a strong and ready self-defense capability. This proposed sale is consistent with those objectives.

The proposed sale will provide the Turkish Navy with enhanced self-defense capabilities for surface combatants supporting both national and multinational naval operations. The sale will extend the life of existing weapons systems and add four new weapons to Turkey's two future Landing Ships Tank (LST) vessels. Turkey has significant experience in maintaining and supporting CIWS, particularly MK 15 Phalanx CIWS Block 0, and has capable infrastructure that will require minimal updates.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Raytheon Missile Systems in Tucson, Arizona. The purchaser has requested offsets. At this time, agreements are undetermined and will be defined in negotiations between the purchaser and contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Turkey. However, Contractor Engineering and Technical Services (CETS) may be required on an interim basis for installations and integration.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2015–13626 Filed 6–3–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0074]

Agency Information Collection Activities; Comment Request; Mandatory Civil Rights Data Collection

AGENCY: Office of Civil Rights (OCR), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before August 3, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0074 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Rosa Olmeda, (202) 453–5968.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Mandatory Civil Rights Data Collection.

OMB Control Number: 1870–0504.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local or Tribal Government.

Total Estimated Number of Annual Responses: 17,620.

Total Estimated Number of Annual Burden Hours: 1,520,260.

Abstract: The collection, use, and reporting of education data is an integral component of the mission of the U.S. Department of Education (ED). EDFacts, an ED initiative to put performance data at the center of ED's policy, management, and budget decision-making processes for all K–12 education programs, has transformed the way in which ED collects and uses data. For school years 2009–10 and 2011–12, the Civil Rights Data Collection (CRDC) was approved by OMB as part of the EDFacts information collection (1875–0240). For school years 2013–14 and 2015–16, the Office for Civil Rights (OCR) cleared the CRDC as a separate collection from EDFacts. OCR used the most current EDFacts information collection approved by OMB (1875–0240) as a model for the 2013–14 and 2015–16 CRDC information collection that was approved by OMB (1870–0504) in February 2014. Similarly, the currently proposed revised CRDC information collection for school year 2015–16 is modeled after the most recent OMB-approved EDFacts information collection. Except for a few data elements that were revised based on recommendations received from various school districts and advice received from experts across ED, the currently proposed CRDC information collection for school year 2015–16 is identical to the information collection for school year 2015–16 that was approved by OMB in February 2014. As with previous CRDC collections, the purpose of the 2015–16 CRDC is to obtain vital data related to the civil rights laws'

requirement that public local educational agencies and elementary and secondary schools provide equal educational opportunity. ED seeks OMB approval under the Paperwork Reduction Act to collect from school districts, the elementary and secondary education data described in the sections of Attachment A.

Dated: June 1, 2015.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–13644 Filed 6–3–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

List of Correspondence From January 1, 2014, Through March 31, 2014

AGENCY: Office of Special Education and Rehabilitative Services; Department of Education.

ACTION: Notice.

SUMMARY: The Secretary is publishing the following list of correspondence from the U.S. Department of Education (Department) to individuals during the previous quarter. The correspondence describes the Department's interpretations of the Individuals with Disabilities Education Act (IDEA) or the regulations that implement the IDEA. This list and the letters or other documents described in this list, with personally identifiable information redacted, as appropriate, can be found at: *http://www2.ed.gov/policy/speced/guid/idea/index.html.*

FOR FURTHER INFORMATION CONTACT: Laura Duos or Mary Louise Dirrigl. Telephone: (202) 245–7605.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you can call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of this list and the letters or other documents described in this list in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting Laura Duos or Mary Louise Dirrigl at (202) 245–7605.

SUPPLEMENTARY INFORMATION: The following list identifies correspondence from the Department issued from January 1, 2014, through March 31, 2014. Under section 607(f) of the IDEA, the Secretary is required to publish this list quarterly in the **Federal Register**. The list includes those letters that contain interpretations of the requirements of the IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law. The list identifies the date and topic of each letter and provides summary information, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been redacted, as appropriate.

Part B—Assistance for Education of All Children With Disabilities

Section 613—Local Educational Agency Eligibility

Topic Addressed: Maintenance of Effort

○ Dear Colleague Letter dated March 13, 2014, regarding a provision in the Consolidated Appropriations Act, 2014, related to the requirement in Part B of the IDEA that local educational agencies maintain the level of local, or State and local, expenditures for the education of children with disabilities.

Section 614—Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

Topic Addressed: Individualized Education Programs

○ Letter dated February 7, 2014, to Texas Education Agency, Federal and State Education Policy Director Gene Lenz, regarding whether public agencies are required to report to parents of children who take alternate assessments aligned with alternate academic achievement standards on their child's progress toward meeting the benchmarks or short-term objectives in their child's individualized education program (IEP).

○ Letter dated March 21, 2014, to Maine Department of Education, Director of Special Services Janice Breton, regarding whether public agencies may use electronic mail to provide parents with their child's IEPs and related documentation, such as progress reports.

Section 615—Procedural Safeguards

Topics Addressed: Independent Educational Evaluations Resolution Meetings

○ Letter dated February 10, 2014, to Maryland Attorney Diana M. Savit, regarding classroom observations by parents and third-party independent evaluators, and whether parents or their representatives may record resolution meetings.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 29, 2015.

Sue Swenson,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2015–13658 Filed 6–3–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Proposed Agency Information Collection

AGENCY: Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE) invites public comment on a proposed collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before August 3, 2015. If you anticipate difficulty in submitting comments within that period, contact

the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be emailed to: *mark.friedrichs@ee.doe.gov* or mailed to Mark Friedrichs, U.S. Department of Energy, EE–5B, 1000 Independence Ave. SW., Washington DC 20585 [note that the receipt of mailed comments is sometimes delayed].

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be emailed to: *mark.friedrichs@ee.doe.gov.* Requests may also be mailed to Mark Friedrichs, U.S. Department of Energy, EE–5B, 1000 Independence Ave. SW., Washington DC 20585 [note that the receipt of mailed comments is sometimes delayed]. Calls may be directed to Mark Friedrichs at (202) 586–0124.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. New; (2) Information Collection Request Title: Surveys/Interviews to Gather Expert Opinion on the Impact of DOE/EERE Building Technologies Office Investments in HVAC, Water-Heating, and Appliance Technologies; (3) Type of Request: {New}; (4) Purpose: The information collection will characterize counterfactual patterns of technology development and diffusion in the absence of DOE investments, so that by comparing these counterfactuals with actual observations the impacts of DOE investments can be estimated; this information is needed by DOE for budget justification and strategic planning; (5) Annual Estimated Number of Respondents: 150 to 250; (6) Annual Estimated Number of Total Responses: 150–250; (7) Annual Estimated Number of Burden Hours: 250; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: 0.

Statutory Authority: DOE Org Act (42 U.S.C. 7101, *et seq.*) and 42 U.S.C. 16191 (AMO authority).

Issued in Washington, DC on May 28, 2015.

JoAnn Milliken,

Deputy Director, Building Technologies Office, Energy Efficiency and Renewable Energy.

[FR Doc. 2015–13690 Filed 6–3–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Nuclear Energy Advisory Committee Meeting

AGENCY: Office of Nuclear Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Nuclear Energy Advisory Committee (NEAC). Federal Advisory Committee Act (Public Law 94–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Friday, June 26, 2015, 8:30 a.m.–4 p.m.

ADDRESSES: Westin Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Bob Rova, Designated Federal Officer, U.S. Department of Energy, 19901 Germantown Rd., Germantown, MD 20874; telephone: (301) 903–9096; email: *Robert.rova@nuclear.energy.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Nuclear Energy Advisory Committee (NEAC), formerly the Nuclear Energy Research Advisory Committee (NERAC), was established in 1998 by the U.S. Department of Energy (DOE) to provide advice on complex scientific, technical, and policy issues that arise in the planning, managing, and implementation of DOE's civilian nuclear energy research programs. The committee is composed of 18 individuals of diverse backgrounds selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to nuclear energy.

Purpose of the Meeting: To inform the committee of recent developments and current status of research programs and projects pursued by the Department of Energy's Office of Nuclear Energy and receive advice and comments in return from the committee.

Tentative Agenda: The meeting is expected to include presentations that cover such topics as an update on activities for the Office of Nuclear Energy. In addition, there will be presentations by Nuclear Energy Advisory Committee subcommittees. The agenda may change to accommodate committee business. For updates, one is directed the NEAC Web site: *http://energy.gov/ne/services/nuclear-energy-advisory-committee.*

Public Participation: Individuals and representatives of organizations who would like to offer comments and suggestions may do so on the day of the meeting, Friday, June 26, 2015. Approximately thirty minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed 5 minutes. Anyone who is not able to make the meeting or has had insufficient time to address the committee is invited to send a written statement to Bob Rova, U.S. Department of Energy, 1000 Independence Avenue SW., Washington DC 20585; or email: *robert.rova@nuclear.energy.gov.*

Minutes: The minutes of the meeting will be available by contacting Mr. Rova at the address above or on the Department of Energy, Office of Nuclear Energy's Web site at: *http://energy.gov/ne/services/nuclear-energy-advisory-committee.*

Issued in Washington, DC on May 29, 2015.

LaTayna R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–13692 Filed 6–3–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Proposed New Agency Information Collection

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy.

ACTION: Notice and request for OMB review and comment.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, EIA has submitted a request to the Office of OMB for a 3-year clearance of a new data collection survey—the EIA–63C, Densified Biomass Fuel Report.

DATES: Comments regarding this collection must be received on or before July 6, 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, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718 or contacted by email at *Chad_S_Whiteman@omb.eop.gov.*

ADDRESSES: Written comments should be sent to the:

DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503, *Chad_S_Whiteman@omb.eop.gov*

And to

Rebecca Peterson, U.S. Energy Information Administration, Mail Stop EI–23, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, *EIA–63C@eia.gov*.

FOR FURTHER INFORMATION CONTACT: Direct any requests for additional information or copies of the information collection instrument and instructions to Rebecca Peterson at *EIA–63C@eia.gov,* or at 202–586–4509. The collection instrument and instructions are also available on the Internet at: *http://www.eia.gov/survey/form/eia_63c/proposed.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* New.

(2) *Information Collection Request Title:* EIA–63C, Densified Biomass Fuels Report.

(3) *Type of Request:* New.

(4) *Purpose:* Production and consumption of densified biomass fuel is rising in the United States. One of the main reasons is the increasing use of biomass in lieu of fuel oil for residential heating. In addition, the United States is exporting rapidly rising amounts to the European community where greenhouse gas reduction programs are driving conversion from coal to biomass for electric power generation. The data collected on the Form EIA–63C will be used to estimate densified biomass fuel consumption in the United States as well as production, sales, and inventory at state, regional, and national levels. A summary of the data will be published on the EIA Web site and in various EIA publications, including the *Monthly Energy Review*. No company specific data will be released. The survey will be filed by operators of densified biomass fuel manufacturing facilities in the United States that have 10,000 tons or more of production capacity. An initial survey will be required from all U.S. densified biomass fuel manufacturers (approximately 200) to determine their production capacity, the amount produced in the past year, and the type(s) of pellets produced. The data gathered from this initial collection will be used to determine the official survey frame and frequency. For planning purposes, EIA is estimating that 150 respondents will be filing monthly.

(5) *Annual Estimated Number of Respondents:* Once the initial survey is completed, EIA is estimating the number of respondents to be approximately 150.

(6) *Annual Estimated Number of Total Responses:* 1,800 (150 respondents × 12 months).

(7) *Annual Estimated Number of Burden Hours:* 1,800 (150 respondents × 12 months × 1 hour for each response.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* EIA estimates that there are no capital and start-up costs associated with this data collection. The information is maintained in the normal course of business. The cost of burden hours to the respondents is estimated to be $129,546 (1800 burden hours times the current hourly rate of $71.97). Therefore, other than the cost of burden hours, EIA estimates that there are no additional costs for generating, maintaining, and providing the information.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified as 15 U.S.C. 772(b).

Issued in Washington, DC, on May 29, 2015.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2015–13716 Filed 6–3–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–148–000.

Applicants: Balko Wind, LLC, Balko Wind Transmission, LLC, DESRI VI Balko Wind Holdings, L.L.C.

Description: Application for Approval Under Section 203 of the Federal Power Act of Balko Wind, LLC, et al.

Filed Date: 5/28/15.

Accession Number: 20150528–5066.

Comments Due: 5 p.m. ET 6/18/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–1144–001.

Applicants: San Diego Gas & Electric Company.

Description: Tariff Amendment per 35.17(b): ER15–1144–000 Responses to Deficiency Letter to be effective 3/1/2015 under ER15–1144 Filing Type: 180.

Filed Date: 5/28/15.

Accession Number: 20150528–5212.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1687–001.

Applicants: Blue Cube Operations LLC.

Description: Tariff Amendment per 35.17(b): Amendment to Petition to be effective 5/9/2015.

Filed Date: 5/27/15.

Accession Number: 20150527–5156.

Comments Due: 5 p.m. ET 6/17/15.

Docket Numbers: ER15–1790–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 4141; Queue #Y3–043 to be effective 4/27/2015.

Filed Date: 5/27/15.

Accession Number: 20150527–5180.

Comments Due: 5 p.m. ET 6/17/15.

Docket Numbers: ER15–1791–000.

Applicants: Arizona Public Service Company.

Description: Tariff Withdrawal per 35.15: Rate Schedule No. 256—Cancellation to be effective 5/22/2015.

Filed Date: 5/27/15.

Accession Number: 20150527–5190.

Comments Due: 5 p.m. ET 6/17/15.

Docket Numbers: ER15–1792–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–05–28_SA 2792 ATC–NSP Joint Development Agreement to be effective 3/19/2014.

Filed Date: 5/28/15.

Accession Number: 20150528–5054.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1793–000.

Applicants: South Carolina Electric & Gas Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Clean Up Filing (10, 12, sch. 4, Att. F, G, M) to be effective 8/30/2010.

Filed Date: 5/28/15.

Accession Number: 20150528–5063.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1794–000.

Applicants: PJM Interconnection, L.L.C.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): First Revised Service Agreement No. 4012; Queue W1–003/Z1–100/AA1–025 et al. to be effective 4/28/2015.

Filed Date: 5/28/15.

Accession Number: 20150528–5133.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1795–000.

Applicants: Citizens Sunrise Transmission LLC.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Annual Operating Cost True-Up Adjustment Informational Filing to be effective 6/1/2015.

Filed Date: 5/28/15.

Accession Number: 20150528–5154.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1796–000.

Applicants: Pacific Gas and Electric Company.

Description: Notice of Termination of Service Agreement No. 1 under Electric Tariff Volume No. 4 for Wholesale Distribution Service of Pacific Gas and Electric Company.

Filed Date: 5/28/15.

Accession Number: 20150528–5156.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1797–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2522 Tres Amigas/SPS Interconnection Agreement Cancellation to be effective 5/12/2015.

Filed Date: 5/28/15.

Accession Number: 20150528–5162.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1798–000.

Applicants: San Diego Gas & Electric Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): SDGE Annual Filing of Revised Costs and Accruals for PBOPs to be effective 1/1/2016.

Filed Date: 5/28/15.

Accession Number: 20150528–5194.

Comments Due: 5 p.m. ET 6/18/15.

Docket Numbers: ER15–1799–000.

Applicants: PJM Interconnection, L.L.C., Virginia Electric and Power Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Dominion (''VEPCo'') submits for filing Revised Service Agreement 3453 to be effective 5/4/2015.

Filed Date: 5/28/15.

Accession Number: 20150528–5192.

Comments Due: 5 p.m. ET 6/18/15.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES15–19–000.

Applicants: AEP West Virginia Transmission Company, Inc.

Description: Amendment to April 27, 2015 Application under to Section 204 of the Federal Power Act of AEP West Virginia Transmission Company, Inc. for authorization to issue securities.

Filed Date: 5/28/15.

Accession Number: 20150528–5078.

Comments Due: 5 p.m. ET 6/8/15.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR15–2–001.

Applicants: North American Electric Reliability Corp.

Description: Compliance Filing of the North American Electric Reliability Corporation.

Filed Date: 5/20/15.

Accession Number: 20150520–5229.

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 28, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–13606 Filed 6–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP15–841–000.

Applicants: Trailblazer Pipeline Company LLC.

Description: Compliance filing per 154.501: Fuel Refund Report in Docket No. RP15–841 to be effective N/A.

Filed Date: 5/12/15.

Accession Number: 20150512–5096.

Comments Due: 5 p.m. ET 6/10/15.

Docket Numbers: RP15–1006–000.

Applicants: Kern River Gas Transmission Company.

Description: § 4(d) rate filing per 154.204: 2015 South Midway to be effective 7/1/2015.

Filed Date: 5/28/15.

Accession Number: 20150528–5103.

Comments Due: 5 p.m. ET 6/9/15.

Docket Numbers: RP15–1007–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) rate filing per 154.601: Negotiated Rate Agreement Update (APS) to be effective 6/1/2015.

Filed Date: 5/28/15.

Accession Number: 20150528–5166.

Comments Due: 5 p.m. ET 6/9/15.

Docket Numbers: RP15–1008–000.

Applicants: Destin Pipeline Company, L.L.C.

Description: § 4(d) rate filing per 154.204: Fuel Retention Adjustment 2015 to be effective 6/1/2015.

Filed Date: 5/28/15.

Accession Number: 20150528–5251.

Comments Due: 5 p.m. ET 6/9/15.

Docket Numbers: RP15–1009–000.

Applicants: Transcontinental Gas Pipe Line Company, LLC.

Description: § 4(d) rate filing per 154.204: Negotiated Rates—Cherokee AGL—Replacement Shippers—Jun 2015 to be effective 6/1/2015.

Filed Date: 5/28/15.

Accession Number: 20150528–5277.

Comments Due: 5 p.m. ET 6/9/15.

Docket Numbers: RP15–1010–000.

Applicants: Paiute Pipeline Company.

Description: § 4(d) rate filing per 154.204: Exhibit A Revision to be effective 6/1/2015.

Filed Date: 5/28/15.

Accession Number: 20150528–5278.

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 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 29, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–13608 Filed 6–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP15–1001–000.

Applicants: Texas Eastern Transmission, LP.

Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: May 2015 Deletion of Terminated Non-Conforming Agreements to be effective 7/1/2015.

Filed Date: 05/27/2015.

Accession Number: 20150527–5142.

Comment Date: 5:00 p.m. Eastern Time on Monday, June 08, 2015.

Docket Numbers: RP15–1002–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: Tennessee Gas Pipeline Company, L.L.C. submits tariff filing per 154.204: Volume No. 2—NRA—Direct Energy, Sequent and other revisions to be effective 6/1/2015.

Filed Date: 05/27/2015.

Accession Number: 20150527–5195.

Comment Date: 5:00 p.m. Eastern Time on Monday, June 08, 2015.

Docket Numbers: RP15–1003–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: BUG 2015–06–01 Ramapo Release to be effective 6/1/2015.

Filed Date: 05/28/2015.

Accession Number: 20150528–5044.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, June 09, 2015.

Docket Numbers: RP15–1004–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: KeySpan 2015–06–01 Ramapo Release to be effective 6/1/2015.

Filed Date: 05/28/2015.

Accession Number: 20150528–5046.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, June 09, 2015.

Docket Numbers: RP15–1005–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: BBPC 2015–06–01 Releases to EDF Trading to be effective 6/1/2015.

Filed Date: 05/28/2015.

Accession Number: 20150528–5056.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, June 09, 2015.

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 28, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–13607 Filed 6–3–15; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10090, Security Bank of North Metro, Woodstock, Georgia

Notice Is Hereby Given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Security Bank of North Metro, Woodstock, Georgia (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Security Bank of North Metro on July 24, 2009. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: June 1, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–13651 Filed 6–3–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10088, Security Bank of Jones County, Gray, Georgia

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Security Bank of Jones County, Gray, Georgia (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Security Bank of Jones County on July 24, 2009. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: June 1, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–13650 Filed 6–3–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of

Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 011463–011.

Title: East Coast North America to West Coast South America and Caribbean Cooperative Working Agreement.

Parties: Hamburg Sudamerikanische Dampfschifffahrts-Gesellschaft KG d/b/a CCNI; Hamburg-Sudamerikanische Dampfschifffahrts-Gesellschaft KG and Hapag-Lloyd AG.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Conner; 1627 I Street NW., Suite 1100; Washington, DC 20006–4007.

Synopsis: The amendment makes technical corrections to the agreement and restates the agreement.

Agreement No.: 012327–001.

Title: ''K'' Line/WHL/WHS/PIL Space Charter and Sailing Agreement

Parties: Kawasaki Kisen Kaisha, Ltd.; Wan Hai Lines (Singapore) PTE Ltd.; Wan Hai Lines Ltd.; Pacific International Lines (PTE) Ltd.

Filing Party: Eric. C. Jeffrey, Esq.; Nixon Peabody LLP; 401 9th Street NW., Suite 900; Washington, DC 20004.

Synopsis: The amendment updates language in the agreement concerning operational coordination with third parties using slots provided by the agreement parties.

Agreement No.: 012337.

Title: HSDG/Zim ECSA Space Charter Agreement.

Parties: Hamburg Sud; and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Conner; 1627 I Street NW., Suite 1100; Washington, DC 20006–4007.

Synopsis: The agreement authorizes Hamburg Sud to charter space to Zim in the trade between the U.S. Gulf Coast, on the one hand, and Panama, Mexico, Colombia, and Brazil, on the other hand.

Agreement No.: 012338.

Title: Sealand/APL Caribbean Slot Charter Agreement.

Parties: Maersk Line A/S dba Sealand; and APL Co. Pte Ltd; and American President Lines, Ltd. (collectively APL).

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Conner; 1627 I Street NW., Suite 1100; Washington, DC 20006–4007.

Synopsis: The agreement authorizes Sealand to charter space to APL in the trade between Puerto Rico, on the one hand, and Panama, the Dominican Republic, Costa Rica, on the other hand.

Agreement No.: 012339.

Title: Sealand/APL West Coast of Central America Slot Charter Agreement.

Parties: Maersk Line A/S dba Sealand; and APL Co. Pte Ltd; and American President Lines, Ltd. (collectively APL).

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Conner; 1627 I Street NW., Suite 1100; Washington, DC 20006–4007.

Synopsis: The agreement authorizes Sealand to charter space to APL in the trade between California and Mexico.

Agreement No.: 012340.

Title: Hapag-Lloyd/Zim ECSA Space Charter Agreement.

Parties: Hapag-Lloyd AG and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Conner; 1627 I Street NW., Suite 1100; Washington, DC 20006–4007.

Synopsis: The agreement authorizes Hapag-Lloyd to charter space to Zim in the trade between the U.S. Gulf Coast, on the one hand, and Mexico, the Dominican Republic, Colombia, Brazil, Argentina, and Uruguay, on the other hand.

Agreement No.: 012341.

Title: Network Shipping Ltd./Cool Carriers AB Space Charter and Sailing Agreement.

Parties: Network Shipping Ltd. and Cool Carriers AB.

Filing Party: Antonio Fernandez; Network Shipping; 241 Sevilla Ave.; Coral Cables, FL 33134.

Synopsis: The agreement authorizes Network Shipping to charter space to Cool Carriers AB for the carriage of empty refrigerated containers in the trade between Port Hueneme, CA and Ecuador, and in the trade between Port Gloucester, NJ and Costa Rica.

Agreement No.: 012342.

Title: COSCON/NYK Equipment Repositioning Agreement.

Parties: COSCO Container Lines Co. Ltd. and Nippon Yusen Kaisha.

Filing Party: Eric. C. Jeffrey, Esq.; Nixon Peabody LLP; 401 9th Street NW., Suite 900; Washington, DC 20004.

Synopsis: The agreement authorizes the parties to charter space to each other for the repositioning of equipment in the trade from the U.S. to China (including Hong Kong), Thailand, Taiwan, Japan, Korea, Vietnam, Malaysia, Indonesia and Singapore.

Agreement No.: 012343.

Title: PIL/MELL Space Charter and Sailing Agreement.

Parties: Pacific International Lines (PTE) Ltd.; and Mariana Express Lines (PTE) Ltd.

Filing Party: Eric. C. Jeffrey, Esq.; Nixon Peabody LLP; 401 9th Street NW., Suite 900; Washington, DC 20004.

Synopsis: The agreement authorizes the parties to share space in the trade between China and the U.S. West Coast.

Agreement No.: 201227–002.

Title: Pacific Ports Operational Improvements Agreement.

Parties: Ocean Carrier Equipment Management Association, Inc.; West Coast MTO Agreement; Maersk Line A/S; APL Co. Pte Ltd.; American President Lines, Ltd.; CMA CGM S.A.; Cosco Container Lines Company Limited; Evergreen Line Joint Service Agreement FMC Agreement No. 011982; Hamburg-Sud; Alianca Navegacao e Logistica Ltda.; Hanjin Shipping Co., Ltd.; Hapag-Lloyd AG; Hapag-Lloyd USA; Companhia Libra de Navegacao; Compania Libra de Navegacion Uruguay S.A.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha Line; Kawasaki Kisen Kaisha, Ltd.; Hyundai Merchant Marine Co., Ltd.; Zim Integrated Shipping Services; Matson Navigation Company, Inc.; APM Terminals Pacific, Ltd.; California United Terminals, Inc.; Eagle Marine Services, Ltd.; International Transportation Service, Inc.; Long Beach Container Terminal, Inc.; Seaside Transportation Service LLC; Total Terminals LLC; West Basin Container Terminal LLC; Pacific Maritime Services, LLC; SSA Terminal (Long Beach), LLC; Trapac Inc.; Yusen Terminals, Inc.; SSA Terminals, LLC; SSA Terminal (Oakland), LLC; SSA Terminals (Seattle), LLC; Sea Star Stevedoring Company, Inc.; Washington United Terminals, Inc.

Filing Party: Jeffrey F. Lawrence, Esq.; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

Synopsis: The Amendment would add China Shipping Container Lines, Co., Ltd. and China Shipping Container Lines (Hong Kong) Co., Ltd. as ocean carrier parties to the agreement, and Ports America Outer Harbor Terminal, LLC as a marine terminal operator party to the Agreement. The parties have requested Expedited Review.

By Order of the Federal Maritime Commission.

Dated: May 29, 2015.

Karen V. Gregory,

Secretary.

[FR Doc. 2015–13508 Filed 6–3–15; 8:45 am]

BILLING CODE 6731–AA–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 30, 2015.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *Cornerstone Bancshares, Inc.,* Chattanooga, Tennessee; to merge with SmartFinancial, Inc., Pigeon Forge, Tennessee, and thereby acquire its subsidiary, SmartBank, Pigeon Forge, Tennessee.

B. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Bank of the Ozarks, Inc.,* Little Rock, Arkansas; to merge with Bank of the Carolinas Corporation, Mocksville, North Carolina, and thereby indirectly acquire Bank of the Carolinas, Mocksville, North Carolina.

C. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Commerce Bank and Trust Holding Company Employee Stock Ownership Plan;* to acquire up to 30.20 percent of the voting shares of Commerce Bank and Trust Holding Company, parent of CoreFirst Bank & Trust, all in Topeka, Kansas.

Board of Governors of the Federal Reserve System, May 29, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–13614 Filed 6–3–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 19, 2015.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309.

1. *The Mary Helen Cheramie and Albert A. Cheramie Irrevocable Grantor Trust F/B/O Marc Anthony Cheramie, Marc Anthony Cheramie Trustee, Golden Meadow, Louisiana; The Mary Helen Cheramie and Albert A. Cheramie Irrevocable Grantor Trust F/B/O Deborah Cheramie Serigny, Deborah Cheramie Serigny Trustee, Cut Off, Louisiana; The Mary Helen Cheramie and Albert A. Cheramie Irrevocable Grantor Trust F/B/O Adam Cheramie, Adam Cheramie Trustee, Golden Meadow, Louisiana; and The Mary Helen Cheramie and Albert A. Cheramie Irrevocable Grantor Trust F/B/O Whitney Cheramie, Adam Cheramie Trustee, Golden Meadow, Louisiana,* to retain 20 percent or more of the outstanding shares of SBT Bancshares, Inc., and its subsidiary, State Bank and Trust Company, both of Golden Meadow, Louisiana.

Board of Governors of the Federal Reserve System, May 29, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–13613 Filed 6–3–15; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–2015–ISP–01; Docket No. 2015–0002; Sequence 13]

Privacy Act of 1974; Notice of an Updated System of Records

AGENCY: General Services Administration.

ACTION: Updated notice.

SUMMARY: GSA proposes to update a system of records subject to the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

DATES: *Effective:* July 6, 2015.

ADDRESSES: GSA Privacy Act Officer (ISP), General Services Administration, 1800 F Street NW., Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Call the GSA Privacy Act Officer at 202–368–1852 or email *gsa.privacyact@gsa.gov.*

SUPPLEMENTARY INFORMATION: GSA is updating a system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a. The updated system will allow the public and GSA Users to utilize the Salesforce application environment. Nothing in the notice will impact individuals' rights to access or amend their records in the systems of records.

Dated: June 1, 2015.

James L. Atwater,

Director, Policy and Compliance Division, Office of the Chief Information Officer.

GSA/CEO–1

SYSTEM NAME:

GSA's Customer Engagement Organization.

SYSTEM LOCATION:

The GSA Salesforce Customer Engagement Organization is hosted in the *salesforce.com* cloud environment. Some employees and contractors may download and store information from this system. Those copies are located within the employees' or contractors' offices or on encrypted workstations issued by GSA for individuals when they are out of the office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered by this system are:

(1) The public who have access, or are granted access, to specific, minor applications in the *salesforce.com* environment in GSA, including but not limited to, applicants for the childcare subsidy.

(2) Individuals collectively referred to as ''GSA Users'', which are GSA

employed individuals who require routine access to agency information technology systems, including federal employees, contractors, child care workers and other temporary workers with similar access requirements.

The system does not apply to or contain occasional visitors or short-term guests not cleared for use under HSPD–12.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information needed for the functionality of specific minor applications that are developed for GSA's implementation of the Customer Engagement Organization on the *salesforce.com platform.* This system contains the following information:

Full name.
Personal physical home address.
Personal home or mobile phone.
Personal email addresses.
U.S. citizenship status.
U.S. armed forces veteran status.
Current employer.
Optional links to social networking profiles.
Resume/CV.
Social Security Number.
Grade.
Work phone Number.
Total Income.
Number of dependent children.
Number of children on whose behalf the parent is applying for a subsidy.
Information on child care providers used, including name, address, provider license number and State where issued, tuition cost, and provider tax identification number.
Copies of IRS Forms 1040 and 1040A for verification purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 40 U.S.C. 11315; 44 U.S.C. 3506; E.O. 9397, as amended; E-Government Act of 2002 (Pub. L. 107–347); Pub. L. 106–58 (Title VI, Section 643); and Homeland Security Presidential Directive 12 (HSPD–12).

PURPOSES:

For the functionality and use of specific minor applications within GSA's implementation of *salesforce.com.* Information may be collected to meet the business requirements of the application, site, group or instance. The new system will allow users to utilize the Salesforce application environment used by GSA, and to establish and verify GSA employees' and other agency employees' eligibility for child care subsidies in order for GSA and other agencies to provide monetary assistance to their employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. To a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office, made at the written request of the constituent about whom the record is maintained.

b. To the National Archives and Records Administration (NARA) for records management purposes.

c. To Agency contractors, grantees, consultants, or experts who have been engaged to assist the agency in the performance of a Federal duty to which the information is relevant.

d. To a Federal, State, local, foreign, or tribal or other public authority, on request, in connection with the hiring or retention of an employee, the issuance or retention of a security clearance, the letting of a contract, or the issuance or retention of a license, grant, or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision.

e. To the Office of Management and Budget (OMB) when necessary to the review of private relief legislation pursuant to OMB circular No. A–19.

f. To designated Agency personnel for the purpose of performing an authorized audit or oversight evaluation.

g. To the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), the Government Accountability Office (GAO), or other Federal agencies when the information is required for program evaluation purposes.

h. To appropriate agencies, entities, and persons when (1) the Agency suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) the Agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by GSA or another agency or entity) that rely upon the compromised information; (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with GSA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

i. In any criminal, civil or administrative legal proceeding, where pertinent, to which GSA, a GSA employee, or the United States or other entity of the United States Government is a party before a court or administrative body.

j. To an appeal, grievance, hearing, or complaints examiner; an equal employment opportunity investigator, arbitrator, or mediator; and/or an exclusive representative or other person authorized to investigate or settle a grievance, complaint, or appeal filed by an individual who is the subject of the record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer records are stored on a secure server and accessed over the Web via encryption software. Paper records, when created, are kept in file folders and cabinets in secure rooms. When individuals download information, it is kept on encrypted computers that are accessed using PIV credentials. It is their responsibility to protect the data, including compliance with 2180.1 CIO P, GSA Rules of Behavior for Handling Personally Identifiable Information (PII).

RETRIEVABILITY:

Records are retrievable by a combination of first name and last name. Group records are retrieved by organizational code or other listed identifiers as configured in the application by the program office for their program requirements, and may also be cross referenced to Social Security Number.

SAFEGUARDS:

Cloud systems are authorized to operate separately by the GSA CIO at the moderate level. All GSA Users utilize two-factor authentication to access Google Apps and *salesforce.com.* Access is limited to authorized individuals with passwords or keys. Computer records are protected by a password system that is compliant with National Institute of Standards and Technology standards. Paper records are stored in locked metal containers or in secured rooms when not in use. Information is released to authorized officials based on their need to know.

RETENTION AND DISPOSAL:

Records are retained and disposed of according to GSA records maintenance and disposition schedules, GSA Records Maintenance and Disposition System (CIO P 1820.1), GSA 1820.2ADM, and requirements of the National Archives and Records Administration.

SYSTEM MANAGER AND ADDRESS:

Division Director for Business Intelligence and Enterprise Information

Management (BI&EIM), 1800 F Street NW., Washington, DC 20405.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him/her by sending a request in writing, signed, to the System Manager at the above address. When requesting notification of or access to records covered by this notice, an individual should provide his/her full name, date of birth, region/office, and work location. An individual requesting notification of records in person must provide identity documents sufficient to satisfy the custodian of the records that the requester is entitled to access.

RECORD ACCESS PROCEDURES:

Individuals wishing to access their own records should contact the System Manager at the address above.

CONTESTING RECORD PROCEDURES:

Rules for contesting the content of a record and appealing a decision are contained in 41 CFR 105–64.

RECORD SOURCE CATEGORIES:

The sources for information in the system are the individuals about whom the records are maintained, the supervisors of those individuals, existing GSA systems, a sponsoring agency, a former sponsoring agency, other Federal agencies, contract employers, or former employers. Information is provided by GSA employees who apply for child care subsidies. Furnishing of the information is voluntary.

[FR Doc. 2015–13701 Filed 6–3–15; 8:45 am]

BILLING CODE 6820–38–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0248: Docket No. 2015–0001; Sequence No. 5]

Submission to OMB for Review; General Services Administration Acquisition Regulation; Information Collection; Solicitation Provisions and Contract Clauses; Placement of Orders Clause; and Ordering Information Clause

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat 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 regarding solicitation provisions and contract clauses, placement of orders clause, and ordering information clause. A notice was published in the **Federal Register** at 80 FR 13004 on March 12, 2015. No comments were received.

DATES: Submit comments on or before: July 6, 2015.

FOR FURTHER INFORMATION CONTACT: Christina Mullins, Procurement Analyst, General Services Acquisition Policy Division, GSA, by phone at 202–969–4066 or by email at *christina.mullins@gsa.gov.*

ADDRESSES: Submit comments identified by Information Collection 3090–0248, Solicitation Provisions and Contract Clauses, Placement of Orders Clause, and, Ordering Information Clause, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for Information Collection 3090–0248. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0248, Solicitation Provisions and Contract Clauses, Placement of Orders Clause, and Ordering Information Clause''. Follow the instructions on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0248, Solicitation Provisions and Contract Clauses, Placement of Orders Clause, and Ordering Information Clause'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 3090–0248, Solicitation Provisions and Contract Clauses; Placement of Orders Clause; and Ordering Information Clause.

Instructions: Please submit comments only and cite Information Collection 3090–0248, Solicitation Provisions and Contract Clauses, Placement of Orders Clause, and Ordering Information Clause, 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 (GSA) has various mission responsibilities related to the acquisition and provision of the Federal Acquisition Service's (FAS's) Stock, Special Order, and Schedules Programs. These mission responsibilities generate requirements that are realized through the solicitation and award of various types of FAS contracts. Individual solicitations and resulting contracts may impose unique information collection and reporting requirements on contractors, not required by regulation, but necessary to evaluate particular program accomplishments and measure success in meeting program objectives. As such, the General Services Administration Acquisition Regulation (GSAR) 516.506, Solicitation provision and clauses, specifically directs contracting officers to insert 552.216–72, Placement of Orders, when the contract authorizes FAS and other activities to issue delivery or task orders and 552.216–73, Ordering Information, directs the Offeror to elect to receive orders placed by FAS by either facsimile transmission or computer-to-computer Electronic Data Interchange (EDI).

B. Annual Reporting Burden

Since the first notice of an extension request was posted, updated data for the number of respondents was obtained. The number of vendors, *i.e.* respondents, electing to receive orders electronically has increased significantly since the last information collection renewal. The increased vendor interest is likely the result of general adoption of technology advancements and implementation support from the GSA Vendor Support Center. The resulting updated total burden hours is detailed below.

Respondents: *26,756.*
Responses per Respondent: *1.*
Annual Responses: *26,756.*
Hours per Response: *.25.*
Total Burden Hours: *6,689.*

C. Public Comments

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; and 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. 3090–0248, Solicitation Provisions and Contract Clauses, Placement of Orders Clause,

and Ordering Information Clause, in all correspondence.

Dated: May 29, 2015.

Jeffrey A. Koses

Director, Office of Acquisition Policy. Office of Government-wide Policy.

[FR Doc. 2015–13703 Filed 6–3–15; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

SUMMARY: The meeting announced in this notice concerns Natural Experiments of the Impact of Population-targeted Health Policies to Prevent Diabetes and its Complications, DP15–001, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

DATES: 11 a.m.–3 p.m., June 23, 2015 (Closed).

ADDRESSES: Teleconference.

FOR FURTHER INFORMATION CONTACT: Brenda Colley Gilbert, Ph.D., M.S.P.H., Director, Extramural Research Program Operations and Services, CDC, 4770 Buford Highway, NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone:(770) 488–6295, *BJC4@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Natural Experiments of the Impact of Population-targeted Health Policies to Prevent Diabetes and its Complications, DP15–001, initial review''. This meeting is being held to review one application that was not reviewed in the initial meeting on May 5–6, 2015.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–13623 Filed 6–3–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA), RFA–EH–15–001, Environmental Health Specialists Network (EH-Net)—Practice based research to improve food safety.

DATES: 10 a.m.–5 p.m., EDT, July 2, 2015 (Closed).

ADDRESSES: Teleconference.

FOR FURTHER INFORMATION CONTACT: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Hwy. NE., Mailstop E63, Atlanta, Georgia 30341–3724, Telephone: 770–488–4334.

SUPPLEMENTARY INFORMATION:

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Environmental Health Specialists Network (EH-Net)—Practice based research to improve food safety'', EH15–001.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–13621 Filed 6–3–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

SUMMARY: In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement (FOA), RFA–CE–15–002, The CDC National Center for Excellence in Youth Violence Prevention: Building the Evidence for Community- and Policy-Level Prevention.

DATES: 8:30 a.m.–5 p.m., EDT, June 29–30, 2015 (Closed).

ADDRESSES: The Georgian Terrace, 659 Peachtree Street NE., Atlanta, Georgia 30308. This meeting will also be held by teleconference.

FOR FURTHER INFORMATION CONTACT: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Hwy. NE., Mailstop E63, Atlanta, Georgia 30341–3724, Telephone: 770–488–4334.

SUPPLEMENTARY INFORMATION:

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''The CDC National Center for Excellence in Youth Violence Prevention: Building the Evidence for Community- and Policy-Level Prevention'' FOA Number: CE–15–002.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the

Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–13620 Filed 6–3–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP); Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to Funding Opportunity Announcement, RFA–TS–15–001, Analyze and Evaluate Potential Risk Factors for Amyotrophic Lateral Sclerosis (ALS).

Times and Dates: 9:00 a.m.–5:00 p.m., EDT, June 30, 2015 (CLOSED).

Place: The Georgian Terrace, 659 Peachtree Street NE., Atlanta, Georgia 30308. This meeting will also be held by teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Analyze and Evaluate Potential Risk Factors for Amyotrophic Lateral Sclerosis (ALS)'', TS15–001.

Contact Person for More Information: Jane Suen, Dr.P.H., M.S., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F63, Atlanta, Georgia 30341–3724, Telephone (770) 488–4281.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–13622 Filed 6–3–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0002]

Withdrawal of Approval of New Animal Drug Application; Chlortetracycline

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of withdrawal of approval.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA). This action is being taken at the sponsors' request because this product is no longer manufactured or marketed.

DATES: Withdrawal of approval is effective June 15, 2015.

FOR FURTHER INFORMATION CONTACT: Sujaya Dessai, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9075, *sujaya.dessai@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Hartz Mountain Corp., 400 Plaza Dr., Secaucus, NJ 07094 has requested that FDA withdraw approval of NADA 065–222 for KEET LIFE (chlortetracycline) Bird Seed because this product is no longer manufactured or marketed.

Therefore, under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, and in accordance with 21 CFR 514.116 *Notice of withdrawal of approval of application,* notice is given that approval of NADA 065–222, and all supplements and amendments thereto, is hereby withdrawn, effective June 15, 2015.

The animal drug regulations are not being amended to reflect the voluntary withdrawal of approval of this application because it is not codified.

Dated: June 1, 2015.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2015–13633 Filed 6–3–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Heart, Lung, and Blood Initial Review Group, NHLBI Mentored Clinical and Basic Science Review Committee.

Date: June 25–26, 2015.

Time: 10:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Keith A. Mintzer, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7186, Bethesda, MD 20892–7924, 301–594–7947, *mintzerk@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 29, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–13604 Filed 6–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2011–1156]

Change-1 to Navigation and Inspection Circular 01–13, Inspection and Certification of Vessels Under the Maritime Security Program

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

SUMMARY: The Coast Guard announces the availability of Change-1 to Navigation and Vessel Inspection Circular (NVIC) 01–13, Inspection and Certification of Vessels Under the Maritime Security Program (MSP). The MSP serves as a means for establishing a fleet of commercially viable and militarily useful vessels to meet national defense as well as other security requirements. NVIC 01–13 provides guidance to assist vessel owners/

operators, Authorized Classification Societies, and Coast Guard personnel with the inspection and certification of vessels under the MSP. This Change clarifies the process for the issuance of the Certificate of Documentation (COD) to the vessel during the reflag process, adds a note to the equivalency provisions for inspection of MSP vessels subsequent to initial certification, clarifies the trial period requirements for automated systems in machinery spaces, includes interim provisions for those vessels seeking to operate with minimally attended or periodically unattended machinery spaces, and makes other technical changes to NVIC 01–13.

DATES: Change-1 to NVIC 01–13 is effective as of June 4, 2015]. The owner/operator may request an amended Certificate of Inspection to align with Change-1 to NVIC 01–13 at the next scheduled Coast Guard attendance. Documents discussed in this notice should be available in the online docket within three business days of today's publication.

ADDRESSES: To view the documents mentioned in this notice go to *http://www.regulations.gov* and use ''USCG–2011–1156'' as your search term. Locate this notice in the search results, and use the filters on the left side of the page to locate specific documents by type. 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.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email Lieutenant Corydon Heard, Office of Commercial Vessel Compliance (CG–CVC), U.S. Coast Guard; telephone 202–372–1208, email *Corydon.F.Heard@uscg.mil.* For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Background and Purpose

NVIC 01–13 provides uniform process guidance to assist vessel owners/operators, authorized classification societies, and Coast Guard personnel regarding the MSP. Vessels that meet MSP eligibility criteria may obtain a Certificate of Inspection (COI) by following the procedures and guidelines detailed in NVIC 01–13. NVIC 01–13 was first published in February 2013. As part of the first annual review, the Coast Guard considered policy guidance enhancements in order to better facilitate the transition of vessels to U.S. registry under the MSP. The Coast Guard published a notice in the **Federal Register** announcing the availability of the draft changes to NVIC 01–13 and requested public comments (79 FR 35177, June 19, 2014). Specifically, these draft changes clarified the process for the issuance of the Certificate of Documentation (COD) to the vessel during the reflag process, added a note to the equivalency provisions for inspection of MSP vessels subsequent to initial certification, clarified the trial period requirements for automated systems in machinery spaces, and included interim provisions for those vessels seeking to operate with minimally attended or periodically unattended machinery spaces (MAMS/PUMS), which do not otherwise meet the requirements of 46 CFR 62.50–20 and/or 62.50–30 (as appropriate).

We received eight public comment responses to the June 19, 2014, **Federal Register** notice. In addition to several general comments, these responses contained numerous specific recommendations, suggestions, and other remarks. We have created a comment matrix that provides a summary of each specific comment and the corresponding Coast Guard response; the comment matrix also lists and explains changes made by the Coast Guard but not prompted by public comments. A copy of this public comment matrix is available for viewing in the public docket for this notice. For more detailed information, please consult the actual public comment letters in the docket. You may access the docket going to *http://www.regulations.gov,* using ''USCG–2011–1156'' as your search term, and following the instructions in the **ADDRESSES** section above.

The basic framework of the draft Change-1 to NVIC 01–13 described above is retained in the final version. The Coast Guard has made some changes from the draft version of Change-1 to NVIC 01–13 to the final version based on the public comments. All changes are underlined in the final version and each changed page is annotated with CH–1 in the footer. We note that several commenters recommended the establishment of a working group to address MSP inspection issues. While the Coast Guard welcomes public input and will continue to champion a transparent and pragmatic approach which factors industry concerns, we believe that the current process of issuing draft policy documents and incorporating public input is the best means of policy development at this time. Some commenters raised general concerns and objections over several key aspects of NVIC 01–13. A discussion of these general concerns is included below, while responses to specific technical issues are contained in the supplementary material available in the docket.

The Coast Guard received several comments asserting that NVIC 01–13 is inconsistent with the purpose and plain language of the MSP law. Specifically, commenters suggested that pursuant to 46 U.S.C. 53102(e), a vessel is eligible to receive a COI as long as the vessel continues to comply with international agreements and the associated guidelines of the vessel's prior flag State. Commenters contested the applicability of Title 46, Code of Federal Regulations (CFR) by arguing that vessels in the MSP are solely regulated under applicable international agreements (*e.g.,* SOLAS) and Classification Society rules, specifically with regard to the manning and watchkeeping requirements for periodically unattended machinery space (PUMS). Commenters stated that to the extent that the CFR requirements differ from international conventions and class society rules, they are contrary to the statute.

While we concur that the international agreements are applicable, we disagree concerning the non-applicability of domestic regulations to vessels in the MSP. Sections 53102(e)(1)(A) and (B) of 46 U.S.C. specifically address the basis for accepting foreign construction and equipment standards for the physical ship as a condition for receiving a COI. The MSP law establishes broad equivalencies, rather than an exemption, for equipment and provisioning required by U.S. regulations at reflag. The MSP law does not require the vessel's systems to be modified in order to meet U.S. equipment carriage requirements. Compliance with classification society rules and the previous flag's laws serve as evidence that the vessel is eligible for reflagging and issuance of its initial COI. The intent of the MSP COI endorsement is to identify this equivalency for equipment and provisioning. Furthermore, the Coast Guard generally will not require the installation of additional equipment as a condition of holding the COI once it was initially issued. However, the statute is silent

with regard to operational matters such as manning, watchstanding, record keeping, periodic inspections and casualty reporting.

Unlike the design and equipment requirements needed to obtain a COI, manning and watchstanding provisions, as well as other operational requirements (logbooks, cargo authorities, inspection intervals and certification rules), are described in the various CFR subchapters depending on the vessel type. These regulations apply to MSP ships as they would to any U.S. flag vessel depending on route and service, and serve as the U.S. interpretations of the IMO international instruments since these international regulations intentionally leave many areas to ''the satisfaction of the administration.'' These regulations include provisions for an optional reduction in manning and/or discretionary authorization for a PUMS. Considering the flexibility afforded by the applicable IMO international instruments, especially in the area of manning, operations, and the scope of flag administration inspections, the Coast Guard recognized the need for consistent MSP inspection procedures for vessel owners, class societies, and marine inspectors, and therefore published NVIC 01–13. Accordingly, the procedural guidance provided in NVIC 01–13 does not establish any original or new requirements, but clarifies the applicability of existing regulations, while incorporating previous and long standing policies.

Some commenters expressed concern that NVIC 01–13 is inconsistent with prior Coast Guard practice and assert that any change in interpretation and formal imposition of new substantive requirements require a rulemaking under the Administrative Procedure Act (APA). The commenters argue that NVIC 01–13 imposes new substantive requirements on MSP operators, and that the Coast Guard has not followed the informal rulemaking process of the APA in enacting it. This, the commenters argue, should invalidate the NVIC, pursuant to *Alaska Professional Hunters Ass'n* v. *Federal Aviation Administration,* 177 F.3d 1030 (D.C. Cir. 1992). Specifically, the commenters argue that previous policy guidance stated that MSP vessels will be inspected under special provisions, except that ''new installations or modifications to existing systems shall conform to the Coast Guard's interpretation of international regulations,'' without specifying the meaning of ''interpretation''; while the new policy guidance contained in NVIC 01–13 indicated that the Coast Guard's interpretation of international regulation meant compliance with the requirements in Title 46 of the CFR.

We note that *Alaska Hunters'* reasoning was overturned by the U.S. Supreme Court recently in *Perez* v. *Mortgage Bankers Association* (March 9, 2015). Beyond that, we disagree with this argument on two counts. First, the Coast Guard provided notice and an opportunity to comment on this guidance document, and carefully considered the comments received. The Coast Guard published a draft version of NVIC 01–13 for public comment in the **Federal Register** on January 19, 2012 (77 FR 2741) and the final version on February 28, 2013 (78 FR 13691). Similarly, the draft version of this change to the NVIC was published in the **Federal Register** on June 19, 2014 (79 FR 35177), and public comments are being addressed in this notice.

Second, the commenter made this argument in relation to a request for reduced manning requirements for a PUMS. With regard to the manning requirements at issue, NVIC 01–13 does not introduce new policies, but merely clarifies existing policies and, in fact, the changes provide additional flexibility for operators in compliance options.

Notwithstanding the commenter's arguments, the Coast Guard's procedural guidance and interpretations of MSP law have been consistent with respect to the installation or modification to existing systems, since the publication of MOC Policy Letter 1–97, Reflag Inspection and Certification of Vessels Under the Maritime Security Program (MSP). Prior to the issuance of NVIC 01–13, we stated that, with respect to the installation or modification to existing systems, such systems must be replaced with equipment that meets Coast Guard standards (that is, the standards in Title 46 of the CFR). This guidance is clearly stated in the Marine Safety Manual, where we stated that ''[a] reduction in manning due to engine automation must be approved and tested as satisfactory in accordance with *U.S. regulations* [emphasis added].'' [1] Furthermore, the Coast Guard has applied this guidance to other vessels prior to the promulgation of NVIC 01–13. For example, in 2010, the Coast Guard denied an appeal regarding the MV HONOR's firefighting system for unattended machinery spaces. In our response, we stated that ''The HONOR is not required to change the hardware of its accepted [by the classification society] fire fighting system as a condition of holding a COI. It is only a requirement if the plan is to maintain the vessel's periodically unattended machinery space designation.'' [2] NVIC 01–13 merely reiterates this existing guidance. Accordingly, it is the view of the Coast Guard that NVIC 01–13 does not represent a substantive alteration or supersede the previous policy interpretations.

In NVIC 01–13, the Coast Guard has sought to provide additional flexibility in respect to the replacement of equipment ''in kind'' as well as for the proposed acceptance of certain design and technical specifications meeting existing classification society rules as equivalent for the purposes of MSP. This posture has been consistently evident in legacy Coast Guard policies, such as PCV Policy Letter 06–06 Guidance for Ships Reflagged under the Maritime Security Program Participating in the Underwater Survey in Lieu of Drydocking (UWILD) Program. NVIC 01–13 has further provided flexibility for vessels transitioning to U.S. registry under the MSP to participate in elective programs such as UWILD and PUMS while coming into compliance with Coast Guard measures designed to enhance the safety of U.S. mariners.

Several commenters recommended that for PUMS, the Coast Guard should accept foreign non-Coast Guard approved equipment and systems that comply with the applicable international conventions as determined by the previous flag state's guidelines provided the vessel's automation and remote population system are in accordance with SOLAS, the previous flag state's requirements, and the vessel's classification society's rules.

As previously noted, the Coast Guard generally will not require the installation of additional equipment as a condition of holding a COI once it was initially issued. For example, under MSP the Coast Guard accepts an attestation from the classification society stating that the automation systems (*i.e.,* power management system, propulsion control system, dynamic positioning system, centralized machinery monitoring and control system, etc.) are designed to meet the failsafe requirements of SOLAS (see NVIC 01–13, Enclosure (2) Section 1.1.3). By contrast, the requirements and authorization to electively operate with an unattended machinery space rests with the flag administration. However, the Coast Guard received a comment recommending that particular supplemental Alternate Compliance Program (ACP) standards for MAMS/

[1] Marine Safety Manual, vol. II, p. B1–15.

[2] Letter to C.R. Cushing and Company, January 25, 2010.

PUMS be incorporated into the MSP guidelines as an alternative to certain requirements in 46 CFR part 62. The Coast Guard agrees with this comment and has incorporated a general alternative provision into the NVIC change. Additionally, the interim provisions provide for continual MAMS/PUMS operation until the next credit dry dock (not including UWILD) one year from the publication date of Change-1 to NVIC 01–13.

The remainder of comments received were technical in nature, and are discussed in the comment matrix available in the docket. Upon reviewing these specific comments, the Coast Guard has included additional guidance that maximizes flexibility by promoting alternative inspection programs. Principally, revisions were made to streamline the automation approval process, provide a standardized equivalency for design and technical specifications under ACP supplements, and clarify the provisions for servicing certain firefighting equipment and liferafts.

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: May 26, 2015.

Paul F. Thomas,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2015–13668 Filed 6–3–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Laboratory Service, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Laboratory Service, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Laboratory Service, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of November 6, 2014.

DATES: The accreditation and approval of Laboratory Service, Inc., as commercial gauger and laboratory became effective on November 6, 2014. The next triennial inspection date will be scheduled for November 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Laboratory Service, Inc., 11731 Port Rd., Seabrook, TX 77586, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Laboratory Service, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Laboratory Service, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–08	D86	Standard Test Method for Distillation of Petroleum Products.
27–48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
N/A	D1364	Standard Test Method for Water in Volatile Solvents (Karl Fischer Reagent Titration Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: May 26, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–13659 Filed 6–3–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Saybolt LP as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Saybolt LP as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt LP has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of July 23, 2014.

DATES: The accreditation and approval of Saybolt LP as commercial gauger and laboratory became effective on July 23, 2014. The next triennial inspection date will be scheduled for July 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12

and 19 CFR 151.13, that Saybolt LP, 18251 Cascade Ave. South, Suite A, Tukwila, WA 98188, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Saybolt LP is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
17	Maritime measurement.

Saybolt LP is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D287	Standard Test Method for API Gravity of crude Petroleum and Petroleum Products.
27–03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27–05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: May 26, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–13661 Filed 6–3–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Saybolt LP as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Saybolt LP as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt LP has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of December 4, 2014.

DATES: The accreditation and approval of Saybolt LP as commercial gauger and laboratory became effective on December 4, 2014. The next triennial inspection date will be scheduled for December 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Saybolt LP, 1026 W. Elizabeth Ave. #10, Linden, NJ 07036, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Saybolt LP is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
1	Vocabulary.
3	Tank gauging.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Saybolt LP is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D287	Standard Test Method for API Gravity of crude Petroleum and Petroleum Products.
27–08	D86	Standard Test Method for Distillation of Petroleum Products.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–46	D5002	Density of Crude Oils by Digital Density Meter.
27–48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27–58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products.
N/A	D1160	Standard Test Method for Distillation of Petroleum Products at Reduced Pressure.

CBPL No.	ASTM	Title
N/A	D2699	Octane Number of Spark-Ignition Engine Fuel.
N/A	D2700	Motor Octane Number of Spark-Ignition Engine Fuel.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Date: May 26, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–13660 Filed 6–3–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Inspectorate America Corporation as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of February 25, 2015.

DATES: *Effective Dates:* The accreditation and approval of Inspectorate America Corporation as commercial gauger and laboratory became effective on February 25, 2015. The next triennial inspection date will be scheduled for February 2018.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 141 North Pasadena Blvd., Pasadena, TX 77506, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
5	Metering.
7	Temperature Determination.
8	Sampling.
12	Calculations.
14	Natural Gas Fluids Measurements.
17	Maritime Measurement.

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–02	D1298	Standard Practice for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Meter.
27–03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27–13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27–14	D2622	Standard Test Method for Sulfur in Petroleum Products.
27–46	D5002	Density of Crude Oils by Digital Density Meter.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: May 26, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–13649 Filed 6–3–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Approval of Saybolt LP as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of approval of Saybolt LP as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt LP has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of July 29, 2014.

DATES: The approval of Saybolt LP as commercial gauger became effective on July 29, 2014. The next triennial inspection date will be scheduled for July 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Saybolt LP, 905 C Eastern Blvd., Clarksville, IN 47129, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Saybolt LP is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
2	Tank calibration.
3	Tank gauging.
4	Proving systems.
5	Metering.
6	Metering assemblies.
7	Temperature determination.
8	Sampling.
9	Density Determinations.
11	Physical Properties.
12	Calculations.
14	Natural Gas Fluids Measurements.
17	Maritime measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories*

Date: May 26, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–13662 Filed 6–3–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4222–DR; Docket ID FEMA–2015–0002]

Oklahoma; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–4222–DR), dated May 26, 2015, and related determinations.

DATES: *Effective Date:* May 26, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated May 26, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms, tornadoes, straight-line winds, and flooding during the period of May 5–10, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Oklahoma.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation and Other Needs Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, John Long, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Oklahoma have been designated as adversely affected by this major disaster:

Cleveland, Grady, and Oklahoma Counties for Individual Assistance.

All areas within the State of Oklahoma are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–13665 Filed 6–3–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4221–DR; Docket ID FEMA–2015–0002]

West Virginia; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of West Virginia (FEMA–4221–DR), dated May 21, 2015, and related determinations.

DATES: *Effective Date:* May 21, 2015.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated May 21, 2015, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from severe storms, flooding, landslides, and mudslides during the period of April 13–15, 2015, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of West Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Kari Suzann Cowie, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of West Virginia have been designated as adversely affected by this major disaster:

Cabell, Calhoun, Greenbrier, Jackson, Pleasants, Roane, Summers, and Wirt Counties for Public Assistance.

All areas within the State of West Virginia are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–13666 Filed 6–3–15; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2015–N076; FXES11130100000–156–FF01E00000]

Endangered and Threatened Wildlife and Plants; Revised Draft Recovery Plan for the Coterminous United States Population of Bull Trout and Draft Recovery Unit Implementation Plans

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability for review and public comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of six draft recovery unit implementation plans (RUIPs) that are part of the recovery plan we are developing for the coterminous United States population of bull trout (*Salvelinus confluentus*). On September 4, 2014, we announced the availability of the Revised Draft Recovery Plan for the Coterminous United States Population of Bull Trout, along with a 90-day comment period. While the revised draft recovery plan proposed the specific goals, objectives, and criteria that should be met to remove the species from the Federal List of Endangered and Threatened Wildlife, the principal conservation actions needed to advance the recovery of bull trout had not yet been developed. We have been working through an interagency collaboration of interested and knowledgeable Federal, Tribal, State, private, and other parties to develop individual draft RUIPs that propose site-specific conservation actions for each of six recovery units (Coastal, Klamath, Mid-Columbia, Columbia Headwaters, Upper Snake, and St. Mary). Based on comments received on the revised draft recovery plan, we are also proposing a modification to the recovery criteria for the Columbia Headwaters Recovery Unit. We consider this a substantive change to the current revised draft recovery plan. We request review and comment on the draft RUIPs and recovery criteria modifications from Federal, State and local agencies, Native American Tribes, and the public.

DATES: In order to be considered, comments on the draft RUIPs and modified recovery criteria must be received on or before July 20, 2015.

ADDRESSES: Electronic copies of the draft recovery unit implementation plans, as well as the revised draft recovery plan of September 2014 and a summary of newly proposed recovery criteria, are available at *http://www.fws.gov/endangered/species/recovery-plans.html* and *http://www.fws.gov/pacific/ecoservices/endangered/recovery/plans.html.* These documents are also available by request from the U.S. Fish and Wildlife Service, Idaho Fish and Wildlife Office, 1387 S. Vinnell Way, Room 368, Boise, ID 83709; telephone (208) 378–5345.

If you want to comment, you may submit written comments by one of the following methods:

(1) You may submit written comments and materials to Bull Trout Recovery, Idaho Fish and Wildlife Office, at the above Boise address;

(2) You may hand-deliver written comments to our Idaho Fish and Wildlife Office, at the above Boise address, or fax them to (208) 378–5262; or

(3) You may send comments by email to *fw1bulltroutrecoveryplan@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Carrier, State Supervisor, U.S. Fish and Wildlife Service, Idaho Fish

and Wildlife Office, at the above Boise address; telephone (208) 378–5243. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

In November 1999, all populations of bull trout (*Salvelinus confluentus*) within the coterminous United States were listed as a threatened species pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* Act) (64 FR 58910; November 1, 1999). This final listing added bull trout in the Coastal-Puget Sound populations (Olympic Peninsula and Puget Sound regions) and Saint Mary-Belly River populations (east of the Continental divide in Montana) to the previous listing of three distinct population segments of bull trout in the Columbia River, Klamath River, and Jarbidge River basins (63 FR 31647, June 10, 1998; 64 FR 17110, April 8, 1999).

Recovery of endangered and threatened animals and plants is a primary goal of our endangered species program. To help guide the recovery effort, we prepare recovery plans for most listed species. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for downlisting or delisting, and estimate time and cost for implementing recovery measures.

For the coterminous population of bull trout, three separate draft bull trout recovery plans were completed in 2002 and 2004. The 2002 draft recovery plan (USFWS 2002) addressed bull trout populations within the Columbia, St. Mary–Belly, and Klamath River basins and included individual chapters for 24 separate recovery units. In 2004, draft recovery plans were developed for the Coastal–Puget Sound drainages in western Washington, including two recovery unit chapters (USFWS 2004a), and for the Jarbidge River in Nevada (USFWS 2004b). Although none of these draft recovery plans were finalized, they served to identify recovery actions across the range of the species, and provided the framework for implementing numerous recovery actions by our partner agencies, local working groups, and others since that time.

Revised Draft Recovery Plan

On September 4, 2014, the Service announced the availability of a Revised Draft Recovery Plan for the Coterminous United States Population of Bull Trout (79 FR 52741).

The primary recovery strategy for bull trout in the coterminous United States proposed in the revised draft recovery plan is to: (1) Conserve bull trout so that they are geographically widespread across representative habitats and demographically stable in six recovery units; (2) effectively manage and ameliorate the primary threats in each of six recovery units at the core area scale such that bull trout are not likely to become endangered in the foreseeable future; (3) build upon the numerous and ongoing conservation actions implemented on behalf of bull trout since their listing in 1999, and improve our understanding of how various threat factors potentially affect the species; (4) use that information to work cooperatively with our partners to design, fund, prioritize, and implement effective conservation actions in those areas that offer the greatest long-term benefit to sustain bull trout and where recovery can be achieved; and (5) apply adaptive management principles to implementing the bull trout recovery program to account for new information.

The revised draft recovery plan also proposed recovery criteria that represent our best assessment of the conditions that would most likely result in a determination that listing under the Act is no longer required. For bull trout, these conditions would be met when conservation actions have been implemented to ameliorate the primary threats in suitable habitats in each of the six recovery units. Additionally, proposed recovery criteria were drafted with the acknowledgement that despite our best conservation efforts, it is possible that some existing bull trout core areas may become extirpated due to various factors, including the effects of small populations, isolation, and possible future climate change effects.

If threats are effectively managed at the thresholds established in the revised draft recovery plan, we expect that bull trout populations will respond accordingly and reflect the biodiversity principles of resiliency, redundancy, and representation. Specifically, achieving the proposed recovery criteria in each recovery unit would result in geographically widespread and demographically stable local bull trout populations within the range of natural variation, with their essential cold water habitats connected to allow their diverse life history forms to persist into the foreseeable future; therefore, the species would be brought to the point where the protections of the Act are no longer necessary.

During the 90 day comment period, we received 70 comment letters from 4 federal agencies, 5 state agencies, 6 Native American tribes, 9 utilities/commissions/counties, 20 environmental or conservation organizations, 26 individuals, and 4 peer reviewers. Several commenters provided new and updated scientific information or suggested revisions or changes in the revised draft recovery plan. New scientific information will be incorporated or updated in the final recovery plan where appropriate.

In general, most of the comments were centered around: (1) The six recovery unit structure and boundary delineations, with several suggested boundary changes or further splitting of recovery units (*i.e.,* separating the core areas in the lower Columbia/Willamette watersheds from the rest of the Coastal Recovery Unit, separating the Malheur drainage from the rest of the Upper Snake Recovery Unit, and/or moving the Clearwater drainage from the Mid-Columbia to Upper Snake Recovery Unit); (2) lack of support for the proposed threshold for effective threat management in recovery criteria for the Coastal, Mid-Columbia, Upper Snake, and Columbia Headwaters Recovery Units (*i.e.,* primary threats effectively managed in 75 percent of core areas, representing 75 percent of local populations within each recovery unit), which many believe does not conserve all remaining bull trout populations; (3) concern that the revised draft recovery plan abandons demographic or population targets proposed in earlier draft recovery plans for bull trout; and (4) requests for further explanation and detail regarding the role of monitoring and evaluation in bull trout recovery.

Any changes resulting from these comments will be reflected when the final recovery plan is published, and a detailed response to comments will be included as an appendix to the final recovery plan. We are continuing to review proposed modifications to the recovery unit boundaries, but at present the draft RUIPs continue to be based upon the original recovery unit boundaries as published in the revised draft recovery plan. Based on comments received, we propose modifying the recovery criteria for the Columbia Headwaters Recovery Unit to address simple and complex core areas separately. Given that this is a substantive change to the revised draft recovery plan, we request public comment on the criteria as modified. A link to the amended recovery criteria is available at the Web addresses above. Note also that the current status and expected needs for bull trout monitoring and evaluation at the recovery unit and core area level are now discussed in greater detail within the draft RUIPs.

The final bull trout recovery plan will describe the principal actions needed to advance the recovery of bull trout in the six recovery units within the coterminous United States; and will include individual RUIPs for each recovery unit that will provide site-specific detail at the core area scale. The RUIPs for each recovery unit have been developed through an interagency collaboration of interested and knowledgeable Federal, Tribal, State, private, and other parties prior to completion of the final recovery plan. In many parts of the range of bull trout, local interagency bull trout working groups have previously identified and are already implementing recovery actions necessary for local bull trout core area conservation. Much of this existing information has been incorporated into the RUIPs where appropriate. RUIPs incorporated in the final recovery plan will also include an implementation schedule that outline core area specific recovery actions and estimated costs for bull trout recovery.

Request for Public Comments

Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment during recovery plan development. In an appendix to the approved final recovery plan, we will summarize and respond to the issues raised by the public and peer reviewers. Substantive comments may or may not result in changes to the recovery plan; comments regarding recovery plan implementation will be forwarded as appropriate to Federal or other entities so that they can be taken into account during the course of implementing recovery actions.

We request written comments on the six draft RUIPs and the proposed modified recovery criteria. We will consider all comments we receive by the date specified in **DATES** prior to final approval of the plan. If you previously submitted comments or information on the revised draft recovery plan during the initial comment period from September 4, 2014, to December 3, 2014 (79 FR 52741), you need not resubmit them. We have incorporated them into our files for the original comment period, and we will fully consider them in development of the final recovery plan.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

The authority for this action is section 4(f) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 12, 2015.

Richard R. Hannan,

Acting Regional Director, Pacific Region, U.S. Fish and Wildlife Service.

[FR Doc. 2015–13624 Filed 6–3–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/ A0A501010.999900 253G]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Extension of Tribal—State Class III Gaming Compact.

SUMMARY: This publishes notice of the extension of the Class III gaming compact between the Yankton Sioux Tribe and the State of South Dakota.

DATES: *Effective Date:* June 4, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Pursuant to 25 CFR 293.5, an extension to an existing tribal-state Class III gaming compact does not require approval by the Secretary if the extension does not include any amendment to the terms of the compact. The Yankton Sioux Tribe and the State of South Dakota have reached an agreement to extend the expiration of their existing Tribal-State Class III gaming compact until October 20, 2015. This publishes notice of the new expiration date of the compact.

Dated: May 28, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–13715 Filed 6–3–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD/AAKC001030/ A0A501010.999900 253G]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes the approval of the Amendment to the compacts between the Confederated Tribes of the Chehalis Reservation, Confederated Tribes of the Colville Reservation, Cowlitz Indian Tribe, Hoh Indian Tribe, Jamestown S'Klallam Tribe, Kalispel Indian Community of the Kalispel Reservation, Lower Elwha Tribal Community, Lummi Tribe of the Lummi Reservation, Makah Indian Tribe of the Makah Reservation, Nisqually Indian Tribe, Port Gamble S'Klallam Tribe, Quileute Tribe of the Quileute Reservation, Quinault Indian Nation, Samish Indian Nation, Sauk Suiattle Indian Tribe, Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation, Skokomish Indian Tribe, Snoqualmie Indian Tribe, Spokane Tribe of the Spokane Reservation, Squaxin Island Tribe of the Squaxin Island Reservation, Stillaguamish Tribe of Indians of Washington, Suquamish Indian Tribe of the Fort Madison Reservation, Swinomish Indian Tribal Community, Tulalip Tribes of Washington, Upper Skagit Indian Tribe, Yakama Nation, and the State of Washington governing Class III gaming (Compact).

DATES: *Effective Date:* June 4, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 *et seq.,* the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts are subject to review and approval by the Secretary. The Compact requires that ATM machines shall not accept Electronic Benefits Cards, increases the allocation of Players Terminals, sets the regulatory fee schedule, authorizes changes for tribal contributions, and incorporates

Appendix X2 Addendum into the Compact.

Dated: May 29, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–13712 Filed 6–3–15; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLES956000–L14400000–BJ0000]

Eastern States: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plat of survey; Arkansas.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM-Eastern States office in Washington, DC, 30 calendar days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management-Eastern States, 20 M St. SE., Suite 950, Washington, DC 20003 Attn: Cadastral Survey.

SUPPLEMENTARY INFORMATION: The survey was requested by the U.S. Forest Service. The lands surveyed are:

Fifth Principal Meridian, Arkansas

T. 11 N., R. 22 W.

The plat of survey represents the dependent resurvey of a portion of the south boundary of Township 12 North, Range 22 West; the east boundary of Township 11 North, Range 23 West; the south boundary (Standard Parallel North), the east boundary, a portion of the subdivisional lines, the survey of the subdivision of certain sections, the survey of certain U.S. Forest Service tracts, and exceptions to certain U.S. Forest Service tracts of Township 11 North, Range 22 West, of the Fifth Principal Meridian, in the State of Arkansas, and was accepted April 30, 2015.

We will place a copy of the plat described in the open files. It will be available to the public as a matter of information.

If BLM receives a protest against the survey, as shown on the plat, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file the plat until the day after we have accepted or dismissed all protests and they have become final, including decisions on appeals.

Dated: May 29, 2015.

Dominica Van Koten,

Chief Cadastral Surveyor.

[FR Doc. 2015–13709 Filed 6–3–15; 8:45 am]

BILLING CODE 4310–GJ–P

NATIONAL INDIAN GAMING COMMISSION

2015 Final Fee Rate and Fingerprint Fees

AGENCY: National Indian Gaming Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to 25 CFR 514.2, that the National Indian Gaming Commission has adopted its 2015 final annual fee rates of 0.00% for tier 1 and 0.065% (.00065) for tier 2. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission. If a tribe has a certificate of self-regulation under 25 CFR part 518, the 2015 final fee rate on Class II revenues shall be 0.0325% (.000325) which is one-half of the annual fee rate. The final fee rates being adopted here are effective June 1, 2015 and will remain in effect until new rates are adopted.

Pursuant to 25 CFR 514.16, the National Indian Gaming Commission has also adopted its fingerprint processing fees of $21 per card, which is the same as the fingerprint fees announced in March 2015.

FOR FURTHER INFORMATION CONTACT: Yvonne Lee, National Indian Gaming Commission, C/O Department of the Interior, 1849 C Street NW., Mail Stop #1621, Washington, DC 20240; telephone (202) 632–7003; fax (202) 632–7066.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) established the National Indian Gaming Commission, which is charged with regulating gaming on Indian lands.

Commission regulations (25 CFR 514) provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates and the gaming operations are required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission. All gaming operations within the jurisdiction of the Commission are required to self-administer the provisions of these regulations, and report and pay any fees that are due to the Commission.

Pursuant to 25 CFR 514, the Commission must also review annually the costs involved in processing fingerprint cards and set a fee based on fees charged by the Federal Bureau of Investigation and costs incurred by the Commission. Commission costs include Commission personnel, supplies, equipment costs, and postage to submit the results to the requesting tribe. Based on that review, the 2015 fingerprint processing fee will remain the same at $21 per card.

Dated: May 29, 2015.

Jonodev Chaudhuri,

Chairman.

Dated: May 29, 2015.

Daniel Little,

Associate Commissioner.

[FR Doc. 2015–13636 Filed 6–3–15; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–SER–BISC–0017910; PPSESEROC3, PMP00UP05.YP0000]

Final General Management Plan and Final Environmental Impact Statement, Biscayne National Park, Florida

AGENCY: National Park Service, Interior.

ACTION: Notice of availability.

SUMMARY: The National Park Service (NPS) announces the availability of a Final Environmental Impact Statement for the General Management Plan (Final EIS/GMP) for Biscayne National Park, Florida (national park). Consistent with NPS laws, regulations, and policies and the purpose of the national park, the Final EIS/GMP will guide the management of the area over the next 15 to 20 years.

DATES: The NPS will execute a Record of Decision (ROD) no sooner than 30 days following publication by the Environmental Protection Agency of its Notice of Availability of the Final EIS/GMP in the **Federal Register**.

ADDRESSES: Electronic copies of the Final EIS/GMP will be available online at *http://parkplanning.nps.gov/BISC.* To request a copy, contact Morgan Elmer, National Park Service, 12795 W. Alameda Parkway, P.O. Box 25287, Denver, Colorado 80225–0287, telephone (303) 969–2317. A limited number of compact disks and printed copies of the Final EIS/GMP will be made available at Biscayne National Park Headquarters, 9700 SW. 328 Street, Homestead, Florida 33033–5634.

FOR FURTHER INFORMATION CONTACT: Brian Carlstrom, Superintendent,

Biscayne National Park, 9700 SW. 328 Street, Homestead, Florida 33033–5634; telephone (786) 335–3646.

SUPPLEMENTARY INFORMATION: The Final EIS/GMP responds to, and incorporates agency and public comments received on the Draft EIS/GMP and Supplemental Draft EIS/GMP. The Draft EIS/GMP was available for public review from August 19, 2011, through October 31, 2011, and the Supplemental Draft EIS/GMP was available for public review from November 14, 2013, through February 20, 2014.

Regarding the Draft EIS/GMP, the NPS published newsletters and held multiple rounds of public meetings between 2001 and 2011 to keep people informed and involved in the planning process. The public was asked to provide comments throughout the development of the draft plan through three primary avenues—participation in public meetings, responses to newsletters, and comments on the NPS planning Web site. During the August 2011, public comment period, approximately 18,000 comments were received.

Due to concerns raised on the Draft EIS/GMP, the NPS undertook an evaluation process to consider a number of management actions that could be enacted to better achieve its objective of providing a diversified visitor use experience. Several public meetings were held and additional consultations were conducted with federal and state authorities, resulting in the release of the Supplemental Draft EIS/GMP. Approximately 14,000 pieces of correspondence were received on the Supplemental Draft EIS/GMP, containing approximately 1,800 comments. The NPS responses to substantive agency and public comments are provided in Chapter 5 of the Final EIS/GMP, Consultation and Coordination section.

Presented in the Final EIS/GMP is the final NPS preferred alternative (alternative 8) as well as alternatives 1 through 5 from the 2011 Draft Plan and alternatives 6 and 7 from the 2013 Supplemental Plan.

- Alternative 1 (no action) consists of existing park management and trends and serves as a basis for comparison in evaluating the other alternatives.
- Alternative 2 would emphasize the recreational use of the park while providing resource protection as governed by law, policy, or resource sensitivity. This concept would be accomplished by providing a high level of services, facilities, and access to specific areas of the park.
- Alternative 3 would allow all visitors a full range of visitor experiences throughout most of the park and would use a permit system to authorize a limited number of visitors to access some areas of the park. Management actions would provide strong natural and cultural resource protection and diverse visitor experiences.
- Alternative 4 would emphasize strong natural and cultural resource protection while providing a diversity of visitor experiences. Some areas would be reserved for focused types of visitor use. A key component of this alternative was a marine reserve zone where fishing would be prohibited to enhance the quality and type of visitor experience and improve the condition of coral reefs condition by increasing its resiliency to other impacts.
- Alternative 5 would promote the protection of natural resources, including taking actions to optimize conditions for protection and restoration. A permit system would be used in some parts of the park to provide specific experiences.
- Similar to alternative 4, alternatives 6 and 7 would emphasize strong natural and cultural resource protection while providing a diversity of visitor experiences. Alternatives 6 and 7 include a special recreation zone that would be managed as part of an adaptive management strategy to achieve the goal of a healthier coral reef ecosystem within the zone to provide a more enjoyable and diverse visitor experience, including fishing.
- The final NPS preferred alternative (alternative 8) would support strong natural and cultural resources protection while providing improved opportunities for quality visitor experiences. This alternative is a hybrid of alternatives 4 and 6 and combines the ''no fishing'' marine reserve zone with other management zones described in alternative 6.

When approved, the plan will guide the management of the national park over the next 15 to 20 years.

The responsible official for this Final EIS/GMP is the Regional Director, NPS Southeast Region, 100 Alabama Street SW., 1924 Building, Atlanta, Georgia 30303.

Dated: May 26, 2015.

Barclay C. Trimble,

Acting Regional Director, Southeast Region.

[FR Doc. 2015–13634 Filed 6–3–15; 8:45 am]

BILLING CODE 4610–JD–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pistoia Alliance, Inc.

Notice is hereby given that, on April 29, 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''), Pistoia Alliance, Inc. 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, gritsystems A/S, Copenhagen, DENMARK; BioReference Laboratories, Elmwood Park, NJ; Lab-Consultation Co. Ltd., Suita, Osaka, JAPAN; Terry Stouch (individual member), West Winsor, NJ; and Genexyx srl, Via Pigafetta, Trieste, ITALY, have been added as parties to this venture.

Also, Andrea Splendiani (individual member), London, UNITED KINGDOM; and Harsha K. Rajasimha (individual member), Derwood, MD, have withdrawn as parties to this venture.

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 Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. 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 July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on February 12, 2015. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 13, 2015 (80 FR 13422).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–13591 Filed 6–3–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.

Notice is hereby given that, on May 7, 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 Open Group, L.L.C. (''TOG'') 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, Action Research Foundation, Bangalore, INDIA; Air China Limited, Beijing, PEOPLE'S REPUBLIC OF CHINA; Alberta Health Services, Alberta, CANADA; Avancier Limited, New Malden, UNITED KINGDOM; Build IT Solutions, São Paulo, BRAZIL; Concurrent Computer Corporation, Duluth, GA; E-quality Italia S.r.l., Rome, ITALY; IASA Global, Austin, TX; Info Spec Sdn Bhd., Petaling Jaya, MALAYSIA; International Technology Transfer Group, Cairo, EGYPT; Lawrence Berkeley National Laboratory, Berkeley, CA; Little Oliver Consulting, North York, CANADA; LTS, Inc., Tokyo, JAPAN; Office of the National Coordinator for Health Information Technology, Washington, DC; Primesource AS, Oslo, NORWAY; ServiceNow, Inc., Santa Clara, CA; Sykehuspartner HF, Dramman, NORWAY; The SABSA Institute, Hove, UNITED KINGDOM; TriZetto Corporation, St. Louis, MO; Ultrax Aerospace, Inc., Lee's Summit, MO; and Westbury Software, Amsterdam, THE NETHERLANDS, have been added as parties to this venture.

Also, Accelare, Inc., Randolph, MA; Austen Consultancy Services Ltd., Cambridge, UNITED KINGDOM; Barko Federal Systems LLC, Duluth, GA; BDNA, Mountain View, CA; BSI SA, Bioggio, SWITZERLAND; BCS-Dr. Juergen Pitschke, Dresden, GERMANY; CLARS Limited, Clacton-on-Sea, UNITED KINGDOM; ETIS, Brussels, BELGIUM; Helse Sør-Øst RHF, Hamar, NORWAY; Science Application International Corporation, Columbia, MD; Trung Tam Chinh Phu Dien Tu—CucTin Hoc Ho A, Hanoi, VIETNAM; ViaSat, Inc., Carlsbad, CA; and Yokohama National University, Yokohama, JAPAN, have withdrawn as parties to this venture.

In addition, Henri Tudor Public Research Center has changed its name to Luxembourg Institute of Science and Technology, Esch/Alzette, LUXEMBOURG; and Qtel International has changed its name to Ooredoo Group LLC, Doha, QATAR.

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 TOG intends to file additional written notifications disclosing all changes in membership.

On April 21, 1997, TOG 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 13, 1997 (62 FR 32371).

The last notification was filed with the Department on March 9, 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. 2015–13609 Filed 6–3–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—IMS Global Learning Consortium, Inc.

Notice is hereby given that, on May 7, 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''), IMS Global Learning Consortium, Inc. (''IMS Global'') 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, Accreditrust Technologies, LLC, Warren, NJ; AMAC Accessibility Solutions & Research Center, Atlanta, GA; Blue Canary, Chandler, AZ; Classlink, Clifton, NJ; District School Board of Pasco County, Land O' Lakes, FL; Laramie County School District #1, Cheyenne, WY; Lumen Learning, Portland, OR; Questar Assessment Inc., Apple Valley, MN; University of Mary Hardin-Baylor, Belton, TX; University of Texas at Austin, Austin, TX; Washington State Boards for Community and Technical Colleges, Olympia, WA; and Workday, Pleasanton, CA, have been added as parties to this venture.

Also, Baltimore County Public Schools, Baltimore, MD; and Edina Public Schools, Edina, MN, have withdrawn as parties to this venture.

In addition, College voor Examens has changed its name to College voor Toetsen en Examens, Utrecht, THE NETHERLANDS.

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 IMS Global intends to file additional written notifications disclosing all changes in membership.

On April 7, 2000, IMS Global 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 September 13, 2000 (65 FR 55283).

The last notification was filed with the Department on March 24, 2015. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on April 22, 2015 (80 FR 22562).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–13610 Filed 6–3–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 06–15]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Wednesday, June 10, 2015: 10:00 a.m.—Issuance of Proposed Decisions in claims against Libya.

Status: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002,

Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2015–13789 Filed 6–2–15; 4:15 pm]

BILLING CODE 4410–BA–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On May 27, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Puerto Rico in the lawsuit entitled *United States* v. *F&R Contractors Corp. and F&R Contractors LLC,* Civil Action No. 3:15–cv–01666.

This settlement resolves the United States' allegations that Defendants F&R Contractors Corp. and F&R Contractors LLC violated the Clean Water Act (''Act'') and its implementing regulations and permits at three construction sites in Puerto Rico operated by the Defendants. The United States' claims against Defendants allege the: (1) Discharge of stormwater pollutants to waters of the United States without the requisite National Pollution Discharge Elimination System permit, in violation of Section 301 of the Act; and (2) failure to implement the conditions of the Federal Construction General Permit, issued pursuant to Section 402 of the Act, for the discharge of stormwater pollutants from construction sites. This settlement is binding on both Defendants and F&R Construction Group, Inc., a voluntary party to the proposed Consent Decree (collectively, ''the Settling Parties'').

The proposed Consent Decree will require the Settling Parties to implement comprehensive injunctive relief to ensure compliance with the Clean Water Act and applicable permit requirements at all construction sites operated by the Settling Parties. The injunctive relief includes creating key company-wide and site-specific staffing positions to oversee and implement a stormwater compliance program, adopting companywide practices to hold pre-construction meetings and inspections, and providing comprehensive stormwater compliance training for employees and contractors with operational responsibilities at a construction site. The Settling Parties will also pay a $500,000 civil penalty.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *F&R Contractors Corp. and F&R Contractors LLC,* D.J. Ref. No. 90–5–1–1–09628. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $27.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $15.50.

Maureen M. Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–13602 Filed 6–3–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Registration for EFAST–2 Credentials

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Registration for EFAST–2 Credentials,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before July 6, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201505-1210-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Registration for EFAST–2 Credentials information collection. The Employee Retirement Income Security Act (ERISA) Filing Acceptance System 2 (EFAST–2) is an all-electronic system designed by the DOL, Internal Revenue Service, and Pension Benefit Guaranty Corporation to simplify and expedite the submission, receipt, and processing of Forms 5500 and 5500–SF. These forms must be electronically filed each year by employee benefit plans to satisfy ERISA and Internal Revenue Code annual reporting requirements. In order to file electronically, an employee benefit plan filing author, Schedule author, filing signer, Form 5500/5500–SF transmitter, or entity developing software to complete and/or to transmit Form 5500/

5500–SF is required to register for EFAST–2 credentials through the EFAST–2 Web site. ERISA section 104 authorizes this information collection. *See* 29 U.S.C. 1024.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210–0117.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on June 30, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 15, 2014 (79 FR 61903).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210–0117. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–EBSA.

Title of Collection: Registration for EFAST–2 Credentials.

OMB Control Number: 1210–0117.

Affected Public: Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 83,000.

Total Estimated Number of Responses: 83,000.

Total Estimated Annual Time Burden: 27,667 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: May 27, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–13684 Filed 6–3–15; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0121]

Proposed Extension of Information Collection; Safety Standards for Roof Bolts in Metal and Nonmetal Mines and Underground Coal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Safety Standards for Roof Bolts in Metal and Nonmetal Mines and Underground Coal Mines.

DATES: All comments must be received on or before August 3, 2015.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov*. Follow the on-line instructions for submitting comments for docket number MSHA–2015–0008.
- *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street S., Suite 400, Arlington, VA 22202–5452.
- *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 400, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Section 103(h) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811 authorizes the Secretary to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal and metal and nonmetal mines.

Accidents involving falls of roof, face, and rib in underground mines or falls of highwall in surface mines, historically, have been among the leading causes of injuries and deaths. Prevention or control of falls of roof, face, and rib is uniquely difficult because of the variety of conditions encountered in mines that can affect the stability of various types of strata and the changing nature of the forces affecting ground stability at any given operation and time. Roof and rock bolts and accessories are an integral part of ground control systems and are used to prevent the fall of roof, face, and rib. Advancements in technology of roof and rock bolts and accessories have aided in reducing the hazards associated with falls of roof, face, and rib.

The American Society for Testing and Materials (ASTM) publication ''Standard Specification for Roof and Rock Bolts and Accessories'' is a consensus standard used throughout the United States. It contains specifications for the chemical, mechanical, and

dimensional requirements for roof and rock bolts and accessories used for ground support systems. The ASTM standard for roof and rock bolts and accessories is updated periodically to reflect advances in technology.

Title 30 Code of Federal Regulations (30 CFR), parts 56 and 57 subpart B-Ground Control, section 56.3203 and section 57.3203, and part 75 subpart C-Roof Support, section 75.204, address the quality of roof and rock bolts and accessories and their installation. MSHA's objective in these regulations is to ensure the quality and effectiveness of roof and rock bolts and accessories and, as technology evolves, to allow for the use of new materials which are proven to be reliable and effective in controlling the mine roof, face, and rib.

30 CFR 56.3203(a), 57.3203(a), and 75.204(a) require: (1) That mine operators obtain a certification from the manufacturer that roof and rock bolts and accessories are manufactured and tested in accordance with the applicable ASTM specifications, and (2) that the manufacturer's certification is made available to an authorized representative of the Secretary of Labor (Secretary).

30 CFR 56.3203(h) and 57.3203(h) require that if the mine operator uses other tensioned and nontensioned fixtures and accessories for ground control that are not addressed by the applicable ASTM standard listed in sections 56.3203(a) and 57.3203(a), test methods must be established by the mine operator and used to verify their ground control effectiveness. 30 CFR 56.3203(i) and 57.3203(i) require that the mine operator certify that the tests developed under sections 56.3203(h) and 57.3203(h) were conducted and such certifications be made available to an authorized representative of the Secretary.

30 CFR 75.204(f)(6) requires that the mine operator or a person designated by the operator certify by signature and date the measurements required by paragraph (f)(5) of this section have been made. Paragraph (f)(5) requires that in working places from which coal is produced during any portion of a 24-hour period, the actual torque or tension on at least one out of every ten previously installed mechanically anchored tensioned roof bolts is measured from the outby corner of the last open crosscut to the face in each advancing section. This certification shall be maintained for at least one year and shall be made available to an authorized representative of the Secretary and representatives of the miners.

MSHA has found that the certification requirements have been successful in maintaining compliance with requirements for roof and rock bolts and accessories.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Safety Standards for Roof Bolts in Metal and Nonmetal Mines and Underground Coal Mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 400, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Safety Standards for Roof Bolts in Metal and Nonmetal Mines and Underground Coal Mines. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0121.

Affected Public: Business or other for-profit.

Number of Respondents: 844.

Frequency: On occasion.

Number of Responses: 87,674.

Annual Burden Hours: 537 hours.

Annual Respondent or Recordkeeper Cost: $0.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: May 29, 2015.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2015–13594 Filed 6–3–15; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0135]

Proposed Extension of Information Collection; Health Standards for Diesel Particulate Matter Exposure (Underground Metal and Nonmetal Mines)

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Health Standards for Diesel Particulate Matter Exposure (Underground Metal and Nonmetal Mines).

DATES: All comments must be received on or before August 3, 2015.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

• *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2015–0013.

• *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 400, Arlington, VA 22202–5452.

• *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 400, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Diesel particulate matter (DPM) is a carcinogen that consists of tiny particles present in diesel engine exhaust that can readily penetrate into the deepest recesses of the lungs. Despite ventilation, the confined underground mine work environment may contribute to significant concentrations of particles produced by equipment used in the mine. Underground miners are exposed to higher concentrations of DPM than any other occupational group. As a result, they face a significantly greater risk than other workers of developing such diseases as lung cancer, heart failure, serious allergic responses and other cardiopulmonary problems.

The DPM regulation established a permissible exposure limit to total carbon, which is a surrogate for measuring a miner's exposure to DPM. These regulations include a number of other requirements for the protection of miners' health. The DPM regulations contain information collection requirements for underground MNM mine operators under §§ 57.5060, 57.5065, 57.5066, 57.5070, 57.5071, and 57.5075(a) and (b)(3).

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Health Standards for Diesel Particulate Matter Exposure (Underground Metal and Nonmetal Mines). MSHA is particularly interested in comments that:

• Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

• Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

• Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 400, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Health Standards for Diesel Particulate Matter Exposure (Underground Metal and Nonmetal Mines). MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0135.

Affected Public: Business or other for-profit.

Number of Respondents: 194.

Frequency: On occasion.

Number of Responses: 41,692.

Annual Burden Hours: 8,928 hours.

Annual Respondent or Recordkeeper Cost: $416,639.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: May 29, 2015.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2015–13618 Filed 6–3–15; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0026]

Proposed Extension of Information Collection; Ground Control for Surface Coal Mines and Surface Work Areas of Underground Coal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed collections of information in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments on the information collection for Ground Control for Surface Coal Mines and Surface Work Areas of Underground Coal Mines.

DATES: All comments must be received on or before August 3, 2015.

ADDRESSES: Comments concerning the information collection requirements of this notice may be sent by any of the methods listed below.

• *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number MSHA–2015–0014.

• *Regular Mail:* Send comments to USDOL–MSHA, Office of Standards, Regulations, and Variances, 201 12th Street S., Suite 400, Arlington, VA 22202–5452.

• *Hand Delivery:* USDOL-Mine Safety and Health Administration, 201 12th Street South, Suite 400, Arlington, VA 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Acting Director,

Office of Standards, Regulations, and Variances, MSHA, at *MSHA.information.collections@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

Each operator of a surface coal mine is required under 30 CFR 77.1000 to establish and follow a ground control plan that is consistent with prudent engineering design and which will ensure safe working conditions. The mine operator is required by section 77.1000–1 to file the ground control plan under section 77.1000 for highwalls, pits and spoil banks with the appropriate District Manager. The mining methods employed by the operator are selected to ensure highwall, pit, and spoil bank stability. In the event of a highwall failure or material dislodgment, there may be very little time to escape possible injury; therefore, preventive measures must be taken. Each plan is based on the type of strata expected to be encountered, the height and angle of highwalls and spoil banks, and the equipment to be used at the mine. The plan is used to show how the mine operator will maintain safe conditions around the highwalls, pits, and spoil banks. Each plan is reviewed by MSHA to ensure that highwalls, pits, and spoil banks are maintained in a safe condition through the use of sound engineering design.

II. Desired Focus of Comments

MSHA is soliciting comments concerning the proposed information collection related to Ground Control for Surface Coal Mines and Surface Work Areas of Underground Coal Mines. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

The information collection request will be available on *http://www.regulations.gov.* MSHA cautions the commenter against providing any information in the submission that should not be publicly disclosed. Full comments, including personal information provided, will be made available on *www.regulations.gov* and *www.reginfo.gov.*

The public may also examine publicly available documents at MSHA, 201 12th Street South, Suite 400, Arlington, Virginia 22202–5452. Sign in at the receptionist's desk on the 4th floor via the East elevator.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

This request for collection of information contains provisions for Ground Control for Surface Coal Mines and Surface Work Areas of Underground Coal Mines. MSHA has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request.

Type of Review: Extension, without change, of a currently approved collection.

Agency: Mine Safety and Health Administration.

OMB Number: 1219–0026.

Affected Public: Business or other for-profit.

Number of Respondents: 140.

Frequency: On occasion.

Number of Responses: 140.

Annual Burden Hours: 1,011 hours.

Annual Respondent or Recordkeeper Cost: $266.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: May 29, 2015.

Sheila McConnell,

Certifying Officer.

[FR Doc. 2015–13595 Filed 6–3–15; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Agency Information Collection Activities: Proposed Collection; Comment Request; National Endowment for the Arts Panelist Profile Form

DATES: June 1, 2015.

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Proposed collection; comments request.

SUMMARY: The National Endowment for the Arts (NEA) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 [Pub. L. 104–13, 44 U.S.C. chapter 35]. Copies of this ICR, with applicable supporting documentation, may be obtained by visiting *www.Reginfo.gov.*

DATES: Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503, 202/395–7316, within 30 days from the date of this publication in the **Federal Register.**

The Office of Management and Budget is particularly interested in comments which:

Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used.

Enhance the quality, utility, and clarity of the information to be collected; and

Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.,* electronic submissions of responses.

SUPPLEMENTARY INFORMATION:

Agency: National Endowment for the Arts.

Title: Panelist Profile Form.

Frequency: Every three years.

Affected Public: Individuals.

Estimated Number of Respondents: 300.

Total Burden Hours: 50.0.

Total Annualized Capital/Start Up Costs: 0.

Total Annual Costs (Operating/Maintaining systems or Purchasing Services): 0.

The National Endowment for the Arts' mission is ''To strengthen the creative capacity of our communities by providing all Americans with diverse opportunities for arts participation.''

With the advice of the National Council on the Arts and advisory panels, the Chairman establishes eligibility requirements and criteria for the review of applications for funding. Section 959(c) of the Endowment's enabling legislation, as amended, directs the Chairman to utilize advisory panels to review applications and to make recommendations to the National Council on the Arts, which in turn makes recommendations to the Chairman.

The legislation requires the Chairman ''(1) to ensure that all panels are composed, to the extent practicable, of individuals reflecting a wide geographic, ethnic, and minority representation as well as to (2) ensure that all panels include representation of lay individuals who are knowledgeable about the arts . . .'' In addition, the membership of each panel must change substantially from year to year and each individual is ineligible to serve on a panel for more than 3 consecutive years. To assist with efforts to meet these legislated mandates regarding representation on advisory panels, the endowment has established an Automated Panel Bank System (APBS), a computer database of names, addresses, areas of expertise and other basic information on individuals who are qualified to serve as panelists for the Arts Endowment.

The Panelist Profile Form, for which clearance is requested, is used to gather basic information from qualified individuals recommended by the arts community; arts organizations; Members of Congress; the general public; local, state, and regional arts organizations; Endowment staff; and others.

Dated: June 1, 2015.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2015–13630 Filed 6–3–15; 8:45 am]

BILLING CODE 7536–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–6563; NRC–2015–0139]

License Amendment Applications: Mallinckrodt LLC

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to request a hearing and to petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has received an application from Mallinckrodt LLC to amend NRC Source Materials License No. STB–401 to allow the option to perform direct dose assessment of residual radioactivity in addition to using derived concentration guideline levels (DCGLs) to demonstrate compliance with the license termination criteria at the Mallinckrodt site in St. Louis, Missouri.

DATES: A request for a hearing or petition for leave to intervene must be filed by August 3, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0139 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–2015–0139. 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. The license amendment request is available in ADAMS under Accession No. ML15063A404.
- 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: Karen Pinkston, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3650; email: *Karen.Pinkston@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC received, by letter dated February 12, 2015 (ADAMS Accession No. ML15063A404), an application from Mallinckrodt LLC to amend NRC Source Materials License No. STB–401. The licensee requests the option to perform direct dose assessment of residual radioactivity in addition to using DCGLs to demonstrate compliance with the license termination criteria in section 20.1402 of Title 10 of the *Code of Federal Regulations* (10 CFR), at the Mallinckrodt site in St. Louis, Missouri. The license currently states that Decommissioning of Columbium-Tantalum (C–T) process area building slabs and foundations, paved surfaces, and all subsurface materials, shall be done in accordance with the Mallinckrodt C–T Decommissioning Project, C–T Phase II Decommissioning Plan, Revision 2, submitted to the NRC on October 14, 2008 (ADAMS Accession No. ML083150652), and revisions submitted on June 3, 2010 (ADAMS Accession No. ML101620140). This decommissioning plan only included the use of the DCGL approach to demonstrate compliance with the license termination criteria. The NRC guidance in NUREG–1757, Vol. 2, allows for the use of either the DCGL or dose assessment approach in demonstrating compliance with 10 CFR 20.1402.

An NRC administrative completeness review found the application acceptable for a technical review (ADAMS Accession No. ML15093A112). Prior to approving the proposed action, the NRC will need to make the findings required by the Atomic Energy Act of 1954 as amended (the Act), and the NRC's regulations. These findings will be documented in a safety evaluation report. Environmental findings will be documented in a separate environmental assessment. The environmental assessment will be the subject of a subsequent notice in the **Federal Register**.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located in One White Flint North, Room O1–F21 (first floor), 11555 Rockville Pike, Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition. The Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth, with particularity, the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists concerning a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

A State, local governmental body, federally-recognized Indian tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by August 3, 2015. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions for leave to intervene set forth in this section, except that under § 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission by August 3, 2015.

III. 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 May 2015.

For the Nuclear Regulatory Commission.

Christepher McKenney,

Acting Deputy Director, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–13669 Filed 6–3–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0001]

Sunshine Act Meeting

DATES: June 8, 15, 22, 29, July 6, 13, 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of June 8, 2015—Tentative

Tuesday, June 9, 2015

9:25—Affirmation Session (Public Meeting) (Tentative)
- a. Motions to Reopen and Proposed New Contentions Regarding Continued Storage (multiple dockets)
- b. Final Rule: Cyber Security Event Notifications (10 CFR Part 73) (RIN 3150 AJ37)

9:30 a.m.—Briefing on NRC Insider Threat Program (Closed—Ex. 1 & 2)

Thursday, June 11, 2015

10:00 a.m.—Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting) (Contact: Edwin Hackett, 301–415–7360)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of June 15, 2015—Tentative

There are no meetings scheduled for the week of June 15, 2015.

Week of June 22, 2015—Tentative

Tuesday, June 23

9:00 a.m.—Briefing on Human Capital and Equal Employment Opportunity (Public Meeting)

(Contact: Dafna Silberfeld, 301–287–0737)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, June 25, 2015

9:00 a.m.—Briefing on Proposed Revisions to Part 10 CFR part 61 and Low-Level Radioactive Waste Disposal (Public Meeting) (Contact: Gregory Suber, 301–415–8087)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of June 29, 2015—Tentative

There are no meetings scheduled for the week of June 29, 2015.

Week of July 6, 2015—Tentative

Tuesday, July 7, 2015

9:00 a.m.—Briefing on Inspections, Tests, Analyses, and Acceptance Criteria (Public Meeting) (Contact: James Beardsley, 301–415–5998)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, July 9, 2015

9:00 a.m.—Briefing on the Mitigation of Beyond Design Basis Events Rulemaking (Public Meeting) (Contact: Tara Inverso, 301–415–1024)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of July 13, 2015—Tentative

There are no meetings scheduled for the week of July 13, 2015.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at 301–415–0442 or via email at *Glenn.Ellmers@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: June 2, 2015.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2015–13817 Filed 6–2–15; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0136]

Information Collection: NRC Generic Letter 2015–XX, Monitoring of Neutron-Absorbing Materials in Spent Fuel Pools

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites the public to comment on the Office of Management and Budget (OMB) approval for a new collection for information. NRC is required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995. The information collection is entitled ''NRC Generic Letter 2015–XX, Monitoring of Neutron-Absorbing Materials in Spent Fuel Pools.''

DATES: Submit comments by August 3, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0136. 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:* Tremaine Donnell, Office of Information Services, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0136 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0136. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2015–0136 on this Web site.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select *''ADAMS Public Documents''* and then select *''Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML14181B123. The supporting statement is in ADAMS under ML15138A290.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2015–0136 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Generic Letter 2015–XX, ''Monitoring of Neutron-Absorbing Materials in Spent Fuel Pools''.

2. *OMB approval number:* An OMB control number has not yet been assigned to this proposed information collection.

3. *Type of submission:* New.

4. *The form number, if applicable:* Not applicable.

5. *How often is the collection required or requested:* One-time.

6. *Who will be required or asked to respond:* All nuclear power reactors with a license issued under Title 10 of the Code of Federal Regulations (10 CFR) Part 50, ''Domestic Licensing of Production and Utilization Facilities,'' except those that have permanently ceased operations with all reactor fuel removed from on-site spent fuel pool storage; all holders of an operating license for a non-power reactor (research reactor, test reactor, or critical assembly) under 10 CFR part 50 who have a reactorpool, fuel storage pool, or other wet locations designed for the purpose of fuel storage, except those who have permanently ceased operations with all reactor fuel removed from on-site wet storage.

7. *The estimated number of annual responses:* 112.

8. *The estimated number of annual respondents:* 112.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 12,900 hours.

10. *Abstract:* Neutron-absorbing materials installed in the spent fuel pool that are credited for maintaining subcriticality must be able to perform their neutron-absorbing safety function during both normal operating conditions and design basis events. Monitoring of neutron-absorbing materials is intended to identify when degradation may affect the ability to perform the neutron-absorbing safety function, so that appropriate corrective action can be taken. The NRC is requesting information to determine if (1) addressees have adequate neutron-absorbing material monitoring programs in place to ensure compliance with the regulations, and (2) the agency should take additional regulatory action. The NRC is required by the Atomic Energy Act to verify that licensees are in compliance with the regulations and license conditions. Compliance with the regulations provides reasonable assurance of public health and safety. The NRC has authority to collect this type of information pursuant to Title 10 of the Code of Federal (10 CFR) 50.54(f). The NRC staff may at any time require a licensee to submit additional information to enable the Commission to determine if the license to operate a nuclear facility needs to be modified, revoked, or suspended. The Commission uses the information collected to verify that licensees meet the NRC regulations and requirements of their license.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 29th day of May 2015.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2015–13631 Filed 6–3–15; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Act Meeting

Cancellation Notice—OPIC June 3, 2015 Public Hearing

OPIC's Sunshine Act notice of its Public Hearing in Conjunction with each Board meeting was published in the **Federal Register** (Volume 80, Number 91, Pages 87204 and 27205) on May 12, 2015. No requests were received to provide testimony or submit written statements for the record; therefore, OPIC's public hearing scheduled for 2 p.m., June 3, 2015 in conjunction with OPIC's June 11, 2015 Board of Directors meeting has been cancelled.

CONTACT PERSON FOR INFORMATION: Information on the hearing cancellation may be obtained from Catherine F. I. Andrade at (202) 336–8768, or via email at *Catherine.Andrade@opic.gov.*

Dated: June 1, 2015.

Catherine F. I. Andrade,

OPIC Corporate Secretary.

[FR Doc. 2015–13763 Filed 6–2–15; 11:15 am]

BILLING CODE 3210–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75069; File No. SR–FINRA–2015–013]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Implementation of FINRA Rule 4240 (Margin Requirements for Credit Default Swaps)

May 29, 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 20, 2015, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to extend to July 18, 2016 the implementation of FINRA Rule 4240 (Margin Requirements for Credit Default Swaps). FINRA Rule 4240 implements an interim pilot program with respect to margin requirements for certain transactions in credit default swaps that are security-based swaps.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA 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, FINRA 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. FINRA 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

On May 22, 2009, the Commission approved FINRA Rule 4240,[4] which implements an interim pilot program (the ''Interim Pilot Program'') with respect to margin requirements for certain transactions in credit default swaps (''CDS'').[5] On June 23, 2014, FINRA filed a proposed rule change for immediate effectiveness extending the implementation of FINRA Rule 4240 to July 17, 2015.[6]

As explained in the Approval Order, FINRA Rule 4240, coterminous with certain Commission actions, was intended to address concerns arising from systemic risk posed by CDS, including, among other things, risks to the financial system arising from the lack of a central clearing counterparty to clear and settle CDS.[7] On July 21, 2010, President Obama signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act''),[8] Title VII of which established a comprehensive new regulatory framework for swaps and security-based swaps,[9] including certain CDS. The new legislation was intended, among other things, to enhance the authority of regulators to implement new rules designed to reduce risk, increase transparency, and promote market integrity with respect to such products.

Pursuant to Title VII of the Dodd-Frank Act, the CFTC and the Commission are engaged in ongoing rulemaking with respect to swaps and security-based swaps.[10] The Commission has, among other things, proposed rules with respect to capital, margin and segregation requirements for security-based swap dealers and major security-based swap participants and capital requirements for broker-dealers.[11] FINRA believes it is appropriate to extend the Interim Pilot Program for a limited period, to July 18, 2016, in light of the continuing development of the CDS business within the framework of the Dodd-Frank Act and pending the final implementation of new CFTC and SEC rules pursuant to Title VII of that legislation. FINRA is considering proposing additional amendments to the Interim Pilot Program.

FINRA has filed the proposed rule change for immediate effectiveness. FINRA is proposing that the implementation date of the proposed rule change will be July 17, 2015. The proposed rule change will expire on July 18, 2016.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act,[12] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change is consistent with the Act because, in light of the continuing development of the CDS business within the framework of the Dodd-Frank Act and pending the final implementation of new CFTC and SEC rules pursuant to Title VII of that legislation, extending the implementation of the margin requirements as set forth by FINRA Rule 4240 will help to stabilize the financial markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. FINRA believes that extending the implementation of FINRA Rule 4240 for a limited period, to July 18, 2016, in light of the continuing development of

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* Securities Exchange Act Release No. 59955 (May 22, 2009), 74 FR 25586 (May 28, 2009) (Order Approving File No. SR–FINRA–2009–012) (''Approval Order'').

[5] In March 2012, the SEC approved amendments to FINRA Rule 4240 that, among other things, limit at this time the rule's application to credit default swaps that are security-based swaps. *See* Securities Exchange Act Release No. 66527 (March 7, 2012), 77 FR 14850 (March 13, 2012) (Order Approving File No. SR–FINRA–2012–015).

[6] *See* Securities Exchange Act Release No. 72522 (July 2, 2014), 79 FR 39031 (July 9, 2014) (Notice of Filing and Immediate Effectiveness of File No. SR–FINRA–2014–029).

[7] *See* Approval Order, 74 FR at 25588–89.

[8] *See* Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010).

[9] The terms ''swap'' and ''security-based swap'' are defined in Sections 721 and 761 of the Dodd-Frank Act. The Commodity Futures Trading Commission (''CFTC'') and the Commission jointly have approved rules to further define these terms. *See* Securities Exchange Act Release No. 67453 (July 18, 2012), 77 FR 48208 (August 13, 2012) (Joint Final Rule; Interpretations; Request for Comment on an Interpretation: Further Definition of ''Swap,'' ''Security-Based Swap,'' and ''Security-Based Swap Agreement''; Mixed Swaps; Security-Based Swap Agreement Recordkeeping). *See also* Securities Exchange Act Release No. 66868 (April 27, 2012), 77 FR 30596 (May 23, 2012) (Joint Final Rule; Joint Interim Final Rule; Interpretations: Further Definition of ''Swap Dealer,'' ''Security-Based Swap Dealer,'' ''Major Swap Participant,'' ''Major Security-Based Swap Participant'' and ''Eligible Contract Participant'').

[10] *See, e.g.,* Securities Exchange Act Release No. 67177 (June 11, 2012), 77 FR 35625 (June 14, 2012) (Notice of Statement of General Policy with Request for Public Comment: Statement of General Policy on the Sequencing of the Compliance Dates for Final Rules Applicable to Security-Based Swaps Adopted Pursuant to the Securities Exchange Act of 1934 and the Dodd-Frank Wall Street Reform and Consumer Protection Act).

[11] *See* Securities Exchange Act Release No. 68071 (October 18, 2012), 77 FR 70214 (November 23, 2012) (Proposed Rule: Capital, Margin, and Segregation Requirements for Security-Based Swap Dealers and Major Security-Based Swap Participants and Capital Requirements for Broker-Dealers). *See also* Securities Exchange Act Release No. 71958 (April 17, 2014), 79 FR 25194 (May 2, 2014) (Proposed Rule: Recordkeeping and Reporting Requirements for Security-Based Swap Dealers, Major Security-Based Swap Participants, and Broker-Dealers; Capital Rule for Certain Security-Based Swap Dealers).

[12] 15 U.S.C. 78*o*–3(b)(6).

the CDS business within the framework of the Dodd-Frank Act and pending the final implementation of new CFTC and SEC rules pursuant to Title VII of that legislation, helps to promote stability in the financial markets and regulatory certainty for members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

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) thereunder.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2015–013 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–FINRA–2015–013. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2015–013 and should be submitted on or before June 25, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Brent J. Fields,

Secretary.

[FR Doc. 2015–13612 Filed 6–3–15; 08:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and 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. FINRA has fulfilled this requirement.

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Order of Suspension of Trading; In the Matter of Anticus International Corp., China Marketing Media Holdings, Inc., Cigma Metals Corp., and LL&E Royalty Trust; File No. 500–1

June 2, 2015.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Anticus International Corp. (CIK No. 1192494), a revoked Nevada corporation with its principal place of business listed as Montreal, Quebec, Canada, with stock quoted on OTC Link (previously, ''Pink Sheets'') operated by OTC Markets Group, Inc. (''OTC Link'') under the ticker symbol ATCI, because it has not filed any periodic reports since the period ended March 31, 2011. On July 5, 2013, Anticus International received a delinquency letter sent by the Division of Corporation Finance requesting compliance with their periodic filing obligations.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of China Marketing Media Holdings, Inc. (CIK No. 1353307), a forfeited Texas corporation with its principal place of business listed as Beijing, China, with stock quoted on OTC Link under the ticker symbol CMKM, because it has not filed any periodic reports since the period ended September 30, 2012. On April 15, 2014, the Division of Corporation Finance sent China Marketing Media Holdings a delinquency letter requesting compliance with its periodic filing obligations, but the letter was returned because of China Marketing Media Holdings' failure to maintain a valid address on file with the Commission.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Cigma Metals Corp. (CIK No. 1083410), a dissolved Florida corporation with its principal place of business listed as Madrid, Spain, with stock quoted on OTC Link under the ticker symbol CGMX, because it has not filed any periodic reports since the period ended September 30, 2012. A delinquency letter sent to Cigma Metals by the Division of Corporation Finance requesting compliance with their periodic filing obligations was returned, but a letter sent to the company's registered agent was delivered on August 17, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of LL&E Royalty Trust (CIK No. 721765), a Michigan trust with its principal place of business listed as Troy, Michigan, with units of interest quoted on OTC Link under the ticker symbol LRTR, because it has not filed any periodic reports since the period ended September 30, 2011. On August 30, 2013, LL&E Royalty received a

delinquency letter sent by the Division of Corporation Finance requesting compliance with their periodic filing obligations.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on June 2, 2015, through 11:59 p.m. EDT on June 15, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–13741 Filed 6–2–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75071; File No. SR–NYSEArca–2015–44]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To List and Trade Shares of the SPDR® SSgA Flexible Allocation ETF Under NYSE Arca Equities Rule 8.600

May 29, 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 15, 2015, NYSE Arca, Inc. (the ''Exchange'' of ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the SPDR® SSgA Flexible Allocation ETF under NYSE Arca Equities Rule 8.600. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of SPDR® SSgA Flexible Allocation ETF (the ''Fund'') under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares [3] on the Exchange.[4] The Shares will be offered by SSgA Active ETF Trust (the ''Trust''), which is organized as a Massachusetts business trust and is registered with the Commission as an open-end management investment company.[5]

SSgA Funds Management, Inc. (the ''Adviser'') will serve as the investment adviser to the Fund. State Street Global Markets, LLC (the ''Distributor'' or ''Principal Underwriter'') will be the principal underwriter and distributor of the Fund's Shares. State Street Bank and Trust Company (the ''Administrator,'' ''Custodian'' or ''Transfer Agent'') will serve as administrator, custodian and transfer agent for the Fund.

Commentary .06 to Rule 8.600 provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[6] In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio. Commentary .06 to Rule 8.600 is similar to Commentary .03(a)(i) and (iii) to NYSE Arca Equities Rule 5.2(j)(3); however, Commentary .06 in connection with the establishment of a ''fire wall'' between the investment adviser and the

[3] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[4] The Commission has previously approved listing and trading on the Exchange of a number of actively managed funds under Rule 8.600. *See, e.g.,* Securities Exchange Act Release Nos. 57801 (May 8, 2008), 73 FR 27878 (May 14, 2008) (SR–NYSEArca–2008–31) (order approving Exchange listing and trading of twelve actively-managed funds of the WisdomTree Trust); 66343 (February 7, 2012), 77 FR 7647 (February 13, 2012) (SR–NYSEArca–2011–85) (order approving listing of five funds of the SSgA Active ETF Trust); 70342 (September 6, 2013), 78 FR 56256 (September 12, 2013) (SR–NYSEArca–2013–71) (order approving listing of the SPDR SSgA Ultra Short Term Bond ETF; SPDR SSgA Conservative Ultra Short Term Bond ETF; and SPDR SSgA Aggressive Ultra Short Term Bond ETF); and 62502 (March 21, 2014), 79 FR 17206 (March 27, 2014) (SR–NYSEArca–2014–11) (order approving listing of SPDR SSgA Risk Aware ETF, SPDR SSgA Large Cap Risk Aware ETF and SPDR SSgA Small Cap Risk Aware ETF).

[5] The Trust is registered under the 1940 Act. On December 18, 2013, the Trust filed with the Commission an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''Securities Act''), and under the 1940 Act relating to the Fund (File Nos. 333–173276 and 811–22542) (''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 29524 (December 13, 2010) (File No. 812–13487) (''Exemptive Order'').

[6] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not a registered broker-dealer but is affiliated with a broker-dealer and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio. In the event (a) the Adviser or any sub-adviser becomes registered as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

Principal Investments

According to the Registration Statement, the Fund will seek to provide long-term total return. The Fund will be actively managed and will not seek to replicate the performance of a specified index.

According to the Registration Statement, under normal circumstances,[7] the Fund will invest substantially all of its assets in the SSgA Flexible Allocation Portfolio (''Portfolio''), a separate series of the SSgA Master Trust with an identical investment objective as the Fund. As a result, the Fund will invest indirectly in all of the securities and assets owned by the Portfolio.[8] The Adviser will allocate the Portfolio's assets among a variety of asset classes, market capitalization ranges, and market sectors selected by the Adviser. In selecting investments for the Portfolio, the Adviser will employ a tactical asset allocation strategy based on signals provided by models developed by the Adviser.

According to the Registration Statement, these models, which include both macro-economic and financial parameters, are designed to identify market strategies and develop a portfolio allocation that takes advantage of high-risk asset classes in favorable market conditions while limiting the Portfolio's exposure to such asset classes in unfavorable markets. In utilizing these models, the Adviser will seek to diversify the Portfolio's holdings by gaining exposure to a wide range of asset classes, including real estate (including real estate investment trusts (''REITs'')); equity and fixed income securities, including high yield debt securities (commonly referred to as ''junk bonds''); commodities; instruments that seek to track movements in volatility indices; and cash and cash equivalents or money market instruments.[9] The Portfolio's investments will range across domestic and international markets (including emerging markets). In seeking long-term total return, the Adviser will target a return that exceeds one-month London Interbank Offered Rate (''LIBOR'') by at least 4% every year over a five-year investment timeframe, although there is no guarantee that this target will be achieved.

According to the Registration Statement, the Adviser's allocation policy will involve adjusting the weightings of the Portfolio's holdings of the various asset classes in a proactive manner in an effort to optimize the Portfolio's risk/return ratio while complying with the Portfolio's investment constraints.

The Adviser will implement its asset allocation decisions primarily through exchange traded products (''ETPs'').[10] The Portfolio may also buy and sell futures contracts based on the Chicago Board Options Exchange Volatility Index (''VIX Futures'') and equity options (including options on ETPs).[11]

ETPs include exchange traded funds (''ETFs'') registered under the 1940 Act (''Underlying ETFs''),[12] exchange traded commodity trusts [13] and exchange traded notes (''ETNs'').[14] The Portfolio may also invest in ETPs that are qualified publicly traded partnerships (''QPTPs''). A QPTP is an entity that is treated as a partnership for federal income tax purposes, subject to certain

[7] The term ''under normal circumstances'' includes, but is not limited to, the absence of extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

[8] The Fund is intended to be managed in a ''master-feeder'' structure, under which the Fund will invest substantially all of its assets in a corresponding Portfolio (*i.e.* a ''master fund''), which is a separate 1940 Act-registered mutual fund that has an identical investment objective. As a result, the Fund (*i.e.,* the ''feeder fund'') will have an indirect interest in all of the securities and other assets owned by the Portfolio. Because of this indirect interest, the Fund's investment returns should be the same as those of the Portfolio, adjusted for the expenses of the Fund. In extraordinary instances, the Fund reserves the right to make direct investments in securities.

The Adviser will manage the investments of the Portfolio. Under the master-feeder arrangement, and pursuant to the investment advisory agreement between the Adviser and the Trust, investment advisory fees charged at the Portfolio level will be deducted from the advisory fees charged at the Fund level. This arrangement avoids a ''layering'' of fees. In extraordinary instances, the Fund reserves the right to make direct investments in securities to meet its investment objectives directly. In addition, the Fund may discontinue investing through the master-feeder arrangement and pursue its investment objectives directly if the Fund's Board of Trustees (''Board'') determines that doing so would be in the best interests of shareholders.

[9] Money market instruments are generally short-term investments that may include but are not limited to: (i) Shares of money market funds (including those advised by the Adviser); (ii) obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities (including government-sponsored enterprises); (iii) negotiable certificates of deposit (''CDs''), bankers' acceptances, fixed time deposits and other obligations of U.S. and foreign banks (including foreign branches) and similar institutions; (iv) commercial paper rated at the date of purchase ''Prime-1'' by Moody's Investor's Service or ''A–1'' by Standard & Poor's, or if unrated, of comparable quality as determined by the Adviser; (v) non-convertible corporate debt securities (*e.g.,* bonds and debentures) with remaining maturities at the date of purchase of not more than 397 days and that satisfy the rating requirements set forth in Rule 2a–7 under the 1940 Act; (vi) short-term U.S. dollar-denominated obligations of foreign banks (including U.S. branches) that, in the opinion of the Adviser, are of comparable quality to obligations of U.S. banks which may be purchased by the Portfolio; and (vii) variable rate demand notes.

[10] ETPs include Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Index-Linked Securities (as described in NYSE Arca Equities Rule 5.2(j)(6)); Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100); Trust Issued Receipts (as described in NYSE Arca Equities Rule 8.200); Commodity-Based Trust Shares (as described in NYSE Arca Equities Rule 8.201); Currency Trust Shares (as described in NYSE Arca Equities Rule 8.202); Commodity Index Trust Shares (as described in NYSE Arca Equities Rule 8.203); ZManaged [sic] Fund Shares (as described in NYSE Arca Equities Rule 8.600), and closed-end funds. The ETPs all will be listed and traded in the U.S. on registered exchanges. While the Fund may invest in inverse ETPs, the Fund will not invest in leveraged or inverse leveraged ETPs (*e.g.,* 2X or 3X).

[11] The Portfolio may invest up to 20% of its assets in derivatives, including VIX Futures and equity options. *See* note 23, *infra,* and accompanying text.

[12] ETFs are securities registered under the 1940 Act such as those listed and traded on the Exchange under NYSE Arca Equities Rules 5.2(j)(3) (Investment Company Units), 8.100 (Portfolio Depositary Receipts) and 8.600 (Managed Fund Shares).

[13] An exchange traded commodity trust is a pooled trust that invests in physical commodities or commodity futures, and issues shares that are traded on a securities exchange that may trade at a discount or premium to the value of the holdings of the trusts.

[14] According to the Registration Statement, ETNs are debt obligations of investment banks which are traded on exchanges and the returns of which are linked to the performance of market indexes. In addition to trading ETNs on exchanges, investors may redeem ETNs directly with the issuer on a weekly basis, typically in a minimum about of 50,000 units, or hold the ETNs until maturity. ETNs are listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(6) (''Index-Linked Securities'').

requirements.[15] In addition, the Portfolio may invest in certain ETPs that pay fees to the Adviser and its affiliates for management, marketing or other services.

The Underlying ETFs may include actively-managed ETFs and index-based ETFs, which seek to provide investment results that match the performance of an index by holding in its portfolio either the contents of the index or a representative sample of the securities in the index. Alternatively, ETFs may be structured as grantor trusts or other forms of pooled investment vehicles that are not registered or regulated under the 1940 Act. These ETFs typically hold commodities, precious metals, currency or other non-securities investments. The Portfolio may invest up to 25% of its total assets in one or more ETPs that are QPTPs and whose principal activities are the buying and selling of commodities or options, futures, or forwards with respect to commodities.[16]

Non-Principal Investments

While under normal circumstances [17] the Adviser will invest the Portfolio's net assets as described above, the Adviser may invest the Portfolio's net assets in other securities and financial instruments, as described below.

According to the Registration Statement, in the absence of normal circumstances the Fund may (either directly or through the corresponding Portfolio) temporarily depart from its normal investment policies and strategies provided that the alternative is consistent with the Fund's investment objective and is in the best interest of the Fund. For example, the Fund may hold a higher than normal proportion of its assets in cash in times of extreme market stress.

The investment practices of the Portfolio are the same in all material respects to those of the Fund.

According to the Registration Statement, the Portfolio may invest in the following types of investments: Convertible securities; variable rate demand notes; U.S. government and U.S. government agency securities; short term instruments, including money market instruments; [18] repurchase agreements, cash and cash equivalents on an ongoing basis to provide liquidity or for other reasons. The Portfolio may invest in equity and fixed income securities. Not more than 10% of the net assets of the Fund will consist of equity securities that trade in markets that are not members of the Intermarket Surveillance Group (''ISG'') or are not parties to a comprehensive surveillance sharing agreement with the Exchange.

According to the Registration Statement, the Portfolio may invest in convertible securities. Convertible securities are bonds, debentures, notes, preferred stocks or other securities that may be converted or exchanged (by the holder or by the issuer) into shares of the underlying common stock (or cash or securities of equivalent value) at a stated exchange ratio. A convertible security may also be called for redemption or conversion by the issuer after a particular date and under certain circumstances (including a specified price) established upon issue.

According to the Registration Statement, the Portfolio may purchase publicly traded common stocks and preferred securities of domestic and foreign corporations. According to the Registration Statement, the Portfolio may invest in U.S. government obligations and U.S. government agency securities. U.S. government obligations are a type of bond. U.S. government obligations include securities issued or guaranteed as to principal and interest by the U.S. government, its agencies or instrumentalities.

According to the Registration Statement, the Portfolio may invest in repurchase agreements with commercial banks, brokers or dealers to generate income from its excess cash balances and to invest securities lending cash collateral. A repurchase agreement is an agreement under which a fund acquires a financial instrument (*e.g.,* a security issued by the U.S. government or an agency thereof, a banker's acceptance or a certificate of deposit) from a seller, subject to resale to the seller at an agreed upon price and date (normally, the next business day).

According to the Registration Statement, the Portfolio may invest in bonds, including U.S. registered, dollar-denominated bonds of foreign corporations, governments, agencies and supra-national entities.[19]

According to the Registration Statement, the Portfolio may invest in sovereign debt. Sovereign debt obligations are issued or guaranteed by foreign governments or their agencies. Sovereign debt may be in the form of conventional securities or other types of debt instruments such as loans or loan participations. The Portfolio may invest up to 10% of its net assets in high yield debt securities.

According to the Registration Statement, the Portfolio may invest in inflation-protected public obligations, commonly known as ''TIPS,'' of the U.S. Treasury, as well as TIPS of major governments and emerging market countries, excluding the United States. TIPS are a type of security issued by a government that are designed to provide inflation protection to investors.

According to the Registration Statement, the Portfolio may invest in variable and floating rate securities.[20] Variable rate securities are instruments issued or guaranteed by entities such as (1) the U.S. government or an agency or instrumentality thereof, (2) corporations, (3) financial institutions, (4) insurance companies, or (5) trusts that have a rate of interest subject to adjustment at regular intervals but less frequently than annually. According to the Registration Statement, the Portfolio may invest in Variable Rate Demand Obligations (''VRDOs''). VRDOs are short-term tax exempt fixed income instruments whose yield is reset on a periodic basis. VRDO securities tend to be issued with long maturities of up to 30 or 40 years; however, they are considered short-term instruments because they include a put feature which coincides with the periodic yield reset.

According to the Registration Statement, the Portfolio may invest in restricted securities. Restricted securities are securities that are not registered under the Securities Act, but which can be offered and sold to ''qualified institutional buyers'' under Rule 144A under the Securities Act.[21]

[15] Income from QPTPs is generally qualifying income for purposes of Subchapter M of the Internal Revenue Code. *See* 26 U.S.C. 851 *et seq.*

[16] Examples of such entities are the PowerShares DB Energy Fund, PowerShares DB Oil Fund, PowerShares DB Gold Fund, PowerShares DB Silver Fund, and PowerShares DB Agriculture Fund, which are listed and traded on the Exchange pursuant to NYSE Arca Equities Rule 8.200.

[17] *See* note 7, *supra.* As noted above, in extraordinary instances, the Fund reserves the right to make direct investments in securities to meet its investment objectives directly.

[18] *See* note 9, *supra.*

[19] The Portfolio may invest a portion of its assets in Build America Bonds. The Build America Bond program allows state and local governments to issue taxable bonds for capital projects and to receive a direct federal subsidy payment from the Treasury Department for a portion of their borrowing costs.

[20] A variable rate security provides for the automatic establishment of a new interest rate on set dates. A floating rate security provides for the automatic adjustment of its interest rate whenever a specified interest rate changes. Interest rates on these securities are ordinarily tied to, and are a percentage of, a widely recognized interest rate, such as the yield on 90-day U.S. Treasury bills or the prime rate of a specified bank.

[21] According to the Registration Statement, when Rule 144A restricted securities present an attractive investment opportunity and meet other selection criteria, the Portfolio may make such investments whether or not such securities are ''illiquid'' depending on the market that exists for the particular security. The Board has delegated the responsibility for determining the liquidity of Rule

When Rule 144A restricted securities present an attractive investment opportunity and meet other selection criteria, the Portfolio may make such investments depending on the market that exists for the particular security. The Board has delegated the responsibility for determining the liquidity of Rule 144A restricted securities that the Portfolio may invest in to the Adviser.[22]

According to the Registration Statement, in addition to ETPs, the Portfolio may invest in the securities of other investment companies, including affiliated funds, money market funds and closed-end funds, subject to applicable limitations under Section 12(d)(1) of the 1940 Act.

According to the Registration Statement, the Portfolio may invest in REITs. According to the Registration Statement, the Portfolio may enter into reverse repurchase agreements.

In addition to the VIX Futures and equity options described under ''Principal Investments,'' the Portfolio may also invest in options, swaps, forward contracts and futures contracts, for hedging purposes or to provide exposure to a particular issuer, industry, sector or country.[23]

According to the Registration Statement, the Portfolio will only invest in exchange-traded futures contracts. According to the Registration Statement, futures contracts generally provide for the future sale by one party and purchase by another party of a specified commodity or security at a specified future time and at a specified price. Index futures contracts are settled daily with a payment by one party to the other of a cash amount based on the difference between the level of the index specified in the contract from one day to the next.

According to the Registration Statement, the Portfolio may invest in both exchange traded and over-the-counter (''OTC'') traded options. According to the Registration Statement, the Portfolio may purchase and sell put and call options. Such options may relate to particular securities and may or may not be listed on a national securities exchange and issued by the Options Clearing Corporation. The Fund may engage in short sales ''against the box.'' In a short sale against the box, the Fund agrees to sell at a future date a security that it either contemporaneously owns or has the right to acquire at no extra cost.

According to the Registration Statement, the Portfolio may enter into swap agreements, including interest rate, index and total return swap agreements. Swap agreements are contracts between parties in which one party agrees to make periodic payments to the other party based on the change in market value or level of a specified rate, index or asset. In return, the other party agrees to make payments to the first party based on the return of a different specified rate, index or asset. In the case of a credit default swap (''CDS''), the contract gives one party (the buyer) the right to recoup the economic value of a decline in the value of debt securities of the reference issuer if the credit event (a downgrade or default) occurs.

According to the Registration Statement, the Portfolio may conduct foreign currency transactions on a spot (*i.e.,* cash) or forward basis (*i.e.,* by entering into forward contracts to purchase or sell foreign currencies). At the discretion of the Adviser, the Portfolio may enter into forward currency exchange contracts for hedging purposes to help reduce the risks and volatility caused by changes in foreign currency exchange rates.

Investment Restrictions

According to the Registration Statement, the Portfolio and Fund will each be classified as ''diversified.'' [24] According to the Registration Statement, the Portfolio and the Fund do not intend to concentrate their investments in any particular industry.[25]

According to the Registration Statement, the Portfolio and the Fund intend to maintain the required level of diversification and otherwise conduct its operations so as to qualify as a ''regulated investment company'' for purposes of the Internal Revenue Code of 1986.[26]

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser, consistent with Commission guidance, and repurchase agreements having maturities longer than seven days.[27] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[28]

The Fund's investments will be consistent with the Fund's investment objectives and will not be used to enhance leverage.

Net Asset Value

According to the Registration Statement, the Fund will calculate net asset value (''NAV'') using the NAV of the Portfolio. To the extent that the Fund invests in instruments other than those in the Portfolio, the Fund will calculate its NAV based on all assets.

144A restricted securities that the Portfolio may invest in to the Adviser. *See* note 27, *infra.*

[22] In reaching liquidity decisions, the Adviser may consider the following factors: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer) and the nature of the marketplace trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[23] The Portfolio may invest up to 20% of its assets in derivatives, including VIX Futures and equity options.

[24] The diversification standard is set forth in Section 5(b)(1) of the 1940 Act (15 U.S.C. 80a–5(b)(1)).

[25] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[26] 26 U.S.C. 851 *et seq.*

[27] The Board has delegated the responsibility for determining the liquidity of Rule 144A Restricted Securities that the Portfolio may invest in to the Adviser. In reaching liquidity decisions, the Adviser may consider the following factors: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer) and the nature of the marketplace trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers, and the mechanics of transfer).

[28] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the 1933 Act).

NAV per Share for the Fund will be computed by dividing the value of the net assets of the Portfolio (*i.e.,* the value of its total assets less total liabilities) by the total number of Shares outstanding, rounded to the nearest cent. Expenses and fees, including the management fees, will be accrued daily and taken into account for purposes of determining NAV. The NAV of the Portfolio will be calculated by the Custodian and determined at the close of the regular trading session on the New York Stock Exchange (ordinarily 4:00 p.m. Eastern time (''E.T.'')) on each day that such exchange is open. Fixed-income assets will generally be valued as of the announced closing time for trading in fixed-income instruments in a particular market or exchange. Creation/redemption order cut-off times (as described further below) may also be earlier on such days.

According to the Adviser, the Portfolio's investments will be valued at market value or, in the absence of market value with respect to any investment, at fair value in accordance with valuation procedures adopted by the Board of Trustees of the SSgA Master Trust and the Board of Trustees of the SSgA Active ETF Trust [29] (the ''Board'') and in accordance with the 1940 Act.

In calculating the Portfolio's NAV per Share, the Portfolio's investments will generally be valued using market valuations. A market valuation generally means a valuation (i) obtained from an exchange, a pricing service, or a major market maker (or dealer), (ii) based on a price quotation or other equivalent indication of value supplied by an exchange, a pricing service, or a major market maker (or dealer), or (iii) based on amortized cost. In the case of shares of other funds that are not traded on an exchange, a market valuation means such fund's published NAV per share. The Adviser may use various pricing services, or discontinue the use of any pricing service, as approved by the Board of the SSgA Master Trust from time to time. A price obtained from a pricing service based on such pricing service's valuation matrix may be considered a market valuation.

Equity securities traded on a national securities exchange, including ETPs, common and preferred stock, preferred securities, REITs and investment company securities (collectively, ''U.S. Exchange-traded Securities''), will be valued at the last reported sale price or the official closing price on that exchange where the stock is primarily traded on the day that the valuation is made. Foreign exchange-traded common stocks and preferred securities will be valued at the last sale or official closing price on the relevant exchange on the valuation date. Equity securities traded in the OTC market will be valued at the last reported sale price on the valuation date. Restricted securities will be valued at bid prices received from independent pricing services as of the announced closing time for trading in such instruments. If, however, neither the last sale price nor the official closing price is available, each of these securities will be valued at either the last reported sale price or official closing price as of the close of regular trading of the principal market on which the security is listed consistent with the respective primary benchmark. OTC-traded preferred securities and OTC-traded convertible securities will be valued based on price quotations obtained from a broker-dealer who makes markets in such securities or other equivalent indications of value provided by a third-party pricing service. Securities of investment companies other than ETPs registered under the 1940 Act, including affiliated funds, money market funds and closed-end funds, will be valued at NAV.

Fixed income securities, including money market instruments, convertible securities, variable rate demand notes, U.S. government and U.S. government agency securities, bonds (including bonds of foreign corporations, governments, agencies and supra-national entities), other sovereign debt, TIPs, VRDOs, repurchase agreements and reverse repurchase agreements, will generally be valued at bid prices received from independent pricing services as of the announced closing time for trading in fixed-income instruments in the respective market or exchange. In determining the value of a fixed income investment, pricing services determine valuations for normal institutional-size trading units of such securities using valuation models or matrix pricing, which incorporates yield and/or price with respect to bonds that are considered comparable in characteristics such as rating, interest rate and maturity date and quotations from securities dealers to determine current value. Short-term investments that mature in less than 60 days when purchased will be valued at cost adjusted for amortization of premiums and accretion of discounts.

Exchange-traded futures contracts, including VIX Futures, will be valued at the settlement price determined by the applicable exchange. Exchange-traded option contracts, including options on futures, will be valued at their most recent sale price. If no such sales are reported, these contracts will be valued at their most recent bid price. In certain cases, some of the Fund's exchange-traded derivative securities may be valued at the mean between the last available bid and ask prices.

OTC-traded derivative securities, including options, swaps, and currency-forwards will normally be valued on the basis of quotes obtained from a third-party broker-dealer who makes markets in such securities or on the basis of quotes obtained from a third-party pricing service.

Any assets or liabilities denominated in currencies other than the U.S. dollar will be converted into U.S. dollars at market rates on the date of valuation (generally as of 4:00 p.m. Greenwich Mean Time) as quoted by one or more sources. Forward foreign currency contracts will be valued based upon the difference in the forward exchange rates at the dates of entry into the contracts and the forward rates as of the current valuation date as quoted by one or more independent sources.

In the event that current market valuations are not readily available or such valuations do not reflect current market value, the SSgA Master Trust's procedures require the Pricing and Investment Committee (''Committee'') to determine a security's fair value if a market price is not readily available, in accordance with the 1940 Act.[30] In determining such value the Committee may consider, among other things, (i) price comparisons among multiple sources, (ii) a review of corporate actions and news events, and (iii) a review of relevant financial indicators (*e.g.,* movement in interest rates, market indices, and prices from the Portfolio's index provider). In these cases, the

[29] The Board of Trustees of the SSgA Master Trust and the Board of Trustees of the SSgA Active ETF Trust have adopted the same valuation procedures.

[30] If a security's market price is not readily available or does not otherwise accurately reflect the fair value of the security, the security will be valued by another method that the Board believes will better reflect fair value in accordance with the Trust's valuation policies and procedures and in accordance with the 1940 Act. The Board has delegated the process of valuing securities for which market quotations are not readily available or do not otherwise accurately reflect the fair value of the security to the Committee. The Committee, subject to oversight by the Board, may use fair value pricing in a variety of circumstances, including but not limited to, situations when trading in a security has been suspended or halted. Accordingly, the Portfolio's NAV may reflect certain securities' fair values rather than their market prices. Fair value pricing involves subjective judgments and it is possible that the fair value determination for a security is materially different than the value that could be received on the sale of the security. The Committee has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Portfolio and the Fund.

Portfolio's NAV may reflect certain portfolio securities' fair values rather than their market prices.

The pre-established pricing methods and valuation policies and procedures outlined above may change, subject to the review and approval of the Committee and Board, as necessary.

Creation and Redemption of Shares

According to the Registration Statement, the Fund will offer and issue Shares only in aggregations of a specified number of Shares (each, a ''Creation Unit''). Creation Unit sizes will be 50,000 Shares per Creation Unit. The Creation Unit size for the Fund may change. The Fund will issue and redeem Shares only in Creation Units on a continuous basis at the NAV per share next determined after receipt of an order on a Business Day. The NAV of the Fund will be determined once each Business Day, normally as of the close of trading on the New York Stock Exchange (normally, 4:00 p.m., E.T.). An order to purchase or redeem Creation Units will be deemed to be received on the Business Day on which the order is placed provided that the order is placed in proper form prior to the applicable cut-off time (typically required by 2:00 p.m. E.T.). A ''Business Day'' with respect to the Fund will be, generally, any day on which the New York Stock Exchange is open for business.

Creation/redemption order cut-off times may be earlier on any day that the Securities Industry and Financial Markets Association (''SIFMA'') (or applicable exchange or market on which the Portfolio's investments are traded) announces an early closing time.

The consideration for purchase of a Creation Unit of the Fund will generally consist of the in-kind deposit of a designated portfolio of securities (the ''Deposit Securities'') per each Creation Unit and a specified cash payment (the ''Cash Component''). However, consideration may consist of the cash value of the Deposit Securities (''Deposit Cash'') and Cash Component.

Together, the Deposit Securities or Deposit Cash, as applicable, and the Cash Component will constitute the ''Fund Deposit,'' which represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund. The ''Cash Component'' is an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the market value of the Deposit Securities or Deposit Cash, as applicable. If the Cash Component is a positive number (*i.e.,* the net asset value per Creation Unit exceeds the market value of the Deposit Securities or Deposit Cash, as applicable), the Cash Component shall be such positive amount. If the Cash Component is a negative number (*i.e.,* the net asset value per Creation Unit is less than the market value of the Deposit Securities or Deposit Cash, as applicable), the Cash Component shall be such negative amount and the creator will be entitled to receive cash in an amount equal to the Cash Component. The Cash Component serves the function of compensating for any differences between the NAV per Creation Unit and the market value of the Deposit Securities or Deposit Cash, as applicable.

The Custodian, through the National Securities Clearing Corporation, will make available on each Business Day, immediately prior to the opening of business on the Exchange (currently 9:30 a.m., E.T.), the list of the names and the required number of shares of each Deposit Security or the required amount of Deposit Cash, as applicable, to be included in the current Fund Deposit (based on information at the end of the previous Business Day) for the Fund. Such Fund Deposit is subject to any applicable adjustments as described in the Registration Statement, in order to effect purchases of Creation Units of the Fund until such time as the next-announced composition of the Deposit Securities or the required amount of Deposit Cash, as applicable, is made available.

The Trust reserves the right to permit or require the substitution of the Deposit Cash to replace any Deposit Security, which shall be added to the Cash Component, including, without limitation, in situations where the Deposit Security: (i) May not be available in sufficient quantity for delivery, (ii) may not be eligible for transfer through the systems of the Depository Trust Company for corporate securities and municipal securities; (iii) may not be eligible for trading by an authorized participant or the investor for which it is acting; (iv) would be restricted under the securities laws or where the delivery of the Deposit Security to the authorized participant would result in the disposition of the Deposit Security by the authorized participant becoming restricted under the securities laws, or (v) in certain other situations in accordance with the Exemptive Order.[31]

Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Fund through the Transfer Agent and only on a Business Day.

With respect to the Fund, the Custodian, through the NSCC, will make available immediately prior to the opening of business on the Exchange (currently 9:30 a.m. E.T.) on each Business Day, the list of the names and share quantities of the Fund's portfolio securities that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities''). Fund Securities received on redemption may not be identical to Deposit Securities.

Redemption proceeds for a Creation Unit will be paid either in-kind or in cash or a combination thereof, as determined by the Trust. With respect to in-kind redemptions of the Fund, redemption proceeds for a Creation Unit will consist of Fund Securities as announced by the Custodian on the Business Day of the request for redemption received in proper form plus cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after a receipt of a request in proper form, and the value of the Fund Securities (the ''Cash Redemption Amount''), less a fixed redemption transaction fee and any applicable additional variable charge as set forth in the Registration Statement. In the event that the Fund Securities have a value greater than the net asset value of the Shares, a compensating cash payment equal to the differential is required to be made by or through an Authorized Participant by the redeeming shareholder. Notwithstanding the foregoing, at the Trust's discretion, an Authorized Participant may receive the corresponding cash value of the securities in lieu of the in-kind securities value representing one or more Fund Securities.

The Trust may, in its discretion, exercise its option to redeem Shares in cash, and the redeeming Shareholders will be required to receive their redemption proceeds in cash, as described in the Registration Statement. The investor will receive a cash payment equal to the NAV of its Shares based on the NAV of Shares of the Fund next determined after the redemption request is received in proper form.

Availability of Information

The Fund's Web site (*www.spdrs.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may

[31] To be eligible to be an authorized participant, an entity must (a) enter into a participant agreement and (b) be a broker-dealer or other participant in the clearing process through the Continuous Net Settlement System of the NSCC or a DTC participant.

be downloaded. The Fund's Web site will include additional quantitative information updated on a daily basis, including, for the Fund, (1) daily trading volume, the prior business day's reported closing price, NAV and mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[32] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) that will form the basis for the Fund's calculation of NAV at the end of the business day.[33]

The Fund's disclosure of derivative positions in the Disclosed Portfolio will include information that market participants can use to value these positions intraday. On a daily basis, the Fund will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index, or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding' and the percentage weighting of the holding in the Fund's portfolio. The Web site information will be publicly available at no charge. In addition, a basket composition file, which includes the security names and share quantities required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the New York Stock Exchange via NSCC. The basket represents one Creation Unit of the Fund.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and the Trust's Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Quotation and last sale information for the Shares and underlying U.S. Exchange-traded Securities will be available via the Consolidated Tape Association (''CTA'') high-speed line. The intra-day, closing and settlement prices of U.S. Exchange-traded Securities, as well as exchange-traded futures and foreign exchange-traded common stocks and preferred securities, will be readily available from the national securities exchanges trading such securities as well as automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. Intra-day and closing price information for exchange-traded options and futures will be available from the applicable exchange and from major market data vendors. In addition, price information for U.S. exchange-traded options is available from the Options Price Reporting Authority.

Quotation information from brokers and dealers or pricing services will be available for fixed income securities, including money market instruments, convertible securities, variable rate demand notes, U.S. government and U.S. government agency securities, bonds (including bonds of foreign corporations, governments, agencies and supra-national entities), other sovereign debt, TIPs, VRDOs, repurchase agreements and reverse repurchase agreements; spot and forward currency transactions; and equity securities traded in the OTC market, such as restricted securities and securities of investment companies other than ETPs registered under the 1940 Act, including affiliated funds, money market funds and closed-end funds. Pricing information regarding each asset class in which the Fund or Portfolio will invest is generally available through nationally recognized data service providers through subscription arrangements. Price information regarding OTC-traded derivative instruments, including, options, swaps, and spot and currency-related derivatives, as well as equity securities traded in the OTC market, including Rule 144A Restricted Securities, OTC-traded preferred securities and OTC-traded convertible securities, is available from major market data vendors. Pricing information regarding each asset class in which the Fund or Portfolio will invest will generally be available through nationally recognized data service providers through subscription arrangements.

In addition, the Indicative Optimized Portfolio Value (the Fund [34] which is the Portfolio Indicative Value as defined in NYSE Arca Equities Rule 8.600 (c)(3), will be widely disseminated at least every 15 seconds during the Exchange's Core Trading Session by one or more major market data vendors.[35] The dissemination of the IOPV, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund and of the Portfolio on a daily basis and to provide a close estimate of that value throughout the trading day.

Additional information regarding the Trust and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions and taxes is included in the Registration Statement. All terms relating to the Fund that are referred to, but not defined in, this proposed rule change are defined in the Registration Statement.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.[36] Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the

[32] The Bid/Ask Price of the Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[33] Under accounting procedures followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T + 1''). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[34] Premiums and discounts between the IOPV and the market price may occur. This should not be viewed as a ''real-time'' update of the NAV per Share of the Fund, which will be calculated only once a day.

[35] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available Portfolio Indicative Values taken from CTA or other data feeds.

[36] *See* NYSE Arca Equities Rule 7.12.

view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of Equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. E.T. in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 [37] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 [38] under the Exchange Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share of the Fund will be calculated daily and that the NAV and the Disclosed Portfolio of the Fund will be made available to all market participants at the same time.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[39] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and underlying U.S. Exchange-traded Securities, exchange-traded options, futures, and foreign exchange-traded common stocks and preferred securities with other markets and other entities that are members of ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and underlying U.S. Exchange-traded Securities, exchange-traded options, futures, and common stocks and preferred securities of foreign corporations from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and U.S. Exchange-traded Securities, exchange-traded options, futures, and common stocks and preferred securities of foreign corporations from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[40] In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE''). Not more than 10% of the net assets of the Fund will consist of equity securities that trade in markets that are not members of the ISG or are not parties to a comprehensive surveillance sharing agreement with the Exchange.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IOPV will not be calculated or publicly disseminated; (4) how information regarding the IOPV and the Disclosed Portfolio is disseminated; (5) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Exchange Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. E.T. each trading day.

2. Statutory Basis

The basis under the Exchange Act for this proposed rule change is the requirement under Section 6(b)(5) [41] that an exchange have rules that are

[37] 17 CFR 240.10A–3.

[38] 17 CFR 240.10A–3.

[39] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[40] For a list of the current members of ISG, see *www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[41] 15 U.S.C. 78f(b)(5).

designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange. The Adviser is not registered as a broker-dealer but is affiliated with a broker-dealer and has implemented a ''fire wall'' with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the Fund's portfolio.

In addition, the Trust's Pricing and Investment Committee has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Portfolio and the Fund. While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged or inverse leveraged ETFs (*e.g.,* 2X or 3X). The Portfolio may invest up to 20% of its assets in derivatives, including VIX Futures and equity options. Not more than 10% of the net assets of the Fund will consist of equity securities that trade in markets that are not members of the ISG or are not parties to a comprehensive surveillance sharing agreement with the Exchange. The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A assets deemed illiquid by the Adviser. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and underlying U.S. Exchange-traded Securities, exchange-traded options, futures, and common stocks and preferred securities of foreign corporations with other markets and other entities that are members of ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and underlying U.S. Exchange-traded Securities, exchange-traded options, futures, and foreign exchange-traded common stocks and preferred securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and U.S. Exchange-traded Securities, exchange-traded options, futures, and common stocks and preferred securities of foreign corporations from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. In addition, FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to TRACE.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. Quotation and last sale information for the Shares and underlying U.S. Exchange-traded Securities will be available via the Consolidated Tape Association (''CTA'') high-speed line. The intra-day, closing and settlement prices of U.S. Exchange-traded Securities, as well as exchange-traded futures and foreign exchange-traded common stocks and preferred securities, will be readily available from the national securities exchanges trading such securities as well as automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. Intra-day and closing price information for exchange-traded options and futures will be available from the applicable exchange and from major market data vendors. In addition, price information for U.S. exchange-traded options is available from the Options Price Reporting Authority.

Quotation information from brokers and dealers or pricing services will be available for fixed income securities, including money market instruments, convertible securities, variable rate demand notes, U.S. government and U.S. government agency securities, bonds (including bonds of foreign corporations, governments, agencies and supra-national entities), other sovereign debt, TIPs, VRDOs, repurchase agreements and reverse repurchase agreements; spot and forward currency transactions; and equity securities traded in the OTC market, such as restricted securities and securities of investment companies other than ETPs registered under the 1940 Act, including affiliated funds, money market funds and closed-end funds. Pricing information regarding each asset class in which the Fund or Portfolio will invest is generally available through nationally recognized data service providers through subscription arrangements. Price information regarding OTC-traded derivative instruments, including, options, swaps, and spot and currency-related derivatives, as well as equity securities traded in the OTC market, including Rule 144A Restricted Securities, OTC-traded preferred securities and OTC-traded convertible securities, is available from major market data vendors. Pricing information regarding each asset class in which the Fund or Portfolio will invest will generally be available through nationally recognized data service providers through subscription arrangements.

The Fund's portfolio holdings will be disclosed on its Web site daily after the close of trading on the Exchange and prior to the opening of trading on the Exchange the following day. Moreover, the IOPV will be widely disseminated at least every 15 seconds during the Exchange's Core Trading Session by one or more major market data vendors. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. The Web site for the Fund will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have

ready access to information regarding the Fund's holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Exchange Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an actively-managed exchange-traded product that will principally hold ETPs that are listed and traded on U.S. registered exchanges and that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2015–44 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2015–44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2015–44 and should be submitted on or before June 25, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[42]

Brent J. Fields,

Secretary.

[FR Doc. 2015–13615 Filed 6–3–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75073; File No. SR–CBOE–2015–022]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Withdrawal of Proposed Rule Change Related to Equipment and Communication on the Exchange's Trading Floor

May 29, 2015.

On February 20, 2015, the Chicago Board Options Exchange, Incorporated (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the Exchange's rules relating to equipment and communication devices used on the Exchange's trading floor. The proposed rule change was published for comment in the **Federal Register** on March 10, 2015.[3] The Commission received no comment letters on the proposal. On April 22, 2015, the Commission extended the time period for Commission action to June 8, 2015.[4] On May 26, 2015, CBOE withdrew the proposed rule change (SR–CBOE–2015–022).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[5]

Brent J. Fields,

Secretary.

[FR Doc. 2015–13617 Filed 6–3–15; 8:45 am]

BILLING CODE 8011–01–P

[42] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 74438 (March 4, 2015), 80 FR 12671.

[4] *See* Securities Exchange Act Release No. 74786, 80 FR 23618 (April 28, 2015).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75068; File No. SR–ICC–2015–007]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1, To Provide for the Clearance of an Additional Western European Sovereign Single Name Credit Default Swap Contract

May 29, 2015.

I. Introduction

On April 7, 2015, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–ICC–2015–007 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on April 15, 2015.[3] The Commission did not receive comments on the proposed rule change. On May 27, 2015, ICC filed Amendment No. 1 to the proposed rule change.[4] The Commission is publishing this notice to solicit comments on Amendment No. 1 from interested persons and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposed Rule Change

A. Description of the Initial Rule Filing

In the Initial Rule Filing, ICC proposed changes to its Clearing Rules (''Rules'') to provide the basis for ICC to clear additional Standard Western European Sovereign credit default swap (''CDS'') contracts (collectively, ''SWES Contracts''). ICC currently clears six SWES Contracts: the Republic of Ireland, the Italian Republic, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Belgium, and the Republic of Austria. The proposed changes to the ICC Rules would have provided for the clearance of additional SWES Contracts referencing the Kingdom of the Netherlands, the Republic of Finland, the Kingdom of Sweden, and the Kingdom of Denmark using either the 2003 or the 2014 ISDA Credit Derivatives Definitions. These additional SWES Contracts have terms consistent with the six SWES Contracts approved for clearing at ICC and governed by Subchapter 26I of the ICC Rules. Specifically, ICC proposed to revise Rule 26I–102 to include the Kingdom of the Netherlands, the Republic of Finland, the Kingdom of Sweden, and the Kingdom of Denmark in the list of specific Eligible SWES Reference Entities to be cleared by ICC.

Additionally, ICC proposed changes to its Risk Management Framework in connection with the General Wrong Way Risk (''GWWR'') methodology related to the clearance of additional SWES Contracts. The proposed changes to the ICC Risk Management Framework would have extended the GWWR framework to the portfolio level. ICC's risk methodology does not currently incorporate a Clearing Participant-level cumulative GWWR requirement in the Jump-to-Default calculations. Currently, the uncollateralized wrong-way risk (''WWR'') exposure of a particular Risk Factor needs to exceed its corresponding WWR threshold in order to trigger WWR collateralization. In the Initial Rule Filing, ICC proposed to introduce an enhancement to this calculation to account for the potential accumulation of portfolio WWR through Risk Factor specific WWR exposures. Under the proposed approach, if the cumulative uncollateralized exposure exceeded a pre-determined portfolio GWWR threshold, the amount above the threshold would be collateralized.

B. Description of Amendment No. 1

On May 27, 2015, ICC filed Amendment No. 1 to the proposed rule change. The purpose of the amendment was to remove the Republic of Finland, the Kingdom of Sweden, and the Kingdom of Denmark from the proposed list of additional SWES Contracts to be cleared. Additionally, Amendment No. 1 removed from the proposed rule change the proposed revisions to the ICC Risk Management Framework related to the GWWR methodology submitted in the Initial Rule Filing. Accordingly, the proposed rule change, as amended, seeks approval only to revise Rule 26I–102 to provide for the clearing of one additional SWES Contract, specifically the Kingdom of the Netherlands.

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[5] directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization. Section 17A(b)(3)(F) of the Act[6] requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest.

The Commission finds that the proposed rule change is consistent with the requirements of Section 17A of the Act[7] and the rules and regulations thereunder applicable to ICC. The proposed rule change, as amended, will provide for the clearing of an additional SWES Contract referencing the Kingdom of the Netherlands, which is similar to the other SWES Contracts currently cleared by ICC, using ICC's existing clearing arrangements and related financial safeguards, protections and risk management procedures. The Commission therefore finds that the proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.

IV. Accelerated Approval of Proposed Rule Change as Modified by Amendment No. 1

As discussed above, ICC submitted Amendment No. 1 to the proposed rule change to remove the Republic of Finland, the Kingdom of Sweden, and the Kingdom of Denmark from the proposed list of contracts to be cleared and to remove proposed changes to the ICC Risk Management Framework related to its GWWR methodology from the proposed rule change. The Commission believes that the modification by Amendment No. 1 to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–74687 (Apr. 9, 2015), 80 FR 20278 (Apr. 15, 2015) (File No. SR–ICC–2015–007) (hereinafter referred to as the ''Initial Rule Filing'').

[4] ICC filed Amendment No. 1 to remove the Republic of Finland, the Kingdom of Sweden, and the Kingdom of Denmark from the proposed list of contracts to be cleared and to remove proposed changes to the ICC Risk Management Framework from the proposed rule change, as further described below.

[5] 15 U.S.C. 78s(b)(2)(C).

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 15 U.S.C. 78q–1.

the Initial Rule Filing is consistent with the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[8] Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2)(C)(iii) of the Act,[9] to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of notice of Amendment No. 1 in the **Federal Register**.

V. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether Amendment No. 1 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 No. SR–ICC–2015–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ICC–2015–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of ICC and on ICC's Web site at *https://www.theice.com/clear-credit/regulation.*

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ICC–2015–007 and should be submitted on or before June 25, 2015.

VI. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act [10] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change (SR–ICC–2015–007), as modified by Amendment No. 1, be, and hereby is, approved on an accelerated basis.[12]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Brent J. Fields,

Secretary.

[FR Doc. 2015–13611 Filed 6–3–15; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 15 U.S.C. 78s(b)(2)(C)(iii).

[10] 15 U.S.C. 78q–1.

[11] 15 U.S.C. 78s(b)(2).

[12] In approving the proposed rule change, the Commission considered the proposed rule change's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 9162]

Rescission of Determination Regarding Cuba

In accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), and as continued in effect by Executive Order 13222 of August 17, 2001, I hereby rescind the Determination of March 1, 1982, regarding Cuba, effective May 29, 2015. This action is based upon the considerations contained in the memorandum accompanying the Presidential Report of April 14, 2015, regarding Cuba.

This rescission shall also satisfy the provisions of section 620A(c) of the Foreign Assistance Act of 1961, Public Law 87–195, as amended (22 U.S.C. 2371(c)), and section 40(f) of the Arms Export Control Act, Public Law 90–629, as amended (22 U.S.C. 2780(f)).

This notice shall be published in the **Federal Register**.

Dated: May 28, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–13663 Filed 6–3–15; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Lehigh Valley International Airport (ABE), Allentown, Pennsylvania

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property for non-aeronautical purposes.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land for non-aeronautical purposes at the Lehigh Valley International Airport (ABE), Allentown, Pennsylvania under the provision 49 U.P.C. 47125(a).

DATES: Comments must be received on or before July 6, 2015.

ADDRESSES: Comments on this application may be mailed or delivered to the following address:

Ryan Meyer, Senior Aviation Planner, Lehigh Valley International Airport, 3311 Airport Road, Allentown, Pennsylvania 18109,

and at the FAA Harrisburg Airports District Office:

Lori K. Pagnanelli, Manager, Harrisburg Airports District Office, 3905 Hartzdale Dr., Suite 508, Camp Hill, PA 17011.

FOR FURTHER INFORMATION CONTACT: Rick Harner, Civil Engineer, Harrisburg Airports District Office, location listed above.

The request to release property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release airport property for non-aeronautical purposes at the Lehigh Valley International Airport under the provisions of Section 47125(a) of Title 49 U.S.C. On May 27, 2015, the FAA determined that the request to release airport property for non-aeronautical purposes at the Lehigh Valley International Airport (ABE), Pennsylvania, submitted by the Lehigh Northampton Airport Authority (Authority), met the procedural requirements. Final release of the

property is subject to FAA's NEPA determination.

The following is a brief overview of the request:

The Authority requests the release of a portion of airport property totaling 260 acres, which is no longer needed for aeronautical purposes. Of the total 260 acres, 248 acres are part of Parcel H–1, and 12 acres are part of Parcel X–2. These parcels are located in Allen Township, and were originally included as part of larger property purchased with federal funds over multiple AIP grants.

The 260 acres requested for non-aeronautical use, are to be released to the Rockefeller Group Development Corporation (Rockefeller Group), 500 International Drive North, Suite 345, Mt. Olive, NJ 07828. The property is located in the northwest corner of existing airport property. Rockefeller Group is proposing to sell the 260 acre property to FedEx Ground for the construction of a ground transportation facility. The undeveloped property is located in Allen Township at the intersection of Willowbrook Road and Race Street. As shown on the Airport Layout Plan, the airport property does not serve an aeronautical purpose and is not needed for current or future airport development. The property was part of an inverse condemnation judgment against the Authority. The proceeds from the Fair Market Value (FMV) sale of the 260 acres of property will be used to pay off the judgment and the remaining balance will be placed into an identifiable interest bearing account to be used for eligible airport development purposes, as outlined in FAA Order 5190.6B, Airport Compliance Manual.

Any person may inspect the request by appointment at the FAA office address listed above. Interested persons are invited to comment on the proposed release. All comments will be considered by the FAA to the extent practicable.

Issued in Camp Hill, Pennsylvania, May 28, 2015.

Lori K. Pagnanelli,

Manager, Harrisburg Airports District Office.

[FR Doc. 2015–13501 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues; New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee (ARAC) a new task to provide recommendations regarding the incorporation of airframe-level crashworthiness and ditching standards into Title 14, Code of Federal Regulations (14 CFR) part 25 and development of associated advisory material. The issue is during the development of current airworthiness standards and regulatory guidance, the FAA assumed that airframe structure for transport airplanes would be constructed predominantly of metal, using skin-stringer-frame architecture. Therefore, certain requirements either do not address all of the issues associated with nonmetallic materials, or have criteria that are based on experience with traditionally-configured large metallic airplanes. With respect to crashworthiness, there is no airframe-level standard for crashworthiness. Many of the factors that influence airframe performance under crash conditions on terrain also influence airframe performance under ditching conditions. Past studies and investigations have included recommendations for review of certain regulatory requirements and guidance material to identify opportunities for improving survivability during a ditching event; consideration of these recommendations is included in this tasking.

This notice informs the public of the new ARAC activity and solicits membership for the Transport Airplane Crashworthiness and Ditching Working Group.

FOR FURTHER INFORMATION CONTACT: Ian Won, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98055, *ian.y.won@faa.gov,* phone number 425–227–2145, facsimile number 425–227–1232.

SUPPLEMENTARY INFORMATION:

ARAC Acceptance of Task

As a result of the March 19, 2015 ARAC meeting, the FAA has assigned and ARAC has accepted this task and will establish the Transport Airplane Crashworthiness and Ditching Working Group, Transport Airplane and Engine Issues. The working group will serve as staff to the ARAC and provide advice and recommendations on the assigned task. The ARAC will review and approve the recommendation report and will submit it to the FAA.

Background

The FAA established the ARAC to provide information, advice, and recommendations on aviation related issues that could result in rulemaking to the FAA Administrator, through the Associate Administrator of Aviation Safety.

The Transport Airplane Crashworthiness and Ditching Working Group will provide advice and recommendations to the ARAC on airframe-level crashworthiness and ditching standards to incorporate into part 25 and any associated advisory material.

The requirements of Title 14, Code of Federal Regulations (14 CFR) 25.561 apply equally to structure constructed from either metallic or nonmetallic materials, and regardless of the design architecture and airplane size. Guidance material is mainly contained in FAA Advisory Circular (AC) 25–17A. While not explicitly stated in part 25, during the development of current airworthiness standards and published advisory circulars, the FAA assumed that airplane airframes would be constructed predominantly of metal, using skin-stringer-frame architecture. Therefore, some of the requirements either do not address all of the issues associated with nonmetallic materials, or have criteria that are based on experience with traditionally-configured large metallic airplanes. With respect to crashworthiness, there is no airframe-level standard for crashworthiness. The FAA promulgated standards for occupant protection at the seat installation level, with the presumption that the airframe provides an acceptable level of crashworthiness. Thus when an applicant proposes to use unconventional fuselage structure (materials, design, or both), the FAA has written special conditions to ensure the level of crash protection is equivalent to that provided by a traditionally-configured metallic airplane. These special conditions have been comparative in nature, and do not establish performance standards that are independent of traditional metallic skin-stringer-frame architecture for airframe crashworthiness.

Crashworthiness Factors: Many factors influence the crashworthiness of an airframe, including materials of

construction, geometry, structural philosophy, and fuselage size (fuselage diameter). The key elements of crashworthy airframe design are managing energy absorption and maintaining structural integrity. For the most part, energy absorption is managed through plastic deformation and controlled failures of the lower fuselage structure. Maintaining the integrity of the structure is a balance between keeping loads within human tolerance levels, retaining items of mass, preserving a survivable volume and maintaining access to exits. Existing airworthiness requirements mainly focus on the safety of flight, and not crashworthiness, consequently when deviating from the traditional methods of construction an adequate level of safety cannot be assured.

Increased Use of Composites: In June 2009, the FAA Transport Airplane Directorate requested comments through the **Federal Register** (74 FR 26919) on whether there was a need for future rulemaking to address manufacturers' extensive use of composite materials in airplane construction. Several candidate technical areas were noted in the request, including fire safety, crashworthiness, lightning protection, fuel tank safety and damage tolerance. All responses that the FAA received indicated that crashworthiness in particular needs improved guidance and possible rulemaking.

Ditching: The FAA conducted several investigations on ditching and water-related impacts in the 1980s and 1990s. In conjunction with Transport Canada and the United Kingdom Civil Aviation Authority (UK CAA), the FAA recently investigated ditching/water-related impacts and ditching certification. One of the findings of these investigations is that current practices may not provide an adequate level of safety for the most likely ditching scenarios. From this research, a ditching event can be categorized as a specific type of emergency landing. Many of the factors (*e.g.,* airframe energy absorption characteristics, structural deformation, etc.) that influence airframe performance under crash conditions on terrain also influence airframe performance under ditching conditions. Flight crew procedures, airplane configuration, safety equipment, and passenger preparedness also have a significant influence on survivability during a ditching event. Findings from these investigations include recommendations for review of certain regulatory requirements and guidance material related to the aforementioned factors to identify opportunities for improving survivability during a ditching event.

The Task

The Transport Airplane Crashworthiness and Ditching Working Group is tasked to:

1. Specifically advise and make written recommendations on what airframe-level crashworthiness and ditching standards to incorporate into 14 CFR part 25 and any associated advisory material.

2. Evaluate §§ 25.561, 25.562, 25.563, 25.785, 25.787, 25.789, 25.801, 25.807, 25.1411, 25.1415, and associated regulatory guidance material (*e.g.,* ACs and policy memorandums) to determine what aspects need to be revised to maintain the current level of safety. Evaluate Special Conditions Nos. 25–321–SC, 25–362–SC, 25–528–SC, 25–537–SC, as a basis for future requirements. The Transport Airplane Crashworthiness and Ditching Working Group will specifically review the following factors in making its recommendations:

a. Fuselage size effects as discussed in FAA report DOT/FAA/CT–TN90/23;

b. Safety benefit considerations as identified in CAA Paper 96011 (and any subsequent revisions);

c. Other non-traditional airplane level configurations or structural configurations (*e.g.,* non-skin, stringer, frame construction).

3. Make recommendations, using the information in FAA reports DOT/FAA/TC–14/8 (draft), DOT/FAA/AR–95/54, DOT/FAA/CT–92/04, DOT/FAA/CT–84/3, FAA policy memorandum PS–ANM100–1982–00124, and any other pertinent information that may be available on:

a. Assumptions used in establishing the airplane configuration for ditching, both planned and unplanned;

b. Validation of assumptions used for establishing airplane flight performance for planned and unplanned ditching scenarios;

c. Procedures to be used to execute a successful ditching;

d. Minimum equipment needed to address the likely ditching scenarios.

4. Consider the performance of existing-conventional metallic airframe structure in crash conditions (with consideration to size effects) when developing recommendations for airframe-level crashworthiness and ditching standards, such that conventionally configured airplanes fabricated with typical metallic materials and design details can be shown to meet the proposed regulations without extensive investigation or documentation.

5. Based on the Transport Airplane Crashworthiness and Ditching Working Group recommendations, perform the following:

a. Estimate what regulated parties will do differently as a result of the proposed regulation and how much it would cost;

b. Estimate the improvement (if any) in survivability of future accidents from this proposed regulation (cite evidence in the historical record as support if possible);

c. Estimate any other benefits (*e.g.,* reduced administrative burden) or costs that would result from implementation of the recommendations.

6. Develop a report containing recommendations on whether to incorporate airframe-level crashworthiness and ditching standards into 14 CFR part 25, the recommended requirements, and any associated advisory material.

7. Develop a report containing recommendations on the findings and results of the tasks explained above.

a. The report should document both majority and dissenting positions on the findings and the rationale for each position.

b. Any disagreements should be documented, including the rationale for each position and the reason for the disagreement.

8. Consider EASA requirements, accepted means of compliance (AMC) and guidance material (GM) for harmonization to the extent possible.

9. The Transport Airplane Crashworthiness and Ditching Working Group may be reinstated to assist the ARAC by responding to the FAA's questions or concerns after the recommendation report has been submitted.

Schedule

The recommendation report must be submitted to the FAA for review and acceptance no later than 24 months after publication of this notice.

Working Group Activity

The Transport Airplane Crashworthiness and Ditching Working Group must comply with the procedures adopted by the ARAC. As part of the procedures, the working group must:

1. Conduct a review and analysis of the assigned tasks and any other related materials or documents.

2. Draft and submit a work plan for completion of the task, including the rationale supporting such a plan, for consideration by the Transport Airplane and Engine Subcommittee.

3. Provide a status report at each Transport Airplane and Engine Subcommittee meeting.

4. Draft and submit the recommendation report based on the review and analysis of the assigned tasks.

5. Present the recommendation report at the Transport Airplane and Engine Subcommittee meeting.

Participation in the Working Group

The Transport Airplane Crashworthiness and Ditching Working Group will be comprised of technical experts having an interest in the assigned task. A working group member need not be a member representative of the ARAC. The FAA would like a wide range of members to ensure all aspects of the tasks are considered in development of the recommendations. The provisions of the August 13, 2014 Office of Management and Budget guidance, ''Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions'' (79 FR 47482), continues the ban on registered lobbyists participating on Agency Boards and Commissions if participating in their ''individual capacity.'' The revised guidance now allows registered lobbyists to participate on Agency Boards and Commissions in a ''representative capacity'' for the ''express purpose of providing a committee with the views of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry, sector, labor unions, or environmental groups, etc.) or state or local government.'' (*For further information see* Lobbying Disclosure Act of 1995 (LDA) as amended, 2 U.S.C. 1603, 1604, and 1605.)

If you wish to become a member of the Transport Airplane Crashworthiness and Ditching Working Group, write the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire. Describe your interest in the task and state the expertise you would bring to the working group. The FAA must receive all requests by July 6, 2015. The ARAC and the FAA will review the requests and advise you whether or not your request is approved.

If you are chosen for membership on the working group, you must actively participate in the working group by attending all meetings, and providing written comments when requested to do so. You must devote the resources necessary to support the working group in meeting any assigned deadlines. You must keep your management chain and those you may represent advised of working group activities and decisions to ensure the proposed technical solutions do not conflict with the position of those you represent. Once the working group has begun deliberations, members will not be added or substituted without the approval of the ARAC Chair, the FAA, including the Designated Federal Officer, and the Working Group Chair.

The Secretary of Transportation determined the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

ARAC meetings are open to the public. However, meetings of the Transport Airplane Crashworthiness and Ditching Working Group are not open to the public, except to the extent individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on May 28, 2015.

Brenda D. Courtney,

Acting Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2015–13542 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327, and the U.S. Army Corps of Engineers (USACOE).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, San Diego Freeway (I–405) Improvement Project from State Route (SR) 73 to Interstate 605 (I–605). Work is proposed as follows:

—From Post Mile (PM) 9.3 to Post Mile 24.2 in Orange County and Post Mile 0.0 to Post Mile 1.2; 12–ORA–22 p.m. R0.7/R3.8/12–ORA–22 p.m. R0.5/R0.7; 12–ORA–73 p.m. R27.2/R27.8/12–ORA–605 p.m. 3.5/R1.6; 07–LA–605 p.m. R0.0/R1.2 in the Counties of Orange and Los Angeles, State of California.

Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(I)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before November 2, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Smita Deshpande, Branch Chief, California Department of Transportation District 12, Division of Environmental Analysis, 3347 Michelson Drive, Suite 100, Irvine, California 92612, during normal business hours from 8:00 a.m. to 5:00 p.m., Telephone number (949) 724–2800, email: *smita.deshpande@dot.ca.gov*.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(I)(1) by issuing licenses, permits, and approvals for the I–405 Improvement Project in the State of California. The project's Selected Alternative includes the addition of one GP lane in each direction on I–405 from Euclid Street to the I–605 interchange, plus the addition of a tolled Express Lane in each direction of I–405 from SR–73 to SR–22 East. The tolled Express Lane and the existing HOV lanes would be managed jointly as a tolled Express Facility with two lanes in each direction from SR–73 to I–605. Access to the SR–73 Express Lane Facility would be via construction of the new direct connector to SR–73 south of the I–405 junction. Auxiliary lanes would be added at various locations. The project may be implemented in phases and/or segments and procured under one or more contracts, including the option of using design/bid/build, design-build or public/private contract authority. The project is planned to be constructed in 54 months. The project is intended to reduce congestion, enhance operations, increase mobility, improve trip reliability, maximize throughput, optimize operations, and minimize environmental impacts and ROW acquisition. It will more effectively serve existing and future travel demand within Orange County and between Orange and Los Angeles Counties. The

project will provide improvements along the I–405 corridor as well as to related local roads, and to reduce diversion of regional traffic from the freeways into the surrounding communities.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on March 26, 2015, in the Record of Decision (ROD) issued on May 15, 2015, and in other documents in the FHWA project records. The FEIS, ROD, and other project records are available by contacting Caltrans at the address provided above. The FEIS and ROD can be viewed and downloaded from the project Web site at *http://www.dot.ca.gov/dist12/405/index.htm*. The section 404 Nationwide Permit Status is available by contacting California Department of Transportation District 12 at the address provided above. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4351)
2. Air: Clean Air Act (42 U.S.C. 7401–7671(q))
3. Wildlife: Migratory Bird Treaty Act (16 U.S.C. 703–712); Federal Endangered Species Act of 1973 (16 U.S.C. 1531–1543)
4. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470(f) *et seq.*);
5. Wetland and Water Resources: Clean Water Act (33 U.S.C. 1251–1377) (section 404, section 401, section 319);
6. Land: Department of Transportation Act of 1966, (49 U.S.C. 303) (section 4(f))
7. Executive Orders: E.O. 11990-Protection of Wetlands; E.O. 11988—Floodplain Management; E.O. 12898—Federal Actions to Address Environmental Justice in Minority and Low Income Populations; E.O. 11593—Protection and Enhancement of Cultural Resources; E.O. 13112—Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1)

Jack Lord,

Planning and Air Quality Team Leader, Federal Highway Administration, Sacramento, California.

[FR Doc. 2015–13625 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0060]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of applications for exemptions request for comments.

SUMMARY: FMCSA announces receipt of applications from 49 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before July 6, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2015–0060 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: 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.*

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 49 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Craig S. Barton

Mr. Barton, 47, has had ITDM since 2009. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the

past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Barton understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Barton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Utah.

Kevin H. Bennerson

Mr. Bennerson, 36, has had ITDM since 2012. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Bennerson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bennerson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Eugene Butler

Mr. Butler, 56, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Butler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Butler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arkansas.

Dominick M. Ciuffreda

Mr. Ciuffreda, 31, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ciuffreda understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ciuffreda meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Allen D. Clise

Mr. Clise, 54, has had ITDM since 2006. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Clise understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Clise meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Maryland.

John W. Dillard

Mr. Dillard, 26, has had ITDM since 2003. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Dillard understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dillard meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Derek P. Elkins

Mr. Elkins, 45, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Elkins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Elkins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Arizona.

Joshua J. Ellett

Mr. Ellett, 29, has had ITDM since 2008. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ellett understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ellett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Indiana.

Raymond C. Erschen

Mr. Erschen, 70, has had ITDM since 2006. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Erschen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Erschen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Dominic C. Frisina

Mr. Frisina, 69, has had ITDM since 2008. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Frisina understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Frisina meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

David D. Gambill

Mr. Gambill, 54, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gambill understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gambill meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from North Carolina.

Dennis T. Gannon

Mr. Gannon, 68, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gannon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gannon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Jersey.

Arnold W. Geske

Mr. Geske, 70, has had ITDM since 2008. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Geske understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Geske meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Alan G. Gladhill

Mr. Gladhill, 60, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gladhill understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gladhill meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Maryland.

Richard A. Hall

Mr. Hall, 51, has had ITDM since 2010. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

Dwight L. Hawkins

Mr. Hawkins, 53, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hawkins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hawkins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Craig L. Jackson

Mr. Jackson, 45, has had ITDM since 1972. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Jackson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jackson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Wyoming.

Wayne A. Jadezuk

Mr. Jadezuk, 62, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Jadezuk understands diabetes management and monitoring, has stable control of his diabetes using

insulin, and is able to drive a CMV safely. Mr. Jadezuk meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Lee L. Kropp

Mr. Kropp, 48, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Kropp understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kropp meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Wisconsin.

Douglas B. Lampela

Mr. Lampela, 51, has had ITDM since 2012. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lampela understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lampela meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from Michigan.

David E. Lawton

Mr. Lawton, 55, has had ITDM since 2007. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lawton understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lawton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Babe A. Lisai

Mr. Lisai, 57, has had ITDM since 2008. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lisai understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lisai meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Adrian Martinez-Alba

Mr. Martinez-Alba, 44, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Martinez-Alba understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Martinez-Alba meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

Robert S. Medberry

Mr. Medberry, 23, has had ITDM since 1992. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Medberry understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Medberry meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Daniel Mendolia

Mr. Mendolia, 37, has had ITDM since 1996. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mendolia understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mendolia meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from New York.

Gary L. Mjoness

Mr. Mjoness, 64, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mjoness understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mjoness meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

Marty G. Niles

Mr. Niles, 48, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function

that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Niles understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Niles meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Montana.

Timothy W. Olden

Mr. Olden, 54, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Olden understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Olden meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Jersey.

John Palermo

Mr. Palermo, 54, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Palermo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Palermo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Dennis P. Pantone

Mr. Pantone, 54, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pantone understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pantone meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from New York.

John N. Peterson

Mr. Peterson, 54, has had ITDM since 2008. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Peterson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Peterson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Robert L. Potter, Jr.

Mr. Potter, 45, has had ITDM since 2009. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Potter understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able drive a to CMV safely. Mr. Potter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Hampshire.

Todd M. Raether

Mr. Raether, 42, has had ITDM since 2015. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Raether understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Raether meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nebraska.

Michael A. Ramsey

Mr. Ramsey, 34, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Ramsey understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ramsey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Connecticut.

Gene P. Rhodes Sr.

Mr. Rhodes, 74, has had ITDM since 2012. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rhodes understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rhodes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Peter B. Rzadkowski, Jr.

Mr. Rzadkowski, 30, has had ITDM since 2010. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rzadkowski understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rzadkowski meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

Jeffrey J. Salvador

Mr. Salvador, 39, has had ITDM since 2008. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Salvador understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Salvador meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Michigan.

Michael A. Scavotto

Mr. Scavotto, 60, has had ITDM since 2010. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Scavotto understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Scavotto meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Michael Schmidt

Mr. Schmidt, 53, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schmidt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schmidt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Steven J. Schmitt

Mr. Schmitt, 59, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schmitt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schmitt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Carl J. Schneider

Mr. Schneider, 76, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schneider understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schneider meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

John R. Sherbondy

Mr. Sherbondy, 70, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sherbondy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sherbondy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Douglas J. Smith

Mr. Smith, 52, has had ITDM since 2009. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Smith understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Johnathan C. Steffes

Mr. Steffes, 24, has had ITDM since 1997. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Steffes understands

diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Steffes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from California.

Carmen M. Stellitano

Mr. Stellitano, 73, has had ITDM since 2001. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Stellitano understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stellitano meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class C CDL from Pennsylvania.

Andy L. Strommenger

Mr. Strommenger, 38, has had ITDM since 1992. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Strommenger understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Strommenger meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Colorado.

Jared Villa

Mr. Villa, 23, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Villa understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Villa meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Dakota.

Robert T. Warriner

Mr. Warriner, 52, has had ITDM since 2002. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Warriner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Warriner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Ellis E. Wilkins

Mr. Wilkins, 81, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wilkins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely.

Mr. Wilkins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2015–0060 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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 this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, to submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2015–0060 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: May 22, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–13652 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0177]

Parts and Accessories Necessary for Safe Operation; Exemption Renewal for the Flatbed Carrier Safety Group

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

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: FMCSA renews the Flatbed Carrier Safety Group's (FCSG) exemption which allows the securement of metal coils on a flatbed vehicle, in a sided vehicle, or in an intermodal container loaded with eyes crosswise, grouped in rows, in which the coils are loaded to contact each other in the longitudinal direction. Motor carriers may continue to use the pre-January 1, 2004, cargo securement regulations for the transportation of groups of metal coils with eyes crosswise, as this loading configuration is not currently covered under the Agency's commodity-specific rules for securing metal coils in 49 CFR 393.120. The Agency has concluded that granting this exemption renewal will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption. However, the Agency requests comments on this issue, especially from anyone who believes this standard will not be maintained.

DATES: This decision is effective June 4, 2015. Comments must be received on or before July 6, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) number FMCSA–2010–0177 by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.
- *Hand Delivery:* Ground Floor, Room W12–140, DOT Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the exemption process, see the ''Public Participation'' heading below. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the ''Privacy Act'' heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or to Room W12–140, DOT Building, New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgement that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: 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.*

FOR FURTHER INFORMATION CONTACT: Mr. Luke W. Loy, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations, MC–PSV, (202) 366–0676, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315(b)(1), FMCSA may renew an exemption from the Federal Motor Carrier Safety Regulations for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' FCSG has requested a two-year extension for the exemption from 49 CFR 393.120 to allow motor carriers to comply with the pre-January 1, 2004, cargo securement regulations (then at 49 CFR 393.100(c)) for the transportation of groups of metal coils with eyes crosswise. The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

Basis for Renewing Exemption

FCSG applied for an exemption from 49 CFR 393.120 in 2010 to allow motor carriers to comply with the pre-January 1, 2004, cargo securement regulations for the transportation of groups of metal coils with eyes crosswise. On April 14, 2011, FMCSA published a notice of final disposition in the **Federal Register** granting the exemption (76 FR 20867). On June 11, 2013, FMCSA published a notice of final disposition renewing this exemption until April 13, 2015 (78 FR 35087). The renewal outlined in this notice extends the exemption through April 13, 2017, and requests public comment.

FMCSA is not aware of any evidence showing that compliance with the pre-January 1, 2004, cargo securement regulations for the transportation of groups of metal coils with eyes crosswise, in accordance with the conditions of the original exemption,

has resulted in any degradation in safety. The Agency believes that extending the exemption for a period of two years will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption because the metal coils are grouped and secured together in the longitudinal direction, *i.e.,* ''unitized,'' with the cargo securement system meeting all of the aggregate working load limit requirements of 49 CFR 393.106(d).

The exemption is renewed subject to the following requirements, provided motor carriers using the exemption continue to meet the aggregate working load limits of 49 CFR 393.106(d).

Coils with eyes crosswise: If coils are loaded to contact each other in the longitudinal direction, and relative motion between coils, and between coils and the vehicle, is prevented by tiedown assemblies and timbers:

(1) Only the foremost and rearmost coils must be secured with timbers having a nominal cross section of 4 x 4 inches or more and a length which is at least 75 percent of the width of the coil or row of coils, tightly placed against both the front and rear sides of the row of coils and restrained to prevent movement of the coils in the forward and rearward directions; and

(2) The first and last coils in a row of coils must be secured with a tiedown assembly restricting against forward and rearward motion, respectively. Each additional coil in the row of coils must be secured to the trailer using a tiedown assembly.

The exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) Motor carriers and/or commercial motor vehicles fail to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

Request for Comments

FMCSA requests comments from parties with data concerning the safety record of motor carriers transporting groups of metal coils with eyes crosswise, in accordance with the conditions of the original exemption, by July 6, 2015. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b)(1), FMCSA will take immediate steps to revoke the FCSG exemption.

Issued on: May 21, 2015.

T.F. Scott Darling, III,

Chief Counsel.

[FR Doc. 2015–13655 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–5748; FMCSA–2006–26653; FMCSA–2008–0398]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 14 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective July 2, 2015. Comments must be received on or before July 6, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–1999–5748; FMCSA–2006–26653; FMCSA–2008–0398], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: 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*.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

II. Exemption Decision

This notice addresses 14 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 14 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Michael W. Anderson (NM)
Michael R. Bradford (MD)
John J. Caricola, Jr (NC)
Angklika D. M. Engle (GA)
Wade M. Hillmer (MN)
Michael W. Jensen (CA)
Clifford E. Masink (OH)
Michael J. McGregan (FL)
Felix L. McLean (NM)
Willie E. Nichols (FL)
John P. Perez (FL)
Scott K. Richardson (OH)
Kyle C. Shover (NJ)
Charles H. Smith (IN)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 14 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (64 FR 40404; 64 FR 66962; 67 FR 17102; 70 FR 25878; 72 FR 8417; 72 FR 34062; 72 FR 36099; 74 FR 7097; 74 FR 15584; 74 FR 26466; 74 FR 26471; 76 FR 37173; 78 FR 57679). Each of these 14 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

IV. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–1999–5748; FMCSA–2006–26653; FMCSA–2008–0398), 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 or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number, ''FMCSA–1999–5748; FMCSA–2006–26653; FMCSA–2008–0398'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. 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. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and in the search box insert the docket number, ''FMCSA–1999–5748; FMCSA–2006–26653; FMCSA–2008–0398'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button choose the document listed to review. 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 DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued On: May 22, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–13654 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2013–0442; FMCSA–2013–0443; FMCSA–2013–0444; FMCSA–2013–0445; FMCSA–2014–0213; FMCSA–2014–0214; FMCSA–2014–0215; FMCSA–2014–0216; FMCSA–2014–0378; FMCSA–2014–0379; FMCSA–2014–0380; FMCSA–2014–0381; FMCSA–2014–0382]

Denial of Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of denial of applications for seizure exemptions.

SUMMARY: FMCSA announces the denial of 36 individuals' applications for exemptions from the rule prohibiting persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to operate a commercial motor vehicle (CMV) from operating CMVs in interstate commerce. The reason for each of the denials is listed after the individual's name.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202)

366–4001, or via email at *fmcsamedical@dot.gov,* or by letter to FMCSA, Room W64–113, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statutes allow the Agency to renew exemptions at the end of the 2-year period. The 36 individuals listed in this notice have requested an exemption from the epilepsy and seizure disorder standard in 49 CFR 391.41(b)(8), which applies to drivers who operate CMVs as defined in 49 CFR 390.5, in interstate commerce. Section 391.41(b)(8) states that a person is qualified physically to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In order to make an evidence-based decision, FMCSA conducted a comprehensive review of scientific literature and convened a panel of medical experts in the field of neurology to evaluate key questions regarding seizure and anti-seizure medication related to the safe operation of a CMV. Previously, the Agency gathered evidence for decision making concerning potential changes to the regulation by conducting a comprehensive review of scientific literature that was compiled into a report entitled, ''*Evidence Report on Seizure Disorders and Commercial Vehicle Driving''* (*Evidence Report*) [CD–ROM HD TL230.3 .E95 2007]. The Agency then convened a MEP in the field of neurology on May 14–15, 2007, to review 49 CFR 391.41(b)(8) and the advisory criteria regarding individuals who have experienced a seizure and the 2007 Evidence Report. The *Evidence Report* and the MEP recommendations are published on-line at *http://www.fmcsa.dot.gov/rules-regulations/topics/mep/mep-reports.htm* under Seizure Disorders and are in the docket for this notice. In reaching the determination to grant or deny exemption requests for individuals who have experienced a seizure, the Agency considered both current medical literature and information and the 2007 recommendations of the Agency's Medical Expert Panel (MEP).

MEP Criteria for Evaluation

On October 15, 2007, the MEP issued the following recommended criteria for evaluating whether an individual with epilepsy or a seizure disorder should be allowed to operate a CMV.[1] The MEP recommendations are included in an appendix at the end of this notice and in each of the previously published dockets.

Epilepsy diagnosis. If there is an *epilepsy diagnosis,* the applicant should be seizure-free for *8 years, on or off medication.* If the individual is taking anti-seizure medication(s), the plan for medication should be stable for *2 years.* Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with an epilepsy diagnosis should be performed every year.

Single unprovoked seizure. If there is a *single unprovoked seizure* (*i.e.,* there is no known trigger for the seizure), the individual should be seizure-free for *4 years, on or off medication.* If the individual is taking anti-seizure medication(s), the plan for medication should be stable for *2 years.* Stable means no changes in medication, dosage, or frequency of medication administration. Recertification for drivers with a single unprovoked seizure should be performed every 2 years.

Single provoked seizure. If there is a *single provoked seizure* (*i.e.,* there is a known reason for the seizure), the Agency should consider specific criteria that fall into the following two categories: low-risk factors for recurrence and moderate-to-high risk factors for recurrence.

- *Examples of low-risk factors for recurrence* include seizures that were caused by a medication; by non-penetrating head injury with loss of consciousness less than or equal to 30 minutes; by a brief loss of consciousness not likely to recur while driving; by metabolic derangement not likely to recur; or by alcohol or illicit drug withdrawal.
- *Examples of moderate-to-high-risk factors for recurrence* include seizures caused by non-penetrating head injury with loss of consciousness or amnesia greater than 30 minutes or penetrating head injury; intracerebral hemorrhage associated with a stroke or trauma; infections; intracranial hemorrhage; post-operative complications from brain surgery with significant brain hemorrhage; brain tumor; or stroke.

The MEP report indicates that individuals with moderate to high-risk conditions should not be certified. Drivers with a history of a single provoked seizure with low risk factors for recurrence should be recertified every year.

Medical Review Board Recommendations and Agency Decision

FMCSA presented the MEP's findings and the Evidence Report to the Medical Review Board (MRB) for consideration. The MRB reviewed and considered the 2007 ''Seizure Disorders and Commercial Driver Safety'' evidence report and the 2007 MEP recommendations. The MRB recommended maintaining the current advisory criteria, which provide that ''drivers with a history of epilepsy/seizures off anti-seizure medication and seizure-free for 10 years may be qualified to drive a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a 5 year period or more'' [Advisory criteria to 49 CFR 391.43(f)].

The Agency acknowledges the MRB's position on the issue but believes current relevant medical evidence supports a less conservative approach. The medical advisory criteria for epilepsy and other seizure or loss of consciousness episodes was based on the 1988 ''Conference of Neurological Disorders and Commercial Driving'' (NITS Accession No. PB89–158950/AS). A copy of the report can be found in the docket referenced in this notice.

The MRB's recommendation treats all drivers who have experienced a seizure the same, regardless of individual medical conditions and circumstances. In addition, the recommendation to continue prohibiting drivers who are taking anti-seizure medication from operating a CMV in interstate commerce does not consider a driver's actual seizure history and time since the last seizure. The Agency has decided to use the 2007 MEP recommendations as the basis for evaluating applications for an exemption from the seizure regulation on an individual, case-by-case basis. The disposition of applications announced in this notice applies the 2007 MEP recommendations.

Denials and Reasons

- *The following driver was listed previously in* ***Federal Register*** *Notice*

[1] Engel, J., Fisher, R.S., Krauss, G.L., Krumholz, A., and Quigg, M.S., ''Expert Panel Recommendations: Seizure Disorders and Commercial Motor Vehicle Driver Safety,'' FMCSA, October 15, 2007.

FMCSA–2013–0442 published on February 25, 2014:

Bryan Puterbaugh—Mr. Puterbaugh has a history of epilepsy. His last seizure was in 2002. His anti-seizure medication was discontinued in 2008. He does not meet the MEP guidelines at this time.

• *The following driver was listed previously in* ***Federal Register*** *Notice FMCSA–2013–0443 published on March 21, 2014:*

Scott Smith—Mr. Smith has a history of seizure disorder. His last seizure was in 2002. His anti-seizure medication was discontinued 2012. He does not meet the MEP guidelines at this time.

• *The following driver was listed previously in* ***Federal Register*** *Notice FMCSA–2013–0444 published on May 13, 2014:*

Earnest Williams—Mr. Williams has a history of epilepsy. His last seizure was in 2001. His anti-seizure medication was discontinued in 2010. He does not meet the MEP guidelines at this time.

• *The following drivers were listed previously in* ***Federal Register*** *Notice FMCSA–2014–0213 published on August 12, 2014:*

Brian Brown—Mr. Brown has a history of seizure disorder. His last seizure was October 2008. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Adam Schultz—Mr. Schultz has a history of epilepsy. His last seizure was November 2009. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

• *The following driver was listed previously in* ***Federal Register*** *Notice FMCSA–2014–0214 published on September 18, 2014:*

Michael LaPlante—Mr. LaPlante has a history of epilepsy. His last seizure was June 2011. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

• *The following drivers were listed previously in* ***Federal Register*** *Notice FMCSA–2014–0215 published on September 9, 2014:*

Brian Bose—Mr. Bose has a history of epilepsy secondary to a right frontal lobe meningioma which was resected in 1997 and again in 2014. He had a postoperative seizure in 2014. He does not meet the MEP guidelines at this time.

Aimee-Christine Bjornstad—Ms. Bjornstad has a history of epilepsy. Her last seizure was August 2008. She takes anti-seizure medication. She does not meet the MEP guidelines at this time.

Todd Riel—Mr. Riel has a history of seizure disorder. His last seizure was September 2011. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Tory Shuler—Mr. Shuler has a history of seizure disorder. His last seizure was October 2012. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

• *The following driver was listed previously in* ***Federal Register*** *Notice FMCSA–2014–0216 published on October 1, 2014:*

David Allen Mitchell—Mr. Mitchell has a history of seizure disorder due to a frontal craniotomy aneurysm clipping. His last seizure was approximately four years ago. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

• *The following drivers were listed previously in* ***Federal Register*** *Notice FMCSA–2014–0378 published on October 27, 2014:*

Jason McKenna Sr.—Mr. McKenna has a history of seizure disorder. His last seizure was July 2010. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Bobby Shane Walker—Mr. Walker has a history of seizure disorder. His last seizure was in 1990, however in 2014 he became suddenly incapacitated while driving and suffered a minor crash. He does not meet the MEP guidelines at this time.

• *The following drivers were listed previously in* ***Federal Register*** *Notice FMCSA–2014–0379 published on November 24, 2014:*

Keith Boelter—Mr. Boelter has a history of epilepsy. His last seizure was May 2014. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Philip Canales, Jr.—Mr. Canales has a history of a seizure 30 years ago after a severe post traumatic brain injury. His doctor stated that in 2009 he suffered three brief spells in which he felt funny. It is unclear if these three brief spells were seizures. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Gerald Hodge—Mr. Hodge has a history of seizure disorder. His last seizure was in 2012. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Donald Horst—Mr. Horst has a history of seizure disorder. His last seizure was July 2008. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

David Satchell—Mr. Satchell has a history of seizure disorder. His last seizure was September 2013. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Eric Schams—Mr. Schams has a history of seizure disorder. His last seizure was September 2013. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

• *The following drivers were listed previously in* ***Federal Register*** *Notice FMCSA–2014–0380 published on January 22, 2015:*

Allen James Broll—Mr. Broll has a history of having two spontaneous subdural hematomas. He has no history of seizure. He takes anti-seizure medication as a prophylactic measure. He does not meet the MEP guidelines at this time.

Mark A. Grafton—Mr. Grafton has a history of a seizure in 2014, secondary to a stroke. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Zachary Kyle Griffin—Mr. Griffin has a history of post-traumatic seizure disorder. His last seizure was 2009. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Matthew M. Lohman—Mr. Lohman has a history of seizures. His last seizure was in 2011. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Nicholas Blake Malott—Mr. Malott has a history of a seizure disorder. His last seizure was in 2014. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Kevin W. Mathis—Mr. Mathis has a history of epilepsy. His last seizure was in 2012. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Jason R. McKenzie—Mr. McKenzie has a history of seizures. His last seizure was in 2012. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Steven R. Plummer—Mr. Plummer has a history of a movement disorder with symptoms of unsteadiness and muscle twitching. He has no history of seizure. He takes anti-seizure medication for his movement disorder. He does not meet the MEP guidelines at this time.

Clinton James Howard Sheller—Mr. Sheller has a history of a seizure disorder. His last seizure was in 2010. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

• *The following drivers were listed previously in* ***Federal Register*** *Notice FMCSA–2014–0381 published on February 4, 2015.*

Bryant Justin Carter—Mr. Carter has a history of seizure. His last seizure was in 2012. He does not take anti-seizure medication. He does not meet the MEP guidelines at this time.

Richard A. Frazier, Jr.—Mr. Frazier has a history of an episode of loss of consciousness in 2013. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Emanuel Villegas—Mr. Villegas has a history of seizures. His last seizure was in 2013. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

• *The following drivers were listed previously in* ***Federal Register*** *Notice FMCSA–2014–0382 published on April 13, 2015.*

Cody A. Baker—Mr. Baker has a history of a seizure disorder. His last seizure was in 2010. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Glenn M. Gervais—Mr. Gervais has a history of a seizure disorder. His last seizure was in 2011. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Robert I. Keene, Jr.—Mr. Keene has a history of a seizure disorder. His last seizure was in 2012. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Larry T. Lintelman—Mr. Lintelman has a history of a seizure disorder. His last seizure was in 2011. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Robert R. Rosebrough, Jr.—Mr. Rosebrough has a history of epilepsy. His last seizure was in 2014. He takes anti-seizure medication. He does not meet the MEP guidelines at this time.

Issued on: May 22, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–13657 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0268]

Hours of Service of Drivers: Trailways Companies Application for Exemption Renewal

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

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant Adirondack Trailways, Pine Hill Trailways, New York Trailways (''Trailways'') and all other regular-route passenger carriers and their drivers a renewal of their exemption from the hours-of-service (HOS) record of duty status (RODS) requirement to enter a change in duty status on the daily log for breaks in driving time of 10 minutes or less, for the limited purpose of picking up or dropping off passengers, baggage, or small express packages. FMCSA extended the exemption to all regular-route passenger carriers and their drivers rather than limiting it to Trailways' drivers. The renewal of the exemption will allow these drivers to perform their daily duties without having to record entries in the daily log for breaks in driving time of 10 minutes or less. Such activity will not be considered a change of duty status for the purposes of 49 CFR 395.8(c).

DATES: This exemption is effective from May 31, 2015 through May 31, 2017.

FOR FURTHER INFORMATION CONTACT: Mrs. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325, Email: *MCPSD@dot.gov,* Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Docket: For access to the docket to read background documents or comments submitted to the notice requesting public comments on the exemption application, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line Federal document management system is available 24 hours each day, 365 days each year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Trailways Application for Exemption

The HOS rule in 49 CFR 395.8 requires every commercial motor vehicle (CMV) driver to record his or her duty status for each 24-hour period using methods described in that section. Section 395.8(c) describes the manner in which each change of duty status must be recorded. Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the HOS requirements for up to 2 years if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The procedures for requesting an exemption (including renewals) are prescribed in 49 CFR part 381.

Trailways' initial application for relief from the HOS RODs rule was submitted in 2012; a copy of the application is in the docket identified at the beginning of this notice. The 2012 application describes fully the nature of Trailways' operations. On May 31, 2013, FMCSA granted the exemption to Trailways and all other regular route passenger carriers and their drivers for the period from May 31, 2013, through May 31, 2015 (78 FR 32701).

Trailways' application for a renewal of the exemption is for fixed-route carriers and their drivers who are often away from the controls of the vehicle for less than 10 minutes to assist passengers or make passenger pick-ups and drop-offs along the route. Trailways' advised that, until March 2011, they and other motor carriers had been operating in accordance with a 1996 interpretation of 49 CFR 395.8(c) issued by the Federal Highway Administration (FHWA). The 1996 interpretation allowed regular-route passenger carrier CMV drivers not to record a location entry on the driver's RODS for non-driving periods of less than 10 minutes. The RODS simply showed the stop as driving time. In March 2011, New York State officials began enforcing the rule literally, requiring that a change in duty status be entered on the log any time the driver leaves the operating controls of the CMV. Trailways was concerned that the violations would have a negative effect on the companies' and the drivers' Compliance Safety Accountability ratings, as well as schedules and passenger service because of the delays needed to make the entries.

Trailways requested that their drivers with regularly scheduled routes be exempted from changing their duty status from ''driving'' to ''on-duty not driving'' when making stops of less than 10 minutes.

Trailways noted that the exemption would reduce the amount of total time a driver can drive in a duty period. Without the exemption, the times drivers spend at stops to load passengers, freight, etc. would be logged as on-duty/not driving, increasing the driving time available, but creating an additional administrative distraction every time the driver leaves the controls, regardless of the reason or the limited amount of time away from the vehicle controls. Trailways further advised that its carriers provide flag stops and that having to update the log at each flag stop increases the length of time the motorcoach may delay traffic while waiting for the pick-up and/or discharge of passengers and luggage, and then waiting for the driver to update the log. According to Trailways, in many instances the large number of brief stops will not fit on the log if the driver makes all of the required entries.

Trailways noted that the maximum possible driving time would be reduced and that traffic congestion could be reduced. FMCSA believes this will ensure that operations under the exemption will be at least as safe as operations that comply with the requirements on change of duty status.

As in 2013, FMCSA extends the renewed exemption to all regular-route for-hire passenger-carrier drivers because they presumably operate in much the same manner as Trailways. Including all such drivers in the exemption will preclude the need for other carriers to file identical exemption requests, and will provide for consistent enforcement because the same provisions would be applied to all similar scenarios involving brief stops by drivers of these carriers during their regular-route operations. Copies of Trailways' original and renewal applications are available for review in the docket for this notice.

Public Comments

On March 18, 2015, FMCSA published notice of this application, and asked for public comment (80 FR 14229). Only one comment was submitted, and it supported the renewal of the exemption. The comment is available for review in the docket for this notice.

FMCSA Decision

The FMCSA has evaluated Trailways' application for renewal of the exemption and the public comment. The Agency believes that Trailways will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption (49 CFR 381.305(a)). During the 2-year period of the current exemption, only one accident was reported while operating under the exemption, and the motorcoach driver was determined to not be at fault.

Terms of the Exemption

Period of the Exemption

The exemption from the HOS record of duty status requirements of 49 CFR 395.8(c) is granted for the period from 12:01 a.m. on May 31, 2015 through 11:59 p.m. on May 31, 2017.

Extent of the Exemption

The exemption is restricted to drivers employed by Trailways and other regular-route for-hire passenger carriers. Instead of complying with the provisions in 49 CFR 395.8(c), these drivers are exempted from changing their duty status from ''driving'' to ''on-duty not driving'' when making stops of less than 10 minutes. These drivers must comply with all other applicable provisions of the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399).

Preemption

In accordance with 49 U.S.C. 31315(d), during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Notification to FMCSA

Trailways and other regular-route for-hire passenger-carriers utilizing this exemption must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carrier's CMVs operating under the terms of this exemption. The notification must include the following information:

a. Name of operating motor carrier and USDOT number,

b. Date of the accident,

c. City or town, and State, in which the accident occurred, or closest to the accident scene,

d. Driver's name and license number and State of issuance,

e. Vehicle number and State license plate number,

f. Number of individuals suffering physical injury,

g. Number of fatalities,

h. The police-reported cause of the accident,

i. Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations, and

j. The driver's total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to *MCPSD@DOT.GOV.*

Termination

FMCSA does not believe the carriers and drivers covered by this exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation or restriction of the exemption. The FMCSA will immediately revoke or restrict the exemption for failure to comply with its terms and conditions.

Issued on: May 27, 2015.

T.F. Scott Darling, III,

Chief Counsel.

[FR Doc. 2015–13653 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–8398; FMCSA–2003–14504; FMCSA–2005–20560]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 3 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective June 30, 2015. Comments must be received on or before July 6, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2000–8398; FMCSA–2003–14504; FMCSA–2005–20560], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or

comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: 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.*

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

II. Exemption Decision

This notice addresses 3 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 3 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

Edmund J. Barron (PA)
Darryl D. Cassatt (IA)
Thomas E. Howard (IN)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 3 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 78256; 66 FR 16311; 68 FR 13360; 68 FR 19598; 68 FR 33570; 70 FR 17504; 70 FR 25878; 70 FR 30997; 70 FR 37891; 72 FR 27624; 72 FR 32705; 72 FR 34062; 74 FR 26464; 74 FR 26471; 76 FR 34133; 76 FR 34135; 78 FR 57677). Each of these 3 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

IV. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2000–8398; FMCSA–2003–14504; FMCSA–2005–20560), 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 or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, got to *http://www.regulations.gov* and put the docket number, ''FMCSA–2000–8398; FMCSA–2003–14504; FMCSA–2005–20560'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. 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. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and in the search box insert the docket number, ''FMCSA–2000–8398; FMCSA–2003–14504; FMCSA–2005–20560'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button choose the document listed to review. 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 DOT West Building, 1200 New Jersey Avenue SE.,

Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: May 22, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–13656 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–1999–5104]

Petition for Waiver of Compliance

In accordance with part 211 of title 49 of the Code of Federal Regulations (CFR), this provides the public notice that by a document dated May 6, 2015, the Association of American Railroads (AAR) has petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 213. FRA assigned the petition docket number FRA–1999–5104.

AAR, on behalf of its member railroads, received permission from FRA to install flange bearing frogs on June 27, 2000. AAR requested and was granted two extensions, dated July 28, 2009 and October 5, 2010. The current waiver, which will expire on October 5, 2015, grants AAR relief from the flangeway depth requirements of 49 CFR 213.137(a), and the track class and speed restrictions of 213.137(d) in order to install flange bearing frog crossing diamonds in any track class up to Class 5.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. DOT, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by July 20, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on May 28, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–13638 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2015–0041]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this provides the public notice that by a document dated April 28, 2015, the Central Florida Rail Corridor (CFRC) also known as SunRail, has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from several provisions of the Federal railroad safety regulations. Specifically, CFRC requests relief from certain provisions of 49 CFR part 240, Qualification and Certification of Locomotive Engineers, and part 242, Qualification and Certification of Conductors. The request was assigned Docket Number FRA–2015–0041. The relief requested is contingent on CFRC's implementation of and participation in the Confidential Close Call Reporting System (C3RS) pilot project.

CFRC seeks to shield reporting employees and the railroad from mandatory punitive sanctions that would otherwise arise as provided in 49 CFR 240.117(e)(1) through (4); 240.305(a)(l) through (4) and (a)(6); 240.307; and 242.403(b), (c), (e)(l) through (4), (e)(6) through (11), (f)(l) and (2). The C3RS pilot project encourages certified operating crew members to report close calls and protect the employees and the railroad from discipline or sanctions arising from the incidents reported per the C3RS Implementing Memorandum of Understanding (IMOU).

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays. If you do not have access to the Internet, please contact FRA's docket clerk at 202–493–6030 who will provide necessary information concerning the contents of the petition.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received within July 20, 2015 of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov*, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy*. See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Issued in Washington, DC, on May 2, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–13642 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2004–19950]

Petition for Waiver of Compliance

In accordance with part 211 of title 49 of the Code of Federal Regulations (CFR), this provides the public notice that by a document dated December 9, 2014, the New York & Lake Erie Railroad (NYLE) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 223.11 Requirements for existing locomotives. FRA assigned the petition Docket Number FRA–2004–19950.

The New York & Lake Erie Railroad of Gowanda, New York, has petitioned for a permanent waiver of compliance for two locomotives, numbered NYLE 1013 and NYLE 308, from the requirements of the Railroad Safety Glazing Standards, title 49 CFR part 223, which requires certified glazing in all windows. The types of glazing currently used in the two locomotives are as follows: Locomotive NYLE 1013—Laminated Safety Glass AS–1, DOT 14M–220–ASI–030, and locomotive NYLE 308—Clear Laminated Safety Glass AS–2 101. The NYLE is a short line carrier that operates over 29.5 miles through rural countryside and small communities. They traverse two line segments which are connected and extend from Cattaraugus, NY, to Dayton, NY, (10.1 miles) and from Conewango Valley, NY, to Gowanda, NY, (19.4 miles).

The original waiver, approved on June 18, 2010, granted relief to the NYLE for limited freight service over 29.5-mile-long line, consisting of Class 1 track, at speeds not to exceed 10 mph. However, the current petition, dated December 9, 2014, states that the NYLE has now improved the track to Class 2. In addition to the limited freight service, the NYLE now occasionally operates tourist passenger excursions. In the new petition, NYLE is asking to include in the waiver passenger excursions, and to increase the maximum operating speed to 25 mph, both for the freight service and the passenger excursions.

The NYLE states that there has been no problem with window breakage due to vandalism, and that they have not had to replace glass due to breakage from flying objects. Because of low risk of exposure to injury due to vandalism, prohibitive cost of the glazing material and decreased operating revenue due to declining freight shippers, the NYLE is requesting the waiver of this regulation for the two locomotives listed above.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

• *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.

• *Fax:* 202–493–2251.

• *Mail:* Docket Operations Facility, U.S. DOT, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.

• *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by July 20, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice/* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on May 28, 2015.

Ron Hynes,

Director, Office of Technical Oversight.

[FR Doc. 2015–13639 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2011–0026]

Petition for Approval of Product Safety Plan

In accordance with part 211 of title 49 of the Code of Federal Regulations (CFR), this provides the public notice that by a document dated May 6, 2015, the Long Island Rail Road (LIRR) has petitioned the Federal Railroad Administration (FRA) for approval of its Product Safety Plan (PSP) for its Microlok II Interlocking Controller with Executive Software Version CC3.0. FRA assigned the petition Docket Number FRA–2011–0026.

The PSP submitted is intended to meet the requirements prescribed in 49 CFR part 236 Subpart H (Standards for Development and Use of Processor-Based Signal and Train Control Systems), specifically, section 236.907 for Microlok II with Executive Software Version CC 3.0.(Microlok II CC3.0). FRA is requiring the LIRR to submit a PSP on Microlok II CC3.0 because Software Version CC3.0 of the executive software incorporates safety-critical modifications and enhancements that did not exist in the previous versions of Microlok II that have been in revenue operations prior to June 6, 2005, and were eligible for exclusion from the requirements of Subpart H.

Microlok II CC3.0 is a processor-based programmable interlocking controller designed for application in safety-critical railway operations. The basic operation of this product is to accept a variety of inputs, perform the user-specified logic that maps those inputs into a series of outputs, and then deliver those outputs to safely operate the various physical components of the interlocking to route trains in a safe manner consistent with standard vital railway signaling practices. The product also incorporates non-vital controls and indications where such features are required.

The LIRR intends to apply Microlok II CC 3.0 as its Vital Microprocessor Based Interlocking Control System (VMICS) at the Harold and Point Interlockings on the LIRR mainline in Long Island City, NY. All tracks through the interlockings have a 60 mile per hour (mph) passenger train speed limit and a 20 mph freight train speed. The operational characteristics include a bi-directional cab signal system with wayside signals within the interlockings.

LIRR maintains that the Microlok II CC3.0 safety critical processor-based interlocking controller uses a combination of intrinsic fail-safety and diversity and self-checking safety assurance techniques to mitigate the effects of random hardware faults. Per LIRR this would allow the Microlok II CC3.0 controller to achieve and maintain a safety integrity level against systematic faults that satisfy the safety requirements of 49 CFR part 236 subpart H.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by July 20, 2015 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.* See also *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov.

Issued in Washington, DC, on May 2, 2015.

Ron Hynes,

Director of Technical Oversight.

[FR Doc. 2015–13640 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0031; Notice 1]

BMW of North America, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: BMW of North America, LLC (BMW), a subsidiary of BMW AG in Munich, Germany, has determined that certain model year (MY) 2014–2015 BMW R nineT motorcycles do not fully comply with paragraph S6.4.3(a) (Table V-b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices and Associated Equipment.* BMW has filed an appropriate report dated February 20, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

DATES: The closing date for comments on the petition is July 6, 2015.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: 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 Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by: Logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are

provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. *BMW's Petition:* Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), BMW submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of BMW's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. *Motorcycles Involved:* Affected are approximately 1,792 MY 2014–2015 BMW R nineT motorcycles manufactured between November 27, 2013 and January 26, 2015.

III. *Noncompliance:* BMW explains that the noncompliance is that the rear turn signal lamps were manufactured with a corner point of 5°IB. The turn signal lamps should have had a corner point of 20°IB as required by paragraph S6.4.3(a)(Table V-b) of FMVSS No. 108.

IV. *Rule Text:* Paragraph S6.4.3(a) of FMVSS No. 108 requires in pertinent part:

S6.4.3 *Visibility Options.* A manufacturer must certify compliance of each lamp function to one of the following visibility requirement options, and it may not thereafter choose a different option for that vehicle . . .

(a) *Lens area options.* When a vehicle is equipped with any lamp listed in Table V-b each such lamp must provide not less than 1250 sq mm of unobstructed effective projected luminous lens area in any direction throughout the pattern defined by the corner points specified in Table V-b for each such lamp;

V. *Summary of BMW's Analyses:* BMW stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(A) BMW states that when the subject motorcycles are upright on a level surface and equipped with standard tires at their recommended cold tire inflation pressure; the lower edge of the rear turn signal lenses are approximately 747 mm above ground, the lower edge of the tail lamp lens is approximately 710 mm above ground and the tail lamp lens extend upward. BMW believes that due to these geometric conditions there is some overlap in the vertical direction between the rear turn signal lenses and the tail lamp lens however, they are not aligned along the same longitudinal centerline [of the turn signals]. Specifically, the tail lamp is on the motorcycle's longitudinal centerline while the rear turn signals are on stalks offset from the centerline. As a result, BMW believes that this has a very minor affect upon the effective projected luminous lens area.

(B) BMW stated its belief that the obstruction from the tail lamp only occurs if another road user in a following vehicle has an eye-point of approximately 747 mm above ground (extremely low for an average vehicle) and is a worst-case-scenario. For other road users with a higher eye-point, there is no apparent obstruction and the turn signal would appear to meet the requirements of FMVSS No. 108.

(C) BMW also stated its belief that the effect of the noncompliance, *i.e.,* the overlap or interference of the turn signal lamp by the tail lamp does not occur during critical traffic conditions. A road user, who is following an affected motorcycle, and in the same lane as an affected motorcycle, will be able to fully view an affected motorcycle's rear turn signal at a distance of approximately 1,935 mm (approximately 6 ft). BMW believes that in most traffic conditions, a road user would not want to be closer to a motorcycle than 6 ft. Thus, this ''non-visible'' rear turn signal condition is not likely to occur during the vast majority of traffic conditions. BMW provided detailed analysis of specific travel conditions including following directly behind an affected motorcycle and overtaking/passing an affected motorcycle that it believes supports its conclusion that the condition caused by the subject noncompliance will not interfere with the safety of the motorcycle rider or another road user.

(D) BMW Customer Relations has not received any contacts from motorcycle riders, or other road users regarding this issue. Also, BMW is not aware of any accidents or injuries that have occurred as a result of this issue.

BMW has additionally informed NHTSA that it has corrected the noncompliance so that all future production of the subject vehicles will fully comply with FMVSS No. 108.

In summation, BMW believes that the described noncompliance of the subject motorcycles is inconsequential to motor vehicle safety, and that its petition, to exempt BMW from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject motorcycles that BMW no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant motorcycles under their control after BMW notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8)

Jeffrey Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2015–13600 Filed 6–3–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2015–0036; Notice 1]

Graco Children's Products, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Graco Children's Products, Inc., (Graco) has determined that certain Graco child restraints do not fully comply with paragraph S5.5.2(g)(1)(iii) of Federal Motor Vehicle Safety Standard (FMVSS) No. 213, *Child Restraint Systems.* Graco has filed an appropriate report dated March 13, 2015, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

DATES: The closing date for comments on the petition is July 6, 2015.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: 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 Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by: Logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/*. Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. Graco's Petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Graco submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Graco's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the petition.

II. Child Restraints Involved: Affected are approximately 31,838 Graco ComportSport, Graco Classic Ride, and Graco Ready Ride child restraints manufactured between March 1, 2014 and February 28, 2015.

III. Noncompliance: Graco explains that the noncompliance is due to a labeling issue. The labels on the subject child restraints do not contain the instructional statement required by paragraph S5.5.2(g)(1)(iii) of FMVSS No. 213.

IV. Rule Text: Paragraph S5.5.2(g)(1)(iii) of FMVSS No. 213 requires in pertinent part:

> S5.5.2 The information specified in paragraphs (a) through (m) of this section shall be stated in the English language and lettered in letters and numbers that are not smaller than 10 point type. Unless otherwise specified, the information shall be labeled on a white background with black text. Unless written in all capitals, the information shall be stated in sentence capitalization. . . .
>
> (g) The specified statements specified in paragraphs (1) and (2)
>
> (1) A heading as specified in S5.5.2(k)(3)(i), with the statement ''WARNING! DEATH or SERIOUS INJURY can occur,'' capitalized as written and followed by bulleted statements in the following order . . .
>
> (iii) Follow all instructions on this child restraint and in the written instructions located (insert storage location on the restraint for the manufacturer's installation instruction booklet or sheet).

V. Summary of Graco's Analyses: Graco stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(A) Graco observed that many child seats are sold with their instruction manual placed in an appropriate long-term storage location. Graco believes that in such cases the statement required by paragraph S5.5.2(g)(1)(iii) of FMVSS No. 213 is intended to remind consumers that the child restraint was sold with instructions and to inform them where to find those instructions. Because the subject child restraints are sold with the instruction manual in a plastic pouch on the child restraint's harness strap, Graco believes that the original consumer must initially interact with the instructions in order to install the child seat, therefore achieving the same result intended by the subject label statement. Being thereby made aware of the instructions, the consumer can then place the instructions directly into the storage location for future access.

(B) In a case of subsequent users, Graco believes the location of a properly stored manual, near the top of the seat back, is readily visible and obvious due to the size, shape and color contrast between the instruction manual and the seat back.

(C) Graco considers the risk of the original consumer not placing the instruction manual into the proper storage location to be no different from the risk where a subsequent user does not place the instructions into the storage location after use.

(D) Graco further notes that installation instructions are also readily available on Graco's Web site or by calling its customer hotline.

In summation, Graco believes that the described noncompliance of the subject child restraints is inconsequential to motor vehicle safety, and that its petition, to exempt Graco from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to

file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject child restraints that Graco no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve child restraint distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant child restraints under their control after Graco notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2015–13599 Filed 6–3–15; 8:45 am]

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DEPARTMENT OF THE TREASURY

Departmental Offices; Renewal of the Treasury Borrowing Advisory Committee of the Securities Industry and Financial Markets Association

ACTION: Notice of renewal.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended (Pub. L. 92–463; 5 U.S.C. App. 2), with the concurrence of the General Services Administration, the Secretary of the Treasury is renewing the Treasury Borrowing Advisory Committee of the Securities Industry and Financial Markets Association (the ''Committee'').

FOR FURTHER INFORMATION CONTACT: Fred Pietrangeli, Director, Office of Debt Management (202) 622–1876.

SUPPLEMENTARY INFORMATION: The purpose of the Committee is to provide informed advice as representatives of the financial community to the Secretary of the Treasury and Treasury staff, upon the Secretary of the Treasury's request, in carrying out Treasury responsibilities for Federal financing and public debt management. The Committee meets to consider and provide advice on special items pertaining to immediate Treasury funding requirements and longer term approaches to manage the national debt in a cost-effective manner. The Committee usually meets immediately before Treasury announces each quarter funding operation, although special meetings also may be held. Membership consists of up to 20 representative or special government employee members who are appointed by Treasury. The members are senior-level officials who are employed by primary dealers, institutional investors, and other major participants in the government securities and financial markets as well as recognized experts in the fields of economics and finance, financial market analysis, or financial institutions and markets.

The Treasury Department transmitted copies of the Committee's renewal charter to the Senate Committee on Finance, the House Committee on Ways and Means, the Senate Committee on Banking, Housing and Urban Affairs, and the House Committee on Financial Services in Congress on or about May 11, 2015.

Dated: May 28, 2015.

Fred Pietrangeli,

Director of the Office of Debt Management.

[FR Doc. 2015–13573 Filed 6–3–15; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Department of Veterans Affairs (VA) teleconference meeting of Oncology-C Subcommittee of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board (JBL/CS SMRB), which was published in the **Federal Register** on April 21, 2015, 80 FR 22266.

The meeting notice is amended to change the date of the meeting from June 3, 2015, at 1 p.m. to June 10, 2015, at 10 a.m. The meeting is closed to the public.

Dated: June 1, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

[FR Doc. 2015–13619 Filed 6–3–15; 8:45 am]

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FEDERAL REGISTER PAGES AND DATE, JUNE

CFR PARTS AFFECTED DURING JUNE

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List June 3, 2015

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