FEDERAL REGISTER

Vol. 80 Monday,
No. 109 June 8, 2015

Pages 32267–32438

OFFICE OF THE FEDERAL REGISTER

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

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 80 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

Contents

Federal Register

Vol. 80, No. 109

Monday, June 8, 2015

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

8 CFR
217.....32267

12 CFR
600.....32294

14 CFR
39.....32294
97 (2 documents) 32297, 32299

Proposed Rules:
39 (2 documents) 32315, 32316

21 CFR
73.....32303
870.....32307

33 CFR
117.....32312
165 (2 documents) 32312, 32313

Proposed Rules:
165 (2 documents) 32318, 32321

40 CFR

Proposed Rules:
52.....32324

42 CFR

Proposed Rules:
88.....32333

44 CFR

Proposed Rules:
67 (5 documents) 32334, 32335, 32336, 32337

50 CFR
300.....32313

Rules and Regulations

Federal Register
Vol. 80, No. 109
Monday, June 8, 2015

DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 217

[Docket Nos. USCBP–2008–003 and USCBP–2010–0025; CBP Dec. No. 15–08]

RIN 1651–AA72 and RIN 1651–AA83

Changes to the Visa Waiver Program To Implement the Electronic System for Travel Authorization (ESTA) Program and the Fee for Use of the System

AGENCY: U.S. Customs and Border Protection; DHS.

ACTION: Final rule.

SUMMARY: This rule adopts as final, with one substantive change, interim amendments to DHS regulations published in the **Federal Register** on June 9, 2008 and August 9, 2010 regarding the Electronic System for Travel Authorization (ESTA). ESTA is the online system through which nonimmigrant aliens intending to enter the United States under the Visa Waiver Program (VWP) must obtain a travel authorization in advance of travel to the United States. The June 9, 2008 interim final rule established ESTA and set the requirements for use for travel through air and sea ports of entry. The August 9, 2010 interim final rule established the fee for ESTA. This document addresses comments received in response to both rules and some operational modifications affecting VWP applicants and travelers since the publication of the interim rules.

DATES: This rule is effective on July 8, 2015.

FOR FURTHER INFORMATION CONTACT: Suzanne Shepherd, U.S. Customs and Border Protection, Office of Field Operations, at *suzanne.m.shepherd@dhs.gov* and (202) 344–3710.

SUPPLEMENTARY INFORMATION:

Table of Contents

Executive Summary

Prior to implementing the Electronic System for Travel Authorization (ESTA), international travelers from Visa Waiver Program (VWP) countries [1] were not evaluated, in advance of travel, for eligibility to travel to the United States under the VWP. In the wake of the tragedy of September 11, 2001, Congress enacted the Implementing Recommendations of the 9/11 Commission Act of 2007, Public Law 110–53. To address this identified vulnerability of the VWP, section 711 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (section 711 of the 9/11 Act), was enacted, requiring the Secretary of Homeland Security to implement a system that would provide for the advance screening of international travelers by allowing DHS to identify subjects of potential interest before they board a conveyance destined for the United States.

On June 9, 2008, the Department of Homeland Security (DHS) published an interim final rule in the **Federal Register** (73 FR 32440) announcing the creation of the ESTA program for nonimmigrant aliens traveling to the United States by air or sea under the VWP. On November 13, 2008, DHS published a notice in the **Federal Register** (73 FR 67354) announcing that ESTA would be mandatory for all VWP participants traveling to the United States at air or sea ports of entry beginning January 12, 2009.

On March 4, 2010, the United States Capitol Police Administrative Technical Corrections Act of 2009, Public Law 111–145, was enacted. Section 9 of this law, the Travel Promotion Act of 2009 (TPA), mandated the Secretary of Homeland Security to establish a fee for the use of ESTA and begin assessing and collecting the fee.

[1] With respect to all references to ''country'' or ''countries'' in this document, it should be noted that the Taiwan Relations Act of 1979, Public Law 96–8, Section 4(b)(1), provides that ''[w]henever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan.'' 22 U.S.C. 3303(b)(1). Accordingly, all references to ''country'' or ''countries'' in the Visa Waiver Program authorizing legislation, Section 217 of the Immigration and Nationality Act, 8 U.S.C. 1187, are read to include Taiwan. This is consistent with the United States' one-China policy, under which the United States has maintained unofficial relations with Taiwan since 1979.

On August 9, 2010, DHS published an interim final rule in the **Federal Register** (75 FR 47701) announcing that, beginning September 8, 2010, a $4 ESTA fee would be charged to each ESTA applicant to ensure recovery of the full costs of providing and administering the system and an additional $10 TPA fee would be charged to each applicant receiving travel authorization through September 30, 2015.[2]

DHS received a total of 39 submissions in response to the June 9, 2008 and August 9, 2010 interim final rules. Most of these submissions contained comments providing support, voicing concerns, highlighting issues, or offering suggestions for modifications to the ESTA program.

After review of the comments, this rule finalizes the June 9, 2008 interim final rule regarding the ESTA program and the August 9, 2010 interim final rule regarding the ESTA fee for nonimmigrant aliens traveling to the United States by air or sea under the VWP with one substantive regulatory change allowing the Secretary of Homeland Security to adjust ESTA travel authorization validity periods on a per country basis to the three year maximum or to a lesser period of time. This final rule also contains one minor technical change that removes the specific reference to the Pay.gov payment system. In addition, based on the experience gained from operating the ESTA program since its inception and the comments received, DHS has made a few operational changes to ESTA as it was described in the two interim final rules. For example, VWP travelers no longer need to complete the Form I–94W Nonimmigrant Visa Waiver Arrival/Departure paper form upon arrival in the United States at air and sea ports of entry. Also, VWP travelers who provide an email address to DHS when they submit their application will receive an automated email notification indicating that their ESTA travel authorization will be expiring soon. DHS has also updated the information on the ESTA Web site to address some of the comments. Additionally, DHS has made some changes to the required ESTA application and paper Form I–94W.

On November 26, 2013, DHS published a 60-day notice and request for comments in the **Federal Register** (78 FR 70570) regarding the extension and revision of information collection 1651–0111. On February 14, 2014, DHS published a 30-day notice and request for comments in the **Federal Register** (79 FR 8984) regarding the extension and revision of that information collection. Both notices describe various proposed changes to the ESTA application and paper Form I–94W questions to make them more understandable to VWP travelers, including revisions to the questions about communicable diseases, crimes involving moral turpitude, engagement in terrorist activities, fraud, employment in the U.S., visa denials, and visa overstays. DHS also proposed to remove a question about the custody of children. On December 9, 2014, DHS published another 60-day notice and request for comments in the **Federal Register** (79 FR 73096) regarding the extension and revision of information collection 1651–0111. This notice concerns additional changes to the ESTA application and paper Form I–94W that will allow DHS to collect more detailed information about VWP travelers by making previously optional questions mandatory and by adding questions concerning aliases, employment, and emergency contact information among other data elements. These changes are necessary to improve the screening of travelers before their admittance into the U.S. All of the changes in the referenced notices took effect on November 3, 2014.

This rule is considered an economically significant regulatory action because it will have an annual effect on the U.S. economy of $100 million or more in any one year. Costs to U.S. entities include the cost to carriers to modify or develop systems to transmit ESTA information to DHS.

ESTA provides benefits to U.S. entities by reducing the number of inadmissible aliens who would arrive in the United States by more than 40,000 per year. This reduces the number of aliens DHS will have to process in the United States who would be found to be inadmissible upon their arrival, reduces the number of inadmissible aliens carriers would need to transport back to their points of origin, and reduces wait times for other international travelers arriving at U.S. ports of entry. Though not a quantifiable benefit, this rule will enhance security by providing DHS with information on travelers before they board a conveyance destined for the United States. Table ES–1 shows the range of annualized costs and benefits of this rule to each U.S. entity from 2008–2018, using 3 and 7 percent discount rates.

ES–1—Annualized Costs and Benefits of the Rule to U.S. Entities, 2008–2018

[$2013]

	3% Discount rate	7% Discount rate
Costs		
Carriers—Systems	$22 million	$24 million.
Benefits		
Carriers—Inadmissibility Savings	65 million to 69 million	63 million to 66 million.
CBP—Inadmissibility Savings	6 million	6 million.
Total Inadmissibility Savings	71 million to 75 million	69 million to 72 million.
Carriers—Forms Maintenance Savings	2 million	2 million.
CBP—Forms Maintenance Savings	0.2 million	0.2 million.
Total Forms Maintenance Savings	2 million	2 million.

[2] The TPA authorized collection of the $10 TPA fee through September 30, 2014. However, on July 2, 2010, the Homebuyer Assistance and Improvement Act of 2010, in part, amended the TPA by extending the sunset provision of the TPA fee and authorizing the Secretary to collect this fee through September 30, 2015. *See* Public Law 111–198 at § 5. The sunset provision was further extended by the Travel Promotion, Enhancement, and Modernization Act of 2014 through September 30, 2020.

In addition to costs and benefits to U.S. entities, this rule will affect foreign entities. Costs to foreign entities include the cost (the $14 fee and related expenses) and time burden for foreign travelers to obtain a travel authorization, and the cost and time burden for foreign travelers to obtain a B–1/B–2 visa if a travel authorization is denied. Benefits to foreign entities include the savings to foreign travelers in new VWP countries for no longer needing to apply for visas and the savings to foreign travelers in no longer needing to fill out a paper Form I–94W or Form I–94. Table ES–2 shows the range of annualized costs and benefits of this rule to each foreign entity from 2008–2018, using 3 and 7 percent discount rates.

ES–2—Annualized Costs and Benefits of the Rule to Foreign Entities, 2008–2018

[$2013]

	3% Discount rate	7% Discount rate
Costs		
Travelers—Fee for Travel Authorization	$131 million to $138 million	$127 million to $133 million.
Travelers—Time Burden for Travel Authorization	126 million to 282 million	122 million to 271 million.
Travelers—Visa Costs	14 million to 21 million	14 million to 21 million.
Benefits		
Travelers—Visa Savings	182 million to 244 million	173 million to 231 million.
Travelers—I–94/I–94W Savings	67 million to 150 million	65 million to 144 million.

I. Background and Purpose

A. The Visa Waiver Program

Pursuant to section 217 of the Immigration and Nationality Act (INA), 8 U.S.C. 1187, the Secretary of Homeland Security, in consultation with the Secretary of State, may designate countries for participation in the Visa Waiver Program (VWP) if certain requirements are met.[3] Eligible citizens and nationals of VWP countries may apply for admission to the United States at a U.S. port of entry as nonimmigrant visitors for a period of ninety (90) days or less for business or pleasure without first obtaining a nonimmigrant visa, provided that they are otherwise eligible for admission under applicable statutory and regulatory requirements. Other nonimmigrant visitors must obtain a visa from a U.S. embassy or consulate and generally must undergo an interview by consular officials overseas in advance of travel to the United States.

B. The Electronic System for Travel Authorization (ESTA)

On August 3, 2007, the President signed into law the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act), Public Law 110–53. Section 711 of the 9/11 Act required that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a fully automated electronic travel authorization system to collect biographical and other information as the Secretary determines necessary to evaluate, in advance of travel, the eligibility of the applicant to travel to the United States under the VWP, and whether such travel poses a law enforcement or security risk. *See* 8 U.S.C. 1187(h)(3)(A).

On June 9, 2008, DHS published an interim final rule in the **Federal Register** (73 FR 32440) announcing the creation of the ESTA program for nonimmigrant visitors traveling to the United States by air or sea under the VWP. *See* 8 CFR 217.5. ESTA provided for an automated collection of the information required on the Form I–94W Nonimmigrant Visa Waiver Arrival/Departure paper form (Form I–94W) in advance of travel. ESTA is intended to fulfill the statutory requirements described in Section 711 of the 9/11 Act. For purposes of this document, the June 9, 2008 interim final rule is referred to as the ESTA IFR.

On November 13, 2008, DHS published a notice in the **Federal Register** (73 FR 67354) announcing that use of ESTA would be mandatory for all VWP travelers traveling to the United States seeking admission at air and sea ports of entry beginning January 12, 2009. Since that date, VWP travelers have been required to receive travel authorization through ESTA prior to boarding a conveyance destined for an air or sea port of entry in the United States. Travelers unable to receive authorization through ESTA may still apply for a visa to travel to the United States.

C. The Fee for Use of ESTA and the Travel Promotion Act Fee

On March 4, 2010, the United States Capitol Police Administrative Technical Corrections Act of 2009, Public Law 111–145, was enacted. Section 9 of this law, the Travel Promotion Act of 2009 (TPA), mandated the Secretary of Homeland Security to establish a fee for the use of ESTA and begin assessing and collecting the fee no later than six months after enactment. *See* 8 U.S.C. 1187(h)(3)(B).

The TPA provided that the required fee consist of the sum of $10 per travel authorization (TPA fee) to fund the newly authorized Corporation for Travel Promotion and an amount that will at least ensure recovery of the full costs of providing and administering the System (ESTA fee), as determined by the Secretary. *See* 8 U.S.C. 1187(h)(3)(B). The TPA fee has a sunset provision and the Secretary is authorized to collect this fee only through September 30, 2020.[4] The ESTA fee, in contrast, does not include a sunset provision, but will be reassessed on a regular basis to ensure it is set at a level to fully recover ESTA operating costs.

On August 9, 2010, DHS published an interim final rule in the **Federal Register** (75 FR 47701) announcing that, beginning September 8, 2010, a $4 ESTA fee would be charged to each ESTA applicant to ensure recovery of the full costs of providing and administering the system and an additional $10 TPA fee would be charged to each applicant receiving a travel authorization through September 30, 2020. *See* 8 CFR 217.5(h). For purposes of this document, the August 9, 2010 interim final rule is referred to as the ESTA Fee IFR.

For more details regarding ESTA, please see the ESTA IFR (73 FR 32440).

[3] The current list of VWP countries is set forth in 8 CFR 217.2(a).

[4] *See* Footnote 3 above regarding the extension of the sunset provision of the Travel Promotion Act fee through September 30, 2020.

For more details regarding the fees associated with ESTA, please see the ESTA Fee IFR (75 FR 47701). Additional information may also be found on the ESTA Web site at *https://esta.cbp.dhs.gov.*

II. Discussion of Comments Submitted in Response to the Interim Final Rule Announcing ESTA and Interim Final Rule Announcing the ESTA Fee

A. Overview

DHS issued the ESTA IFR on June 8, 2008 and the ESTA Fee IFR on August 9, 2010. Although DHS promulgated both IFRs without first soliciting public notice and comment procedures, DHS provided a sixty day post-promulgation comment period for each rule. Each IFR solicited public comments that DHS would consider before adopting the interim regulations as final. The ESTA IFR went into effect on January 12, 2009 and the ESTA Fee IFR became effective on September 8, 2010. DHS received twenty-two submissions in response to the ESTA IFR and seventeen submissions in response to the ESTA Fee IFR. Many of the submissions contained multiple comments. This final rule addresses all the comments submitted within the comment periods that are within the scope of the two interim final rules.

Of the twenty-two submissions for the ESTA IFR, most included comments seeking clarification on specific issues, highlighting concerns or issues with ESTA, or offering solutions to issues or alternatives to ESTA. Many of the operational issues raised by commenters have already been addressed by DHS during implementation of ESTA, which our responses reflect. Of the seventeen submissions to the ESTA Fee IFR, some commenters objected to the fees generally and others sought clarification regarding the fees, such as why there were two components and when the fees would be incurred.

Due to the evolution of ESTA and the occasional overlap of comments received in response to both interim final rules, all of the following comments are grouped by category. Except where necessary, comments to the ESTA IFR and comments to the ESTA Fee IFR are not distinguished.

B. Discussion of Comments

1. Impact on Travel

Comment: Some commenters expressed support for ESTA because it will allow VWP travelers the opportunity to learn of travel eligibility problems in advance of arrival.

Response: DHS agrees that one benefit of ESTA is that it informs travelers of their eligibility to travel to the United States under the VWP before departing for the United States. Applicants who are not eligible to travel to the United States through the VWP can attempt to make alternative arrangements in advance, such as obtaining a visa from a U.S. embassy or consulate. For more information about visa application procedures, please visit *http://www.travel.state.gov.*

Comment: A few commenters expressed concern that the ESTA fee and the TPA fee could negatively impact how the world views the United States and could be perceived as an obstacle to legitimate travel. The commenters claimed this could result in some travelers avoiding the United States, which would hurt tourism, business interests, and the travel industry.

Response: There are a lot of variables that can influence the numbers of VWP travelers who come to the United States. DHS is confident that ESTA is not a significant deterrent. Despite the assertion that ESTA and the ESTA fee would negatively affect tourism to the United States, DHS has seen no decrease in VWP travel coming to the United States since ESTA was announced, even after accounting for countries that have joined the VWP since ESTA was implemented. Through the end of 2012, there have been over 50 million travel authorizations granted through ESTA.

Comment: Some commenters noted that significant burdens could be placed on airlines due to passengers attempting to board without having first obtained ESTA travel authorization.

Response: Prior to implementation, DHS conducted significant outreach to the travel industry and the traveling public to ensure that they were aware of the ESTA requirements, including the need to have a valid ESTA travel authorization prior to boarding a conveyance destined for an air or sea port in the United States. In addition to outreach, DHS took various steps, including delaying implementation and establishing an informed-compliance period, to enable the travel industry and the traveling public to adjust to the new requirements. This is explained in more detail in Section II. B. 3 (Implementation of ESTA). As a result of these steps and the outreach, the concerns raised in this comment never materialized.

2. Impact on Short Notice Travelers

Comment: A number of comments were received regarding the timeline for ESTA approval and the impact on last minute travelers applying at the airport on the day of scheduled travel. One commenter asked DHS to monitor the system for problems to determine if there are negative impacts on last minute business travelers and to provide guidance on what a last minute traveler should do in the case where he or she has not received an ESTA determination, but needs to depart for the United States. Some commenters said that DHS' recommended timeline for applying for an ESTA travel authorization (no later than 72 hours prior to departure) is not sufficient to accommodate last minute business travelers.

Response: An ESTA travel authorization is generally valid for two years so concerns about last minute travel will only be for those who have not already received travel authorization through the ESTA Web site. Also, potential VWP travelers may apply for an ESTA travel authorization even if they do not have immediate plans to travel to the United States. This enables VWP travelers to know whether they are eligible to travel to the United States under the VWP even before purchasing tickets. Furthermore, ESTA was designed to accommodate last minute or emergency travel. ESTA allows travelers to apply for a travel authorization on the day of departure and provides almost an immediate response to the applicant for the vast majority of applications.

Applicants should be aware, however, that they risk not having the required authorization to travel to the United States if their application requires additional processing beyond the time between when they submit their application and when their voyage to the United States begins. VWP travelers without a valid ESTA travel authorization cannot board conveyances destined for the United States.

In cases in which a determination is not granted immediately, it may take anywhere from a few minutes to a few days for a decision to be made. In most cases, the applicant will receive an ESTA decision within 72 hours. However, additional time may be necessary if manual vetting is required or there is a system overload. An applicant may contact the ESTA Telephone Help Desk at 202–344–3710 between the hours of 8:00 a.m. to 4:00 p.m. (ET) Monday through Friday for assistance in processing their pending application. However, there is no guarantee that a determination will be made in time to allow the traveler to board a conveyance destined for the United States. This is why DHS recommends that travelers apply for an ESTA travel authorization early in the planning process.

3. Implementation of ESTA

Comment: One commenter stated that if DHS were to maintain ESTA's original timetable, then cumbersome, manual solutions would have to be developed and promulgated for those carriers who cannot manage automated solutions. Another commenter stated that DHS should offer a discretionary period during which airlines allow VWP travelers without ESTA travel authorization to travel to the United States under the condition that they complete the I–94W paperwork upon arrival and educate these passengers on how to use ESTA for future VWP travel.

Response: In promulgating the ESTA IFR, DHS built in a delayed effective date for the rule to allow air carriers and VWP travelers to adjust to the new ESTA process. Specifically, the ESTA IFR provided that ESTA would become mandatory sixty days after the Secretary published notice in the **Federal Register**. *See* 72 FR 32440. On November 13, 2008, DHS published a notice in the **Federal Register**, which announced that ESTA would be mandatory for all VWP travelers beginning January 12, 2009. *See* 73 FR 67354. The January 12, 2009 date provided five months advance notice before DHS would implement the rule. It also was the beginning of what DHS termed the Informed Compliance period. This meant that while all travelers and carriers were expected to be ESTA-compliant, DHS established a transition period to enable travelers and carriers to adjust to the new requirements. During the Informed Compliance period, travelers arriving without prior ESTA authorization were not refused admission on this basis. Instead, they were permitted to complete the paper form I–94W upon arrival in the United States. Also, during this period, DHS did not levy fines on carriers for boarding travelers without prior ESTA authorization. This enabled the carriers to make the necessary system-adjustments for ESTA. As a result of the advance notice and the informed compliance period, there was no need for the manual solutions referenced in the above comment.

Further, DHS set up an internet-accessible system where certain carriers could check the ESTA status for VWP travelers without having to make the extensive system modifications required for carriers regularly transporting VWP travelers. For the most part, the internet-accessible system could be used by smaller or private carriers that transport VWP travelers on an irregular basis, or for emergency situations that may arise from time to time. For more information on this internet-accessible system, please contact the ESTA Help Desk at 202–344–3710.

Comment: Some commenters stated that ESTA was announced too quickly and prevented the travel industry from assessing the required changes and evaluating the ramifications and costs. Other commenters asked DHS to provide a transition period during which DHS would not levy penalties on carriers.

Response: As explained above, DHS provided a significant amount of notice before implementing ESTA as a mandatory requirement on January 12, 2009. This was followed by approximately one year of an Informed Compliance period during which travelers and carriers were expected to be ESTA-compliant but were not penalized for noncompliance. The Informed Compliance period ended on January 20, 2010. As of that date, individuals without an ESTA travel authorization would be refused admission and, as allowed for under § 217(e) of the INA (Carrier Agreements), fines would be issued against non-compliant carriers. DHS also provided an additional 60-day grace period after January 20, 2010 for carriers having difficulty with the systems modifications.

From the date the ESTA IFR published, the travel industry had more than two years (and more than one year from the date it became mandatory) to evaluate and adjust to the ESTA requirements and to assess the costs related to ESTA and implement appropriate systems modifications. During the time between when ESTA was announced and when it became mandatory, DHS sought input and worked with the travel industry to address operational issues. DHS believes that this program has been highly successful in large part due to the cooperation between DHS and the travel industry.

Comment: Many commenters had suggestions for the implementation of ESTA, such as beginning ESTA as a pilot program to adequately measure its impact, phasing it in over time rather than all at once, or waiting until a certain percentage of VWP travelers are compliant before making ESTA mandatory.

Response: As explained above, DHS implemented ESTA by using an Informed Compliance period to facilitate the transition to the new requirements. The ESTA IFR provided travelers and the travel industry with the needed information about the new requirements and provided ample notice and time to prepare for ESTA. DHS believed that the most effective way to implement ESTA was to inform all VWP travelers and the travel industry about the new requirements and to implement them for all VWP countries and carriers at the same time. To facilitate a smooth transition, DHS also conducted significant public outreach and worked closely with the carriers involved with the VWP.

Implementing ESTA as a pilot program, based on country of embarkation, port of arrival, language, or by any other piecemeal approach would have meant multiple processes for carriers and DHS staff at ports of entry. Moreover, DHS believes that such an approach would not have aided the transition to the new requirements but rather would have been confusing to the traveling public and travel industry. Additionally, waiting until after a certain percentage of VWP travelers were compliant would have been ineffective in strengthening the VWP in a timely manner. DHS believes that ESTA was implemented in a way that allowed for substantial analysis of the program and its impact, as well as providing adequate notice to allow affected travelers and the travel industry to adjust to ESTA's requirements comfortably.

Comment: One commenter stated that DHS should process ESTA applications upon arrival for the small minority of passengers who arrive without ESTA authorization.

Response: The 9/11 Act specifically required the Secretary to collect the necessary biographical and other information ''to evaluate, in advance of travel,'' the traveler's eligibility to travel to the United States under the VWP. *See* 8 U.S.C. 1187(h)(3)(A). Therefore, allowing VWP travelers to obtain an ESTA upon arrival in the United States would contradict the language of the 9/11 Act and undercut DHS's ability to evaluate the traveler's eligibility to enter the United States under the VWP, in advance of travel. DHS believes that such a process also could disincentivize VWP travelers from obtaining an ESTA before departing for the United States.

DHS provided VWP travelers with the necessary information to comply with ESTA requirements, as well as the transitional periods described above prior to requiring compliance. Currently all VWP travelers are responsible for obtaining ESTA authorization prior to boarding an air carrier or sea vessel destined for the United States. As such, a VWP traveler should not attempt to board and a carrier should not allow a VWP traveler to board without ESTA travel authorization.

Comment: One commenter stated that DHS should have considered proposals from the private sector to develop an ESTA-like system, rather than developing ESTA as a government designed online system.

Response: DHS considered many alternatives and possible solutions during the ESTA planning, design, and development process. DHS decided to develop ESTA as a DHS system based on a variety of factors, including the impact that the VWP has on national security, the need to coordinate with other programs, and time constraints.

Comment: Two commenters agreed with the way that DHS implemented ESTA. One commenter liked the fact that DHS moved aggressively to implement new security measures required to expand the VWP and in concluding bilateral agreements with qualified prospective VWP countries. Another commenter stated that DHS is fulfilling a critical role in accommodating and responding to the needs of last minute travelers.

Response: DHS appreciates the comments expressing support for the implementation and expansion of ESTA and the VWP.

Comment: A few commenters asked DHS to provide alternative means for submitting an ESTA application such as integrating ESTA into the travel industry's reservation system, providing a staffed telephone hotline to permit users to report their information to the ESTA system, or allowing carriers to apply on behalf of travelers.

Response: In order to meet the statutory requirement that DHS create a fully automated electronic travel authorization, DHS established the online ESTA Web site for submitting the ESTA application. Other options, such as allowing carriers to apply on behalf of travelers using their reservation system or a telephone number where VWP travelers could call in and report the information, would not have met the requirement to establish a fully automated electronic travel authorization system and would have raised security and privacy concerns.

4. Plain Language and ESTA Web Site Assistance

Comment: A few commenters requested that DHS use plain language on the ESTA Web site, including the eligibility questions, in order to avoid confusion about eligibility requirements or about when a new ESTA application is required.

Response: DHS has used plain language in the ESTA application and on the ESTA Web site wherever possible and, in an effort to accommodate the majority of the VWP traveling public, the ESTA Web site has been translated into 23 languages. On November 3, 2014, DHS revised the eligibility questions on the ESTA Web site in order to make them clearer while still providing DHS with the information needed to make ESTA eligibility determinations. The Web site also features a ''Help'' section to assist applicants by providing definitions of certain terms and clear answers to questions on a variety of subjects, including situations in which an applicant is required to reapply before the expiration date of their ESTA. As specified on the Web site, a traveler must obtain a new travel authorization under any of the following circumstances:

1. The individual is issued a new passport;
2. The individual's name changes;
3. The individual changes gender;
4. The individual changes their country of citizenship; or
5. The circumstances underlying the traveler's previous responses to any of the ESTA application questions requiring a ''yes'' or ''no'' response have changed.

Comment: One commenter notes that the Frequently Asked Questions (FAQs) posted on the ESTA Web site are very useful and asked DHS to post more of them.

Response: FAQs are posted on the ESTA Web site under the HELP section at *https://esta.cbp.dhs.gov/esta/WebHelp/ESTA_Screen-Level_Online_Help_1.htm.* Questions and answers are posted on an ad hoc basis to address issues as they arise. DHS will continue to monitor feedback and post appropriate general information when it is determined to be helpful to the traveling public.

5. Internet Concerns and Third Party Applications

Comment: Several commenters raised concerns about whether the ESTA online system will be able to handle the Web traffic as more travelers fill out their ESTA applications online.

Response: ESTA is designed to accommodate a significant amount of Web traffic. DHS takes necessary measures to ensure that the ESTA Web site is readily available throughout the day and to minimize any technical disruptions. To date, ESTA has experienced no significant delays stemming from an increase in Web traffic.

Comment: Some commenters expressed concerns about fraudulent ESTA emails designed to solicit personal information and fraudulent Web sites attempting to gather information for criminal purposes by imitating ESTA and asked how DHS plans to address these types of issues.

Response: All ESTA applicants should apply for an ESTA travel authorization at the following ESTA Web site: *https://esta.cbp.dhs.gov.* DHS takes necessary measures to ensure the safety and reliability of personal identification information furnished to DHS through this Web site. The ESTA Web site is a secure Web site under DHS protocol. Each approved application is assigned a unique identifier that corresponds to the designated traveler. These unique identifiers directly correspond to an approved traveler and verification is only done electronically between the carriers and DHS. Therefore, the confirmation cannot be copied or manipulated.

DHS monitors Web sites that purport to offer ESTA authorization and will continue to provide outreach to the VWP traveling public to ensure they know how to submit the ESTA application. If an ESTA applicant receives emails claiming to be ESTA related that ask for personal information, the applicant should report this to the ESTA Help Desk at 202–344–3710.

Comment: Many commenters stated that the ESTA fee could create opportunities for other Web sites to charge users to complete the ESTA applications.

Response: DHS has no control over third parties providing assistance in applying for travel authorization. However, DHS has designed the system to be user friendly so as to minimize the need to seek assistance. For instance, the ESTA Web site is available in 23 languages and has information on the ESTA home page about traveler eligibility and passport requirements as well as a HELP feature that includes answers to frequently asked questions.

Comment: Some commenters asked about alternatives for ESTA applicants without internet access. One commenter asked if an individual within the United States could apply for an ESTA on behalf of the traveler. One commenter asked if applicants who use a third party to complete an ESTA application should provide the traveler's email address or that of the third party who applies on the traveler's behalf.

Response: In order to accommodate people who may not have familiarity with or access to computers or the internet, DHS designed ESTA to allow a third party, such as a relative, friend, or travel agent, to submit an application on behalf of the traveler. The location of the third party filling out the ESTA

application is immaterial. The traveler or third party can apply within or outside the United States. In all cases, the traveler is responsible for the answers submitted on his or her behalf by a third party and the third party must check the box on the ESTA application indicating that he or she completed the application on the traveler's behalf. The email address provided should be the traveler's email address. If the traveler does not have an email address, he or she may provide an alternative third-party email address belonging to a point of contact (*e.g.* a family member, friend, or business associate).

Comment: One commenter stated that DHS should ascertain the percentage of travelers entering the United States who will use the internet and other means (such as a travel agent) to make travel arrangements to demonstrate how many travelers do not book travel through the internet and would thus have difficulty obtaining authorization through the ESTA Web site.

Response: DHS has seen no evidence that VWP travelers are having difficulty obtaining ESTA authorization through the ESTA Web site. Additionally, in the economic analysis posted on the docket with the ESTA IFR (Regulatory Assessment for the Interim Final Rule: Changes to the Visa Waiver Program to Implement the Electronic System for Travel Authorization), DHS provided extensive information on historic booking patterns, internet penetration, and computer prevalence. This information has been updated in the economic analysis prepared for this final rule (Regulatory Assessment for the Final Rule: Changes to the Visa Waiver Program to Implement the Electronic System for Travel Authorization and the Fee for Use of the System), posted on the docket with this final rule. To see detailed information relevant to this comment, please refer to Chapter 2 (Regulatory Baseline: Historic & Projected Traveler Levels) of this document. In summary, internet penetration and computer access is high in VWP countries and has grown since the ESTA IFR published in 2008. Twenty-four of the 37 countries in the VWP have internet penetration rates above 75 percent and only one country (Greece) has an internet penetration rate of less than 50 percent. As discussed above, VWP travelers who do not have direct access to the internet may submit the application through a third party. DHS continues to believe that these third parties, such as relatives, friends, and travel agents, will be key players in the continued success of ESTA.

6. The Role of ESTA for VWP Travelers

Comment: One commenter stated that requiring VWP travelers to obtain ESTA travel authorization is the functional equivalent of a visa because passengers do not need any documentation other than a valid passport before traveling to the United States. Another commenter stated that ESTA requires certain foreign citizens to obtain an exit permit from the U.S. government before they may leave their own country.

Response: These comments do not accurately portray ESTA. Under the VWP, eligible citizens, nationals and passport holders from designated VWP countries may apply for admission to the United States as nonimmigrant visitors for a period of ninety days or less for business or pleasure without first obtaining a nonimmigrant visa. ESTA, however, is not the functional equivalent of a visa because eligible travelers from participating countries are exempt from the visa requirement. Application for a nonimmigrant visa to travel to the United States involves the payment of a higher fee and generally requires travel to a U.S. embassy or consulate for an in person interview.

Rather, ESTA is the functional equivalent of the Form I–94W that VWP travelers were previously required to complete upon arrival in the United States. As a result of the ESTA IFR, only eligible travelers from VWP countries arriving by air and sea now present the information collected on the Form I–94W through ESTA in advance of their travel to the United States. VWP travelers arriving in the United States by land are still required to complete a paper Form I–94W. VWP travelers who receive ESTA travel authorization are not required to report to a State Department consular office and obtain a visa before traveling to the United States.

ESTA is not equivalent to an exit permit from the foreign country and does not require anyone to obtain an exit permit from a foreign country. Rather, ESTA fulfills a requirement for VWP travelers intending to enter the United States by air and sea.

7. In-Transit Travel

Comment: One commenter remarked that ESTA should provide clear instructions to passengers who transit through the United States onward to other destinations as to whether they are required to comply with ESTA requirements.

Response: DHS does not currently operate a transit without visa program. Travelers who transit through the United States en route to another country must either obtain travel authorization via ESTA to travel under the VWP or they must have a visa. This is true even if the individual is leaving the United States on the same day or even on the same plane. Travelers who will transit through the United States en route to another country can simply enter the words ''In Transit'' in the address lines under the heading ''Address While In The United States'' on the ESTA application.

8. ESTA Enforcement

Comment: One commenter stated that ESTA is impracticable and unenforceable because it does not specify any enforcement mechanisms.

Response: DHS disagrees. There are enforcement mechanisms that apply to individuals and carriers involved in the VWP. All VWP travelers are responsible for obtaining ESTA authorization prior to boarding an air or sea vessel destined for the United States and may be prevented from boarding and/or denied admission to the United States upon arrival if they do not have ESTA travel authorization. Carriers that transport VWP travelers are required to enter into agreements with the United States, pursuant to §§ 103 and 217 of the INA, to become VWP signatory carriers. These agreements impose certain obligations upon carriers and provide for the imposition of fines if certain obligations are not met. For example, VWP signatory carriers incur fines if they transport travelers who require a valid ESTA travel authorization but do not have one.

Comment: One commenter stated that the phrase ''prior to embarking on a carrier for travel to the United States'' is too vague and that it should define the relevant terms. Another commenter stated that the regulation should specify the manner of providing data to obtain an ESTA travel authorization.

Response: Based on the plain language meaning of the phrase ''prior to embarking on a carrier for travel to the United States,'' travelers must have ESTA travel authorization prior to boarding an air carrier or sea vessel destined for the United States. The term ''United States'' is defined at 8 U.S.C. 1101(a)(38). With regard to the manner of submitting the ESTA application, DHS has made substantial efforts to educate the public on how to obtain an ESTA travel authorization, and has also provided such information in the ESTA IFR and this document. Over 50 million ESTA travelers arrived in the United States between 2009 and 2011, an indication that applicants are aware of how to submit an ESTA application.

Comment: Some commenters stated that ESTA will cause logistical problems because carriers will have to determine the visa class of travelers.

Response: This is not accurate. Only travelers coming to the United States under the VWP are required to obtain an ESTA travel authorization and these travelers are exempt from visa requirements. Carriers will not have to determine the visa class for these VWP travelers.

Comment: One commenter claimed that airlines will incur significant penalties and liabilities if they deny boarding to passengers who arrive without an ESTA travel authorization or when a passenger arrives at the port of entry and must be returned to his point of departure at the carrier's expense.

Response: For the purposes of ESTA, a carrier's responsibility is limited to the verification of the traveler's ESTA application status. Carriers that wish to transport travelers under the VWP are required to become VWP signatory carriers. VWP signatory carriers will incur fines if they transport travelers who require a valid ESTA travel authorization but do not have one. It should be noted that ESTA is not a determination of admissibility; it merely authorizes the traveler to board a conveyance destined for the United States. Passengers determined to be inadmissible to the United States are required to return to their country of origin and carriers are responsible to provide these passengers transportation back to their point of departure. The fact that travel authorization was granted does not absolve the carrier from this responsibility. Carriers agree to the following in the VWP carrier agreement:

> The carrier will remove from the United States (on the first available means of transportation to the alien's point of departure to the United States) any alien transported by the carrier to the United States for admission under the Visa Waiver Program in the event that the alien is determined by a U.S. Customs and Border Protection officer at the Port of Entry to be not admissible to the United States or is determined by a U.S. Customs and Border Protection officer to have remained unlawfully in the United States beyond the 90-day period of admission under the Visa Waiver Program. The carrier will carry out the responsibilities under this paragraph in a manner that does not impose on the United States expenses related to the transportation of such alien from the point of arrival in the U.S.

Comment: One commenter indicated that there is no provision in the 9/11 Act about the carrier's role in implementing and enforcing ESTA. As such, DHS is not authorized to compel carriers to assume a function which Congress mandated on individuals.

Response: DHS agrees that the 9/11 Act requires certain individuals to obtain a travel authorization prior to traveling to the United States. However, VWP signatory carriers are responsible for verifying that the traveler has a valid ESTA travel authorization prior to allowing a VWP traveler to board a conveyance destined for the United States. This responsibility is set forth in the VWP carrier agreements described above.

9. State Department Coordination

Comment: One commenter stated that DHS and the State Department must work together to ensure travelers are well-informed regarding their responsibilities under the ESTA program.

Response: DHS coordinated closely with the State Department during the development and implementation of ESTA and this coordination was essential to the efficient implementation of ESTA. DHS's ongoing coordination with the State Department remains essential to the ongoing administration of the ESTA. DHS partnered with the State Department to develop a strategic communications and outreach plan aimed at notifying VWP travelers of the new ESTA requirements. DHS personnel traveled extensively to VWP countries, attended major international travel conferences, distributed printed materials, and spoke with the travel industry and the public regarding ESTA. DHS continues to conduct extensive public outreach at U.S. ports of entry and overseas with the assistance of the State Department, to ensure that the traveling public and the travel industry as a whole are sufficiently informed regarding ESTA.

Comment: Some commenters noted that a significant number of ESTA denials could result in increased visa demand, thereby causing significant delays, and asked that DHS coordinate with the State Department as needed.

Response: Since January 12, 2009, when ESTA became mandatory for all VWP travelers traveling to the United States at air or sea ports of entry, DHS has processed over 50 million VWP traveler applications and denied approximately one-third of one percent (0. 23%) of all applications. As such, there have not been a significant number of denials. Moreover, as stated elsewhere in this document, DHS continues to work with the State Department to ensure the efficient administration of ESTA.

Comment: One commenter stated that DHS and the State Department should offer clear direction and access to entry alternatives to those that do not have a travel authorization via ESTA.

Response: ESTA is required for VWP travelers arriving in the United States at air and sea ports of entry. As explained on the ESTA Web site, persons who do not have an ESTA travel authorization may apply for a visa issued by the State Department. Individuals traveling to the United States with a passport and valid visa are not traveling under the VWP and these individuals would not need to obtain an ESTA travel authorization.

10. ESTA Expansion to Land Arrivals

Comment: One commenter stated that to be effective, ESTA should apply to all modes of transportation and asked how ESTA will function at the land borders.

Response: Currently, ESTA is required only for VWP travelers arriving in the United States by air or sea. VWP travelers who arrive in the United States at a land border port of entry are not required to obtain ESTA authorization. These travelers must submit a completed paper Form I–94W at the land border port of entry. However, DHS is considering expanding ESTA to VWP travelers arriving at a land border by way of a separate rulemaking.

11. Impact on Existing Laws and Agreements

Comment: One commenter stated that the ESTA rule exceeds the statutory authority of Section 217 of the INA by imposing additional requirements beyond what is imposed by the statute. The commenter claims the statute only obliges travelers to ''electronically provide information,'' whereas the ESTA IFR requires that the traveler providing information also receive a travel authorization.

Response: DHS disagrees. Section 217(a)(11) of the INA (8 U.S.C. 1187(a)(11)), as amended, specifically requires the Secretary of Homeland Security to determine whether the person submitting the electronic travel authorization is eligible to travel to the United States under the VWP. It provides that each alien traveling under the program shall, before applying for admission to the United States, electronically provide biographical information and such other information as the Secretary of Homeland Security determines necessary to determine the eligibility of, and whether there exists a law enforcement or security risk in permitting, the alien to travel to the United States and that upon review of such information, the Secretary of Homeland Security shall determine whether the alien is eligible to travel to the United States under the program. Moreover, section 217(h)(3)(C)(i) of the

INA (8 U.S.C. 1187 (h)(3)(C)(i)) provides for regulations ''that provide for a period, not to exceed three years, during which a determination of eligibility to travel under the program will be valid.'' As such, the statutory provisions anticipate a determination of eligibility to travel. Therefore requiring a VWP traveler to receive ESTA travel authorization does not exceed the statutory authority.

Comment: Some commenters claimed that ESTA limits the freedom of movement of individuals and that this violates international agreements, including Article 13 of the Universal Declaration of Human Rights (UDHR) [5] and Articles 10, 12, and 21 of the International Covenant on Civil and Political Rights (ICCPR).[6]

Response: DHS disagrees that ESTA limits the freedom of movement of individuals and that this violates international agreements. The referenced provisions do not pertain to ESTA and they are outside the scope of the ESTA rulemakings. Article 13 of the UDHR refers to freedom of movement and residence within the borders of each state as well as the right to leave a country or return to one's own country. Article 10 of the ICCPR applies to persons deprived of their liberty in relation to the penitentiary system. Article 12 of the ICCPR concerns the right to liberty of movement when lawfully in the territory of a state, the freedom to leave a country including one's own, and the right to reenter one's own country. Article 21 of the ICCPR concerns the right to peaceful assembly. ESTA does not limit an individual's rights to leave a country, limit an individual's right to reenter one's own country, relate to individuals in the penitentiary system, or have any impact on an individual's right to peaceful assembly.

Comment: Some commenters expressed concerns that the ESTA Web site may contravene disability laws and raise discrimination issues because it discriminates against those who are unable to access the internet due to a disability.

Response: DHS endeavors to take the necessary steps to ensure that persons with disabilities can comply with the regulatory requirements. Persons that are unable to access the internet due to a disability may apply for an ESTA travel authorization through a third party.

12. I–94W Paper Form

Comment: One commenter stated that ESTA duplicates the information required by the paper Form I–94W that has to be completed upon arrival in the United States. Some commenters stated that ESTA will have a negative impact on travel to the United States because obtaining an ESTA travel authorization is an additional hurdle for VWP travelers who must also answer the same questions on the paper Form I–94W upon arrival. Other commenters stated that DHS should eliminate the paper Form I–94W to facilitate improved processing of travelers. One commenter said that the elimination of the paper Form I–94W should not be completed until all carriers are capable of validating a traveler's ESTA authorization status. Another commenter said that DHS should eliminate the paper Form I–94W on a carrier-by-carrier basis to provide an early incentive to carriers to comply at an early stage.

Response: ESTA was designed to automate the paper Form I–94W with the ultimate goal of replacing it, not duplicating it. The ESTA IFR stated: ''The development and implementation of the ESTA program will eventually allow DHS to eliminate the requirement that VWP travelers complete an I–94W prior to being admitted to the United States. As DHS moves towards elimination of the I–94W requirement, a VWP traveler with valid ESTA authorization will not be required to complete the paper form I–94W when arriving on a carrier that is capable of receiving and validating messages pertaining to the traveler's ESTA application status as part of the traveler's boarding status.'' *See* 73 FR 32440 at 32443.

The requirement to complete the paper Form I–94W was eliminated for VWP travelers arriving in the United States at air or sea ports of entry on or after June 29, 2010. Eliminating the paper Form I–94W for these VWP travelers ensured that there was no further duplication.[7] Prior to eliminating the paper Form I–94W for air and sea VWP travelers, DHS provided adequate time to allow carriers to make the necessary adjustments in their systems to enable them to verify VWP traveler's ESTA authorization status. As explained more fully in the ESTA Application Status Notifications for Travelers and Carriers section below, DHS worked closely with the affected carriers to ensure that their systems were able to send and receive ESTA application status messages. DHS decided not to eliminate the paper Form I–94W on a carrier-by-carrier basis because this would have created confusion at the ports for carriers, travelers, and DHS personnel and could have increased wait or processing times and resulted in missed connections for travelers.

Comment: One commenter stated that the Form I–94W should be eliminated for non-VWP countries.

Response: The Form I–94W is only required for nationals from VWP countries.

13. Preclearance Ports

Comment: One commenter stated that ESTA should not be required for passengers traveling from preclearance ports in Canada to the United States, given that they have already been vetted.

Response: The 9/11 Act required the Secretary of Homeland Security, in consultation with the Secretary of State, to develop and implement a fully automated electronic travel authorization system to collect certain information in advance of travel to the United States. ESTA fulfills this statutory requirement. Therefore, ESTA is required for all VWP travelers arriving in the United States at air or sea ports of entry, regardless of their last foreign location prior to arriving at the United States. Preclearance locations are locations outside the United States where travelers are inspected and examined by DHS personnel to ensure compliance with U.S. customs, immigration, and agriculture laws, as well as other laws enforced at the U.S. border. Such inspections and examinations prior to arrival in the United States generally enable passengers to exit the domestic terminal or connect directly to a U.S. domestic flight without undergoing further processing. However, travelers who are inspected and examined at these preclearance locations are still required to have a visa, or if eligible, to comply with the requirements of the VWP.

[5] The UDHR, a United Nations General Assembly declaration, consists of 30 articles relating to the respect for and observance of human rights and fundamental freedoms. For more information, please see *http://www.un.org/en/documents/udhr/index.shtml.*

[6] The ICCPR, a United Nations General Assembly covenant, commits its parties to respect the civil and political rights of individuals. The United States ratified the ICCPR with reservations not applicable to the articles referenced in this comment (Articles 10, 12, and 21). For more information, please see *http://treaties.un.org/doc/db/survey/CovenantCivPo.pdf.*

[7] The elimination of the paper Form I–94W for VWP travelers arriving at air and sea ports of entry was announced as a goal in the ESTA IFR and communicated with the public and carriers through outreach. Secretary Napolitano also released a statement announcing the elimination as well: *http://www.dhs.gov/ynews/releases/pr_1274366942074.shtm.*

14. ESTA Applications at Airports

Comment: Some commenters stated that DHS should provide Internet-accessible kiosks for day of departure applications because some foreign airports lack Internet access. One commenter asked DHS to install ESTA kiosks in preclearance locations.

Response: DHS does not have the authority or the resources to establish Internet-access kiosks in foreign airports, including preclearance locations. Nonetheless, travelers may be able to apply for an ESTA travel authorization on the day of departure if other Internet access is available. In fact, some global airports have kiosks or dedicated links at Internet cafes in international terminals available for use by travelers. However, simply having Internet access, and thus the ability to apply for an ESTA travel authorization does not guarantee an ESTA travel authorization will be granted or granted in time. ESTA applicants who apply early and are denied a travel authorization may still have time to obtain a visa.

Comment: One commenter disagrees with DHS's estimate (15 minutes) of the time required for a VWP traveler to apply for an ESTA travel authorization. The commenter believes that oftentimes passenger check-in times are longer and access to public Internet facilities is either unavailable or limited.

Response: The 15 minute estimate of the time required for the VWP traveler to apply for an ESTA authorization is based on the traveler's interaction with the ESTA Web site. This time estimate did not consider factors such as a lack of computer or limited or unavailable Internet connectivity at passenger check-in. DHS encourages VWP travelers to apply for an ESTA authorization well before arriving at the airport.

15. ESTA Validity Period

Comment: Multiple comments were received regarding ESTA's two year validity period. Some commenters noted that it is unnecessarily restrictive or will result in more travelers applying for a visa. One commenter asked DHS to describe circumstances where the validity period would be extended to three years, which is the upper limit allowed under the 9/11 Act. One commenter stated that the two year validity period and accompanying fee creates a burden for European citizens wishing to travel to the United States because European citizens make up a significant portion of total travelers to the United States.

Response: Section 711 of the 9/11 Act directs the Secretary of Homeland Security, in consultation with the Secretary of State, to prescribe regulations that provide for a period of validity for a travel eligibility determination, not to exceed three years. *See* 8 U.S.C. 1187(h)(3)(C)(i); 8 CFR 217.5(d). DHS believes that, generally, a two year validity period provides DHS with a reasonable timeframe to reevaluate a VWP applicant's eligibility to travel without overburdening VWP travelers. After considering the comments and in light of the statutorily authorized maximum validity of three years, DHS believes that it would be beneficial for the Secretary of Homeland Security to retain discretion to adjust validity periods on a per country basis to the three year maximum or to a lesser period of time. Therefore, this final rule now provides that the ESTA validity period is two years unless the Secretary Homeland Security, in consultation with the Secretary of State, decides to increase or decrease the validity period for a designated VWP country on a case-by-case basis. Under this final rule, notice of any change to ESTA travel authorization periods will be published in the **Federal Register** and updated on the ESTA Web site. DHS believes that this change enhances the Secretary's flexibility to recognize countries' bilateral information sharing and further promotes compliance standards for member countries' participation in the VWP. To effect this change, the regulations will be amended by adding a new 8 CFR 217.5(d)(3).

Regarding the claims that the two year validity period and accompanying fee are burdensome and may lead some travelers to decide to obtain a visa, DHS believes that obtaining an ESTA travel authorization is less burdensome than obtaining a visa. In fact, DHS believes that the ease with which an ESTA travel authorization can be obtained leads most VWP-eligible travelers to obtain an ESTA travel authorization rather than a visa before traveling to the United States. VWP travelers who obtain an ESTA travel authorization do not have to apply for a visa nor do they have to pay the costs associated with obtaining a visa to travel to the United States.

16. Passport Issues

Comment: One commenter stated that the passport expiration date's impact on the ESTA validity period is complicated.

Response: Generally, an ESTA travel authorization is valid for a period of either two years from the date of authorization or the date the traveler's passport expires—whichever is sooner. *See* 8 CFR 217.5(d)(1). However, there is an exception at 8 CFR 217.5(d)(2) for travelers from certain countries who have not entered into agreements with the United States regarding the expiration date of passports; specifically, agreements providing that passports are recognized as valid for the return of the bearer to the country of the foreign-issuing authority for a period of six months beyond the expiration date specified in the passport. For travelers from these countries, an ESTA travel authorization is not valid beyond six months prior to the expiration date of the passport. In addition, travelers from these countries whose passports will expire in six months or less will not receive ESTA travel authorization. Moreover, as specified elsewhere in this document and on the ESTA Web site, a traveler must obtain a new travel authorization under any of the following circumstances:

1. The individual is issued a new passport;
2. The individual's name changes;
3. The individual changes gender;
4. The individual changes their country of citizenship; or
5. The circumstances underlying the traveler's previous responses to any of the ESTA application questions requiring a ''yes'' or ''no'' response have changed.

In order to make things clear, DHS provides the exact ESTA expiration date on the ESTA Web site screen granting approval for travel authorization. In addition, as explained more fully in the ESTA Application Status Notification for Travelers and Carriers section, DHS has updated the ESTA system to provide email notification to individuals approximately 30 days before the expiration of their ESTA travel authorization, informing them that their ESTA travel authorization will expire in approximately 30 days. However, this feature is only available if the VWP traveler provided an email address through the ESTA Web site.

Comment: One commenter stated that passport validity should have no bearing on the validity of a travel authorization via ESTA.

Response: A valid passport is essential for travel to the United States. Under the INA, any immigrant or nonimmigrant alien seeking admission to the United States must have proper documentation, including a valid and unexpired passport. *See* 8 U.S.C. 1182(a)(7). An ESTA travel authorization is not valid unless the traveler has a valid and unexpired passport. For those wishing to travel to the United States under the VWP, an expired passport necessitates obtaining both a new passport and applying for a new ESTA travel authorization.

Comment: Some commenters highlighted system limitations related to the passport section of the ESTA Web site. For example, United Kingdom passports are valid for more than the maximum 10-year period allowed by ESTA and the German passport contains 10 characters and ESTA only accepts 9 characters.

Response: Based on commenter input, DHS has made the necessary modifications to the ESTA Web site to ensure that passport information can be properly entered in the ESTA application. With regard to the examples provided, DHS has modified the ESTA Web site to allow passports that are valid for more than 10 years to be entered and to allow more than 9 characters for passport identification numbers.

17. Denied Travel Authorization

Comment: One commenter stated that approximately 85,000 travelers a year could be denied travel authorizations based on errors when submitting information and that reapplying would be costly and time consuming.

Response: As stated above, on average, a total of 0.23% of ESTA travel authorization applications are denied each year. This amounts to an average of 52,000 denials per year. While it is unknown what percentage of these denials are based on user error when submitting information, DHS has taken steps to minimize the number of applications denied based on keystroke errors. For example, the ESTA Web site prompts each applicant to review the data submitted for the overall application prior to submission. If the applicant finds an error, a correction may be made. In addition, the ESTA Web site requires the applicant to reaffirm the passport number and family name prior to submission of the application. DHS believes that the opportunity to review data prior to submission should minimize the incidences of keystroke errors. If an applicant makes a mistake when filling out the passport information, identifying biographic information, or eligibility questions, and he or she realizes the mistake after the applicant submits the ESTA application and the application for travel authorization is denied, he or she will need to submit a new ESTA application and pay the applicable fee. However, there is no guarantee that the subsequent application will result in travel authorization. Any other mistakes, including email address, telephone number, carrier name, flight number, city where the applicant is boarding, and address while in the United States, may be corrected or updated by using the ESTA update function, which can be done free of charge.

Comment: One commenter stated that the costs to the air carrier industry and travelers are high when compared to the small percentage of VWP travelers who are denied travel authorization. Another commenter stated that the cost to airlines of returning passengers found inadmissible is significant. According to the commenter, that cost is over $10 million per year (7,200 passengers at a cost of $1,500 each in fines).

Response: The 9/11 Act directed DHS to create an electronic system to collect certain biographical and other information to evaluate, in advance of travel, the eligibility of the applicant to travel to the United States under the VWP, and whether such travel poses a law enforcement or security risk. The security benefits of ESTA cannot only be quantified based solely on the number of ESTA applicants refused travel authorization. The VWP was created in recognition of the high percentage of travelers from the specified countries that will be deemed eligible to travel to the United States without a visa. ESTA also provides other benefits to travelers and carriers. It saves VWP-eligible travelers time and effort upon arrival in the United States and informs those who are not eligible before they board the carrier to the United States.

Though the commenter's calculations of the cost incurred by airlines to return inadmissible travelers is correct based on the commenter's assumptions, DHS believes that ESTA presents additional cost saving opportunities to the carriers that are responsible for returning inadmissible travelers to their points of origin. Carriers transporting VWP travelers always have been required to transport inadmissible travelers who arrive in the United States back to their point of origin. Therefore, ESTA does not impose additional costs in this regard. Moreover, because ESTA is designed to prevent inadmissible travelers from arriving at U.S. ports of entry, carriers will have fewer inadmissible travelers to transport from the United States, which should decrease their transportation costs. As stated in the Executive Order 12866 section below, no longer needing to transport and inspect inadmissible travelers will save carriers and DHS between $78 and $84 million annually.

Comment: Some commenters would like DHS to advise applicants why travel authorization was denied so that the issue could be addressed to enable travel under the VWP.

Response: DHS does not share information related to the denial of an ESTA travel authorization due to the complexities of the travel eligibility decision-making process, which is based on a combination of factors, including those related to security. However, an applicant who feels that the denial was improper may contact the ESTA Help Desk at 202–344–3710 or file a redress request through the DHS Travel Redress Inquiry Program (TRIP) Web site, *http://www.dhs.gov/dhs-trip.* If the denial was based on a genuine misunderstanding, for instance, where the applicant misunderstood a question and provided an answer resulting in the denial, then the application may be approved. However, DHS cannot guarantee that contacting the ESTA Help Desk or using the DHS TRIP Web site will result in an application being approved. As always, a traveler may apply for a nonimmigrant visa at a U.S. embassy or consulate.

18. Expedited Review

Comment: Some commenters would like to be able to request an expedited review through ESTA.

Response: As stated above, most applications receive an immediate response. However, if necessary, an individual may request an expedited review by calling the ESTA Help Desk at 202–344–3710.

19. ESTA Application Status Notifications for Travelers and Carriers

Comment: Some commenters asked how travelers will be notified of their approval for travel.

Response: ESTA applicants are notified of their travel eligibility on the screen at the ESTA Web site. In most cases, ESTA applicants are notified of their status within seconds of submitting their application, with travel authorization either being granted or denied. In other cases, the ESTA applicant may be in a ''pending'' status, where a final determination of travel eligibility has not been reached. For an applicant who provides an email address during the application process, DHS sends an email indicating that there has been an update to the travel authorization status and that the decision can be viewed at the ESTA Web site. Applicants who did not provide an email address will need to refer back to the ESTA Web site at a later time to check for changes in status. As of November 3, 2014, email addresses are a mandatory data element.

Comment: Some commenters would like DHS to send a notification about when an ESTA authorization will expire.

Response: Based on feedback, DHS updated the system to provide email notification to individuals approximately 30 days before the expiration of their ESTA travel authorization, informing them that their ESTA travel authorization will expire in approximately 30 days. The email notification advises recipients to go to the official ESTA Web site to reapply as follows:

> ESTA Expiration Warning: ATTENTION! Your travel authorization submitted on (date of application) (application number) via ESTA will expire within the next 30 days. It is not possible to extend or renew a current ESTA travel authorization. You will need to reapply at *https://esta.cbp.dhs.gov* if travel to the United States is intended in the near future.

Comment: A few commenters stated that applicants receiving a pending message, rather than an authorized or denied message, should be authorized to travel to the United States because the traveler would still submit their information on the Form I–94W and will be inspected upon arrival.

Response: Generally, a decision on an individual's ESTA application is issued within seconds of submission. However, travelers with a ''pending'' status will have to wait until the pending status is resolved to ''Authorization Approved'' prior to a carrier allowing a VWP traveler to board an aircraft or vessel destined for the United States. DHS cannot allow ESTA applicants without an approved authorization to travel to the United States, as to do so would prevent DHS from being able to fully screen the applicant, and thus contradict the Congressional mandates under the 9/11 Act. Because an exact timeline for travel authorization decisions cannot be provided in all cases, DHS encourages travelers to apply early for an ESTA travel authorization, such as before they purchase their tickets to the United States.

Comment: One commenter stated that the ''travel not authorized'' message is vague and should be changed to inform applicants that they were unsuccessful and to inform them that they may still apply for a visa.

Response: DHS has amended the ''travel not authorized'' message to inform the applicant about the next steps in the process of seeking travel to the United States. The response now reads as follows:

> You are not authorized to travel to the United States under the Visa Waiver Program. You may be able to obtain a visa from the Department of State for your travel. Please visit the Department of State Web site at *www.travel.state.gov* for additional information about applying for a visa.

Comment: One commenter stated that instead of using the system-generated 16-digit reference number, passengers should be able to use a passport or other travel document number to access their ESTA application.

Response: The 16-digit reference number is a unique number generated by ESTA that may be used to check the status of an applicant's status and to update optional information, such as flight itinerary and address in the United States. This number is linked to each ESTA application and approval. A travel document number cannot be used as a reference number for several reasons. First, it may lack sufficient security to uniquely identify a person. Second, since passports are generally issued for 10 years and an ESTA travel authorization is generally valid for two years, DHS would be unable to distinguish between applications from the same individual. Also, it would be confusing where a person possesses more than one passport, such as those who have dual citizenship.

Comment: Some commenters wanted to know the specific content of the ESTA application status messages carriers will be shown on pre-departure and if there will be a distinction between flights departing the United States and arriving flights.

Response: DHS sends a clear message to carriers to inform them whether the VWP traveler has the required travel authorization prior to boarding. Carriers will receive one of the following messages for travelers: A—ESTA on file OK to board; B—No ESTA on file; C—ESTA denied; Z—ESTA not applicable OK to board. Carriers may board travelers associated with messages A and Z. Carriers may not board travelers associated with messages B and C. ESTA authorization is not required for flights departing the United States so there is no need for ESTA messaging for departing flights.

20. Proof of Travel Authorization

Comment: Some commenters asked DHS to provide a receipt to serve as proof of ESTA travel authorization and asked what to do in airports that lack printers. Other commenters described situations where travelers were not allowed to board despite having ESTA travel authorization and were asked to present a paper printout of their travel authorization.

Response: ESTA travel authorization only may be validated electronically. The air or sea carrier must receive an electronic message directly from DHS stating that the traveler has a valid ESTA travel authorization prior to allowing the individual to board the conveyance destined for the United States. A printout showing that ESTA travel authorization was granted is not proper proof and DHS does not require VWP travelers to present a paper printout as evidence of having obtained ESTA travel authorization. If travelers are interested in having something tangible for their own records, such as a receipt, they may print the screen on the ESTA Web site showing that travel authorization has been granted, but this will not serve as proof for travel purposes.

Comment: Some commenters had concerns about the possibility of a forged ESTA approval.

Response: As explained in the previous response, ESTA travel authorization can only be verified electronically with an electronic status message from DHS and as such, cannot be forged.

21. Mandatory and Optional Data Elements

Comment: Many comments were received requesting clarification about which data elements are mandatory and which are optional.

Response: On December 9, 2014, DHS published a notice regarding changes to the ESTA application and paper Form I–94W in the **Federal Register** (79 FR 73096). These changes collect more detailed information about a traveler by making previously optional data elements mandatory and by adding additional data elements concerning other names or aliases, current or previous employment, and emergency contact information among other questions.

The mandatory data elements are clearly indicated by a red asterisk on the ESTA Web site. They are: Applicant's Name (Family Name and First (Given) Name; Known other names or aliases (Yes or No); Birth Date (Day, Month, and Year); City of Birth; Country of Birth; Gender (Male or Female); Parents' Names (Family Name, First (Given) Name); Passport Number; Passport Issuing Country (Country of Citizenship); Passport Issuance Date (Day, Month, and Year); Passport Expiration Date (Day, Month, and Year); Country of Citizenship; Citizen of any other country (Yes or No); Contact Email Address; Contact Telephone Number (Type, Country Code, and Number); Contact Home Address (Address Line 1, Apartment Number, Address Line 2, City, State/Province/Region, and Country); Emergency Contact (Family Name and First (Given) Name); Emergency Contact Telephone Number (Type, Country Code, and Number); Emergency Contact Email Address; Travel to U.S. occurring in transit to another country (Yes or No); and Current or previous employer (Yes or No). Applicants must also answer eight eligibility questions regarding, for example: Questions about physical and mental disorders, drug abuse and addiction, and communicable diseases, arrests and convictions for certain crimes, and past history of visa revocation or deportation, and they must complete the Certification field (or third-parties field, if applicable). The above mandatory information is the information the Secretary deems necessary to evaluate whether an alien is admissible to the United States under VWP and whether such travel poses a law enforcement or security risk. Optional data elements, which should be provided if known, are as follows: Address while in the United States (Address Lines 1 and 2, City, and State); employer's telephone number (country code and number); and job title. Upon submission, ESTA will automatically collect the Internet Protocol address (IP address) associated with the application for vetting purposes, as explained in the Privacy Impact Assessment Update for the Electronic System for Travel Authorization—Internet Protocol Address and System of Records Notice Update, dated July 18, 2012, available at *http://www.dhs.gov/privacy-documents-us-customs-and-border-protection.*

22. ESTA Interaction With Other Systems

Comment: Some commenters asked DHS to link ESTA with other government systems or programs, such as the State Department's visa issuance system or the Global Entry trusted traveler program.

Response: DHS is committed to achieving high levels of efficiency through the integration of its programs and policies. To this end, DHS coordinated ESTA with other government systems and programs to the extent possible. However, some systems or programs, are not suitable for linking with ESTA. For example, ESTA should not be linked with the State Department's visa issuance system because an ESTA travel authorization enables VWP travelers to travel to the United States without a visa. Further, ESTA should not be linked with Global Entry because the two programs have different purposes. ESTA travel authorization is a determination of suitability to travel to the United States, whereas Global Entry is intended to expedite low risk travelers upon arrival in the United States.

Comment: One commenter believes that ESTA is unnecessary because it duplicates APIS/AQQ and is costly to the airline industry.

Response: ESTA does not duplicate APIS/AQQ. While both programs promote the security of the United States and some data elements may overlap, the programs are distinct. Advance Passenger Information System (APIS) data consists of certain biographical information and conveyance details collected via the passenger reservation and check-in processes. This information is transmitted to DHS in advance of arrival through the Quick Query system. This is known to carriers as APIS/AQQ. APIS/AQQ does not include an eligibility screening process and applies to all flights beginning or ending in the United States. In contrast, ESTA is specific to the VWP and includes basic biographical questions as well as questions to determine a person's eligibility to travel under the VWP. Although DHS is mindful of the costs to the travel industry to implement ESTA, DHS has tried to implement ESTA in a way that minimizes costs while at the same time adhering to the Congressional mandate to develop ESTA within certain timeframes.

Comment: Some commenters stated that ESTA complicates carriers' efforts to meet the pre-departure APIS requirements as they adapt their systems. Other commenters asked whether a carrier that has received APIS/AQQ accreditation is required to go through a future accreditation process once ESTA messages have been incorporated. Some commenters noted that the Consolidated User Guide, UN/EDIFACT, arrived in late July 2008 and that this provided insufficient time for carriers to be compliant with the initial January 2009 deadline for ESTA.

Response: This comment was submitted in response to the ESTA IFR. At the time, DHS recognized the challenges facing the carriers to ensure that their systems were compatible with ESTA and APIS in order to receive and validate ESTA messages. To this end, DHS established an ESTA testing process for all VWP signatory carriers to demonstrate the carrier's ability to successfully transmit and receive ESTA messages through APIS/AQQ. All VWP signatory carriers successfully completed the testing process. DHS worked closely with each carrier to enable them to make modifications to attain compliance with ESTA requirements in a timely manner. DHS made a concerted effort to accommodate carriers as time became an issue and allowed carriers to demonstrate a plan and schedule to achieve compliance if they were not on schedule to be compliant by the stated date. As the results showed, the joint effort between DHS and the carriers was highly successful despite concerns at the time that the necessary user guide information was late when provided in July 2008.

Comment: One commenter stated that there may be passenger processing delays caused by travelers who confuse APIS data requirements with ESTA requirements. They may believe that the submission of the APIS data elements to the travel agent or carrier in advance of travel fulfills the ESTA requirement or vice versa and thus arrive at the airport on the day of departure without an ESTA travel authorization. Additionally, the commenter stated that DHS should make it clear in public outreach that ESTA's requirements are distinct from the APIS requirements, and that providing information for one program does not cover the other.

Response: VWP travelers are not responsible for providing DHS with APIS data. The carriers provide this information to DHS. It is the responsibility of the VWP traveler to apply for and obtain ESTA travel authorization prior to boarding an air or sea carrier destined for the United States. DHS has conducted outreach to ensure VWP travelers are aware of their responsibilities regarding the need to have a valid ESTA travel authorization prior to boarding a conveyance destined for the United States and is confident that there will be no passenger processing delays arising due to confusion regarding APIS requirements and ESTA requirements.

Comment: One commenter asked if APIS data would suffice as an alternative to having a valid ESTA travel authorization and another asked if APIS submissions would suffice for updates to information on the ESTA Web site.

Response: There is no alternative to having ESTA travel authorization for VWP travel. Each VWP traveler must receive travel authorization through the ESTA Web site prior to boarding a conveyance destined for an air or sea port of entry in the United States. Additionally, APIS data is not an acceptable means for updating changes to any of the mandatory data elements. As noted above in the Mandatory and Optional Data Elements section, changes to any of the mandatory data elements require a new travel authorization.

Comment: One commenter stated that the address and passport information collected through ESTA should be defaulted to read, ''Refer to APIS Entry'' to avoid the need for the carrier to adapt their APIS system to accommodate ESTA. Several commenters stated that ESTA should be harmonized with APIS/AQQ.

Response: Though the two systems are distinct, ESTA does work in conjunction with APIS/AQQ. For carriers that transport VWP travelers, the APIS/AQQ system was configured to selectively activate inclusion of ESTA application status in the message response to the carrier, thereby allowing carriers to know if the traveler has ESTA travel authorization and is eligible to board without a visa. As such, a ''Refer to APIS Entry'' message is unnecessary.

Comment: Some commenters had concerns regarding travel eligibility or carrier penalties if a VWP traveler failed to update his or her information, such as flight itinerary, or if this information differed from the APIS transmission made by carriers.

Response: As communicated through public outreach, carriers will not be penalized in situations where an ESTA application does not reflect the current address or flight details for the traveler's trip to the United States. Should the travelers wish to update their address and flight itinerary details, they are able to do so by accessing their application on the ESTA Web site and updating the information, free of charge.

23. Method of Payment

Comment: One commenter stated that DHS should permit different forms of payment in addition to credit cards for paying the ESTA fees. Some commenters pointed out that credit card use is not as widespread in the European Union as it is in the United States and that some prospective travelers may not have credit cards.

Response: DHS currently uses the system Pay.gov to process payment information. This system collects and processes payments from credit cards and credit/debit cards from the following institutions: MasterCard, VISA, American Express, Discover, Japan Credit Bureau, and Diners Club. However, based on the feedback received, DHS is currently investigating the option of allowing payments to be made from additional sources. If DHS decides to expand the allowable methods of payment, DHS will announce this to the public through outreach programs, travel Web sites, and postings on the ESTA Web site. An applicant who does not have a credit card may arrange for a third party, such as a relative or travel agent, to submit the payment.

Additionally, DHS has made changes to the payment functionality on the ESTA Web site to allow for groups of up to 50 applications to be paid with a single transaction. This functionality was added to accommodate those applications filed in group situations, such as a travel agent working on behalf of a group of travelers or a family applying together. A group is formed when a user adds an application to an existing application at which time a group of two applications is formed. At that time, the system will request information on the Group Point of Contact (POC) who will be paying for the applications. The Group POC can add to that initial group of two by creating new applications or retrieving existing ones. The system will monitor the number of applications in a group and will not allow the group to exceed 50 applications. After the creation of the group is complete, the system will ask the Group POC to submit payment. The ESTA fee will be charged for each application submitted and the TPA fee will be charged for each travel authorization granted.

24. ESTA Fee and the TPA Fee

Comment: A few commenters oppose the ESTA fee stating that there are too many fees already. One commenter acknowledged the need to offset the cost of maintaining a program such as ESTA with a fee, but thought that the $4 charge would more than be made up by what these travelers spend in the United States.

Response: The TPA directed DHS to establish a fee for ESTA that consists of the sum of $10 per travel authorization (TPA fee) and an amount that will at least ensure recovery of the full costs of providing and administering the System, as determined by the Secretary (ESTA fee). DHS has determined that the $4 ESTA fee is necessary to ensure the full costs of providing and administering the System. The statute does not permit DHS to consider benefits to the travel industry that result from VWP travelers coming to the United States in determining the ESTA fee.

Comment: One commenter stated that a $.050 administrative fee would be more appropriate than a $4 administrative charge for collecting the $10 TPA fee.

Response: The $4 ESTA fee is unrelated to the $10 TPA fee. The $4 ESTA fee goes to DHS to pay the costs associated with operating ESTA. The $10 TPA fee goes to a fund in the Department of the Treasury established by the Travel Promotion Act of 2009 to fund the activities of the Corporation for Travel Promotion.

Comment: One commenter supports the $10 TPA fee in order to provide a well-funded mechanism to reach out to actual and prospective travelers to explain the rationale and details of ESTA.

Response: The TPA established the Corporation for Travel Promotion as a nonprofit corporation for the purpose of promoting foreign leisure, business, and scholarly travel to the U.S. and maximizing the economic and social benefits of that travel for communities across the country. The purpose of the $10 TPA fee is to provide funds for the Corporation for Travel Promotion to attract visitors to the United States. The $10 TPA Fee does not fund any outreach regarding ESTA.

Comment: Some commenters oppose the $10 TPA fee because they believe that VWP travelers would receive no benefit from such fee. They indicate that the $10 TPA fee should not be paid by visitors already coming to the United States. Some commenters believe that the $10 TPA fee is a hidden subsidy for the commercial tourism sector and that the travel industry should advertise on its own to entice potential visitors.

Response: Eligible travelers from VWP countries who receive an ESTA travel authorization may benefit from the $10 TPA fee, as these fees fund the Corporation for Travel Promotion that is mandated to help communicate travel requirements to travelers to the United States. In addition, they do not have to pay to obtain a visa and do not need to report for an interview at a U.S. embassy or consulate. In addition, the $10 TPA fee is only required with the initial application or renewal of the ESTA, and will cover as many trips as the traveler takes to the United States during the

ESTA travel authorization's validity period.

The $10 TPA fee amount was set by the TPA to fund the Corporation for Travel Promotion, which was established by the TPA as a partnership between the travel industry and the federal government to create a marketing and promotion program to compete for international visitors and to create jobs and economic growth.

Comment: Some commenters were concerned that other countries could reciprocate with a travel promotion fee of their own which would harm U.S. travelers.

Response: DHS has no control over foreign governments charging travel promotion fees of their own. Some countries, including Visa Waiver Program countries, have established their own version of a travel promotion fee.

Comment: A few commenters asked whether the $4 ESTA fee and the $10 TPA fee would be charged for updating information.

Response: The $4 ESTA fee is charged each time a new ESTA application is submitted. The $10 TPA fee will be charged whenever a new ESTA travel authorization is granted. For example, if an applicant applies for an ESTA travel authorization but the ESTA application is denied, the applicant will be charged the $4 ESTA fee but not the $10 TPA fee. Updates to non-mandatory fields of information, such as flight number or address in the United States, will not require a new travel authorization and as such, will not require a new ESTA application. However, changes to one of the required data fields will necessitate a new ESTA application. In order to obtain travel authorization, the applicant will have to pay the $4 ESTA fee and the $10 TPA fee if travel authorization is granted.

Comment: Some commenters stated that they understand the need to charge the $4 ESTA fee for a new ESTA travel authorization due to changes such as name, gender, or country of citizenship within the two year validity period, but feel that charging the additional $10 TPA fee is not consistent with the issuance of an ESTA travel authorization that is valid for two years.

Response: The Travel Promotion Act of 2009 explicitly stated that the fee would be ''$10 per travel authorization.'' Therefore, until September 30, 2020 when the TPA fee provision expires, the $10 TPA fee must be collected whenever a new travel authorization is granted.

25. APA Procedures

Comment: A few commenters state that DHS should have implemented ESTA through prior notice and comment procedures instead of as an interim final rule.

Response: DHS is committed to ensuring that the public has an opportunity to comment on rulemakings and publishes proposed rules for public notice and comment whenever possible. In order to mitigate the security vulnerabilities of the VWP and fulfill the mandates of the 9/11 Act, consistent with the Administrative Procedure Act, DHS implemented ESTA as an interim final rule under the ''procedural,'' ''good cause,'' and ''foreign affairs'' exceptions to the APA's rulemaking requirements. *See* 5 U.S.C. 553. Discussion by DHS on how the ESTA IFR met these exceptions is set forth at 73 FR 32440 at 32444. In addition, DHS sought feedback from interested persons and provided 60 days for the public to submit comments on both the ESTA IFR and the ESTA Fee IFR. DHS has reviewed these comments thoroughly and as discussed in this document, has implemented many of the commenters' suggestions.

Comment: One commenter stated that the ESTA IFR's good cause exception does not apply because the national security justification is not fully explained and that the ESTA IFR's Regulatory Analysis found no new security benefits.

Response: The ESTA IFR was properly implemented under the APA's good cause exception as provided in 5 U.S.C. 553(b)(B). DHS determined that prior notice and comment rulemaking was impracticable and contrary to the public interest because it would hinder DHS's ability to address security vulnerabilities of the VWP that Congress asked DHS to address in the 9/11 Act. As stated in the ESTA IFR, implementation of this rule prior to notice and comment was necessary to protect the national security of the United States and to prevent potential terrorists from exploiting VWP. *See* 73 FR 32440 at 32444.

Comment: One commenter stated that the economic analysis in the Executive Order 12866 section of the ESTA IFR contradicted DHS's national security justification because an effective date was established six months after publication of the ESTA IFR.

Response: The ESTA IFR became effective on August 8, 2008, 30 days after the date of publication. *See* 73 FR 32440. However, in the ESTA IFR, DHS stated that it would provide a 60 day prior notice to the public via publication in the **Federal Register** before mandatory implementation. Consistent with this, DHS published a notice in the **Federal Register** on November 13, 2008, and announced that mandatory compliance would be required for VWP travelers on January 12, 2009. *See* 73 FR 67354. The time period between the ESTA IFR's effective date and the date it became mandatory allowed DHS to address the numerous operational issues inherent in designing and building an electronic system. It also enabled DHS to request and receive public comments. Even though ESTA did not become mandatory right away, the system was established at the time of implementation and could be used by VWP travelers to submit advance information. Therefore, it did provide some immediate security benefits.

Comment: Some commenters stated that DHS's use of the APA's procedural exception in the ESTA IFR was improper because the procedures established by the ESTA IFR are substantively different from what they were previously and because it imposes expensive burdens on carriers and travelers.

Response: DHS believes the procedural exception in 5 U.S.C. 553(b)(A) was appropriately used in the ESTA IFR. As explained in the ESTA IFR, ESTA merely automated an existing reporting requirement for nonimmigrant aliens, as captured in the Nonimmigrant Alien Arrival/Departure (I–94W) paper form. *See* 73 FR 32440 at 32444. Although ESTA altered the method and time for VWP travelers to provide DHS with required information, it did not substantively affect nonimmigrant aliens' rights to apply for admission under the VWP; nor did it alter the criteria aliens must meet to be admitted to the United States under the VWP.

Additionally, there were no substantive changes affecting carriers. The INA already required carriers to ensure that passengers have appropriate documentation to travel to the United States. In addition, carriers were already required to electronically verify and transmit passenger information to DHS through APIS/AQQ.

DHS is mindful of the fact that ESTA imposed some external costs on the travel industry and some inconveniences to the traveler. However, as described elsewhere in this document, ESTA also facilitates travel and provides cost savings. In any case, the fact that an agency's rule imposes a burden, even a substantial burden, does not automatically mean that prior notice and comment rulemaking is required.

Comment: One commenter stated that the foreign affairs exception to the APA requirements was not justified because

the IFR failed to cite to undesirable international consequences.

Response: DHS believes the foreign affairs exception in 5 U.S.C. 553(a)(1) was justified. The foreign affairs function applies because ESTA ''advances the President's foreign policy goals, involves bilateral agreements that the United States has entered into with participating VWP countries, and directly involves relationships between the United States and its alien visitors.'' *See* 73 FR 32440 at 32444.

26. Effective Date

Comment: Several commenters had questions regarding the six month implementation requirement of the TPA and asked DHS to explain how the September 8, 2010 effective date for the ESTA Fee IFR was reached.

Response: The TPA was signed March 4, 2010. The ESTA Fee IFR published in the **Federal Register** on August 9, 2010. DHS decided to provide a full 30 days of notice post-publication in order to give the public sufficient time to adjust to the changes. This resulted in the September 8, 2010 effective date.

27. Privacy

Comment: Some commenters claimed that requiring carriers to submit ESTA applications on behalf of travelers would violate European Union data privacy regulations or lead to other difficult situations, such as applications submitted on the day of departure in crowded airports.

Response: DHS does not require carriers or any other third party to submit ESTA applications on behalf of travelers. ESTA allows VWP travelers the option of seeking assistance from a third party in submitting an ESTA application. Travelers who do not wish to use ESTA may apply to the U.S. State Department for a visa.

DHS addresses privacy concerns associated with ESTA in the ESTA Privacy Impact Assessment (PIA) and subsequent ESTA PIA updates which may be found at: *http://www.dhs.gov/privacy-documents-us-customs-and-border-protection.*

Comment: Some commenters were concerned that the credit card information submitted by the ESTA applicant could be used improperly. They would like DHS to clarify which credit card details, if any, are retained or used for purposes other than those for which they were collected and to provide information about how DHS safeguards this information.

Response: The ESTA Web site is operated by the United States Government and employs technology to prevent unauthorized access to information. Personal information submitted through the ESTA Web site is protected in accordance with U.S. law and DHS Privacy Policy. The ESTA Web site employs software programs to identify unauthorized attempts to upload or change information, or otherwise cause damage.

The credit card information that is entered in the ESTA Web site is not retained in the ESTA database. Currently, the data entered on the ESTA Web site is forwarded to Pay.gov for payment processing and Pay.gov forwards the traveler's name and an ESTA tracking number to DHS's Credit/Debit Card Data System (CDCDS) for payment reconciliation. Pay.gov sends a nightly activity file, including the last four digits of the credit card, authorization number, billing name, address, ESTA tracking number, and Pay.gov tracking numbers, to CDCDS. Pay.gov also sends a daily batch file with the necessary payment information to a commercial bank for settlement processing. After processing, the commercial bank sends a settlement file, including the full credit card number, authorization number, card type, transaction date, amount, and ESTA tracking number to CDCDS. CDCDS retains the data from these transactions on different tables.

CDCDS matches the data transmitted from ESTA, Pay.gov, and the commercial bank by the ESTA tracking number and posts payments to DHS's account. DHS uses the data in CDCDS to manually research and reconcile unmatched transactions to the proper account, and to research and respond to charge-backs by the applicant, if necessary.

ESTA fee procedures, including collection, use, and retention of credit card information, are detailed in the PIA Update for the ESTA Fee, which can be found at *http://www.dhs.gov/privacy-documents-us-customs-and-border-protection.*

Comment: One commenter asked DHS to clarify data retention periods that were referenced in the ESTA IFR.

Response: ESTA data retention periods are detailed in the ESTA PIA and subsequent updates found at *http://www.dhs.gov/privacy-documents-us-customs-and-border-protection.* ESTA application data remains active for the period of time that the ESTA travel authorization is valid, which, as explained above, is generally two years or until the traveler's passport expires, unless one of the situations listed at 8 CFR 217.5(e) occurs requiring a new travel authorization. DHS will then maintain this information for an additional year, after which it will be archived for twelve years to allow retrieval of the information for law enforcement, national security, or investigatory purposes. Once the information is archived, the number of officials with access to it will be further limited. These retention periods are consistent both with border search authority and with the border security mission mandated by Congress. Data linked to active law enforcement lookout records, enforcement activities, and/or investigations or cases, including ESTA applications that are denied, will remain accessible for the life of the law enforcement activities to which they are related.

In those instances when a VWP traveler's ESTA application data is used for purposes of processing their application for admission to the United States, the ESTA application data will be used to create a corresponding admission record in DHS's Non-Immigrant Information System (NIIS). This corresponding admission record will be retained in accordance with the NIIS retention schedule, which is 75 years.

Payment information is not stored in ESTA, but is forwarded to Pay.gov and stored in DHS's financial processing system, CDCDS. Records are retained there for nine months in an active state to reconcile accounts and six years and three months in an archived state in conformance with National Archives and Records Administration (NARA) General Schedule 6 Item 1 Financial Records management requirements, which may be found online at: *http://www.archives.gov/records-mgmt/grs/grs06.html.* The nine month active status is necessary to handle reconciliation issues (including chargeback requests and retrievals).

Comment: One commenter stated that the agreement between the United States and the European Union on Passenger Name Records (PNR) data does not adequately cover the security questions posed in ESTA.

Response: This comment was received in response to the ESTA IFR and as such, is likely referring to the 2007 agreement between the United States of America and the European Union on the Use and Transfer of Passenger Name Records to the United States Department of Homeland Security'' (PNR Agreement). An updated version of this agreement was signed on December 14, 2011, and went into effect on July 1, 2012.[8] Although there are no

[8] For more information on the 2011 PNR agreement, please see *http://www.dhs.gov/sites/default/files/publications/privacy/Reports/dhsprivacy_PNR%20Agreement_12_14_2011.pdf.*

material differences between the 2007 version and the updated PNR Agreement, this response applies to the version that went into effect on July 1, 2012.

PNR data is submitted by airlines to DHS and contains a variety of traveler information including the passenger's name, contact details, travel itinerary, and other reservation details, as described in the DHS Automated Targeting System (ATS) Privacy Impact Assessment. The PNR Agreement addresses the privacy and security of PNR data transferred from the EU and does not pertain to ESTA. A Privacy Impact Assessment of ESTA, which includes a discussion of related security issues, can be found at *http://www.dhs.gov/privacy-documents-us-customs-and-border-protection.*

28. Economic analysis; Regulatory Flexibility Act; Paperwork Reduction Act

Comment: One commenter stated that a Regulatory Flexibility Act analysis was required for the ESTA IFR.

Response: The commenter is incorrect. The Regulatory Flexibility Act (RFA) (5 U.S.C. 603(b)), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996 (SBREFA), requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of a proposed rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions) when the agency is required ''to publish a general notice of proposed rulemaking for any proposed rule.'' Because this rule was issued as an interim final rule under the procedural, good cause, and foreign affairs function exceptions of the Administrative Procedure Act, a regulatory flexibility analysis was not required. *See* 5 U.S.C. 553; 73 FR 32440 at 32444.

Comment: One commenter stated that a review under the Paperwork Reduction Act (PRA) is warranted because there was no OMB Information Collection Request review and chance for public comment.

Response: This data collection was reviewed by OMB under Control Number 1651–0111, in accordance with the Paperwork Reduction Act of 1995 (PRA), Public Law 104–113. *See* 73 FR 32440 at 32452. Additionally, the public had multiple opportunities to comment on the information collection requirements concerning ESTA. The ESTA IFR requested comments on all aspects of this rule, including PRA-related comments. *See* 72 FR 32440. Additionally, DHS published a 60-Day Notice and request for comments; Extension of an existing information collection: 1651–0111 in the **Federal Register** on December 12, 2008, specifically requesting comments on the information collection requirement concerning ESTA. *See* 73 FR 75730. DHS published a subsequent 30-Day notice requesting comments concerning the information collection requirements of ESTA on February 13, 2009. *See* 74 FR 7243. On July 25, 2011, DHS published a 30-Day notice and request for comments regarding the addition of ''Country of Birth'' as a required data element. *See* 76 FR 44349. Also, on November 26, 2013, DHS published a 60-day notice and request for comments concerning changes to the ESTA application and paper Form I–94W in the **Federal Register**. *See* 78 FR 70570. On February 14, 2014, DHS published a 30-day notice and request for comments concerning changes to the ESTA application and paper Form I–94W in the **Federal Register**. *See* 79 FR 8984. These notices concerned revised questions to make the ESTA application more easily understandable to the traveling public. DHS continues to provide the public with the opportunity to comment on information collections concerning ESTA and has done so as recently as December 9, 2014, when DHS published a 60-day notice regarding additional changes to the ESTA application and paper Form I–94W in the **Federal Register**. *See* 79 FR 73096.

Comment: A few comments were received regarding the information contained in the economic analysis. Some commenters stated that the economic analysis did not consider things such as the economic impact of missed flights, lost tourism, lost commercial opportunities, and the impact of foreign governments imposing ESTA-like requirements on U.S. citizens traveling to VWP countries.

Response: The commenters are correct that the economic analysis did not quantify the impacts of missed flights and lost tourism as a result of ESTA implementation; however, DHS discussed this potential qualitatively in the chapter of the analysis devoted to the cost impacts of ESTA. As stated in the economic analysis, some travelers may not be able to travel to the United States even when they apply for a visa at a U.S. embassy or consulate. DHS does not know how many travelers this represents, but the percentage is likely very small. The State Department may make accommodations for certain last-minute travelers who are scheduled to travel in the next 72 hours, have applied for an authorization, and have been denied. Nevertheless, some travelers may not receive their travel authorization or visa in time to make their scheduled trip. Through the end of 2012, over 99% of ESTA applicants have been approved; therefore, the impact of potential denied travel authorizations is limited.

Additionally, the economic analysis did not quantify the impacts of potential ''reciprocity'' from other governments requiring information from U.S. citizens in advance of travel; however, DHS acknowledged this potential in the chapter of the analysis devoted to the cost impacts of ESTA. As stated, other VWP countries may choose to collect advance admissibility data from U.S. citizens prior to entering their country as a consequence of this rule (and Australia currently does as part of their ETA program). The European Union, for example, reportedly is considering a system similar to ESTA. DHS does not know which countries, if any, could establish similar requirements to ESTA, but any such requirements would affect U.S. citizens and U.S. carriers. However, the purpose of the economic analysis is to estimate the costs and benefits of the U.S. regulation under consideration, not other travel requirements that may or may not be implemented in the future in other countries.

The cost to obtain an ESTA travel authorization places a minimal burden on the traveler. DHS does not know if ESTA created a monetary disincentive to travel to the United States, but notes that travel to the United States has grown under the VWP after the establishment of ESTA. Although DHS does not explicitly estimate a decrease in travel as a result of the rule, such effects were presumably captured in the sensitivity analysis available in the appendix to the regulatory assessment, which is available in the docket of this rule.

Comment: One commenter stated that the cost of ESTA would be $10,000 per business traveler (minimum mean per person impact of the rule) if lost clients and lost business from a denied travel authorization are factored into the analysis. The commenter estimates that for leisure travelers, the costs would be less but still substantial (average cost of $500).

Response: Although the commenter may believe that $10,000 and $500 are reasonable estimates of the average per-traveler impacts of ESTA, the commenter provides only limited explanation on how those figures were estimated. This estimate seems to include costs such as the time and expense to get a visa (which is estimated in the economic analysis below), but it

is mostly the cost of lost business for travelers who are unable to travel to the United States if their ESTA is denied and they are unable to obtain a visa. DHS notes that only 0.23 percent of ESTA applications are denied and, absent the rule, these people would likely be denied entry to the United States upon arrival anyway. Since travelers normally apply for an ESTA when they purchase their ticket, there is ample time for most denied applicants to apply for a visa. The State Department may make accommodations for last minute travelers who are scheduled to travel in the next 72 hours and have been denied an ESTA. DHS does not have data on the number of travelers who are denied an ESTA and are subsequently denied a visa. However, DHS notes that these travelers are likely to have been deemed inadmissible upon arrival in the United States absent this rule. DHS, therefore, believes that the losses to business and leisure travelers who, absent this rule, would have been admitted to the United States are small. We discuss these costs qualitatively in the economic analysis.

Comment: One commenter stated that the economic analysis did not analyze the number of passengers who will arrive at foreign airports without a travel authorization in place.

Response: This commenter is correct. This is because DHS does not track how many travelers arrive without first having obtained travel authorization. However, DHS does estimate the cost to carriers to implement ESTA. Since the publication of the interim rule, DHS has done outreach to carriers to determine the true magnitude of their costs in implementing ESTA, including their costs in assisting passengers who arrive at foreign airports without a travel authorization in place. We estimate that carriers spent $108 million to implement ESTA in the first year and $12 million in subsequent years. These costs are discussed in the economic analysis below.

Comment: One commenter stated that using 62 as the number of air carriers potentially affected by the systems and processes modifications required for ESTA was an underestimation in the economic analysis. This commenter claimed that virtually every carrier in the world would incur costs to develop ESTA capabilities.

Response: Based on this comment, DHS has conducted further research and agrees that the number of air carriers potentially affected by the IFR was underestimated. DHS has modified its cost estimates to include additional carriers.

For the ESTA IFR, DHS consulted the International Air Transport Association (IATA) Web site for member details. DHS then accessed individual carrier Web sites to determine if the carriers flew to or from the United States and if the carrier country was an original VWP country, a new VWP country,[9] or the United States. DHS determined that 8 U.S.-based carriers and 35 foreign-based carriers would likely have to develop ESTA capabilities. Based on further research of U.S. airports and airlines servicing these airports, it was determined that there are an additional 10 foreign carriers that should be included in the analysis that are based in original VWP or new VWP countries but are not members of IATA.

Furthermore, there are foreign carriers that are not based in original or new VWP countries that offer direct flights from VWP countries to the United States. It is likely that these airlines will be carrying a significant number of VWP-eligible passengers and will thus wish to develop ESTA capabilities in order to best serve their customers. Based on further research of U.S. airports and airlines servicing these airports, it was determined that there are an additional eight foreign carriers that should be included in the analysis. These airlines are from the Middle East and Asia and offer direct flights to the United States from Japan, Singapore, and the United Kingdom. As a result of this further research, the analysis now includes cost estimates for 8 U.S.-based air carriers and 53 foreign-based air carriers. This analysis is summarized below in the section for Executive Order 12866 and 13563.

DHS disagrees that every airline around the world would be ''affected significantly'' by ESTA. Air carriers are not required to develop ESTA capabilities; the 9/11 Act has put the burden squarely on traveling individuals to obtain authorizations in advance of travel. Carriers who do not fly to the United States or who carry few VWP-eligible travelers are not likely to develop ESTA capabilities to assist those customers who arrive at the airport without a travel authorization. DHS has conducted a sensitivity analysis that includes all foreign-based airlines with flights to the United States but that most likely only carry a few VWP passengers. This analysis is included in the full Regulatory Assessment that can be found in the public docket for this rule.

[9] For the purpose of this document, we will use the term ''original VWP countries'' to refer to the 27 countries that were part of the VWP prior to the establishment of ESTA, and the term ''new VWP countries'' to refer to the 10 countries that were added to the VWP after that date, including Taiwan.

29. Comments That Are Beyond the Scope of the IFRs

Comment: One commenter stated that the DHS does not address the lack of system database integration of ESTA with the legacy INS IDENT and the FBI/IAFIS databases.

Response: Questions regarding other systems unrelated to ESTA (*e.g.* IDENT and IAFIS) are beyond the scope of this rulemaking. ESTA is a system that collects biographic information and IDENT and IAFIS are biometric systems capturing fingerprints for identification purposes. Please refer to the ESTA Privacy Impact Assessments for more information on system integration, which may be found online at: *http://www.dhs.gov/privacy-documents-us-customs-and-border-protection.*

Comment: One commenter remarked that VWP countries should monitor and limit the fees that third party vendors may charge a passenger for filling out ESTA applications on the passenger's behalf.

Response: It would be inappropriate for DHS to comment on how foreign governments regulate businesses or to dictate what fees a third party vendor charges for passengers to have an ESTA application filled out. DHS is aware that there have been several sites that were charging inordinate fees for information on the program and to apply for an ESTA travel authorization. DHS issued an Advisory about these Web sites in November 2008 to inform the traveling public that these sites are not affiliated with the United States government and travelers who accidentally go to those sites should exit and go to the official ESTA Web site at *https://esta.cbp.dhs.gov.* DHS also has claimed rights for ESTA via an application submitted to the U.S. Patent and Trade Office to protect against unauthorized use of the ESTA symbol and name. DHS continues to work on outreach and communications to the public to provide the most up to date information to assist travelers in complying with the requirement. As such, this comment is beyond the scope of these rulemakings.

Comment: One commenter stated that ESTA should be implemented at a later date because there are too many current visa holders who are overstaying in the United States, thus burdening American taxpayers with the costs of deporting overstaying visa holders.

Response: Although DHS recognizes that there may be cases where visa holders are overstaying their allowed time period for visiting the United States, the purpose of ESTA is to allow

DHS to determine travel eligibility and enhance the security of the United States and the VWP, and not to identify possible enforcement actions against visa holders or VWP travelers who have overstayed their authorized period of admission. As such, this comment is beyond the scope of these rulemakings.

Comment: Some commenters claimed that the ESTA rule violated the Airline Deregulation Act because it is an ''attempt to restrict the obligation of airlines to transport all passengers complying with their published tariffs'' and that DHS failed to consider ''the public right of freedom of transit of the navigable airspace'' as required by the Airline Deregulation Act.

Response: The main purpose of the Airline Deregulation Act (Public Law 95–504), signed into law on October 24, 1978, was to remove government control over fares, routes, and market entry (of new airlines) from commercial aviation. ESTA does not impose any restrictions on fares, routes, or market entry from commercial aviation and as such, this comment is beyond the scope of these rulemakings.

III. Conclusion

A. Regulatory Amendments

The amendments to title 8 of the Code of Federal Regulations, as set forth in the ESTA IFR, published June 8, 2008, and the ESTA Fee IFR, published August 9, 2010, are adopted as final with the following changes:

The ESTA regulations are being modified by adding a new § 217.5(d)(3) to allow for flexibility to adjust the validity period for a designated VWP country and to state that notice of any such change will be published in the **Federal Register** and reflected on the ESTA Web site. In addition to addressing comments regarding the extension of the validity period discussed above, DHS's decision to include this new section providing the Secretary with the flexibility to extend or shorten the ESTA travel authorization validity period for a designated VWP country is being done under the authority of the foreign affairs function of the United States to administer the VWP and is exempt from notice and comment rulemaking and delayed effective date requirements generally required under 5 U.S.C. 553. *See* 5 U.S.C. 553(a)(1). Additionally, section 217.5(h)(2) of the ESTA regulations contains a reference to the Treasury Department's Pay.gov financial system (Pay.gov). In light of the possibility that DHS may want to offer alternative methods of submitting payment in the future, DHS is removing the sentence that refers to Pay.gov.

B. Operational Modifications

As discussed in this document, DHS has made various minor changes to ESTA in response to comments received, such as the creation of the email notification regarding a traveler's impending ESTA travel authorization expiration and various changes made to the language used on the ESTA Web site to ensure clarity. Despite making only one substantive and one technical changes to the regulations in this final rule, DHS would like to highlight five operational modifications affecting ESTA applicants and VWP travelers since the publication of the interim final rules:

1. Elimination of the Paper Form I–94W

The requirement to complete the Nonimmigrant Alien Arrival/Departure (I–94W) paper form was eliminated for VWP travelers arriving in the United States at air or sea ports of entry on or after June 29, 2010. For these travelers, ESTA satisfies the requirement to complete and submit a paper Form I–94W upon arrival in the United States. DHS worked extensively with carriers to bring about an orderly transition to remove the paper Form I–94W from circulation and to ensure that all affected parties were aware of the updated requirements. Currently, only VWP travelers arriving at the United States at land ports of entry are required to complete the paper Form I–94W.

2. Addition of Country of Birth to the Form I–94W

On May 16, 2011 and July 25, 2011, DHS published notices in the **Federal Register** proposing to revise the Form I–94W collection of information by adding a data field for ''Country of Birth'' to ESTA and to the paper Form I–94W. These notices also solicited comments regarding the proposed revision. No comments were received. As of December 11, 2011, country of birth is a required data element on all ESTA applications. Individuals who obtained travel authorizations prior to this date do not need to provide ''Country of Birth'' to maintain travel authorization; however, such individuals must provide ''Country of Birth'' information if and when applying for a new travel authorization after their current ESTA travel authorization expires.

3. Collection of Internet Protocol Address

On July 30, 2012, DHS published an updated System of Records Notice in the **Federal Register** (77 FR 44642) notifying the public that DHS would begin collecting the Internet Protocol address (IP address) associated with a submitted ESTA application. The IP address will be used along with other application data for vetting purposes.

4. Multiple Application Payment Function

As discussed above, DHS modified the payment functionality to allow for a single credit card transaction to pay for up to 50 ESTA applications. A group point of contact must submit payment after inputting or retrieving the relevant applications. This modification will allow groups such as businesses or a family to submit ESTA applications without having to submit payment information for each individual application.

5. Modification of the Eligibility Questions on the Form I–94W and ESTA Application

On November 26, 2013 and February 14, 2014, DHS published notices in the **Federal Register** proposing to revise the Form I–94W collection of information by amending the eligibility questions to the ESTA application and to the paper Form I–94W to make the questions clearer and easier to understand while still providing DHS with the information needed to make eligibility determinations. *See* 78 FR 70570 and 79 FR 8984. These notices also solicited comments regarding the proposed revisions. No comments were received. On December 9, 2014, DHS published a 60-day notice regarding additional changes to the ESTA application and paper Form I–94W in the **Federal Register**. *See* 79 FR 73096. These changes collect more detailed information about a traveler by making previously optional questions mandatory and by adding additional questions concerning other names or aliases, current or previous employment, and emergency contact information among other questions. These changes are necessary to improve the screening of travelers before their admittance into the U.S. On November 3, 2014, DHS amended the questions accordingly.

IV. Statutory and Regulatory Requirements

A. Executive Order 13563 and Executive Order 12866

Executive Orders 13563 and 12866 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 rule is an economically significant regulatory action under section 3(f) of Executive Order 12866 as it has an annual effect on the economy of $100 million or more in any one year. As a result, this rule has been reviewed by the Office of Management and Budget. The following summary presents the costs and benefits to applicant carriers and DHS.[10]

The purpose of ESTA is to allow DHS to establish, in advance of travel, the eligibility of certain foreign travelers to enter the United States and whether the alien's proposed travel to the U.S. poses a law enforcement or security risk. Upon review of such information, DHS will determine whether the alien is eligible to travel to the United States. There are currently 37 countries in the VWP.[11] Furthermore, as additional countries are brought into the VWP, their citizens are also required to comply with ESTA. Additionally, because the information provided by the traveler through ESTA is the same information that was previously collected on the I–94W form (Arrival and Departure Record), travelers who receive a travel authorization through ESTA do not have to complete this form while en route to the United States.

The primary parameters for this analysis are as follows—

- The period of analysis is 2008 to 2018.
- For the purpose of this analysis, DHS assumes that travelers from all VWP countries began complying with the ESTA requirements on January 1, 2009, except for Greece and Taiwan, which DHS assumes began complying with the ESTA requirements on January 1, 2010 and January 1, 2013, respectively.[12]
- Air and sea carriers that transport these VWP travelers are not directly regulated under this rule; therefore, they are not responsible for completing ESTA applications on behalf of their passengers. However, carriers have chosen to either modify their existing systems or potentially develop new systems to submit ESTA applications for their customers. For this analysis, DHS assumes that carriers incurred system development costs in 2008 and incur operation and maintenance costs every year thereafter (2009–2018). DHS notes that it transmits travelers' authorization status through its existing Advance Passenger Information System (APIS), and therefore carriers did not have to make significant changes to their existing systems in response to this rule.

Impacts to Air & Sea Carriers

DHS estimates that 8 U.S.-based air carriers and 13 sea carriers are indirectly affected by the rule. An additional 53 foreign-based air carriers and 6 sea carriers are indirectly affected. As noted previously, DHS transmits a passenger's ESTA application or authorization status to the air carriers using APIS. When a passenger checks in for her flight, the passport is swiped and the APIS process begins. DHS provides the passenger's ESTA application or authorization status to the carrier in the return APIS message. If a passenger has not applied for and received a travel authorization prior to check-in, the carrier will be able to submit the required information and obtain the authorization on behalf of the passenger. It is unknown how many passengers rely on their carrier to apply for an ESTA travel authorization on their behalf.

At the time of the publication of the ESTA Interim Final Rule, it was unknown how much it would cost carriers to modify their existing systems. DHS therefore developed a range of costs for the analysis in the Interim Final Rule. Since the publication of the Interim Final Rule, CBP has done outreach to carriers to determine the true magnitude of their costs in implementing ESTA. Based on communications with carriers, we now estimate that carriers spend an average of $1,350,000 in the first year and $150,000 in subsequent years. Each subsequent year estimate is intended to account not only for annual operation and maintenance of the system but also for the burden incurred by the carriers to assist passengers.

Given this range, costs for U.S. based carriers are about $28.4 million in the first year and $3.2 million in subsequent years (undiscounted). Costs for foreign-based carriers are about $79.7 million in the first year and $8.9 million in subsequent years (undiscounted). See Exhibit 1.

EXHIBIT 1—FIRST YEAR AND ANNUAL COSTS FOR CARRIERS TO ADDRESS ESTA REQUIREMENTS

[$Millions, 2008–2018, Undiscounted]

	U.S.		Foreign		
	Air	Sea	Air	Sea	Total
Carriers	8	13	53	6	80
2008	$10.8	$17.6	$71.6	$8.1	$108.0
2009	1.2	2.0	8.0	0.9	12.0
2010	1.2	2.0	8.0	0.9	12.0
2011	1.2	2.0	8.0	0.9	12.0
2012	1.2	2.0	8.0	0.9	12.0
2013	1.2	2.0	8.0	0.9	12.0
2014	1.2	2.0	8.0	0.9	12.0
2015	1.2	2.0	8.0	0.9	12.0
2016	1.2	2.0	8.0	0.9	12.0
2017	1.2	2.0	8.0	0.9	12.0

[10] The complete Regulatory Assessment can be found in the docket for this rulemaking: *http://www.regulations.gov.*

[11] The current VWP countries are Andorra, Australia, Austria, Belgium, Brunei, the Czech Republic, Estonia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lichtenstein, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Taiwan, and the U.K. Since the June 9, 2008, publication of the interim final rule, the Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Slovakia, South Korea, and Taiwan have entered the VWP. With the exception of Taiwan, which was designated for participation in the VWP effective November 1, 2012, these countries were previously designated as ''Roadmap'' countries.

[12] DHS notes that Taiwan entered the VWP on November 1, 2012. However, DHS uses January 1, 2013 as Taiwan's ESTA start date for the analysis because data on I–94/I–94W arrivals by country are only available on an annual basis.

EXHIBIT 1—FIRST YEAR AND ANNUAL COSTS FOR CARRIERS TO ADDRESS ESTA REQUIREMENTS—Continued

[$Millions, 2008–2018, Undiscounted]

	U.S.		Foreign		
	Air	Sea	Air	Sea	Total
2018	1.2	2.0	8.0	0.9	12.0

Detail may not calculate to total due to independent rounding.

As estimated, ESTA will cost the carriers about $244 million to $270 million (2013 dollars) over the 11 year period of analysis depending on the discount rate applied (3 or 7 percent). See Exhibit 2.

EXHIBIT 2—PRESENT VALUE COSTS FOR CARRIERS TO ADDRESS ESTA REQUIREMENTS

[Millions, 2008–2018]

	U.S.		Foreign	
	Air	Sea	Air	Sea
3 percent discount rate				
11-year modal total	$24.4	$39.6	$161.6	$18.3
11-year subtotal	*$64.0*		*$179.9*	
11-year grand total	$243.9			
Annualized modal total	$2.2	$3.6	$14.6	$1.7
Annualized subtotal	*$5.8*		*$16.3*	
Annualized grand total	$22.1			
7 percent discount rate				
11-year modal total	$27.0	$43.8	$178.7	$20.2
11-year subtotal	*$70.8*		*$198.9*	
11-year grand total	$269.7			
Annualized modal total	$2.4	$3.9	$15.9	$1.8
Annualized subtotal	*$6.3*		*$17.7*	
Annualized grand total	$24.0			

Detail may not calculate to total due to independent rounding.

Travel agents and other service providers may incur costs to assist their clients in obtaining travel authorizations. Affected travel agents are mostly foreign businesses located in the VWP countries. DHS has worked to minimize the costs for travel agents, building functionality into the ESTA Web site that allows travel agents to upload ESTA applications for up to 50 individuals at a time. Thanks to this upgrade, travel agents have not needed to obtain software modules to allow them to apply for authorizations for their clients.

Impacts on Travelers

ESTA presents new costs and time burdens to travelers in original VWP countries who were not previously required to submit any information in advance of travel to the United States. Travelers from new VWP countries also incur costs and burdens, though these are much less than obtaining a nonimmigrant visa (category B–1/B–2), which is currently required for short-term business and leisure travel to the United States, absent eligibility for visa-free travel.

For the primary analysis, DHS explores the following categories of costs—

- Cost and time burden to obtain a travel authorization—DHS estimates the cost of applying for the authorization, the time that will be required to obtain an authorization, and the value of that time (opportunity cost) to the traveler.
- Cost and time burden to obtain a nonimmigrant (B–1/B–2) visa if travel authorization is denied—based on the existing process for obtaining a visa, DHS estimates the cost to obtain that document in the event that a travel authorization is denied and the traveler is directed to go to a U.S. embassy or consulate to obtain permission to travel to the United States.

For this analysis, DHS predicts ESTA-affected travelers to the United States over the period of analysis using information available from the Department of Commerce, National Travel and Tourism Office (NTTO), documenting historic travel levels and future projections. We use the travel-projection percentages through 2018 provided by NTTO. In addition to total travelers, DHS estimates the number of applicants based on an analysis of early ESTA applications. An ESTA travel authorization is valid for two years, so

the number of applicants for an ESTA travel authorization is lower than the number of arrivals under the VWP. See Exhibit 3.

EXHIBIT 3—TOTAL VISITORS TO THE UNITED STATES, 2009–2018

[Millions]

	2009	2010	2011	2012	2013*	2014*	2015*	2016*	2017*	2018*
Total Travelers	17.66	18.74	19.82	20.60	21.54	22.44	23.01	23.52	24.09	24.66
Applicants	14.54	15.44	16.31	16.96	17.74	18.47	18.93	19.35	19.83	20.30

Asterisk denotes projected values.

Cost To Obtain a Travel Authorization

The TPA mandates that DHS establish a fee for the use of ESTA. In 2010, DHS published an interim final rule setting this fee at $4 per application. The Travel Promotion Act also established a temporary $10 travel promotion fee to be collected through September 30, 2020. For the purposes of this analysis, DHS assumes the ESTA operational fee and the travel promotion fee are in effect from 2011 to 2018, the last year of our period of analysis. In addition, DHS estimates the cost of credit card fees for foreign transactions. In total, the cost per traveler will be $14.35 from 2011–2018.

Exhibit 4 presents the total and annualized costs to applicants over the period of analysis using 3 and 7 percent discount rates. Total costs to applicants over the period of analysis are estimated at $1.9 billion to $2.0 billion. Annualized costs to applicants are estimated at $171 million to $183 million.

EXHIBIT 4—TOTAL PRESENT VALUE AND ANNUALIZED COSTS OF THE ESTA FEE TO APPLICANTS, 2008–2018

Total present value costs ($billions)		Annualized costs ($millions)	
3%	7%	3%	7%
2.025	1.920	183	171

Time Burden To Obtain a Travel Authorization

To estimate the value of a non-U.S. citizen's time (opportunity cost), DHS has conducted a brief analysis that takes into account wage rates for each country that will be affected by ESTA requirements. Based on this analysis, DHS found that Japan, Australia, New Zealand, and countries in Western Europe generally have a higher value of time than the less developed countries of Eastern Europe and Asia. DHS also found that air travelers have a higher value of time than the general population. DHS developed a range of cost estimates for the value of an individual's time. For the low cost estimate, the hourly value of time ranges from $4.70 to $49.08 depending on the country. For the high cost estimate, the hourly value of time ranges from $9.95 to $103.99.

DHS estimates that it takes 15 minutes of time (0.25 hours) to apply for a travel authorization. Note that this is 7 minutes more than the time estimated to complete the I–94W (8 minutes). DHS estimates additional time burden for an ESTA application because even though the data elements and admissibility questions are identical, travelers must now register with ESTA, familiarize themselves with the system, and gather and enter the data. For those applicants who are computer savvy and have little difficulty navigating an electronic system, this may be a high estimate. For those applicants who are not as comfortable using computers and interfacing with Web sites, this may be a low estimate. DHS believes the time burden estimate of 15 minutes is a reasonable average. Furthermore, if airlines, cruise lines, travel agents, and other service providers are entering the information on behalf of the passenger, it almost certainly does not take 15 minutes of time because these entities have most of the information electronically gathered during the booking process, and travel and ticket agents are certainly comfortable using computer applications. Because DHS does not know how many travelers apply independently through the ESTA Web site versus through a third party, DHS assigns a 15-minute burden to all travelers.

Based on these values and assumptions, DHS estimates that total opportunity costs in 2009 (the first year that travelers comply with the ESTA requirements in this analysis) range from $118 million (low) to $250 million (high) depending on the value of time used. By the end of the period of analysis (2018), costs range from $163 million to $345 million. These estimates are all undiscounted. See Exhibit 5.

EXHIBIT 5—TOTAL OPPORTUNITY COSTS FOR VISITORS TO THE UNITED STATES, 2009 AND 2018 (MILLIONS, UNDISCOUNTED)

2009		2018	
Low estimate	High estimate	Low estimate	High estimate
$118	$250	$163	$345

As estimated, ESTA could have an opportunity cost to travelers of $1.4 billion to $3.0 billion (present value) over the period of analysis depending, the value of opportunity cost and the discount rate applied (3 or 7 percent).

Annualized costs are an estimated $123 million to $270 million. See Exhibit 6.

EXHIBIT 6—TOTAL PRESENT VALUE AND ANNUALIZED OPPORTUNITY COSTS TO TRAVELERS, 2008–2018

Total present value costs ($billions)				Annualized costs ($millions)			
Low estimate		High estimate		Low estimate		High estimate	
3%	7%	3%	7%	3%	7%	3%	7%
1.409	1.389	2.985	2.941	128	123	270	261

Cost and Burden To Obtain a Visa If a Travel Authorization Is Denied

Using the values of time noted above, DHS estimates the costs if an authorization is denied and the traveler is referred to the nearest U.S. embassy or consulate to apply for a nonimmigrant visa (B–1/B–2). Absent country-specific information, DHS assumes that it requires 5 hours of time to obtain a visa including time to complete the application, travel time, waiting at the embassy or consulate for the interview, and the interview itself. There are also other incidental costs to consider, such as bank and courier fees, photographs, transportation, and other miscellaneous expenses. DHS estimates that these out-of-pocket costs will be $216.

The number of travel authorizations that are denied for each country is unknown. Based on the results of ESTA implementation since January 2009, DHS uses the overall ESTA denial rate of 0.23 percent for each original VWP country (the travelers from the new VWP countries are so new to the VWP that obtaining a visa would still be considered the baseline condition). DHS does, however, subtract out ESTA refusals in our benefits calculations because these travelers do not accrue any benefit from ESTA.

DHS multiplies 0.23 percent of the annual travelers for each country by the burden (5 hours), the out-of-pocket expenses, and the value of time, either high or low. Total present value visa costs over the period of analysis could total $156 million to $227 billion over the period of analysis. Annualized costs are an estimated $14 million to $21 million. See Exhibit 7.

EXHIBIT 7—TOTAL PRESENT VALUE AND ANNUALIZED VISA COSTS TO TRAVELERS, 2008–2018

Total present value costs ($billions)				Annualized costs ($millions)			
Low estimate		High estimate		Low estimate		High estimate	
3%	7%	3%	7%	3%	7%	3%	7%
0.158	0.156	0.227	0.224	14	14	21	20

Total Costs to Travelers

Based on the above calculations, DHS estimates that the total quantified costs to travelers will range from $3.5 billion to $5.2 billion depending on the number of travelers, the value of time, and the discount rate (3 or 7 percent). Annualized costs are estimated to range from $308 million to $474 million. See Exhibit 8.

EXHIBIT 8—TOTAL PRESENT VALUE AND ANNUALIZED COSTS TO TRAVELERS, 2008–2018

Total present value costs ($billions)				Annualized costs ($millions)			
Low estimate		High estimate		Low estimate		High estimate	
3%	7%	3%	7%	3%	7%	3%	7%
3.592	3.464	5.237	5.085	325	308	474	452

DHS has shown that costs to air and sea carriers to support the requirements of the ESTA program could cost $244 million to $270 million over the period of analysis depending on the discount rate applied to annual costs. Costs to foreign travelers could total $3.3 billion to $5.2 billion depending on traveler levels, their value of time, and the discount rate applied.

In addition to the costs quantified here, there are other impacts that DHS is unable to quantify with any degree of confidence but should be considered. These include: Costs to travel agents and other third-parties applying for ESTA travel authorizations on their clients' behalf; losses due to denied travel authorizations and visas (some travelers may not be able to travel to the United States even when they apply for a visa at a U.S. embassy or consulate); trips forgone due to cost, attitude, or confusion; reciprocity by foreign governments; and, impacts on queues in airports and seaports.

Benefits

Benefits of ESTA Advance Screening

In addition to fulfilling a statutory mandate, the rule serves the twin goals of promoting border security and legitimate travel to the United States. By modernizing the VWP, ESTA is intended to both increase national

security and provide for greater efficiencies in the screening of international travelers by allowing for screening of subjects of potential interest well before boarding, thereby reducing traveler delays based on potentially lengthy processes at U.S. ports of entry.

Before ESTA implementation, a very small percentage of visitors to the United States are inadmissible for a variety of reasons, including but not limited to certain health problems and certain criminal activity. These aliens may be returned to their country of origin at the commercial carrier's expense, and the carrier may be fined for transporting an alien visitor not in possession of proper documentation.

One of the stated purposes of this rule is to prevent inadmissible travelers and travelers not eligible for VWP travel from arriving in the United States. Prior to ESTA, VWP visitors answered questions concerning admissibility by completing their Form I–94Ws as they were en route to the United States (non-VWP visitors answer the admissibility questions on their visa applications). Based on the answers to these questions, other information available, and personal judgment, the CBP officer would then make the determination to admit the person to the United States or refer the traveler to secondary inspection for further processing.

A travel authorization provided through ESTA permits travel to the United States but does not guarantee admissibility. Thus, even with ESTA, certain travelers are found inadmissible once they arrive in the United States. A crucial element to determining admissibility is the face-to-face interaction between the CBP officer and the potential entrant after arrival at the United States. Thus, carriers are still responsible for returning passengers to their last foreign point of departure at the carriers' expense if travelers cannot overcome the inadmissibility determination of the CBP officer during secondary processing.

ESTA allows for advance screening of VWP travelers against databases for lost and stolen passports, visa revocations, terrorists and by asking admissibility questions. Based on actual ESTA denial data, DHS estimates that 0.23 percent of affected individuals are denied an ESTA authorization to travel to the United States annually as a result of the ESTA requirements and must obtain a visa in order to travel.

When inadmissible travelers are brought to the United States, they are referred to secondary inspection where a CBP or other law enforcement officer questions them and processes them for return to their country of origin. DHS estimates that it costs $136 per individual for questioning and processing. DHS estimates that returning inadmissible travelers to their country of origin costs carriers $1,500 per individual, which includes the air fare and any lodging and meal expenses incurred while the individual is awaiting transportation out of the United States.

Based on these estimates, DHS calculates that benefits to DHS will total $65 million to $66 million over the period of analysis depending on the discount rate applied. Benefits to carriers could total $721 million to $732 million. Annualized benefits range from $70 million to $72 million. See Exhibit 9.

EXHIBIT 9—BENEFITS OF ADMISSIONS DENIED ATTRIBUTABLE TO ESTA, 2008–2018

[in $millions]

Total admissions denied	3% Discount rate				7% Discount rate			
	Benefits to DHS	Benefits to carriers	Total benefits	Annualized benefits	Benefits to DHS	Benefits to carriers	Total benefits	Annualized benefits
496,960	66.2	732.1	798.4	72.3	65.2	721.1	786.3	69.9

Detail may not calculate to total due to independent rounding.

Benefits of Not Having To Obtain Visas for Travelers From New VWP Countries

The benefits of not having to obtain a B–1/B–2 visa, but rather obtaining a travel authorization, are also quantifiable. These benefits are realized only by travelers from new VWP countries, *i.e.,* countries that became part of the VWP after publication of the ESTA IFR. DHS must first determine how many travelers are repeat versus first-time travelers in order not to double-count benefits from not having to obtain a visa. Prior to this rule, these visitors would all have needed visas if they were not part of the VWP. Then DHS estimates a percentage of repeat travelers who would also need to have visas because their old visa would expire during the next 10 years. Most VWP visitors are eligible for 10-year B–1/B–2 visas, so on average, one tenth of these visas expire every year. DHS thus assumes that 10 percent of repeat visitors would have to reapply for visas were it not for the rule.[13] Finally, DHS subtracts out those who are denied a travel authorization and must apply for a visa instead.

Benefits of forgoing visas are expected to range from about $2.0 billion to $2.6 billion (present value) from 2008 to 2018 depending on the travel level, the value of time used, and the discount rate applied (3 or 7 percent). Annualized benefits range from $180 million to $238 million. See Exhibit 10.

[13] DHS notes that Taiwan has a 5-year validity period for B–1/B–2 visas. Travelers from Taiwan make up only about 1 percent of the total number of VWP travelers, so assuming a 10-year validity period for Taiwan does not materially affect the analysis.

EXHIBIT 10—TOTAL PRESENT VALUE AND ANNUALIZED BENEFITS OF FORGOING VISAS, 2008–2018

Total present value benefits ($billions)				Annualized benefits ($millions)			
Low estimate		High estimate		Low estimate		High estimate	
3%	7%	3%	7%	3%	7%	3%	7%
2.089	2.022	2.632	2.549	189	180	238	227

Benefits of Not Having To Complete the Form I–94W and Form I–94

DHS can also quantify the benefits of not having to complete the Form I–94W (for travelers from the original VWP countries) and paper Form I–94 (for travelers from new VWP countries). These benefits will accrue to all travelers covered by ESTA. The estimated time to complete either the Form I–94W or Form I–94 is 8 minutes (0.13 hours). DHS subtracts out those travelers who are not able to obtain a travel authorization through ESTA (see previous section on costs) and then apply a low and high value of time to the burden to estimate total savings expected as a result of this rule.

Benefits of not having to complete the paper forms are expected to range from $739 million to $1.6 billion from 2008 to 2018 depending on the value of time used and the discount rate applied (3 or 7 percent). Annualized benefits range from $66 million to $144 million. See Exhibit 11.

EXHIBIT 11—TOTAL PRESENT VALUE AND ANNUALIZED BENEFITS OF FORGOING THE I–94/I–94W, 2008–2018

Total present value benefits ($billions)				Annualized benefits ($millions)			
Low estimate		High estimate		Low estimate		High estimate	
3%	7%	3%	7%	3%	7%	3%	7%
0.750	0.739	1.588	1.565	68	66	144	139

In addition to these benefits to travelers, DHS and the carriers should also experience the benefit of not having to print and store the Form I–94W. In March, 2013, DHS published an interim final rule entitled, ''Definition of Form I–94 to Include Electronic Format.'' As part of the regulatory analysis for this rule, DHS estimated the cost savings to DHS and carriers attributed to the automation of the Form I–94 in the air and sea environments, which is very similar to the Form I–94W. In this rule, DHS estimated that automating 16,586,753 Forms I–94 in the air and sea environments would save CBP $153,306 and carriers $1,344,450 in 2011. To apply these cost savings to the ESTA Final Rule, DHS scales these costs proportionally with the number of Forms I–94W being eliminated each year as part of this rule. DHS notes that carriers will still have to administer the Customs Declaration forms for all passengers aboard the aircraft and vessel.

Benefits of not having to administer paper forms are expected to range from $1.9 million to $2.0 million for DHS and from $16.9 million to $17.2 million for carriers from 2009 to 2018 depending on the value of time used and the discount rate applied (3 or 7 percent). Annualized benefits are $1.7 million. See Exhibit 12.

EXHIBIT 12—FORM MANAGEMENT BENEFITS FOR DHS AND CARRIERS, 2008–2018

[in $millions]

3% Discount rate				7% Discount rate			
Benefits to DHS	Benefits to carriers	Total benefits	Annualized benefits	Benefits to DHS	Benefits to carriers	Total benefits	Annualized benefits
1.957	17.168	19.125	1.7	1.928	16.908	18.836	1.7

Detail may not calculate to total due to independent rounding.

Total Benefits to Travelers

Total benefits to travelers could total $2.8 billion to $4.2 billion over the period of analysis. Annualized benefits could range from $246 million to $382 million. See Exhibit 13.

EXHIBIT 13—TOTAL PRESENT VALUE AND ANNUALIZED BENEFITS TO TRAVELERS, 2008–2018

Total present value benefits ($billions)				Annualized benefits ($millions)			
Low estimate		High estimate		Low estimate		High estimate	
3%	7%	3%	7%	3%	7%	3%	7%
2.846	2.770	4.220	4.114	258	246	382	366

Benefits of Enhanced Security

As set forth in section 711 of the 9/11 Act, it was the intent of Congress to modernize and strengthen the security of the VWP under section 217 of the Immigration and Nationality Act (INA), 8 U.S.C. 1187) by enhancing program security requirements.

This rule and the APIS 30/AQQ rule published on August 23, 2007 [14] have similar security objectives: To prevent a traveler who has been matched to an individual on a government watch list from boarding an aircraft or cruise ship bound for the United States. As these benefits have already been accounted for in the regulatory assessment for the APIS rule, we do not repeat them here. ESTA has the additional security benefit of preventing those on a government watch list from purchasing a ticket. This allows CBP to focus its targeting resources on unknown threats rather than known threats (those on a watch list). Since the publication of the Interim Final Rule, DHS has added questions to ESTA to further improve security. The addition of these data elements improves the Department's ability to screen prospective VWP travelers while more accurately and effectively identifying those who pose a security risk to the United States. We note that since the publication of the Interim Final Rule, ESTA has been successful in denying travel authorizations to known or suspected terrorists. In 2014, 817 known or suspected terrorists were denied ESTA authorizations.[15]

This rule allows CBP to comply with the TPA's mandate that the Secretary establish a fee for the use of the ESTA system and also establish a $10 travel promotion fee. The U.S. travel and tourism industry may benefit to the extent that travel promotion efforts made possible by the Travel Promotion Fund are successful in increasing travel to the United States. Likewise, the TPA has a mandate to provide information to communicate travel requirements, including ESTA, to travelers. To the extent that this outreach increases the travelers' understanding of U.S. travel requirements, they will benefit.

The total net benefits of the rule are presented in Exhibit 14. Net benefits range from a net loss of $158 million to a net loss of $443 million, depending on the value of time and discount rate used. We note that, though the monetized net benefits of this rule are negative, the non-monetized security benefits are large enough to for this rule's benefits to exceed the costs.

EXHIBIT 14—TOTAL NET BENEFITS, 2009–2018

	Total present values ($billions)				Annualized values ($millions)			
	Low estimate		High estimate		Low estimate		High estimate	
	3% discount rate	7% discount rate	3% discount rate	7% discount rate	3% discount rate	7% discount rate	3% discount rate	7% discount rate
Costs	(3.836)	(3.734)	(5.481)	(5.355)	(347)	(332)	(496)	(476)
Benefits	3.664	3.575	5.037	4.919	332	318	456	437
Net Benefit	(0.172)	(0.158)	(0.443)	(0.435)	(16)	(14)	(40)	(39)

Detail may not calculate to total due to independent rounding. Parentheses indicate a negative value. Note that annualized values are not additive.

Annualized costs and benefits to U.S. entities are presented in the following accounting statement, as required by OMB Circular A–4.

ACCOUNTING STATEMENT: CLASSIFICATION OF EXPENDITURES TO U.S. ENTITIES, 2008–2018

[$2013]

	3% discount rate	7% discount rate
Costs:		
Annualized monetized costs	$22 million	$24 million.
Annualized quantified, but non-monetized costs.	None quantified	None quantified.
Qualitative (non-quantified) costs	Indirect costs to the travel and tourism industry.	Indirect costs to the travel and tourism industry.
Benefits:		

[14] FR 48320. U.S. Customs and Border Protection. *Advance Electronic Transmission of Passenger and Crew Member Manifests for Commercial Aircraft and Vessels; final rule.* August 23, 2007.

[15] Source: Internal tracking system maintained by CBP's Office of Field Operations.

ACCOUNTING STATEMENT: CLASSIFICATION OF EXPENDITURES TO U.S. ENTITIES, 2008–2018—Continued

[$2013]

	3% discount rate	7% discount rate
Annualized monetized benefits	$71 million to $74 million	$69 million to $72 million.
Annualized quantified, but non-monetized benefits.	None quantified	None quantified.
Qualitative (non-quantified) benefits	Enhanced security and efficiency, indirect benefits to the travel and tourism industry.	Enhanced security and efficiency, indirect benefits to the travel and tourism industry.

DHS estimates that the carrier costs of this rule are approximately $22 million to $24 million annualized. Quantified benefits of $69 million to $74 million to U.S. entities (carriers and DHS) are for forgone costs associated with processing and transporting inadmissible travelers and forgone form administration costs. There are also quantified costs and benefits for travelers; however, because these are attributable solely to foreign individuals, DHS does not include them in the accounting statement. There are non-quantified costs to the travel and tourism industry if the United States receives fewer visitors as a result of this rule. Conversely, there are non-quantified benefits to the travel and tourism industry if this rule results in more visitors. Additional non-quantified benefits are enhanced security and efficiency.

Regulatory Alternatives

DHS considers three alternatives to this rule—

- Alternative 1: The ESTA requirements in the rule, but with no application fee (more costly for DHS, less burdensome for traveler)
- Alternative 2: The ESTA requirements in the rule, but with only the name of the passenger and the admissibility questions on the Form I–94W (less burdensome for the traveler)
- Alternative 3: The ESTA requirements in the rule, but only for the 10 new VWP countries (no new requirements for travelers from the original VWP countries, reduced burden for new VWP travelers)

For the sake of brevity, DHS presents the high value estimates at the 7 percent discount rate only. Costs are expressed as negative values (denoted by parentheses) in this presentation of impacts. See Exhibit 15.

EXHIBIT 15—COMPARISON OF 11-YEAR IMPACTS OF THE RULE AND REGULATORY ALTERNATIVES, 2008–2018, IN $BILLIONS, HIGH ESTIMATE, 7 PERCENT DISCOUNT RATE

	Rule	Alternative 1	Alternative 2	Alternative 3
Carrier costs	$(0.270)	$(0.270)	$(0.270)	$(0.270).
ESTA time burden	(2.941)	(2.941)	(1.961)	(0.127).
Visa costs	(0.224)	(0.224)	(0.224)	0.
ESTA fee	(1.920)	0	(1.920)	(0.187).
CBP costs	0	(1.920)	0	(1.733).
Inadmissibility savings	0.810	0.810	0.810	0.068.
Benefit of no visa	2.549	2.549	2.549	2.549.
Benefit of no I–94/94W	1.565	1.565	1.565	0.068.
Benefit of no form administration	0.019	0.019	0.019	0.019.
Net impact	$(0.412)	$(0.412)	$0.568	0.387.
Comment		Does not meet statutory requirements.	All data elements are required for effective screening.	Does not meet statutory requirements.

Detail may not calculate to total due to independent rounding. Parentheses indicate a negative value. Note that annualized values are not additive.

DHS has determined that this rule provides the greatest level of enhanced security and efficiency at an acceptable cost to the traveling public and potentially affected air and sea carriers. Alternative 2 would provide less security as it does not include the additional questions on the ESTA application that CBP uses for targeting purposes. Alternative 3 would provide less security because we would only get advance information from a relatively small subset of the VWP population.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996, requires an agency to prepare a regulatory flexibility analysis that describes the effect of a proposed rule on small entities when the agency is required to publish a general notice of proposed rulemaking. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people). Since a general notice of proposed rulemaking was not necessary, a regulatory flexibility analysis was not required. Nonetheless, DHS has considered the impact of this rule on small entities. The individuals to whom this rule applies are not small entities as that term is defined in 5 U.S.C. 601(6).

C. Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the

Unfunded Mandates Reform Act of 1995.

D. Executive Order 13132

The rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

E. Executive Order 12988 Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

F. Paperwork Reduction Act

An agency may not conduct, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number assigned by OMB. OMB has already approved the collection of the ESTA information in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) under OMB Control Number 1651–0111.

G. Privacy

DHS published an ESTA Privacy Impact Assessment (PIA) for the Interim Final Rule announcing ESTA on June 9, 2008. Additionally, at that time, DHS prepared a separate System of Records Notice (SORN) which was published in conjunction with the ESTA IFR on June 9, 2008. DHS has updated these documents since that time and the most current ESTA PIA and SORN are available for viewing at *http://www.dhs.gov/privacy-documents-us-customs-and-border-protection.*

List of Subjects in 8 CFR Part 217

Air carriers, Aliens, Maritime carriers, Passports and visas.

Amendments to Regulations

Accordingly, the interim rules amending part 217 of the CBP regulations (8 CFR part 217), which were published at 73 FR 32440 on June 9, 2008 and 75 FR 47701 on August 9, 2010, are adopted as final with the following changes:

PART 217—VISA WAIVER PROGRAM

■ 1. The authority citation for part 217 continues to read as follows:

Authority: 8 U.S.C. 1103, 1187, 8 CFR part 2.

■ 2. Section 217.5 is amended by adding paragraph (d)(3) and revising paragraph (h)(2) to read as follows:

§ 217.5 Electronic System for Travel Authorization.

* * * * *

(d) * * *

(3) The Secretary, in consultation with the Secretary of State, may increase or decrease ESTA travel authorization validity period otherwise authorized by subparagraph (1) for a designated VWP country. Notice of any change to ESTA travel authorization validity periods will be published in the **Federal Register**. The ESTA Web site will be updated to reflect the specific ESTA travel authorization validity period for each VWP country.

* * * * *

(h) * * *

(2) Beginning October 1, 2020, the fee for using ESTA is an operational fee of $4.00 to at least ensure recovery of the full costs of providing and administering the system.

Dated: June 3, 2015.

Jeh Charles Johnson,

Secretary.

[FR Doc. 2015–13919 Filed 6–5–15; 8:45 am]

BILLING CODE 9111–14–P

FARM CREDIT ADMINISTRATION

12 CFR Part 600

RIN 3052–AD05

Organization and Functions; Field Office Locations

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA, we, or our) issued a final rule amending our regulation in order to change the addresses for two field offices as a result of recent office relocations. In accordance with the law, the effective date of the rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session.

DATES: Under the authority of 12 U.S.C. 2252, the regulation amending 12 CFR part 600 published on March 25, 2015 (80 FR 15680) is effective May 22, 2015.

FOR FURTHER INFORMATION CONTACT:

Michael T. Wilson, Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4124, TTY (703) 883–4056; or

Jane Virga, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4071, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION: The Farm Credit Administration issued a final rule to reflect the change of address for two FCA field office locations. The Freedom of Information Act, 5 U.S.C. 552, requires, in part, that each Federal agency publish in the **Federal Register** for the guidance of the public a description and the location of its central and field organizations. As two of FCA's field offices recently changed locations, the final rule amended our regulation to include the new addresses, in accordance with the Freedom of Information Act. In accordance with 12 U.S.C. 2252, the effective date of the interim rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is May 22, 2015.

(12 U.S.C. 2252(a)(9) and (10))

Dated: June 1, 2015.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2015–13880 Filed 6–5–15; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0464; Directorate Identifier 2014–SW–002–AD; Amendment 39–18169; AD 2015–11–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (Previously Eurocopter France) Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2013–18–01 for Eurocopter France Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters. AD 2013–18–01 required inspecting the collective pitch lever for correct locking and unlocking conditions. As published, AD 2013–18–01 contained certain errors. This new AD retains the requirements of AD 2013–18–01, corrects the errors, and updates the type certificate holder's name. The actions in this AD are intended to detect an incorrectly adjusted collective pitch lever, which

could result in loss of control of the helicopter.

DATES: This AD is effective July 13, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 18, 2013 (78 FR 56599, September 13, 2013).

ADDRESSES: For service information identified in this AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, Texas 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub*. You may view this referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. It is also available on the Internet at *http://www.regulations.gov* in Docket No. FAA–2014–0464.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0464; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference information, the economic evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to remove AD 2013–18–01, Amendment 39–17574 (78 FR 56599, September, 13, 2013) and add a new AD. AD 2013–18–01 applied to Eurocopter France Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters, except helicopters with modification (MOD) 0767B5 installed. AD 2013–18–01 required inspecting the collective pitch lever for correct unlocking with a spring scale, and if required, adjusting the collective pitch lever restraining tab and, for certain models, adjusting the collective link rods. AD 2013–18–01 also required inspecting the collective pitch lever for the risk of inadvertent locking by measuring the clearance between the locking pin of the collective pitch lever and the L-section of the restraining tab, and if required, modifying the tab with a slight bend to the tab. As published, the AD number after the amendatory language section of AD 2013–18–01 is incorrect. The AD number was published as ''2013–18–11.'' The MOD number in paragraph (a), Applicability, of the AD is also incorrect. The correct MOD number is 0767B65. Also, since we issued AD 2013–18–01, the type certificate holder's name for the affected models changed from Eurocopter France to Airbus Helicopters.

AD 2013–18–01 was prompted by AD No. 2011–0154, dated August 22, 2011, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Eurocopter Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters. EASA advises of two occurrences of inadvertent locking and unlocking of the collective pitch lever. One inadvertent collective pitch lever locking occurred when moving the collective pitch lever to the low-pitch position, and one inadvertent collective pitch lever unlocking occurred during engine start. To address this unsafe condition, EASA AD No. 2011–0154 requires inspecting the collective pitch lever for correct locking and unlocking conditions, except for those helicopters with a hinged, spring-loaded collective lever locking blade installed, designated as MOD 0767B65.

The NPRM published in the **Federal Register** on July 16, 2014 (79 FR 41466). The NPRM proposed to continue to require all of the inspection and adjustment requirements of AD 2013–18–01. The NPRM also proposed to correct the MOD number in paragraph (a) and reflect the current type certificate holder's name and contact information. Removing AD 2013–18–01 and issuing a new AD would also remove the incorrect AD number after the amendatory language. The NPRM proposed no other changes to other parts of the regulatory information.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (79 FR 41466, July 16, 2014).

FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

Related Service Information Under 1 CFR Part 51

We reviewed Eurocopter (now Airbus Helicopters) Alert Service Bulletin (ASB) No. 67.00.10 for Model AS365 helicopters, ASB No. 67.05 for Model SA366 helicopters, and ASB No. 67A007 for Model EC155 helicopters. All three ASBs are Revision 1 and are dated February 25, 2009. These ASBs describe procedures for inspecting and adjusting the collective pitch lever for correct locking and unlocking conditions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Other Related Service Information

Eurocopter also issued ASB No. 67.00.12, Revision 0, dated February 25, 2009, for Model AS365 helicopters; ASB No. 67.07, Revision 0, dated February 25, 2009, for Model AS366 helicopters; and ASB No. 67–009, Revision 1, dated July 19, 2010, for Model EC 155 helicopters. These ASBs contain the procedures for MOD 0767B65.

Costs of Compliance

We estimate that this AD will affect 32 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Inspecting and adjusting the collective pitch lever requires about 1 work-hour at an average labor rate of $85 per work-hour, for a total cost per helicopter of $85 and a cost to U.S. operators of $2,720.

Authority for This Rulemaking

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

detail the scope of the Agency's authority.

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2013–18–01, Amendment 39–17574 (78 FR 56599, September 13, 2013), and adding the following new AD:

2015–11–06 Airbus Helicopters (Previously Eurocopter France): Amendment 39–18169; Docket No. FAA–2014–0464; Directorate Identifier 2014–SW–002–AD.

(a) Applicability

This AD applies to Model EC 155B, EC155B1, SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters, except helicopters with modification (MOD) 0767B65 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as inadvertent locking and unlocking of the collective pitch lever, which could result in subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2013–18–01, Amendment 39–17574 (78 FR 56599, September 13, 2013).

(d) Effective Date

This AD becomes effective July 13, 2015.

(e) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

(f) Required Actions

Within 50 hours time-in-service:

(1) For Model EC 155B and EC155B1 helicopters:

(i) Lock the collective pitch lever, and using a spring scale, measure the load (G) required to unlock the pilot's collective pitch lever as depicted in Figure 1, Detail B of Eurocopter Alert Service Bulletin (ASB) No. 67A007, Revision 1, dated February 25, 2009 (ASB 67A007).

(ii) If the collective pitch lever unlocks at a load less than 11 deca Newtons (daN) (24.7 lbs) or greater than 14 daN (31.5 lbs), before further flight, adjust the collective pitch lever restraining tab (F) using the oblong holes.

(iii) Set the collective pitch lever to the ''low pitch'' position and hold it in this position, without forcing it downwards.

(iv) Measure the clearance (J1) between the locking pin of the collective pitch lever (C) and the L-section of the restraining tab (F) as depicted in Figure 1, Detail A of ASB 67A007.

(v) If the clearance between the locking pin of the collective pitch lever and the L-section of the restraining tab is less than 3 millimeters (mm), before further flight, remove the restraining tab, clamp the restraining tab (F) in a vice with soft jaws, and gradually apply a load (H) to ensure a clearance of 3 mm or more, as depicted in Figure 1, Detail K of ASB 67A007.

(2) For Model SA–365N, SA–365N1, AS–365N2, and AS 365 N3 helicopters:

(i) Completely loosen the friction, lock the collective pitch lever, and using a spring scale, measure the load (G) required to unlock the pilot's collective pitch lever as depicted in Figure 1, Detail B of Eurocopter ASB No. 67.00.10, Revision 1, dated February 25, 2009 (ASB 67.00.10).

(ii) If the collective pitch lever unlocks at a load less than 5 daN (11.3 lbs) or greater than 14 daN (31.5 lbs), before further flight, adjust the collective pitch lever restraining tab (F) using the oblong holes and adjust the collective link rods as described in the Accomplishment Instructions, paragraph 2.B.4., of ASB 67.00.10.

(iii) Set the collective pitch lever to the ''low pitch'' position and hold it in this position, without forcing it downwards.

(iv) Tighten the friction lock and measure the clearance (J1) between the locking pin of the collective pitch lever (C) and the L-section of the restraining tab (F) as depicted in Figure 1, Detail A of ASB 67.00.10.

(v) If the clearance between the locking pin of the collective pitch lever and the L-section of the restraining tab is less than 3 mm, before further flight, remove the restraining tab, clamp the restraining tab (F) in a vice with soft jaws, and gradually apply a load (H) to ensure a clearance of 3 mm or more, as depicted in Figure 1, Detail K, of ASB 67.00.10.

(3) For Model SA–366G1 helicopters:

(i) Completely loosen the friction, lock the collective pitch lever, and using a spring scale, measure the load (G) required to unlock the pilot's collective pitch lever as depicted in Figure 1, Detail B of Eurocopter ASB No. 67.05, Revision 1, dated February 25, 2009 (ASB 67.05).

(ii) If the collective pitch lever unlocks at a load less than 5 daN (11.3 lbs) or greater than 14 daN (31.5 lbs), before further flight, adjust the collective pitch lever restraining tab (F) using the oblong holes and adjust the collective link rods as described in the Accomplishment Instructions, paragraph 2.B.4., of ASB 67.05.

(iii) Set the collective pitch lever to the ''low pitch'' position and hold it in this position, without forcing it downwards.

(iv) Tighten the friction lock and measure the clearance (J1) between the locking pin of the collective pitch lever (C) and the L-section of the restraining tab (F) as depicted in Figure 1, Detail A, of ASB 67.05.

(v) If the clearance between the locking pin of the collective pitch lever and the L-section of the restraining tab is less than 3 mm, before further flight, remove the restraining tab, clamp the restraining tab (F) in a vice with soft jaws, and gradually apply a load (H) to ensure a clearance of 3 mm or more, as depicted in Figure 1, Detail K, of ASB 67.05.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Matt Wilbanks, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *matt.wilbanks@faa.gov*.

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

(h) Additional Information

(1) Eurocopter Alert Service Bulletin (ASB) No. 67.00.12, Revision 0, dated February 25, 2009; ASB No. 67.07, Revision 0, dated February 25, 2009; and ASB No. 67–009, Revision 1, dated July 19, 2010, which are not incorporated by reference, contain additional information about this AD. For service information identified in this AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, Texas 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub*. You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2011–0154, dated August 22, 2011. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2014–0464.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6710, Main Rotor Control.

(j) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on October 18, 2013, (78 FR 56599, September 13, 2013).

(i) Eurocopter Alert Service Bulletin No. 67.00.10, Revision 1, dated February 25, 2009.

(ii) Eurocopter Alert Service Bulletin No. 67.05, Revision 1, dated February 25, 2009.

(iii) Eurocopter Alert Service Bulletin No. 67A007, Revision 1, dated February 25, 2009.

(4) For Eurocopter service information identified in this AD, contact Airbus Helicopters, Inc., 2701 N. Forum Drive, Grand Prairie, Texas 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.airbushelicopters.com/techpub*.

(5) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(6) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html*.

Issued in Fort Worth, Texas, on May 26, 2015.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–13355 Filed 6–5–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31019; Amdt. No. 3645]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective June 8, 2015. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 8, 2015.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC, 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

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

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the

airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPS as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as Amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on May 22, 2015.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

** * * Effective 25 JUNE 2015*

Oneonta, AL, Robbins Field, RNAV (GPS) Rwy 5, Orig-A
Little Rock, AR, Bill and Hillary Clinton National/Adams Field, ILS OR LOC Rwy 22R, ILS Rwy 22R (CAT II), ILS Rwy 22R (CAT III), Amdt 2E
Fort Lauderdale, FL, Fort Lauderdale Executive, Takeoff Minimums and Obstacle DP, Amdt 5
Tallahassee, FL, Tallahassee Intl, ILS OR LOC Rwy 27, ILS Rwy 27 (CAT II), Amdt 10
Tallahassee, FL, Tallahassee Intl, RNAV (GPS) Rwy 9, Amdt 2
Tallahassee, FL, Tallahassee Intl, RNAV (GPS) Rwy 27, Amdt 2
Eastman, GA, Heart of Georgia Rgnl, ILS OR LOC Rwy 2, Amdt 2A
Eastman, GA, Heart of Georgia Rgnl, RNAV (GPS) Rwy 2, Amdt 2A
Homerville, GA, Homerville, Takeoff Minimums and Obstacle DP, Amdt 1
Guam, GU, Guam Intl, ILS OR LOC Rwy 6L, Amdt 4
Guam, GU, Guam Intl, NDB/DME Rwy 24R, Amdt 1
Guam, GU, Guam Intl, RNAV (GPS) Y Rwy 24R, Amdt 2
Guam, GU, Guam Intl, RNAV (RNP) Z Rwy 24R, Amdt 1
Guam, GU, Guam Intl, Takeoff Minimums and Obstacle DP, Amdt 1
Guam, GU, Guam Intl, VOR/DME OR TACAN Rwy 24R, Amdt 1
Camdenton, MO, Camdenton Memorial-Lake Rgnl, Takeoff Minimums and Obstacle DP, Amdt 2A
Jacksonville, NC, Albert J Ellis, ILS OR LOC Rwy 5, Amdt 9B
Manchester, NH, Manchester, RNAV (GPS) Y Rwy 35, Amdt 1A
Portland, OR, Portland Intl, ILS OR LOC Rwy 28L, Amdt 4
Portland, OR, Portland Intl, ILS OR LOC Rwy 28R, Amdt 16
Portland, OR, Portland Intl, RNAV (GPS) X Rwy 28L, Amdt 3
Portland, OR, Portland Intl, RNAV (GPS) X Rwy 28R, Amdt 3
Marion, SC, Marion County, RNAV (GPS) Rwy 22, Orig-A
Knoxville, TN, Mc Ghee Tyson, ILS OR LOC Rwy 5L, Amdt 9
Knoxville, TN, Mc Ghee Tyson, ILS OR LOC Rwy 23L, Orig
Knoxville, TN, Mc Ghee Tyson, ILS OR LOC Rwy 23R, ILS Rwy 23R (SA CAT I), ILS Rwy 23R (CAT II), Amdt 13
Knoxville, TN, Mc Ghee Tyson, RNAV (GPS) Rwy 5L, Amdt 2
Knoxville, TN, Mc Ghee Tyson, RNAV (GPS) Rwy 5R, Amdt 2
Knoxville, TN, Mc Ghee Tyson, RNAV (GPS) Rwy 23L, Amdt 2
Knoxville, TN, Mc Ghee Tyson, RNAV (GPS) Rwy 23R, Amdt 2
Knoxville, TN, Mc Ghee Tyson, Takeoff Minimums and Obstacle DP, Amdt 7
Pulaski, TN, Abernathy Field, RNAV (GPS) Rwy 16, Amdt 2B

** * * Effective 23 JULY 2015*

Walnut Ridge, AR, Walnut Ridge Rgnl, VOR/DME Rwy 22, Amdt 13B, CANCELED
RESCINDED: On May 21, 2015 (80 FR 29209), the FAA published an Amendment in Docket No. 31017, Amdt No. 3643, to Part 97 of the Federal Aviation Regulations under section 97.23, and 97.33. The following entries for Millersburg, OH, effective June 25, 2015 are hereby rescinded in their entirety:
Millersburg, OH, Holmes County, GPS Rwy 27, Orig, CANCELED
Millersburg, OH, Holmes County, RNAV (GPS) Rwy 9, Orig
Millersburg, OH, Holmes County, RNAV (GPS) Rwy 27, Orig
Millersburg, OH, Holmes County, Takeoff Minimums and Obstacle DP, Amdt 2
Millersburg, OH, Holmes County, VOR–A, Amdt 7

[FR Doc. 2015–13820 Filed 6–5–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31020; Amdt. No. 3646]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective June 8, 2015. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 8, 2015.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE., West Bldg., Ground Floor, Washington, DC, 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

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

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420) Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, Navigation (air).

Issued in Washington, DC, on May 22, 2015.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97, (14 CFR part 97), is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
25–Jun–15	MS	Starkville	George M Bryan	5/7853	4/30/15	This NOTAM, published in TL 15–13, is hereby rescinded in its entirety.
25–Jun–15	MS	Starkville	George M Bryan	5/7854	4/30/15	This NOTAM, published in TL 15–13, is hereby rescinded in its entirety.
25–Jun–15	MS	Starkville	George M Bryan	5/7855	04/30/15	This NOTAM, published in TL 15–13, is hereby rescinded in its entirety.
25–Jun–15	MN	Montevideo	Montevideo-Chippewa County.	5/0229	05/13/15	RNAV (GPS) Rwy 32, Orig.
25–Jun–15	MN	Montevideo	Montevideo-Chippewa County.	5/0253	05/13/15	VOR Rwy 14, Amdt 5.
25–Jun–15	MN	Montevideo	Montevideo-Chippewa County.	5/0262	05/13/15	RNAV (GPS) Rwy 14, Orig.
25–Jun–15	VA	Lynchburg	Lynchburg Rgnl/Preston Glenn Fld.	5/1103	05/05/15	RNAV (GPS) Rwy 35, Orig.
25–Jun–15	VA	Lynchburg	Lynchburg Rgnl/Preston Glenn Fld.	5/1106	05/05/15	RNAV (GPS) Rwy 17, Orig.
25–Jun–15	VA	West Point	Middle Peninsula Rgnl.	5/1109	05/05/15	RNAV (GPS) Rwy 28, Orig-B.
25–Jun–15	TN	Union City	Everett-Stewart Rgnl	5/1331	05/05/15	RNAV (GPS) Rwy 19, Amdt 1.
25–Jun–15	VA	Jonesville	Lee County	5/1333	05/05/15	RNAV (GPS) Rwy 7, Amdt 1.
25–Jun–15	AL	Gadsden	Northeast Alabama Rgnl.	5/1704	05/08/15	ILS OR LOC/DME Rwy 24, Orig.
25–Jun–15	AL	Gadsden	Northeast Alabama Rgnl.	5/1705	05/08/15	RNAV (GPS) Rwy 24, Amdt 1.
25–Jun–15	AL	Gadsden	Northeast Alabama Rgnl.	5/1706	05/08/15	RNAV (GPS) Rwy 18, Amdt 1.
25–Jun–15	AL	Gadsden	Northeast Alabama Rgnl.	5/1707	05/08/15	RNAV (GPS) Rwy 36, Amdt 1.
25–Jun–15	CO	Denver	Rocky Mountain Metropolitan.	5/2288	05/19/15	VOR/DME Rwy 30 L/R, Amdt 1.
25–Jun–15	GA	Thomson	Thomson-McDuffie County.	5/2300	05/05/15	NDB Rwy 10, Amdt 1.
25–Jun–15	GA	Thomson	Thomson-McDuffie County.	5/2301	05/05/15	RNAV (GPS) Rwy 10, Orig.
25–Jun–15	TN	Bristol/Johnson/Kingsport.	Tri-Cities Rgnl TN/VA	5/2545	05/05/15	RNAV (GPS) Rwy 23, Amdt 1.
25–Jun–15	TN	Bristol/Johnson/Kingsport.	Tri-Cities Rgnl TN/VA	5/2547	05/05/15	RNAV (GPS) Rwy 5, Amdt 1.
25–Jun–15	TN	Bristol/Johnson/Kingsport.	Tri-Cities Rgnl TN/VA	5/2550	05/05/15	ILS OR LOC Rwy 5, Amdt 3.
25–Jun–15	PA	Philipsburg	Mid-State	5/2821	05/05/15	RNAV (GPS) Rwy 16, Orig-A.
25–Jun–15	PA	Philipsburg	Mid-State	5/2822	05/05/15	VOR Rwy 24, Amdt 16A.
25–Jun–15	NY	New York	La Guardia	5/2834	05/06/15	RNAV (GPS) Y Rwy 4, Amdt 3.
25–Jun–15	KY	Ashland	Ashland Rgnl	5/2843	05/14/15	VOR Rwy 10, Amdt 11A.
25–Jun–15	RI	Newport	Newport State	5/2874	05/05/15	RNAV (GPS) Rwy 16, Orig.
25–Jun–15	RI	Newport	Newport State	5/2875	05/05/15	VOR/DME Rwy 16, Amdt 1.
25–Jun–15	RI	Newport	Newport State	5/2876	05/05/15	LOC Rwy 22, Amdt 7B.
25–Jun–15	TX	Denton	Denton Muni	5/3344	05/05/15	RNAV (GPS) Rwy 36, Amdt 2.
25–Jun–15	MD	Ocean City	Ocean City Muni	5/3438	05/13/15	Takeoff Minimums and (Obstacle) DP, Amdt 3.
25–Jun–15	FL	Jacksonville	Herlong Recreational	5/3470	05/05/15	NDB–A, Orig-A.
25–Jun–15	VA	Norfolk	Norfolk Intl	5/3537	05/05/15	RNAV (GPS) Z Rwy 23, Amdt 1.
25–Jun–15	VA	Norfolk	Norfolk Intl	5/3538	05/05/15	RNAV (RNP) Y Rwy 23, Orig.
25–Jun–15	VA	Norfolk	Norfolk Intl	5/3539	05/05/15	ILS OR LOC Rwy 23, Amdt 7.
25–Jun–15	VA	Norfolk	Norfolk Intl	5/3540	05/05/15	RNAV (GPS) Z Rwy 5, Amdt 1A.
25–Jun–15	VA	Norfolk	Norfolk Intl	5/3541	05/05/15	RNAV (RNP) Y Rwy 5, Orig-A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
25–Jun–15	VA	Norfolk	Norfolk Intl	5/3542	05/05/15	ILS OR LOC Rwy 5, Amdt 26A.
25–Jun–15	PA	Clarion	Clarion County	5/3712	05/06/15	RNAV (GPS) Rwy 6, Amdt 1.
25–Jun–15	GA	Atlanta	Fulton County Airport-Brown Field.	5/3992	05/08/15	RNAV (GPS) Rwy 26, Amdt 1A.
25–Jun–15	GA	Atlanta	Fulton County Airport-Brown Field.	5/3994	05/08/15	VOR–A, Amdt 1A.
25–Jun–15	GA	Atlanta	Fulton County Airport-Brown Field.	5/3996	05/08/15	NDB Rwy 8, Amdt 4.
25–Jun–15	SC	Bennettsville	Marlboro County Jetport- H E Avent Field.	5/4012	05/08/15	NDB Rwy 7, Amdt 5.
25–Jun–15	SC	Bennettsville	Marlboro County Jetport- H E Avent Field.	5/4013	05/08/15	RNAV (GPS) Rwy 7, Amdt 1.
25–Jun–15	SC	Bennettsville	Marlboro County Jetport- H E Avent Field.	5/4014	5/8/2015	RNAV (GPS) Rwy 25, Amdt 1.
25–Jun–15	WV	Morgantown	Morgantown Muni-Walter L Bill Hart Fld.	5/4617	05/12/15	ILS OR LOC Rwy 18, Amdt 13A.
25–Jun–15	WV	Morgantown	Morgantown Muni-Walter L Bill Hart Fld.	5/4618	05/12/15	RNAV (GPS) Z Rwy 18, Orig.
25–Jun–15	WV	Morgantown	Morgantown Muni-Walter L Bill Hart Fld.	5/4619	05/12/15	RNAV (GPS) Rwy 36, Orig-A.
25–Jun–15	WV	Morgantown	Morgantown Muni-Walter L Bill Hart Fld.	5/4620	05/12/15	RNAV (GPS) Y Rwy 18, Orig-A.
25–Jun–15	VA	Blacksburg	Virginia Tech/Montgomery Executive.	5/4648	05/08/15	RNAV (GPS) Rwy 12, Amdt 2.
25–Jun–15	NJ	Manville	Central Jersey Rgnl	5/4653	05/08/15	VOR–A, Amdt 7A.
25–Jun–15	AL	Gadsden	Northeast Alabama Rgnl.	5/4767	05/08/15	RNAV (GPS) Rwy 6, Amdt 1A.
25–Jun–15	VA	Roanoke	Roanoke Rgnl/ Woodrum Field.	5/4809	05/13/15	VOR/NDB Rwy 34, Amdt 1.
25–Jun–15	VA	Roanoke	Roanoke Rgnl/ Woodrum Field.	5/4810	05/13/15	RNAV (GPS) Rwy 34, Amdt 1A.
25–Jun–15	VA	Roanoke	Roanoke Rgnl/ Woodrum Field.	5/4812	05/13/15	ILS OR LOC Rwy 34, Amdt 14A.
25–Jun–15	CA	Sacramento	Sacramento Intl	5/4941	05/06/15	ILS OR LOC Rwy 16R, ILS RWY 16R (SA CAT I), ILS Rwy 16R (CAT II & III), Amdt 16A.
25–Jun–15	PA	Wilkes-Barre/Scranton.	Wilkes-Barre/Scranton Intl.	5/5247	05/08/15	RNAV (GPS) Rwy 22, Amdt 1A.
25–Jun–15	IN	Bedford	Virgil I Grissom Muni	5/5331	05/08/15	RNAV (GPS) Rwy 31, Amdt 1A.
25–Jun–15	AK	Iliamna	Iliamna	5/5400	05/05/15	RNAV (GPS) Rwy 35, Amdt 2A.
25–Jun–15	UT	St George	St George Muni	5/5401	05/05/15	LDA/DME Rwy 19, Orig-A.
25–Jun–15	UT	St George	St George Muni	5/5402	05/05/15	RNAV (GPS) Rwy 19, Orig-A.
25–Jun–15	CA	Truckee	Truckee-Tahoe	5/5403	05/10/15	RNAV (GPS) Y Rwy 20, Orig.
25–Jun–15	CA	Truckee	Truckee-Tahoe	5/5404	05/10/15	RNAV (GPS) Z Rwy 20, Orig-A.
25–Jun–15	CA	Truckee	Truckee-Tahoe	5/5418	05/10/15	RNAV (GPS) Rwy 11, Orig.
25–Jun–15	PA	Selinsgrove	Penn Valley	5/5446	05/04/15	RNAV (GPS) Rwy 17, Orig-A.
25–Jun–15	PA	Selinsgrove	Penn Valley	5/5447	05/04/15	VOR–A, Amdt 7A.
25–Jun–15	PA	Lancaster	Lancaster	5/5939	05/06/15	RNAV (GPS) Rwy 13, Amdt 1.
25–Jun–15	PA	Lancaster	Lancaster	5/5940	05/06/15	RNAV (GPS) Rwy 26, Amdt 2.
25–Jun–15	PA	Lancaster	Lancaster	5/5941	05/06/15	RNAV (GPS) Rwy 31, Amdt 1.
25–Jun–15	PA	Lancaster	Lancaster	5/5968	05/06/15	RNAV (GPS) Rwy 8, Amdt 3A.
25–Jun–15	OR	Scappoose	Scappoose Industrial Airpark.	5/6346	05/06/15	LOC/DME Rwy 15, Amdt 3A.
25–Jun–15	CA	Marysville	Yuba County	5/6347	05/06/15	VOR Rwy 32, Amdt 10F.
25–Jun–15	CA	Marysville	Yuba County	5/6348	05/06/15	RNAV (GPS) Rwy 32, Orig-B.
25–Jun–15	CA	Marysville	Yuba County	5/6349	05/06/15	RNAV (GPS) Rwy 14, Orig-B.
25–Jun–15	CA	Marysville	Yuba County	5/6350	05/06/15	ILS OR LOC Rwy 14, Amdt 5C.
25–Jun–15	OK	Frederick	Frederick Rgnl	5/6717	05/08/15	RNAV (GPS) Rwy 35, Orig.
25–Jun–15	OK	Muskogee	Davis Field	5/6721	05/08/15	RNAV (GPS) Rwy 13, Orig-A.
25–Jun–15	OK	Muskogee	Davis Field	5/6722	05/08/15	RNAV (GPS) Rwy 31, Amdt 1B.
25–Jun–15	OK	Muskogee	Davis Field	5/6723	05/08/15	RNAV (GPS) Rwy 22, Orig-A.
25–Jun–15	OK	Muskogee	Davis Field	5/6724	05/08/15	RNAV (GPS) Rwy 4, Amdt 1A.
25–Jun–15	IL	Lacon	Marshall County	5/6728	05/08/15	RNAV (GPS) Rwy 13, Orig.
25–Jun–15	IL	Lacon	Marshall County	5/6729	05/08/15	VOR Rwy 13, Amdt 2B.
25–Jun–15	MI	Caro	Tuscola Area	5/6778	05/08/15	RNAV (GPS) Rwy 23, Orig.
25–Jun–15	MI	Caro	Tuscola Area	5/6779	05/08/15	RNAV (GPS) Rwy 5, Orig.
25–Jun–15	MI	Caro	Tuscola Area	5/6780	05/08/15	VOR/DME–A, Amdt 5.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
25–Jun–15	TN	Millington	Millington Rgnl Jetport.	5/6824	05/06/15	RNAV (GPS) Rwy 4, Amdt 1.
25–Jun–15	TN	Oneida	Scott Muni	5/6825	05/06/15	RNAV (GPS) Rwy 23, Amdt 1.
25–Jun–15	TN	Oneida	Scott Muni	5/6826	05/06/15	RNAV (GPS) Rwy 5, Amdt 1.
25–Jun–15	TN	Cleveland	Cleveland Rgnl Jetport.	5/6827	05/06/15	RNAV (GPS) Rwy 21, Amdt 1.
25–Jun–15	TN	Cleveland	Cleveland Rgnl Jetport.	5/6828	05/06/15	RNAV (GPS) Rwy 3, Amdt 1.
25–Jun–15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	5/6830	05/08/15	RNAV (GPS) Rwy 36, Amdt 1A.
25–Jun–15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	5/6831	05/08/15	RNAV (GPS) Rwy 24, Amdt 1A.
25–Jun–15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	5/6832	05/08/15	NDB Rwy 18, Amdt 3A.
25–Jun–15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	5/6833	05/08/15	VOR Rwy 6, Amdt 1A.
25–Jun–15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	5/6834	05/08/15	RNAV (GPS) Rwy 6, Amdt 1A.
25–Jun–15	TN	Tullahoma	Tullahoma Rgnl Arpt/Wm Northern Field.	5/6835	05/08/15	RNAV (GPS) Rwy 18, Amdt 1A.
25–Jun–15	UT	Delta	Delta Muni	5/6852	05/08/15	RNAV (GPS) Rwy 17, Amdt 1B.
25–Jun–15	UT	Delta	Delta Muni	5/6853	05/08/15	RNAV (GPS) Rwy 35, Amdt 1B.
25–Jun–15	UT	Delta	Delta Muni	5/6854	05/08/15	VOR/DME Rwy 17, Amdt 2.
25–Jun–15	UT	Delta	Delta Muni	5/6855	05/08/15	VOR Rwy 35, Amdt 3.
25–Jun–15	PA	Lancaster	Lancaster	5/6857	05/06/15	ILS OR LOC Rwy 8, Amdt 2.
25–Jun–15	IA	Ankeny	Ankeny Rgnl	5/6927	05/08/15	RNAV (GPS) Rwy 36, Amdt 1A.
25–Jun–15	IA	Ankeny	Ankeny Rgnl	5/6928	05/08/15	RNAV (GPS) Rwy 18, Amdt 1A.
25–Jun–15	IA	Ankeny	Ankeny Rgnl	5/6929	05/08/15	RNAV (GPS) Rwy 22, Orig-A.
25–Jun–15	IA	Ankeny	Ankeny Rgnl	5/6930	05/08/15	ILS OR LOC Rwy 36, Amdt 2A.
25–Jun–15	VA	Forest	New London	5/6949	05/06/15	RNAV (GPS) Rwy 36, Orig.
25–Jun–15	VA	Forest	New London	5/6950	05/06/15	RNAV (GPS) Rwy 18, Orig.
25–Jun–15	TN	Union City	Everett-Stewart Rgnl	5/7024	05/08/15	RNAV (GPS) Rwy 1, Amdt 3.
25–Jun–15	NJ	Ocean City	Ocean City Muni	5/7026	05/08/15	VOR–A, Orig.
25–Jun–15	NJ	Ocean City	Ocean City Muni	5/7027	05/08/15	GPS Rwy 6, Orig-A.
25–Jun–15	TN	Chattanooga	Lovell Field	5/7042	05/08/15	ILS OR LOC Rwy 2, Amdt 7B.
25–Jun–15	GA	Vidalia	Vidalia Rgnl	5/7132	04/30/15	RNAV (GPS) Rwy 24, Amdt 1A.
25–Jun–15	DC	Washington	Ronald Reagan Washington National.	5/7237	05/13/15	LDA Z Rwy 19, Amdt 3.
25–Jun–15	DC	Washington	Ronald Reagan Washington National.	5/7238	05/13/15	LDA Y Rwy 19, Orig.
25–Jun–15	KS	Atchison	Amelia Earhart	5/7386	05/08/15	VOR/DME RNAV OR GPS Rwy 16, Amdt 4.
25–Jun–15	KS	Atchison	Amelia Earhart	5/7387	05/08/15	VOR/DME Rwy 16, Orig.
25–Jun–15	TN	Union City	Everett-Stewart Rgnl	5/7396	05/08/15	ILS OR LOC Rwy 1, Amdt 2.
25–Jun–15	FL	Ormond Beach	Ormond Beach Muni	5/7490	05/12/15	RNAV (GPS) Rwy 17, Amdt 1.
25–Jun–15	FL	Ormond Beach	Ormond Beach Muni	5/7491	05/12/15	VOR Rwy 17, Amdt 2A.
25–Jun–15	FL	Ormond Beach	Ormond Beach Muni	5/7493	05/12/15	RNAV (GPS) Rwy 26, Amdt 1.
25–Jun–15	FL	Ormond Beach	Ormond Beach Muni	5/7494	05/12/15	RNAV (GPS) Rwy 8, Amdt 1A.
25–Jun–15	VA	Newport News	Newport News/Williamsburg Intl.	5/7547	05/06/15	ILS OR LOC Rwy 25, Amdt 1A.
25–Jun–15	VA	Newport News	Newport News/Williamsburg Intl.	5/7550	05/06/15	LOC/DME Rwy 20, Amdt 1A.
25–Jun–15	GA	Americus	Jimmy Carter Rgnl	5/7679	05/04/15	ILS OR LOC/NDB Rwy 23, Amdt 1.
25–Jun–15	VA	Petersburg	Dinwiddie County	5/7681	05/04/15	LOC/NDB Rwy 5, Orig-A.
25–Jun–15	KY	Flemingsburg	Fleming-Mason	5/7682	05/04/15	LOC/NDB Rwy 25, Amdt 1.
25–Jun–15	GA	Calhoun	Tom B David Fld	5/7683	05/04/15	LOC/NDB–A, Orig.
25–Jun–15	PA	Somerset	Somerset County	5/7687	05/04/15	LOC/NDB Rwy 25, Amdt 4A.
25–Jun–15	OK	Mc Alester	Mc Alester Rgnl	5/7691	05/12/15	VOR/DME Rwy 20, Amdt 2E.
25–Jun–15	TX	Nacogdoches	A L Mangham Jr Rgnl.	5/7694	05/13/15	NDB Rwy 18, Amdt 1A.
25–Jun–15	NH	Whitefield	Mount Washington Rgnl.	5/7701	05/04/15	LOC/NDB Rwy 10, Amdt 7.
25–Jun–15	GA	Carrollton	West Georgia Rgnl—O V Gray Field.	5/7702	05/04/15	ILS OR LOC/NDB Rwy 35, Orig.
25–Jun–15	GA	Douglas	Douglas Muni	5/7747	05/04/15	ILS OR LOC/NDB Rwy 4, Amdt 2A.
25–Jun–15	FL	St Petersburg	Albert Whitted	5/7782	05/13/15	RNAV (GPS) Rwy 18, Orig-B.
25–Jun–15	CA	Riverside	Riverside Muni	5/7815	05/08/15	ILS OR LOC Rwy 9, Amdt 8B.
25–Jun–15	CA	Riverside	Riverside Muni	5/7816	05/08/15	RNAV (GPS) Rwy 9, Amdt 2A.
25–Jun–15	CA	Riverside	Riverside Muni	5/7817	05/08/15	VOR Rwy 9, Amdt 1A.
25–Jun–15	CA	Riverside	Riverside Muni	5/7818	05/08/15	VOR–A, Orig.
25–Jun–15	AK	St Mary's	St Mary's	5/7819	05/08/15	LOC/DME Rwy 17, Amdt 5B.
25–Jun–15	OR	Salem	McNary Fld	5/7821	05/08/15	LOC/DME BC Rwy 13, Amdt 8.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
25–Jun–15	OH	Cambridge	Cambridge Muni	5/7977	05/13/15	VOR–A, Amdt 4.
25–Jun–15	OH	Cambridge	Cambridge Muni	5/7979	05/13/15	LOC/DME Rwy 22, Amdt 1B.
25–Jun–15	OH	Cambridge	Cambridge Muni	5/7981	05/13/15	RNAV (GPS) Rwy 4, Orig-A.
25–Jun–15	OH	Tiffin	Seneca County	5/8225	05/12/15	NDB Rwy 24, Amdt 7B.
25–Jun–15	FL	Hollywood	North Perry	5/8526	05/13/15	RNAV (GPS) Rwy 10R, Orig-A.
25–Jun–15	FL	Hollywood	North Perry	5/8528	05/13/15	RNAV (GPS) Rwy 28R, Orig-A.
25–Jun–15	GA	Vidalia	Vidalia Rgnl	5/8557	05/08/15	ILS OR LOC/NDB Rwy 24, Amdt 1.
25–Jun–15	NM	Alamogordo	Alamogordo-White Sands Rgnl.	5/8653	05/13/15	VOR Rwy 3, Amdt 2A.
25–Jun–15	NM	Alamogordo	Alamogordo-White Sands Rgnl.	5/8654	05/13/15	RNAV (GPS) Rwy 3, Orig-A.
25–Jun-15	NM	Alamogordo	Alamogordo-White Sands Rgnl.	5/8655	05/13/15	VOR/DME Rwy 3, Orig-A.
25–Jun–15	TX	Nacogdoches	A L Mangham Jr Rgnl.	5/8755	05/13/15	ILS OR LOC Rwy 36, Amdt 3B.
25–Jun–15	MI	Sault Ste Marie	Chippewa County Intl	5/8758	05/12/15	ILS OR LOC Rwy 16, Amdt 8B.
25–Jun–15	IL	Chicago/Prospect Heights/Wheeling.	Chicago Executive	5/8761	05/13/15	ILS OR LOC Rwy 16, Amdt 2C.
25–Jun–15	OK	Tulsa	Tulsa Intl	5/8766	05/13/15	VOR/DME Rwy 8, Amdt 4A.
25–Jun–15	KY	Somerset	Lake Cumberland Rgnl.	5/8799	05/13/15	ILS OR LOC/DME Rwy 5, Orig-B.
25–Jun–15	KY	Somerset	Lake Cumberland Rgnl.	5/8800	05/13/15	RNAV (GPS) Y Rwy 5, Amdt 3.
25–Jun–15	MN	Ely	Ely Muni	5/9087	05/13/15	RNAV (GPS) Rwy 12, Amdt 1A.
25–Jun–15	MN	Silver Bay	Silver Bay Muni	5/9407	05/13/15	NDB Rwy 25, Orig.
25–Jun–15	MN	Silver Bay	Silver Bay Muni	5/9419	05/13/15	RNAV (GPS) Rwy 25, Orig.
25–Jun–15	TX	Weslaco	Mid Valley	5/9422	05/13/15	GPS Rwy 13, Orig-A.
25–Jun–15	TX	Weslaco	Mid Valley	5/9423	05/13/15	VOR/DME–A, Orig.
25–Jun–15	IL	Paxton	Paxton	5/9445	05/13/15	RNAV (GPS) Rwy 18, Orig.
25–Jun–15	IL	Paxton	Paxton	5/9446	05/13/15	VOR Rwy 18, Amdt 2.
25–Jun–15	LA	Winnfield	David G Joyce	5/9450	05/13/15	RNAV (GPS) Rwy 27, Orig.
25–Jun–15	LA	Winnfield	David G Joyce	5/9451	05/13/15	RNAV (GPS) Rwy 9, Orig-A.
25–Jun–15	IA	Chariton	Chariton Muni	5/9553	05/13/15	RNAV (GPS) Rwy 10, Orig.
25–Jun–15	IA	Chariton	Chariton Muni	5/9554	05/13/15	RNAV (GPS) Rwy 17, Amdt 1A.
25–Jun–15	OH	Cincinnati	Cincinnati Muni Airport Lunken Field.	5/9719	05/13/15	ILS OR LOC Rwy 21L, Amdt 19.
25–Jun–15	OH	Cincinnati	Cincinnati Muni Airport Lunken Field.	5/9720	05/13/15	NDB Rwy 21L, Amdt 17A.
25–Jun–15	OH	Cincinnati	Cincinnati Muni Airport Lunken Field.	5/9721	05/13/15	RNAV (GPS) Rwy 21L, Amdt 1B.
25–Jun–15	OH	Cincinnati	Cincinnati Muni Airport Lunken Field.	5/9722	05/13/15	NDB Rwy 25, Amdt 12A.
25–Jun–15	OH	Cincinnati	Cincinnati Muni Airport Lunken Field.	5/9723	05/13/15	LOC BC Rwy 3R, Amdt 8D.
25–Jun–15	OH	Cincinnati	Cincinnati Muni Airport Lunken Field.	5/9724	05/13/15	RNAV (GPS) Rwy 25, Amdt 1A.

[FR Doc. 2015–13824 Filed 6–5–15; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket Nos. FDA–2014–C–1616 and FDA–2015–C–0245]

Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (''FDA'' or ''we'') is amending the color additive regulations to provide for the safe use of mica-based pearlescent pigments prepared from titanium dioxide and mica as color additives in cordials, liqueurs, flavored alcoholic malt beverages, wine coolers, cocktails, non-alcoholic cocktail mixers and mixes, and in egg decorating kits for coloring shell eggs. This action is in response to two color additive petitions (CAPs) submitted separately by EMD Millipore Corp. and by Signature Brands, LLC.

DATES: This rule is effective July 9, 2015. See section VIII for further information on the filing of objections. Submit either electronic or written objections and requests for a hearing by July 8, 2015.

ADDRESSES: You may submit either electronic or written objections and requests for a hearing identified by Docket No. FDA–2014–C–1616 (Mica-based pearlescent pigments in cordials, liqueurs, flavored alcoholic malt beverages, wine coolers, cocktails, non-alcoholic cocktail mixers and mixes) or Docket No. FDA–2015–C–0245 (Mica-based pearlescent pigments in egg decorating kits), by any of the following methods:

Electronic Submissions

Submit electronic objections in the following way:

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

Written Submissions

Submit written objections in the following ways:

- *Mail/Hand delivery/Courier (for paper submissions):* Division of Dockets Management (HFA–305), Food and Drug

Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the Agency name and Docket No. FDA–2014–C–1616 (Mica-based pearlescent pigments in cordials, liqueurs, flavored alcoholic malt beverages, wine coolers, cocktails, non-alcoholic cocktail mixers and mixes) or Docket No. FDA–2015–C–0245 (Mica-based pearlescent pigments in egg decorating kits) for this rulemaking. All objections received will be posted without change to *http://www.regulations.gov,* including any personal information provided. For detailed instructions on submitting objections, see the ''Objections'' heading of the **SUPPLEMENTARY INFORMATION** section.

Docket: For access to the docket to read background documents or objections received, go to *http://www.regulations.gov* and insert the docket numbers, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ellen Anderson, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1309.

SUPPLEMENTARY INFORMATION:

I. Background

In notices published in the **Federal Register** on October 21, 2014, and February 5, 2015 (79 FR 62932 and 80 FR 6468, respectively), we announced that we filed CAPs (4C0299 and 5C0301, respectively) to amend the color additive regulations in § 73.350 *Mica-based pearlescent pigments* (21 CFR 73.350).

CAP 4C0299 was submitted by EMD Millipore Corp. (EMD), c/o Hyman, Phelps & McNamara, P.C., 700 13th St. NW., Suite 1200, Washington, DC 20005. CAP 4C0299 proposed to amend the color additive regulations in § 73.350 to expand the safe use of mica-based pearlescent pigments prepared from titanium dioxide and mica as a color additive in cordials, liqueurs, cocktails, and certain other alcoholic beverages, and non-alcoholic cocktail mixers and mixes. The maximum use level of the pigments proposed by the petitioner is 0.07 percent by weight in the beverages, mixers, and mixes, consistent with approval in § 73.350(c)(1)(ii) for the use of mica-based pearlescent pigments in distilled spirits containing not less than 18 percent and not more than 23 percent alcohol by volume, but not including distilled spirits mixtures containing more than 5 percent wine on a proof gallon basis. In correspondence with FDA, EMD subsequently refined the petitioned use of mica-based pearlescent pigments to cordials, liqueurs, flavored alcoholic malt beverages, wine coolers, cocktails, and non-alcoholic cocktail mixers and mixes.

CAP 5C0301 was submitted by Signature Brands, LLC, c/o Keller and Heckman, LLP, 1001 G St. NW., Suite 500 West, Washington, DC 20001. CAP 5C0301 proposed to amend § 73.350 to provide for the safe use of mica-based pearlescent pigments prepared from titanium dioxide and mica in egg decorating kits for coloring boiled shell eggs, in amounts consistent with good manufacturing practice (GMP).

Mica-based pearlescent pigments prepared from titanium dioxide and mica are currently approved under § 73.350(c)(1)(i) for use as a color additive in amounts up to 1.25 percent by weight in cereals, confections and frostings, gelatin deserts, hard and soft candies (including lozenges), nutritional supplement tablets and gelatin capsules, and chewing gum. Mica-based pearlescent pigments prepared from titanium dioxide and mica are also currently approved under § 73.350(c)(1)(ii) in amounts up to 0.07 percent, by weight, in distilled spirits containing not less than 18 percent and not more than 23 percent alcohol by volume, but not including distilled spirits mixtures containing more than 5 percent wine on a proof gallon basis. Mica-based pearlescent pigments prepared from titanium dioxide on mica, iron oxide on mica, and titanium dioxide and iron oxide on mica are approved for specified uses as a color additive in ingested drugs under § 73.1350 (21 CFR 73.1350). Mica-based pearlescent pigments formed by depositing titanium or iron salts from a basic solution onto mica, followed by calcination to produce titanium dioxide or iron oxides on mica, are approved for specified uses in contact lenses under § 73.3128 (21 CFR 73.3128). The color additive that is the subject of the two color additive petitions at issue, mica-based pearlescent pigments prepared from titanium dioxide and mica, will be referred hereinafter in this final rule as mica-based pearlescent pigments.

II. Safety Evaluation

A. Determination of Safety

Under section 721(b)(4) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 379e(b)(4)), a color additive cannot be listed for a particular use unless the data and information available to FDA establish that the color additive is safe for that use. FDA's color additive regulations in 21 CFR 70.3(i) define ''safe'' to mean that there is convincing evidence that establishes with reasonable certainty that no harm will result from the intended use of the color additive. To establish with reasonable certainty that a color additive intended for use in food is not harmful under its intended conditions of use, we consider the projected human dietary exposure to the additive, the additive's toxicological data, and other relevant information (such as published literature) available to us. We compare an individual's estimated daily intake (EDI) of the additive from all food sources to an acceptable daily intake (ADI) established by toxicological data. The EDI is determined by projections based on the amount of the additive proposed for use in particular foods and on data regarding the amount consumed from all food sources of the additive. We typically use the EDI for the 90th percentile consumer of a color additive as a measure of high chronic dietary exposure.

B. Petitioned Uses of the Color Additive

In CAP 4C0299, EMD proposed to amend the color additive regulations in § 73.350 to provide for the safe use of mica-based pearlescent pigments as a color additive in amounts up to 0.07 percent, by weight, in cordials, liqueurs, flavored alcoholic malt beverages, wine coolers, cocktails, and non-alcoholic cocktail mixes and mixers. According to the standards of identity for distilled spirits regulations issued by the Alcohol and Tobacco Tax and Trade Bureau (TTB), which regulates the labeling of certain alcoholic beverages, cordials and liqueurs are a class of distilled spirits obtained by mixing or redistilling distilled spirits with or over fruits, flowers, plants, or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolation, or maceration of such materials, and containing sugar, dextrose, or levulose, or a combination thereof, in an amount not less than 2½ percent by weight of the finished product (27 CFR 5.22(h)). Neither FDA nor TTB has a regulatory definition for ''cocktail.'' The petition defines cocktails as ''products that are sold as mixtures of distilled spirits and non-alcoholic ingredients.'' Subsequent communication with the petitioner clarified that the following are descriptions of the types of cocktail products included within the scope of the petition: (1) Cocktails containing

one or more alcoholic beverages and one or more non-alcoholic mixers (*e.g.,* margarita, gin and tonic, cosmopolitan, fuzzy navel, Bloody Mary, caipirinha, Irish coffee, Long Island iced tea, daiquiri, hurricane); (2) cocktails containing one or more alcoholic beverages without non-alcoholic mixers (*e.g.,* vodka martini, stinger, black Russian, Manhattan); (3) cocktails containing beer (*e.g.,* caipbeerinha, boilermaker, beer Bloody Mary); (4) cocktails containing wine (*e.g.,* mimosa, Kir Royale, wine cooler, wine spritzer); and (5) non-alcoholic mixes and mixers for use in cocktails (*e.g.,* margarita mix, daiquiri mix, Bloody Mary mix). We note that mica-based pearlescent pigments are intended to be used in both liquid and powdered forms of non-alcoholic cocktail mixes and mixers, at a maximum use level of 0.07 percent by weight of the mix or mixer (Ref. 1). Furthermore, only non-alcoholic mixes and mixers that are marketed specifically for use in cocktails, such as margarita mix and Bloody Mary mix, are included within the scope of this petition (Ref. 1). Beverages that are typically consumed without added alcohol (*e.g.,* fruit juices, carbonated water, soft drinks) are outside the scope of this petition. The petition also proposed to amend § 73.350 to provide for the safe use of mica-based pearlescent pigments in flavored alcoholic malt beverages and wine coolers. Like ''cocktail,'' the term ''wine cooler'' does not have a regulatory definition. According to TTB, products traditionally known as wine coolers have generally been replaced in recent years by flavored alcoholic malt beverages, which are manufactured with a malt base rather than with wine (Ref. 1). Flavored alcoholic malt beverages are sold under many proprietary names and include alcoholic lemonades, alcoholic colas, and other flavored alcoholic beverages (see 70 FR 194 at 195 (January 3, 2005) (TTB final rule pertaining to ''Flavored Malt Beverage and Related Regulatory Amendments'')). Products marketed as wine coolers and flavored alcoholic malt beverages are included in the scope of the petition to amend the color additive regulations in § 73.350. Traditional malt beverages, such as beer, ale, and malt liquor, differ substantially from flavored alcoholic malt beverages (see 70 FR 194) and are not included within the scope of the petition. Wine, which has a standard of identity defined under TTB's regulations at 27 CFR part 4, subpart C, is also outside the scope of the petition. Furthermore, the petitioner clarified that the scope of the petition does not include sangria, which is typically a mixture of wine, fruit, and other ingredients.

In CAP 5C0301, Signature Brands, LLC proposed to amend the color additive regulations in § 73.350 to provide for the safe use of mica-based pearlescent pigments as a color additive in egg decorating kits to color the shells of boiled eggs in amounts consistent with GMP. The petitioner proposed to use mica-based pearlescent pigments in a packet of glaze that is part of egg decorating kits sold for in-home use. According to the kit instructions, the glaze containing the mica-based pearlescent pigments is intended to be rubbed on the shells of colored boiled eggs to impart a metallic sheen.

C. Safety of the Petitioned Uses of the Color Additive

During our safety review of the uses of mica-based pearlescent pigments proposed in CAPs 4C0299 and 5C0301, we considered the exposure to the color additive from its petitioned uses and from the currently permitted uses in food and ingested drugs under §§ 73.350 and 73.1350, respectively. In estimating the cumulative estimated dietary intake (CEDI) of these pigments, we determined that the exposure to mica-based pearlescent pigments from the use in contact lenses (§ 73.3128) is negligible and, therefore, need not be included in our exposure estimate. Furthermore, we concluded that the exposure to the additive from the petitioned use in coloring the shells of boiled eggs is also negligible. In CAP 5C0301, the petitioner noted that, because eggshells are not consumed, exposure to mica-based pearlescent pigments would be limited to the amount of additive that migrates through the shell and the inner membrane that separates the shell from the edible egg. The petitioner asserted that, given the pigments' relatively large particle size and insolubility in food, the amount of mica-based pearlescent pigments that could actually be found in the edible portion of the egg is insignificant. The petitioner provided a conservative estimate for potential exposure to the additive from the petitioned use based on a worst-case scenario that presumed the theoretical maximum solubility of mica-based pearlescent pigments is equivalent to that of mica (80 milligrams/kilograms in 10 percent acetic acid). Exposure to mica-based pearlescent pigments from decorated eggshells is likely further reduced by the typically limited seasonal availability of the egg decorating kits. We agree with the rationale proposed in CAP 5C0301 that the exposure to the additive from the petitioned use is negligible, and that the petitioned use would not result in a significant contribution to the CEDI for mica-based pearlescent pigments (Ref. 2).

We estimate the eaters-only exposure to mica-based pearlescent pigments from the proposed uses in cordials, liqueurs, flavored alcoholic malt beverages, wine coolers, cocktails, and non-alcoholic cocktail mixers and mixes for the U.S. population to be 0.15 grams/person/day (g/p/d) at the mean and 0.34 g/p/d at the 90th percentile (Ref. 1). (An eaters-only exposure is the total of the amount of food consumed per day averaged over the number of days in the survey period by individuals consuming the food at least once during the survey period.) In a previous amendment to § 73.350 (78 FR 35115 at 35115 and 35116 (June 12, 2013)), we estimated a CEDI for the use of mica-based pearlescent pigments in food (§ 73.350) and ingested drugs (§ 73.1350) using food consumption data from the 2003 to 2008 National Health and Nutrition Examination Survey (NHANES). In our current safety assessment, we updated the previous exposure to mica-based pearlescent pigments from all approved uses in foods using NHANES food consumption data from 2007 to 2010. In estimating the exposure to mica-based pearlescent pigments from the use in ingested drugs, we relied on the estimates used in a previous safety evaluation (Ref. 1). The updated eaters-only CEDI of mica-based pearlescent pigments, including the petitioned use in cordials, liqueurs, flavored alcoholic malt beverages, wine coolers, cocktails, and non-alcoholic cocktail mixers and mixes, and the currently approved uses in food and ingested drugs, is 0.25 g/p/d at the mean and 0.50 g/p/d at the 90th percentile for the U.S. population (Ref. 1). The updated CEDIs for mica-based pearlescent pigments are not significantly different from the previous CEDIs (78 FR 35115 at 35116). This is not unexpected, as both the previous and updated exposure estimates were based on a similar set of NHANES food codes that included cordials, liqueurs, and cocktails (Ref. 1). In addition, the percent of the population consuming alcoholic beverages from the petitioned use is significantly lower compared to the proportion of the population that consumes foods and ingested drugs containing mica-based pearlescent pigments, thereby resulting in a smaller contribution to the CEDI (Ref. 1).

To support the safety of the proposed uses of mica-based pearlescent pigments in food, the petitioners of CAPs 4C0299 and 5C0301 referenced the safety

determination made by FDA for previously filed petitions (70 FR 42271 (July 22, 2005); 71 FR 31927 (June 2, 2006); and 78 FR 35115). In a prior safety evaluation, we concluded that the bioavailability of ingested mica-based pearlescent pigments and/or their individual components is expected to be low based on the chemical nature of these inorganic pigments and their individual components and the low solubility of mica-based pearlescent pigments in media relevant to human health (*e.g.,* digestive fluids in the gastrointestinal tract) (70 FR 42271 at 42272). We are not aware of any new studies on the bioavailability of mica-based pearlescent pigments published since our previous evaluation (70 FR 42271). As part of our current safety evaluation, we also reviewed several recent studies on titanium dioxide, which is a component of mica-based pearlescent pigments, to further clarify the extent of the color additive's bioavailability. We determined that the new information on titanium dioxide supports our previous conclusion that mica-based pearlescent pigments are not bioavailable to any significant extent upon ingestion (Ref. 3).

In our previous safety evaluation, which the petitioners referenced, we established an ADI for mica-based pearlescent pigments to be 1.8 g/p/d based on a 2-year rat carcinogenicity bioassay (71 FR 31927 at 31928). Since the updated CEDI (0.50 g/p/d at the 90th percentile) for mica-based pearlescent pigments for the U.S. population is less than the ADI, we conclude that the proposed expanded use of mica-based pearlescent pigments as a color additive at levels of up to 0.07 percent by weight in cordials, liqueurs, flavored alcoholic malt beverages, wine coolers, cocktails, and non-alcoholic cocktail mixers and mixes is safe (Ref. 3). We also conclude that the proposed expanded use of mica-based pearlescent pigments in egg decorating kits to color the shells of eggs at levels consistent with GMP is safe, since the exposure to mica-based pearlescent pigments contributed by this use is negligible (Ref. 3).

III. Conclusion

Based on the data and information in the petitions and other relevant material, FDA concludes that the petitioned use of mica-based pearlescent pigments prepared from titanium dioxide and mica as a color additive at levels of up to 0.07 percent by weight in cordials, liqueurs, flavored alcoholic malt beverages, wine coolers, cocktails, and non-alcoholic cocktail mixers and mixes is safe. We also conclude that the petitioned use of mica-based pearlescent pigments prepared from titanium dioxide and mica as a color additive in egg decorating kits used to color the shells of eggs in amounts consistent with GMP is safe. We further conclude that the additive will achieve its intended technical effect and is suitable for the petitioned uses. Therefore, we are amending the color additive regulations in part 73 (21 CFR part 73) as set forth in this document. In addition, based upon the factors listed in 21 CFR 71.20(b), we conclude that certification of titanium dioxide-coated mica-based pearlescent pigments is not necessary for the protection of the public health.

IV. Public Disclosure

In accordance with § 71.15 (21 CFR 71.15), the petitions and the documents that we considered and relied upon in reaching our decision to approve the petitions will be made available for public disclosure (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 71.15, we will delete from the documents any materials that are not available for public disclosure.

V. Environmental Impact

We previously considered the environmental effects of this rule, as stated in the October 21, 2014, and February 5, 2015, notices of filing for CAPs 4C0299 and 5C0301 (79 FR 62932 and 80 FR 6468, respectively). For CAP 4C0299, we stated that we had determined, under 21 CFR 25.32(k), that this action is of a type that does not individually or cumulatively have a significant effect on the human environment such that neither an environmental assessment nor an environmental impact statement is required. For CAP 5C0301, we stated that we had determined, under § 25.32(r), that this action is of a type that does not individually or cumulatively have a significant effect on the human environment such that neither an environmental assessment nor an environmental impact statement is required. We have not received any new information or comments that would affect our previous determinations.

VI. Paperwork Reduction Act of 1995

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

VII. Section 301(*ll*) of the Federal Food, Drug, and Cosmetic Act

Our review of these petitions was limited to section 721 of the FD&C Act. This final rule is not a statement regarding compliance with other sections of the FD&C Act. For example, section 301(*ll*) of the FD&C Act (21 U.S.C. 331(*ll*) prohibits the introduction or delivery for introduction into interstate commerce of any food that contains a drug approved under section 505 of the FD&C Act (21 U.S.C. 355), a biological product licensed under section 351 of the Public Health Service Act (42 U.S.C. 262), or a drug or biological product for which substantial clinical investigations have been instituted and their existence has been made public, unless one of the exemptions in section 301(*ll*)(1) to (4) of the FD&C Act applies. In our review of these petitions, we did not consider whether section 301(*ll*) of the FD&C Act or any of its exemptions apply to food containing this additive. Accordingly, this final rule should not be construed to be a statement that a food containing this additive, if introduced or delivered for introduction into interstate commerce, would not violate section 301(*ll*) of the FD&C Act. Furthermore, this language is included in all color additive final rules that pertain to food and therefore should not be construed to be a statement of the likelihood that section 301(*ll*) of the FD&C Act applies.

VIII. Objections

This rule is effective as shown in the **DATES** section, except as to any provisions that may be stayed by the filing of proper objections. If you will be adversely affected by one or more provisions of this regulation, you may file with the Division of Dockets Management (see **ADDRESSES**) either electronic or written objections. You must separately number each objection, and within each numbered objection you must specify with particularity the provision(s) to which you object, and the grounds for your objection. Within each numbered objection, you must specifically state whether you are requesting a hearing on the particular provision that you specify in that numbered objection. If you do not request a hearing for any particular objection, you waive the right to a hearing on that objection. If you request a hearing, your objection must include a detailed description and analysis of the specific factual information you intend to present in support of the objection in the event that a hearing is held. If you do not include such a description and analysis for any particular objection, you waive the right to a hearing on the objection.

It is only necessary to send one set of documents. Identify documents with the docket number found in brackets in the

heading of this document. Any objections received in response to the regulation may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.* We will publish notice of the objections that we have received or lack thereof in the **Federal Register**.

IX. References

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

1. FDA Memorandum from H. Lee, Chemistry Review Group, Division of Petition Review, to E. Anderson, Regulatory Group II, Division of Petition Review, January 5, 2015.
2. FDA Memorandum from H. Lee, Chemistry Review Group, Division of Petition Review, to E. Anderson, Regulatory Group II, Division of Petition Review, March 13, 2015.
3. FDA Memorandum from S. Park, Toxicology Team, Division of Petition Review, to E. Anderson, Regulatory Group II, Division of Petition Review, March 18, 2015.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 73 is amended as follows:

PART 73—LISTING OF COLOR ADDITIVES EXEMPT FROM CERTIFICATION

■ 1. The authority citation for 21 CFR part 73 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e.

■ 2. Section 73.350 is amended by revising paragraph (c)(1)(ii) and by adding paragraph (c)(1)(iii) to read as follows:

§ 73.350 Mica-based pearlescent pigments.

* * * * *

(c) * * *

(1) * * *

(ii) In amounts up to 0.07 percent, by weight, in the following:

(A) Distilled spirits containing not less than 18 percent and not more than 23 percent alcohol by volume but not including distilled spirits mixtures containing more than 5 percent wine on a proof gallon basis.

(B) Cordials, liqueurs, flavored alcoholic malt beverages, wine coolers, and cocktails.

(C) Non-alcoholic cocktail mixes and mixers, such as margarita mix, Bloody Mary mix, and daiquiri mix, but excluding eggnog, tonic water, and beverages that are typically consumed without added alcohol (*e.g.,* fruit juices, fruit juice drinks, and soft drinks).

(iii) In egg decorating kits used for coloring the shells of eggs in amounts consistent with good manufacturing practice.

* * * * *

Dated: June 2, 2015.

Susan Bernard,

Director, Office of Regulations, Policy and Social Sciences, Center for Food Safety and Applied Nutrition.

[FR Doc. 2015–13834 Filed 6–5–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 870

[Docket No. FDA–2013–N–1518]

Cardiovascular Devices; Reclassification of Nonroller-Type Cardiopulmonary Bypass Blood Pumps for Cardiopulmonary and Circulatory Bypass; Effective Date of Requirement for Premarket Approval for Nonroller-Type Cardiopulmonary Bypass Blood Pumps for Temporary Ventricular Support

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final order to reclassify nonroller-type cardiopulmonary bypass blood pump (NRP) devices for cardiopulmonary and circulatory bypass, a preamendments class III device, into class II (special controls), and to require the filing of a premarket approval application (PMA) for NRP devices for temporary ventricular support. FDA is also revising the title and identification of the regulation for NRP devices in this order.

DATES: This order is effective June 8, 2015.

FOR FURTHER INFORMATION CONTACT: Fernando Aguel, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1234, Silver Spring, MD 20993, 301–796–6326, *fernando.aguel@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background—Regulatory Authorities

The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Pub. L. 94–295), the Safe Medical Devices Act of 1990 (Pub. L. 101–629), the Food and Drug Administration Modernization Act of 1997 (FDAMA) (Pub. L. 105–115), the Medical Device User Fee and Modernization Act of 2002 (Pub. L. 107–250), the Medical Devices Technical Corrections Act (Pub. L. 108–214), the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85), and the Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112–144), among other amendments, established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act (21 U.S.C. 360c) established three categories (classes) of devices, reflecting the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513(d) of the FD&C Act, devices that were in commercial distribution before the enactment of the 1976 amendments, May 28, 1976 (generally referred to as ''preamendments devices''), are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee) (the Panel); (2) published the Panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976 (generally referred to as ''postamendments devices''), are automatically classified by section 513(f) of the FD&C Act into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval unless, and until, the device is reclassified into class I or II or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new

devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

A preamendments device that has been classified into class III and devices found substantially equivalent by means of premarket notification (510(k)) procedures to such a preamendments device or to a device within that type (both the preamendments and substantially equivalent devices are referred to as ''preamendments class III devices'') may be marketed without submission of a PMA until FDA issues a final order under section 515(b) of the FD&C Act (21 U.S.C. 360e(b)) requiring premarket approval or until the device is subsequently reclassified into class I or class II. Section 515(b)(1) of the FD&C Act directs FDA to issue an order requiring premarket approval for a preamendments class III device.

Although, under the FD&C Act, the manufacturer of class III preamendments device may respond to the call for PMAs by filing a PMA or a notice of completion of a product development protocol (PDP), in practice, the option of filing a notice of completion of a PDP has not been used. For simplicity, although corresponding requirements for PDPs remain available to manufacturers in response to a final order under section 515(b) of the FD&C Act, this document will refer only to the requirement for the filing and receiving approval of a PMA.

On July 9, 2012, FDASIA was enacted. Section 608(a) of FDASIA amended section 513(e) of the FD&C Act, changing the process for reclassifying a device from rulemaking to an administrative order. Section 608(b) of FDASIA amended section 515(b) of the FD&C Act, changing the process for requiring premarket approval for a preamendments class III device from rulemaking to an administrative order.

A. Reclassification

FDA is reclassifying NRP devices for cardiopulmonary and circulatory bypass from class III to class II (special controls) and renaming these devices from ''Nonroller-type cardiopulmonary bypass blood pump'' to ''Nonroller-type blood pump.''

Section 513(e) of the FD&C Act governs reclassification of classified preamendments devices. This section provides that FDA may, by administrative order, reclassify a device based upon ''new information.'' FDA can initiate a reclassification under section 513(e) of the FD&C Act or an interested person may petition FDA to reclassify a preamendments device. The term ''new information,'' as used in section 513(e) of the FD&C Act, includes information developed as a result of a reevaluation of the data before the Agency when the device was originally classified, as well as information not presented, not available, or not developed at that time. (See, *e.g., Holland-Rantos Co.* v. *United States Department of Health, Education, and Welfare,* 587 F.2d 1173, 1174 n.1 (D.C. Cir. 1978); *Upjohn* v. *Finch,* 422 F.2d 944 (6th Cir. 1970); *Bell* v. *Goddard,* 366 F.2d 177 (7th Cir. 1966).)

Reevaluation of the data previously before the Agency is an appropriate basis for subsequent action where the reevaluation is made in light of newly available authority (see *Bell,* 366 F.2d at 181; *Ethicon, Inc.* v. *FDA,* 762 F.Supp. 382, 388–391 (D.D.C. 1991)), or in light of changes in ''medical science'' (*Upjohn,* 422 F.2d at 951). Whether data before the Agency are old or new data, the ''new information'' to support reclassification under section 513(e) of the FD&C Act must be ''valid scientific evidence,'' as defined in section 513(a)(3) of the FD&C Act and 21 CFR 860.7(c)(2). (See, *e.g., General Medical Co.* v. *FDA,* 770 F.2d at 214 (D.C. Cir. 1985); *Contact Lens Manufacturers Association* v. *FDA,* 766 F.2d at 592 (D.C. Cir. 1985), cert. denied, 474 U.S. 1062 (1986).)

FDA relies upon ''valid scientific evidence'' in the classification process to determine the level of regulation for devices. To be considered in the reclassification process, the ''valid scientific evidence'' upon which the Agency relies must be publicly available. Publicly available information excludes trade secret and/or confidential commercial information, *e.g.,* the contents of a pending PMA. (See section 520(c) of the FD&C Act (21 U.S.C. 360j(c)).) Section 520(h)(4) of the FD&C Act, added by FDAMA, provides that FDA may use, for reclassification of a device, certain information in a PMA 6 years after the application has been approved. This can include information from clinical and non-clinical tests or studies that demonstrate the safety or effectiveness of the device but does not include descriptions of methods of manufacture or product composition and other trade secrets.

Section 513(e)(1) of the FD&C Act sets forth the process for issuing a final order for reclassifying a device. Specifically, prior to the issuance of a final order reclassifying a device, the following must occur: (1) Publication of a proposed order in the **Federal Register;** (2) a meeting of a device classification panel described in section 513(b) of the FD&C Act; and (3) consideration of comments to a public docket. FDA held a meeting of a device classification panel described in section 513(b) of the FD&C Act with respect to NRP devices on December 6, 2012 (Ref. 1). The Panel unanimously recommended that NRP devices for cardiopulmonary and circulatory bypass be reclassified from class III to class II with special controls because the application of general and special controls are sufficient to provide reasonable assurance of safety and effectiveness for NRP devices when intended for these uses. The Panel believed that the special controls identified by FDA were appropriate to mitigate the relevant risks to health for these uses. FDA published a proposed order in the **Federal Register** on January 7, 2014 (79 FR 765). FDA received and has considered two comments on the proposed order as discussed in section II of this document (Ref. 2).

B. Requirement for Premarket Approval Application

FDA is requiring PMAs for NRP devices for temporary ventricular support. Section 515(b)(1) of the FD&C Act sets forth the process for issuing a final order requiring PMAs. Specifically, prior to the issuance of a final order requiring premarket approval for a preamendments class III device, the following must occur: (1) Publication of a proposed order in the **Federal Register;** (2) a meeting of a device classification panel described in section 513(b) of the FD&C Act; and (3) consideration of comments from all affected stakeholders, including patients, payors, and providers.

FDA held a meeting of a device classification panel described in section 513(b) of the FD&C Act with respect to NRP devices on December 6, 2012 (Ref. 1). The majority of the Panel recommended that NRP devices for temporary ventricular support remain in class III (subject to premarket approval application) because there was insufficient information to establish special controls, and that the application of general controls is insufficient to provide a reasonable assurance of safety and effectiveness for NRP devices, which are life-supporting devices (Ref. 2).

FDA published a proposed order in the **Federal Register** of January 7, 2014, that satisfied the requirements of section 515(b)(2) of the FD&C Act, which provides that a proposed order to require premarket approval shall contain: (1) The proposed order; (2) proposed findings with respect to the degree of risk of illness or injury designed to be eliminated or reduced by

requiring the device to have an approved PMA and the benefit to the public from the use of the device; (3) an opportunity for the submission of comments on the proposed order and the proposed findings; and (4) an opportunity to request a change in the classification of the device based on new information relevant to the classification of the device. FDA received and has considered two comments on the proposed order as discussed in section II of this document.

A preamendments class III device may be commercially distributed without a PMA until 90 days after FDA issues a final order requiring premarket approval for the device, or 30 months after final classification of the device under section 513 of the FD&C Act, whichever is later. Since NRP devices (the preamendments class III devices that are the subject of this final order) were classified in 1980, the 30-month period has expired (45 FR 7959, February 5, 1980). Thus, for these devices, the later of these two time periods is the 90-day period. Therefore, section 501(f)(2)(B) of the FD&C Act (21 U.S.C. 351(f)(2)(B)) requires that a PMA for such devices be filed within 90 days of the date of issuance of this final order. If a PMA is not filed for such devices within 90 days after the issuance of this final order, the device will be deemed adulterated under section 501(f) of the FD&C Act.

Also, a preamendments device subject to a call for PMAs under section 515(b) of the FD&C Act is not required to have an approved investigational device exemption (IDE) (see part 812 (21 CFR part 812)) contemporaneous with its interstate distribution until the date identified by FDA in the final order requiring the filing of a PMA for the device. At that time, an IDE is required only if a PMA has not been filed for NRP devices for temporary ventricular support. If the manufacturer, importer, or other sponsor of the device submits an IDE application and FDA approves it, the device may be distributed for investigational use. If a PMA is not filed by the later of the two dates, and the device is not distributed for investigational use under an IDE, the device is deemed to be adulterated within the meaning of section 501(f)(1)(A) of the FD&C Act, and subject to seizure and condemnation under section 304 of the FD&C Act (21 U.S.C. 334) if its distribution continues. Other enforcement actions include, but are not limited to, the following: Shipment of devices in interstate commerce may be subject to injunction under section 302 of the FD&C Act (21 U.S.C. 332), and the individuals responsible for such shipment may be subject to prosecution under section 303 of the FD&C Act (21 U.S.C. 333). FDA requests that manufacturers take action to prevent the further use of devices for which no PMA has been filed.

II. Public Comments in Response to the Proposed Order

In response to the January 7, 2014, proposed order to reclassify NRP devices for cardiopulmonary and circulatory bypass into class II and to require the filing of a PMA for NRP devices for temporary ventricular support, FDA received two comments. One comment disagreed with FDA's proposal to reclassify NRP devices for cardiopulmonary and circulatory bypass as a class II medical device. The comment stated general concerns that reclassification would result in the loss of important safeguards that are provided by authorities under the PMA regime, including proof of safety and efficacy based on short-term clinical trials, reporting of postmarket long-term clinical data as a condition of approval, inspection of manufacturing facilities prior to approval of a device, and the ability to rescind the approval of devices if the device is later found to be unsafe. FDA disagrees with this comment. Currently, NRP devices are typically regulated through the 510(k) pathway; therefore, reclassification of NRP devices for cardiopulmonary and circulatory bypass to class II will not result in the loss of current safeguards, as the regulatory pathway for these devices will remain the same. FDA places a device in the lowest classification that would provide reasonable assurance of the safety and effectiveness of the device. Under section 513(a)(1)(B) of the FD&C Act, a class II device is defined as a device which cannot be classified as a class I device because the general controls by themselves are insufficient to provide reasonable assurance of the safety and effectiveness of the device, and for which there is sufficient information to establish special controls to provide such assurance. The Panel recommended that NRP devices for cardiopulmonary and circulatory bypass be classified as class II because they believed that there is significant knowledge and data regarding the safety and effectiveness of NRP devices for cardiopulmonary and circulatory bypass, based on the device's long history of use in cardiopulmonary and circulatory bypass procedures (Ref. 2). The Panel believed that the application of general and special controls is sufficient to provide reasonable assurance of safety and effectiveness for NRP devices for cardiopulmonary and circulatory bypass (Ref. 2). FDA agrees with the Panel's recommendation and believes that because special controls are able to provide a reasonable assurance of safety and effectiveness, the requirement of a PMA for these devices is not necessary. By contrast, the majority of the Panel believed there remains insufficient valid scientific evidence to determine that general and special controls would provide a reasonable assurance of safety and effectiveness of NRP devices for temporary ventricular support. FDA agrees with the Panel's recommendation and as a result, NRP devices for temporary ventricular support will remain in class III and require premarket approval.

Another comment supported FDA's proposal to call for PMAs for NRP devices for temporary ventricular support, but disagreed with FDA's intent to reclassify NRP devices for cardiopulmonary and circulatory bypass, stating that ''down-classification . . . would create an enormous and dangerous loophole'' by which devices cleared by the 510(k) process for a ''particular indication'' could be used ''off-label for treatments that require a PMA.'' FDA notes in response to this comment that generally, FDA regulates the use of a device as indicated by the party offering the device for interstate commerce. The indications for NRP devices for cardiopulmonary and circulatory bypass will be limited by the codified identification in § 870.4360(a)(1) (21 CFR 870.4360(a)(1)).

The commenter also expressed concern that special controls were insufficient to mitigate the risk of stroke, peripheral emboli, or death associated with NRP devices for cardiopulmonary and circulatory bypass. FDA disagrees with the commenter. Under section 513(a)(1)(C) of the FD&C Act, a class III device is defined as a device which (1) cannot be classified as a class I device because insufficient information exists to determine that the application of general controls are sufficient to provide reasonable assurance of the safety and effectiveness of the device; (2) cannot be classified as a class II device because insufficient information exists to determine that the special controls would provide reasonable assurance of its safety and effectiveness; and (3) is purported or represented to be for a use in supporting or sustaining human life or for a use that is of substantial importance in preventing impairment of human health, or presents a potential unreasonable risk of illness or injury. FDA believes that sufficient information exists for NRP devices used for

cardiopulmonary and circulatory bypass to establish special controls that, together with general controls, can provide a reasonable assurance of safety and effectiveness and mitigate the risks to health identified in the proposed order (79 FR 765 at 769, January 7, 2014). Stroke, peripheral emboli, and death are potential clinical consequences of the identified risks to health and are therefore addressed by mitigating the risks to health through the general and special controls. Specifically, in the proposed order (79 FR 765 at 769), FDA determined that embolism was a risk to health associated with use of NRP devices for temporary cardiopulmonary and circulatory bypass. We explicitly noted that improper design of the device may cause the generation of gaseous, particular, or thrombotic emboli, which can result in debilitating or fatal complications such as stroke, peripheral emboli, or death. However, this risk to health is mitigated through non-clinical performance testing and labeling (special controls (a)(2)(i) and (iv) in the codified section of this document). Non-clinical performance testing evaluates the design of the device to ensure that the device does not generate gaseous, particular, or thrombotic emboli, which could cause stroke, peripheral emboli, or death. Further, the labeling will provide information regarding the duration of use to minimize the risk of embolism. The Panel concluded that these special controls were sufficient to mitigate the identified risks to health and provide reasonable assurance of safety and effectiveness for NRP devices for cardiopulmonary and circulatory bypass (Ref. 2). FDA agrees with the Panel's recommendation.

The commenter also provided a summary of adverse event reports for this device type from FDA's Manufacturer and User Facility Device Experience (MAUDE) database to support the perspective that reclassification is inappropriate for NRP devices for cardiopulmonary and circulatory bypass. FDA is aware of this data, fully considered this information prior to the proposed reclassification, and presented the adverse event information to the 2012 Panel that ultimately recommended that FDA reclassify NRP devices for cardiopulmonary and circulatory bypass from class III to class II (special controls). FDA agrees with this recommendation because special controls established by this final order can provide a reasonable assurance of safety and effectiveness.

The commenter further expressed concern that ''down-classification of these devices means that companies manufacturing new models with unique characteristics in the future would not be required to prove that their products are safe or effective. The companies would only need to prove that their products are substantially equivalent to other NRPs for cardiopulmonary and circulatory bypass already on the market, and would not require scientific evidence to ensure equivalent safety or efficacy.'' FDA disagrees with this comment. FDA believes that the special controls will provide a reasonable assurance of safety and effectiveness for NRP devices indicated for cardiopulmonary and circulatory bypass. Conformance with the identified special controls will provide a reasonable assurance of safety and effectiveness for the available predicate NRPs when indicated for cardiopulmonary and circulatory bypass. Future devices claiming substantial equivalence to an available predicate(s) must demonstrate that they are substantially equivalent, as defined under section 513(i) of the FD&C Act, to the predicate device and comply with all applicable FDA regulations. Future devices will also need to comply with the special controls in order to be classified into class II.

III. The Final Order

Under sections 513(e) and 515(b) of the FD&C Act, FDA is adopting its findings as published in the proposed order (79 FR 765). FDA is issuing this final order to reclassify NRP devices for cardiopulmonary and circulatory bypass from class III to class II and establish special controls. In addition, FDA is issuing this final order to require the filing of a PMA for NRP devices for temporary ventricular support.

In accordance with the proposed order, this final order will revise the title and identification of the regulation for NRP devices in 21 CFR part 870 to reflect the different types of NRP devices, their respective intended uses, and their respective classifications.

A. NRP Device for Temporary Ventricular Support

Under the final order, a PMA is required to be filed on or before 90 days after the date of publication of the final order in the **Federal Register** for any class III preamendments NRP devices for temporary ventricular support that were in commercial distribution before May 28, 1976, or that have been found by FDA to be substantially equivalent to such a device on or before 90 days after the date of publication of the final order in the **Federal Register**. An approved PMA is required to be in effect for these devices on or before 180 days after FDA files the application. Any other class III preamendments device subject to this order that was not in commercial distribution before May 28, 1976, is required to have an approved PMA in effect before it may be marketed.

If a PMA or a notice of completion of a PDP for any of the class III preamendments NRP devices intended for temporary ventricular support is not filed on or before the 90th day after the effective date of this final order, that device will be deemed adulterated under section 501(f)(1)(A) of the FD&C Act, and commercial distribution of the device must cease. The device may, however, be distributed for investigational use, if the requirements of the IDE regulations (part 812) are met.

B. NRP Device for Cardiopulmonary and Circulatory Bypass

Following the effective date of this final order, firms submitting a 510(k) premarket notification for a NRP device for cardiopulmonary and circulatory bypass must comply with the particular mitigation measures set forth in the codified special controls.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the devices. FDA has determined that premarket notification is necessary to provide reasonable assurance of safety and effectiveness of NRP devices for cardiopulmonary and circulatory bypass, and therefore, this device type is not exempt from premarket notification requirements.

An applicant whose device was legally in commercial distribution before May 28, 1976, or whose device has been found to be substantially equivalent to such a device, and who does not intend to market such device for uses other than cardiopulmonary and circulatory bypass, must remove uses other than cardiopulmonary and circulatory bypass from the device's labeling and comply with the special controls to remain legally on the market.

IV. Environmental Impact

The Agency has determined under 21 CFR 25.30 (h) and 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Paperwork Reduction Act of 1995

This final order refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 812 have been approved under OMB control number 0910–0078; the collections of information in part 807, subpart E, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 814, subpart B, have been approved under OMB control number 0910–0231; and the collections of information under 21 CFR part 801 have been approved under OMB control number 0910–0485.

VI. Codification of Orders

Prior to the amendments by FDASIA, section 513(e) provided for FDA to issue regulations to reclassify devices and section 515(b) of the FD&C Act provided for FDA to issue regulations to require approval of an application for premarket approval for preamendment devices or devices found to be substantially equivalent to preamendments devices. Sections 513(e) and 515(b) as amended require FDA to issue final orders rather than regulations, and FDASIA provided for FDA to revoke previously issued regulations by order. FDA will continue to codify classifications and reclassifications in the Code of Federal Regulations. Changes resulting from final orders will appear in the CFR as changes to codified classification determinations or as newly codified orders. Therefore, under section 513(e)(1)(A)(i) of the FD&C Act, as amended by FDASIA, in this final order, we are revoking the requirements in § 870.4360 related to the classification of NRP devices for cardiopulmonary and circulatory bypass as class III devices and codifying the reclassification of these devices into class II.

VII. References

The following references have been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and are available electronically at *http://www.regulations.gov.* (FDA has verified the Web site addresses, but we are not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

1. FDA Circulatory System Devices Panel of the Medical Devices Advisory Committee Meeting, December 5–6, 2012, available at *http://www.fda.gov/AdvisoryCommittees/Calendar/ucm327178.htm.*
2. Transcript of the December 6, 2012, meeting of the Circulatory System Devices Panel, available at *http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/CirculatorySystemDevicesPanel/UCM335464.pdf.*

List of Subjects in 21 CFR Part 870

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 870 is amended as follows:

PART 870—CARDIOVASCULAR DEVICES

■ 1. The authority citation for 21 CFR part 870 continues to read as follows:

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

■ 2. Revise § 870.4360 to read as follows:

§ 870.4360 Nonroller-type blood pump.

(a) *Nonroller-type cardiopulmonary and circulatory bypass blood pump*—(1) *Identification.* A nonroller-type cardiopulmonary and circulatory bypass blood pump is a prescription device that uses a method other than revolving rollers to pump the blood through an extracorporeal circuit for periods lasting less than 6 hours for the purpose of providing either:

(i) Full or partial cardiopulmonary bypass (*i.e.,* circuit includes an oxygenator) during open surgical procedures on the heart or great vessels; or

(ii) Temporary circulatory bypass for diversion of flow around a planned disruption of the circulatory pathway necessary for open surgical procedures on the aorta or vena cava.

(2) *Classification*—Class II (special controls). The special controls for this device are:

(i) Non-clinical performance testing must perform as intended over the intended duration of use and demonstrate the following: Operating parameters, dynamic blood damage, heat generation, air entrapment, mechanical integrity, and durability/reliability;

(ii) The patient-contacting components of the device must be demonstrated to be biocompatible;

(iii) Sterility and shelf life testing must demonstrate the sterility of patient-contacting components and the shelf life of these components; and

(iv) Labeling must include information regarding the duration of use, and a detailed summary of the device- and procedure-related complications pertinent to use of the device.

(b) *Nonroller-type temporary ventricular support blood pump*—(1) *Identification.* A nonroller-type temporary ventricular support blood pump is a prescription device that uses any method resulting in blood propulsion to provide the temporary ventricular assistance required for support of the systemic and/or pulmonary circulations during periods when there is ongoing or anticipated hemodynamic instability due to immediately reversible alterations in ventricular myocardial function resulting from mechanical or physiologic causes. Duration of use would be less than 6 hours.

(2) *Classification.* Class III (premarket approval).

(c) *Date premarket approval application (PMA) or notice of completion of product development protocol (PDP) is required.* A PMA or notice of completion of a PDP is required to be filed with FDA on or before September 8, 2015, for any nonroller-type temporary ventricular support blood pump that was in commercial distribution before May 28, 1976, or that has, on or before September 8, 2015, been found to be substantially equivalent to any nonroller-type temporary ventricular support blood pump that was in commercial distribution before May 28, 1976. Any other nonroller-type temporary ventricular support blood pump shall have an approved PMA or declared completed PDP in effect before being placed in commercial distribution.

Dated: June 2, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–13889 Filed 6–5–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0401]

Drawbridge Operation Regulation; Reynolds Channel, Nassau, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Long Beach Bridge, across Reynolds Channel, mile 4.7, at Nassau, New York. This temporary deviation is necessary to facilitate the Annual Salute to Veterans and Fireworks Display. This deviation allows the bridge to remain in the closed position during this public event.

DATES: This deviation is effective from 9:30 p.m. on June 27, 2015 to 12 a.m. on June 28, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0401] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140, on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC, 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, contact Ms. Judy K. Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 514–4330, email *judy.k.leung-yee@uscg.mil.* If you have questions on viewing the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: The Long Beach Bridge, mile 4.7, across Reynolds Channel has a vertical clearance in the closed position of 22 feet at mean high water and 24 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.799(g).

Reynolds Channel is transited by commercial fishing and recreational vessel traffic.

Nassau County Department of Public Works requested this temporary deviation from the normal operating schedule to facilitate a public event, the City of Long Beach Annual Fireworks Display.

Under this temporary deviation, the Long Beach Bridge may remain in the closed position between 9:30 p.m. on June 27, 2015 and 12:00 a.m. on June 28, 2015 (rain date June 28, 2015).

There is no alternate route for vessel traffic; however, vessels that can pass under the closed draws during this closure may do so at any time. The bridge will be able to open in the event of an emergency.

The Coast Guard will inform the users of the waterway through our Local and Broadcast Notice to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: May 27, 2015.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2015–13920 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2015–0362]

Safety Zones; Recurring Events in Captain of the Port Boston Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zones in the Captain of the Port Boston Zone on the specified dates and times listed below. This action is necessary to ensure the protection of the maritime public and event participants from the hazards associated with these annual recurring events. Under the provisions in the CFR, no person or vessel, except for the safety vessels assisting with these events may enter the safety zones unless given permission from the COTP or the designated on-scene representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

DATES: The regulation for these safety zones described in 33 CFR 165.118 will be enforced on the dates and times listed in the table below.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email Mr. Mark Cutter, Coast Guard Sector Boston Waterways Management Division, telephone 617–223–4000, email *Mark.E.Cutter@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones listed in 33 CFR 165.118 on the specified dates and times as indicated in Table 1 below.

TABLE 1

6.3 Surfside Fireworks	• Event Type: Fireworks Display. • Sponsor: Salisbury Beach Partnership and Chamber of Commerce. • Date: Every Saturday from June 27, 2015 through September 5, 2015. • Time: 9:00 p.m. to 11:00 p.m. • Location: All waters of the Atlantic Ocean near Salisbury Beach, MA, within a 350-yard radius of the fireworks barge located at position 42°50.6′ N., 070°48.4′ W. (NAD 83).
6.5 Hull Youth Football Carnival Fireworks.	• Event Type: Fireworks Display. • Sponsor: Hull Youth Football. • Date: June 20, 2015. • Time: 9:30 p.m. to 10:30 p.m. • Location: All waters within a 450-foot radius of the fireworks barge located approximately 500 feet of off Nantasket Beach, Hull MA located at position 42°16.6′ N., 070°51.7′ W. (NAD 83).

This document is issued under authority of 33 CFR 165.118 and 5 U.S.C. 552(a). In addition to this notification in the **Federal Register**, the Coast Guard will provide mariners with advanced notification of enforcement periods via the Local Notice to Mariners and Broadcast Notice to Mariners. If the COTP determines that these regulated areas need not be enforced for the full duration stated in this notice, a Broadcast Notice to Mariners may be used to grant general permission to enter these regulated areas.

Dated: May 18, 2015.

J.C. O'Connor III,

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

[FR Doc. 2015–13926 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0320]

RIN 1625–AA00

Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Navy Pier Southeast Safety Zone within the Chicago Harbor during specified periods from May 20, 2015 through January 1, 2016. This action is necessary and intended to ensure safety of life on the navigable waters of the United States immediately prior to, during, and immediately after various firework events. During the enforcement periods listed below, no person or vessel may enter the safety zone without permission of the Captain of the Port Lake Michigan.

DATES: The regulations in 33 CFR 165.931 will be enforced from 9:15 p.m. on May 20, 2015 through 12:30 a.m. on January 1, 2016, on the dates and times listed in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: If you have questions on this document, call or email LT Lindsay Cook, Waterways Management Division, Marine Safety Unit Chicago, telephone 630–986–2155, email address *D09-DG-MSUChicago-Waterwasy@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Safety Zone; Chicago Harbor, Navy Pier Southeast, Chicago, IL listed in 33 CFR 165.931, on each Saturday from 10:00 p.m. until 10:30 p.m. and each Wednesday from 9:15 p.m. until 9:45 p.m. during the period starting May 20, 2015 through September 5, 2015. Additionally, this safety zone will also be enforced from 10:00 p.m. until 10:30 p.m. on September 12, 2015; and from 11:45 p.m. on December 31, 2015 until 12:30 a.m. on January 1, 2016.

This safety zone encompasses the waters of Lake Michigan within Chicago Harbor bounded by coordinates beginning at 41°53′26.5″ N., 087°35′26.5″ W.; then south to 41°53′7.6″ N., 087°35′26.3″ W.; then west to 41°53′7.6″ N., 087°36′23.2″ W.; then north to 41°53′26.5″ N., 087°36′24.6″ W.; then east back to the point of origin (NAD 83). All vessels must obtain permission from the Captain of the Port Lake Michigan, or an on-scene representative to enter, move within or exit the safety zone. Vessels and persons granted permission to enter the safety zone shall obey all lawful orders or directions of the Captain of the Port Lake Michigan, or an on-scene representative.

This document is issued under authority of 33 CFR 165.931 and 5 U.S.C. 552(a). In addition to this publication in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of these enforcement periods via broadcast Notice to Mariners or Local Notice to Mariners. If the Captain of the Port Lake Michigan determines that the safety zone need not be enforced for the full duration stated in this document, she may suspend enforcement and provide notice via a Broadcast Notice to Mariners. The Captain of the Port Lake Michigan or her on-scene representative may be contacted via VHF Channel 16.

Dated: May 18, 2015.

A.B. Cocanour,

Captain, U.S. Coast Guard, Captain of the Port, Lake Michigan.

[FR Doc. 2015–13921 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 150406346–5346–01]

RIN 0648–XD972

International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Closure of Purse Seine Fishery in the ELAPS in 2015

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

ACTION: Temporary rule; fishery closure.

SUMMARY: NMFS announces that the purse seine fishery in the Effort Limit Area for Purse Seine, or ELAPS, will close as a result of reaching the 2015 limit on purse seine fishing effort in the ELAPS. This action is necessary for the United States to implement provisions of a conservation and management measure adopted by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC or Commission) and to satisfy the obligations of the United States under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention), to which it is a Contracting Party.

DATES: Effective 00:00 on June 15, 2015 Universal Coordinated Time (UTC), until 24:00 on December 31, 2015 UTC.

FOR FURTHER INFORMATION CONTACT: Tom Graham, NMFS Pacific Islands Regional Office, 808–725–5032.

SUPPLEMENTARY INFORMATION: U.S. purse seine fishing in the area of application of the Convention, or Convention Area, is managed, in part, under the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901 *et seq.*). Regulations implementing the Act are at 50 CFR part 300, subpart O. On behalf of the Secretary of Commerce, NMFS promulgates regulations under the Act as may be necessary to carry out the obligations of the United States under the Convention, including implementation of the decisions of the Commission.

Pursuant to WCPFC Conservation and Management Measure 2014–01, NMFS issued regulations that established a limit of 1,828 fishing days that may be used by U.S. purse seine fishing vessels in the ELAPS in calendar year 2015 (see

interim rule at 80 FR 29220, published May 21, 2015, to be codified at 50 CFR 300.223). The ELAPS consists of the areas of the U.S. EEZ and the high seas that are in the Convention Area between the latitudes of 20° N. and 20° S. (see definition at 50 CFR 300.211). A fishing day means any day in which a fishing vessel of the United States equipped with purse seine gear searches for fish, deploys a fish aggregating device (FAD), services a FAD, or sets a purse seine, with the exception of setting a purse seine solely for the purpose of testing or cleaning the gear and resulting in no catch (see definition at 50 CFR 300.211).

Based on data submitted in logbooks and other available information, NMFS expects that the limit of 1,828 fishing days in the ELAPS will be reached, and in accordance with the procedures established at 50 CFR 300.223(a), announces that the purse seine fishery in the ELAPS will be closed starting at 00:00 on June 15, 2015 UTC, and will remain closed until 24:00 on December 31, 2015 UTC. Accordingly, it shall be prohibited for any fishing vessel of the United States equipped with purse seine gear to be used for fishing in the ELAPS from 00:00 on June 15, 2015 UTC until 24:00 December 31, 2015 UTC.

Classification

There is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment on this action. Compliance with the notice and comment requirement would be impracticable and contrary to the public interest, since NMFS would be unable to ensure that the 2015 limit on purse seine fishing effort in the ELAPS is not exceeded. This action is based on the best available information on U.S. purse seine fishing effort in the ELAPS. The action is necessary for the United States to comply with its obligations under the Convention and is important for the conservation and management of bigeye tuna, yellowfin tuna, and skipjack tuna in the western and central Pacific Ocean. For the same reasons, there is good cause under 5 U.S.C. 553(d)(3) to establish an effective date less than 30 days after the date of publication of this notice.

This action is required by 50 CFR 300.223(a) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 6901 *et seq.*

Dated: June 3, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–13904 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 109
Monday, June 8, 2015

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–1014; Directorate Identifier 2015–NE–14–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Rolls-Royce Deutschland Ltd & Co KG (RRD) Tay 650–15 and Tay 651–54 turbofan engines. This proposed AD was prompted by RRD updating the life limits for certain high-pressure turbine (HPT) disks. This proposed AD would require reducing the cyclic life limits for certain HPT disks. We are proposing this AD to prevent failure of the HPT disk, which could result in uncontained disk release, damage to the engine, and damage to the airplane.

DATES: We must receive comments on this proposed AD by August 7, 2015.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

For service information identified in this proposed AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; phone: 49 0 33–7086–1064; fax: 49 0 33–7086–3276. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1014; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Philip Haberlen, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7770; fax: 781–238–7199; email: *philip.haberlen@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–1014; Directorate Identifier 2015–NE–14–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2015–0056, dated March 31, 2015 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> A recent analysis identified the need to reduce the existing cyclic life limit of certain high-pressure turbine (HPT) stage 1 discs, part number (P/N) JR32013, as compared with the values published in RRD Tay 650 and Tay 651 engine Time Limit Manuals (TLM), Chapter 05–10–01.
>
> Operation of the affected HPT Stage 1 disc P/N JR32013 beyond the reduced cyclic life limit would likely result in an unsafe condition.
>
> This condition, if not corrected, could lead to part failure, possibly resulting in release of high energy debris with consequent damage to the aeroplane and/or injury to the occupants.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–1014.

Related Service Information Under 1 CFR Part 51

RRD has issued Alert Non-Modification Service Bulletin No. TAY–72–A1821, Revision 1, dated March 26, 2015. The service information describes procedures for verifying if an applicable HPT stage 1 disk is installed and for removing the HPT stage 1 disk from service. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of Germany, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this NPRM because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 23 engines installed on airplanes

of U.S. registry. We also estimate that it would take about 0.5 hours per engine to comply with this proposed AD. The average labor rate is $85 per hour. We estimate that the pro-rated cost of the life reduction would be about $23,053 per engine. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $531,197.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Rolls-Royce Deutschland Ltd & Co KG: Docket No. FAA–2015–1014; Directorate Identifier 2015–NE–14–AD.

(a) Comments Due Date

We must receive comments by August 7, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Rolls-Royce Deutschland Ltd & Co KG (RRD) Tay 650–15 and Tay 651–54 turbofan engines with high-pressure turbine (HPT) stage 1 disk, part number (P/N) JR32013, installed.

(d) Reason

This AD was prompted by RRD updating the life limits for certain HPT disks. We are issuing this AD to prevent failure of the HPT disk, which could result in uncontained disk release, damage to the engine, and damage to the airplane.

(e) Actions and Compliance

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

(1) After the effective date of this AD, use the Accomplishment Instruction, paragraph 3.A.(1)(b) of RRD Alert Non-Modification Service Bulletin (NMSB) No. TAY–72–A1821, Revision 1, dated March 26, 2015 to calculate the HPT stage 1 disk consumed cyclic life of the affected engines.

(2) Remove the HPT stage 1 disk, P/N JR32013, from service within 100 flight cycles after the effective date of this AD or before exceeding the cyclic life limit as defined below, whichever occurs later:

(i) For RRD Tay 650–15 engines and Flight Plan A, the life limit is 18,900 flight cycles since new (FCSN).

(ii) For RRD Tay 650–15 engines and Flight Plan B, the life limit is 15,500 FCSN.

(iii) For RRD Tay 650–15 engines and Flight Plan C, the life limit is 11,500 FCSN.

(iv) For RRD Tay 650–15 engines and Flight Plan D, the life limit is 9,300 FCSN.

(v) For RRD Tay 651–54 engines regardless of flight plan or profile, the life limit is 10,873 FCSN.

(f) Alternative Methods of Compliance (AMOCs)

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

(g) Related Information

(1) For more information about this AD, contact Philip Haberlen, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7770; fax: 781–238–7199; email: *philip.haberlen@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency AD 2015–0056, dated March 31, 2015, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2015–1014.

(3) RRD Alert NMSB No. TAY–72–A1821, Revision 1, dated March 26, 2015, can be obtained from RRD, using the contact information in paragraph (g)(4) of this proposed AD.

(4) For service information identified in this proposed AD, contact Rolls-Royce Deutschland Ltd & Co KG, Eschenweg 11, Dahlewitz, 15827 Blankenfelde-Mahlow, Germany; phone: 49 0 33–7086–1064; fax: 49 0 33–7086–3276.

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

Issued in Burlington, Massachusetts, on May 12, 2015.

Colleen M. D'Alessandro,

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

[FR Doc. 2015–13743 Filed 6–5–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0869; Directorate Identifier 2015–NE–11–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Pratt & Whitney (PW) PW4164, PW4168, PW4168A, PW4164–1D, PW4168–1D, PW4168A–1D, and PW4170 turbofan engines. This proposed AD was

prompted by crack finds in the 6th stage low-pressure turbine (LPT) disk. This proposed AD would require removal of affected 6th stage LPT disks. We are proposing this AD to prevent failure of the 6th stage LPT disk, which could lead to an uncontained disk release, damage to the engine, and damage to the airplane.

DATES: We must receive comments on this proposed AD by August 7, 2015.

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0869; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Katheryn Malatek, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7747; fax: 781–238–7199; email: *katheryn.malatek@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–0869; Directorate Identifier 2015–NE–11–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We received reports of two crack finds in the front and rear knife-edge seals on the forward arm of the 6th stage LPT disk during a scheduled heavy maintenance shop visit. The suspected root cause of the cracks is residual stress introduced during knife-edge weld repair. This condition, if not corrected, could result in failure of the 6th stage LPT disk, which could lead to an uncontained disk release, damage to the engine, and damage to the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed PW Service Bulletin No. PW4G–100–72–252, dated November 18, 2014. This service information identifies and directs removal of the suspect 6th stage LPT disks. This service information is reasonably available because the interested parties have access to it through their normal course of business or see **ADDRESSES** for other ways to access this service information.

FAA's Determination

We are proposing this NPRM because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This NPRM would require removing certain serial number 6th stage LPT disks, part number 50N886.

Costs of Compliance

We estimate that this proposed AD would affect 18 engines installed on airplanes of U.S. registry. We also estimate that no additional hours would be required per engine to comply with this proposed AD because the engine is already disassembled in the shop when we require the part to be removed. The average labor rate is $85 per hour. We estimate that 6 of the engines will require replacement parts during an LPT shop visit, and that the prorated replacement parts cost would be $108,800 per engine. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $652,800.

Authority for this Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pratt & Whitney: Docket No. FAA–2015–0869; Directorate Identifier 2015–NE–11–AD.

(a) Comments Due Date

We must receive comments by August 7, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Pratt & Whitney (PW) PW4164, PW4168, PW4168A, PW4164–1D, PW4168–1D, PW4168A–1D, and PW4170 turbofan engines with 6th stage low-pressure turbine (LPT) disks, part number 50N886, installed.

(d) Unsafe Condition

This AD was prompted by crack finds in the 6th stage LPT disk. We are issuing this AD to prevent failure of the 6th stage LPT disk, which could lead to an uncontained disk release, damage to the engine, and damage to the airplane.

(e) Compliance

Comply with this AD within the compliance times specified, unless already done. At the next LPT shop visit after the effective date of this AD, remove from service 6th stage LPT disks with serial numbers listed in the Accomplishment Instructions, Table 1, of PW Service Bulletin (SB) No. PW4G–100–72–252, dated November 18, 2014.

(f) Definition

For the purpose of this AD, an ''LPT shop visit'' is defined as maintenance which involves disassembly of the LPT rotor module.

(i) Alternative Methods of Compliance (AMOCs)

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

(j) Related Information

(1) For more information about this AD, contact Katheryn Malatek, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7747; fax: 781–238–7199; email: *katheryn.malatek@faa.gov.*

(2) PW SB No. PW4G–100–72–252, dated November 18, 2014, can be obtained from Pratt & Whitney using the contact information in paragraph (j)(3) of this proposed rule.

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

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

Issued in Burlington, Massachusetts, on May 12, 2015.

Colleen M. D'Alessandro,

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

[FR Doc. 2015–13742 Filed 6–5–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2015–0443]

RIN 1625–AA00

Safety Zone; Nighttime Air Show, Milwaukee Harbor; Milwaukee, Wisconsin

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a safety zone within Milwaukee Harbor in Milwaukee, Wisconsin. This zone is intended to restrict vessels from a portion of Milwaukee Harbor due to an air show. This proposed safety zone is necessary to protect the surrounding public and vessels from the hazards associated with the air show.

DATES: Comments and related material must be received by the Coast Guard on or before July 8, 2015.

ADDRESSES: You may submit comments identified by docket number USCG–2015–0443 using any one of the following methods:

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

(2) Fax: 202–493–2251.

(3) Mail: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) Delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Petty Officer Joseph McCollum, U.S. Coast Guard Sector Lake Michigan; telephone 414–747–7148, email *Joseph.P.McCollum@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

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

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2015–0443), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the ''submit a comment'' box, which will then become highlighted in blue. In the

''Document Type'' drop down menu select ''Proposed Rule'' and insert ''USCG–2015–0443'' in the ''Keyword'' box. Click ''Search'' then click on the balloon shape in the ''Actions'' column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2015–0443 in the ''SEARCH'' box and click ''Search.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

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

B. Regulatory History and Information

On February 18, 2015, the Coast Guard published a Final Rule entitled Safety Zones; Annual Events Requiring Safety zones in the Captain of the Port Lake Michigan Zone in the **Federal Register** (80 FR 8536). This final rule included a safety zone for the daytime operation of the Milwaukee Air and Water Show in the vicinity of McKinley Park in Table 165.929(f)(2).

C. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1231; 33 CFR 1.05–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

In May of 2015 the Coast Guard confirmed through the sponsors of the Milwaukee Air and Water Show that an additional air show will be added to the show this year. This additional show, expected to consist of maneuvering aircraft and parachuters, is scheduled to occur over a different location and at a differing time than the daytime air show. This night show is expected to occur over the waters of Milwaukee Harbor in the vicinity of Lakeshore State Park. The night show is expected to occur between 6 p.m. and 10 p.m. on July 25, 2015. This nighttime air show is expected to draw a large group of waterborne spectators. The Captain of the Port Lake Michigan has determined that the likelihood of transiting vessels in the waters over which the nighttime air show participants will fly presents a significant risk of serious injuries or fatalities. Such hazards include flaming debris from dropped flares, and falling aircraft.

D. Discussion of Proposed Rule

The Captain of the Port Lake Michigan has determined that a safety zone is necessary to mitigate the aforementioned safety risks. Thus, this proposed rule establishes a safety zone that encompasses all waters of Milwaukee Harbor in the vicinity of Lakeshore State Park within an area bounded by the following coordinates, beginning at 43°02.547′N., 087°53.478′W., then southeast to 43°02.478′N., 087°52.877′W., then southwest to 43°01.493′N., 087°53.104′W., then northwest to 43°01.564′N., 087°53.697′W., then northwest returning to the point of origin (NAD 83).

This proposed rule will be effective from July 23, 2015 until July 26, 2015. This proposed rule would be enforced from 6 p.m. until 10 p.m. on each day from July 24, 2015 until July 26, 2015.

The Captain of the Port Lake Michigan will notify the public that the zone in this proposed rule is or will be enforced in accordance with 33 CFR 165.7(a). Such means of notification may also include, but are not limited to Broadcast Notice to Mariners or Local Notice to Mariners.

All persons and vessels shall comply with the instructions of the Captain of the Port Lake Michigan or her designated on-scene representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or her designated on-scene representative. The Captain of the Port Lake Michigan or her designated on-scene representative may be contacted via VHF Channel 16.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this proposed rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. Overall, we expect the economic impact of this proposed rule to be minimal and that a full Regulatory Evaluation is unnecessary.

2. Impact on Small Entities

Under The Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor within the waters of Milwaukee Harbor in Milwaukee,

Wisconsin during the times in which the safety zone is enforced in July of 2015.

This proposed safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This proposed rule will be enforced for a limited time during the month of July; this proposed safety zone has been designed to allow traffic to pass safely around the zone whenever possible, and vessels will be allowed to pass through the zone with the permission of the Captain of the Port. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Petty Officer Joseph McCollum, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414)747–7148. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

5. Federalism

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

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the ''For Further Information Contact'' section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0443 to read as follows:

§ 165.T09–0443 Safety Zone; Nighttime Air Show, Milwaukee Harbor, Milwaukee, Wisconsin.

(a) *Location.* This zone will encompass all waters of Milwaukee Harbor in the vicinity of Lakeshore State Park within an area bounded by the following coordinates, beginning at 43°02.547′ N., 087°53.478′ W., then southeast to 43°02.478′ N., 087°52.877′ W., then southwest to 43°01.493′ N.,

087°53.104′ W., then northwest to 43°01.564′ N., 087°53.697′ W., then northwest returning to the point of origin (NAD 83).

(b) *Effective period.* This proposed rule will be effective from July 23, 2015 until July 26, 2015. This proposed rule would be enforced from 6 p.m. until 10 p.m. on each day from July 24, 2015 until July 26, 2015.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring in this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or her designated on-scene representative.

(2) This safety zone is closed to all vessel traffic except as permitted by the Captain of the Port Lake Michigan or her designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Lake Michigan is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Lake Michigan to act on her behalf. The Captain of the Port Lake Michigan or her designated on-scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Lake Michigan or her designated on-scene representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Lake Michigan or her on-scene representative.

Dated: May 19, 2015.

A.B. Cocanour,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. 2015–13928 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR PART 165

[Docket No. USCG–2015–0215]

RIN 1625–AA00

Safety Zones; Recurring Events in Captain of the Port Duluth Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its safety zones regulations for annual events in the Captain of the Port Duluth Zone. This proposed rule would update the locations for two safety zones, add two safety zones, and modify the format of the regulation to list the annual events and corresponding safety zones in table form. These proposed amendments will protect spectators, participants, and vessels from the hazards associated with annual marine events and improve the clarity and readability of the regulations.

DATES: Comments and related material must be received by the Coast Guard on or before July 8, 2015.

ADDRESSES: You may submit comments identified by docket number USCG–2015–0215 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Aaron Woof, Marine Safety Unit Duluth, U.S. Coast Guard; telephone (218) 725–3821 or by email *Aaron.M.Woof@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Request for Comments

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

1. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2015–0215), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility.

We recommend that you include your name and a mailing address, email address, or telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2015–0215 in the ''SEARCH'' box and click ''SEARCH''. Click on the comment box in the row listing this NPRM.

If you submit your comment 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 your comment by mail and would like to verify that they have reached the Docket Management Facility, please enclose a stamped, self-addressed postcard or envelope and it will be returned to you. We will consider all comments and material received during the comment period and may change the proposed rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2015–0215 in the ''SEARCH'' box and click ''SEARCH''. Click on ''Open Docket Folder'' on the line associated with this rulemaking. You may also visit the Document Management Facility in Room W12–140 on the ground floor of the U.S. 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 on Federal holidays.

3. Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment if submitted on

behalf of an associated, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

4. Public Meeting

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

B. Regulatory History and Information

On May 31, 2013, the Coast Guard published an NPRM in the **Federal Register** (78 FR 32608) entitled ''Recurring Events in the Captain of the Port Duluth Zone.'' The NPRM proposed to establish 8 permanent safety zones for annually recurring events in the Captain of the Port Duluth Zone under 33 CFR 165.943. The NPRM was open for comment for 30 days.

On August 12, 2013 the Coast Guard published the Final Rule in the **Federal Register** (78 FR 48802) after receiving no comments on the NPRM. Through this proposed rule, the Coast Guard seeks to update § 165.943.

C. Basis and Purpose

The legal basis for this proposed rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1231; 33 CFR 1.05–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

This proposed rule would update the location for two safety zones for annual events, add two new permanent safety zones for recurring fireworks displays, and modify the format of § 165.943 to list annual events and corresponding safety zones in table form. These changes are necessary to protect spectators, participants, and vessels from the hazards associated with annual marine events, and to improve the overall clarity and readability of the rule. These hazards related to the annual events include obstructions to the waterway that may result in marine casualties; explosive danger and flaming debris falling into the water from fireworks; and large congregations of vessels and waterborne spectators in the vicinity of the annual events.

This proposed rule will also arrange the safety zones listed in § 165.943 into a table sorted in ascending order of event date. This change in format is intended to improve clarity and readability and to reduce redundancy in the regulation.

Finally, this proposed rule clarifies that the enforcement dates and times for each safety zone listed in Table 165.943 is subject to change. While the events are anticipated to annually recur on certain dates, factors, to include inclement weather, may result in postponement. In the event of a postponement, the Coast Guard will issue a Notice of Enforcement with updated enforcement dates and times, and corresponding Broadcast Notice to Mariners for on scene notice.

D. Discussion of Rule

The amendments to this proposed rule are necessary to ensure the safety of vessels and people during annual events taking place on or near federally maintained waterways in the Captain of the Port Duluth Zone. Although this proposed rule will be in effect year-round, the specific safety zones listed in Table 165.943 will only be enforced during a specified period of time when the event is on-going.

When a Notice of Enforcement for a particular safety zone is published, entry into, transiting through, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Duluth, or his or her designated representative. The Captain of the Port Duluth or his or her designated representative can be contacted via VHF Channel 16. All persons and vessels granted permission to enter the safety zone must comply with all instructions given by the Captain of the Port Duluth or his or her designated representative.

E. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zones created by this rule will be small and enforced for short periods of time. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port Duluth.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in areas designated as safety zones during the dates and times the safety zones are enforced.

These safety zones will not have a significant economic impact on a substantial number of small entities for the following reasons: These safety zones created by this rule will be small and enforced for short periods of time. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port Duluth. Before the enforcement of these safety zones, the Coast Guard will issue local Broadcast Notice to Mariners so that vessel owners and operators may plan accordingly.

If you believe that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so they can better evaluate its effects on them and participate in this rulemaking.

If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Chief Aaron Woof, Marine Safety Unit Duluth, U.S. Coast Guard; telephone (218) 725–3821 or by email *Aaron.M.Woof@uscg.mil.* The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

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

6. Unfunded Mandates Reform Act

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

7. Taking of Private Property

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

8. Civil Justice Reform

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

9. Protection of Children

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

10. Indian Tribal Governments

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

11. Energy Effects

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

12. Technical Standards

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

13. Environment

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

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR parts 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 165.943 to read as follows:

§ 165.943 Safety Zones; Recurring Events in Captain of the Port Duluth Zone.

(a) *Regulations.* The following regulations apply to the safety zones listed in Table 165.943 of this section:

(1) The Coast Guard will provide advance notice of the enforcement date and time of the safety zone being enforced in Table 165.943, by issuing a Notice of Enforcement, as well as, a Broadcast Notice to Mariners.

(2) During the enforcement period, the general regulations found in § 165.23 shall apply.

(b) *Contacting the Captain of the Port.* While a safety zone listed in this section is enforced, the Captain of the Port Duluth or his or her on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Duluth, or his or her on-scene representative.

(c) *Exemption.* Public vessels, defined as any vessel owned or operated by the United States or by State or local governments, operating in an official capacity are exempted from the requirements of this section.

TABLE 165.943

[Datum NAD 1983]

Event	Location	Event date
(1) Bridgefest Regatta Fireworks Display.	All waters of the Keweenaw Waterway in Hancock, MI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 47°07′22″ N., 088°35′39″ W.	Mid June.
(2) Ashland 4th of July Fireworks Display.	All waters of Chequamegon Bay in Ashland, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°35′50″ N., 090°52′59″ W.	On or around July 4th.

TABLE 165.943—Continued

[Datum NAD 1983]

Event	Location	Event date
(3) City of Bayfield 4th of July Fireworks Display.	All waters of the Lake Superior North Channel in Bayfield, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°48′39″ N., 090°48′35″ W.	On or around July 4th.
(4) Cornucopia 4th of July Fireworks Display.	All waters of Siskiwit Bay in Cornucopia, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°51′35″ N., 091°06′13″ W.	On or around July 4th.
(5) Duluth 4th Fest Fireworks Display.	All waters of the Duluth Harbor Basin, Northern Section in Duluth, MN within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°46′14″ N., 092°06′16″ W.	On or around July 4th.
(6) LaPointe 4th of July Fireworks Display.	All waters of Lake Superior in LaPointe, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°46′40″ N., 090°47′22″ W.	On or around July 4th.
(7) Two Harbors 4th of July Fireworks Display.	All waters of Agate Bay in Two Harbors, MN within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°46′40″ N., 090°47′22″ W.	On or around July 4th.
(8) Point to LaPointe Swim	All waters of the Lake Superior North Channel between Bayfield and LaPointe, WI within an imaginary line created by the following coordinates: 46°48′50″ N., 090°48′44″ W., moving southeast to 46°46′44″ N., 090°47′33″ W., then moving northeast to 46°46′52″ N., 090°47′17″ W., then moving northwest to 46°49′03″ N., 090°48′25″ W., and finally returning to the starting position.	Early August.
(9) Lake Superior Dragon Boat Festival Fireworks Display.	All waters of Superior Bay in Superior, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°43′23″ N., 092°03′45″ W.	Late August.
(10) Superior Man Triathlon	All waters of the Duluth Harbor Basin, Northern Section in Duluth, MN within an imaginary line created by the following coordinates: 46°46′36″ N., 092°06′06″ W., moving southeast to 46°46′32″ N., 092°06′01″ W., then moving northeast to 46°46′45″ N., 092°05′45″ W., then moving northwest to 46°46′49″ N., 092°05′49″ W., and finally returning to the starting position.	Late August.

Dated: May 4, 2015

A.H. Moore, JR.,

Commander, U.S. Coast Guard, Captain of the Port Duluth.

[FR Doc. 2015–13932 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2012–0852; FRL–9928–85–Region 4]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the September 20, 2011, State Implementation Plan (SIP) submission, provided by the South Carolina Department of Health and Environmental Control (SC DHEC) for inclusion into the South Carolina SIP. This proposal pertains to the Clean Air Act (CAA or the Act) infrastructure requirements for the 2008 Lead national ambient air quality standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an ''infrastructure'' SIP. SC DHEC certified that the South Carolina SIP contains provisions that ensure the 2008 Lead NAAQS is implemented, enforced, and maintained in South Carolina. With the exception of provisions pertaining to prevention of significant deterioration (PSD) permitting for which EPA is proposing no action through this notice, EPA is proposing to approve that South Carolina's infrastructure SIP submission, provided to EPA on September 20, 2011, satisfies the required infrastructure elements for the 2008 Lead NAAQS.

DATES: Written comments must be received on or before July 8, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2012–0852, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *Email: R4–ARMS@epa.gov.*

3. *Fax:* (404) 562–9019.

4. *Mail:* ''EPA–R04–OAR–2012–0852,'' Air Regulatory Management Section (formerly Regulatory Development Section), Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.

5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, Air Regulatory Management Section (formerly Regulatory Development Section), Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2012–0852. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email

address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Regulatory Management Section (formerly Regulatory Development Section), Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background

On October 5, 1978, EPA promulgated primary and secondary NAAQS for Lead under section 109 of the Act. *See* 43 FR 46246. Both primary and secondary standards were set at a level of 1.5 micrograms per cubic meter (μg/m^3), measured as Lead in total suspended particulate matter (Pb-TSP), not to be exceeded by the maximum arithmetic mean concentration averaged over a calendar quarter. This standard was based on the 1977 Air Quality Criteria for Lead (USEPA, August 7, 1977). On November 12, 2008 (75 FR 81126), EPA issued a final rule to revise the primary and secondary Lead NAAQS. The revised primary and secondary Lead NAAQS were revised to 0.15 μg/m^3. By statute, SIPs meeting the requirements of sections 110(a)(1) and (2) are to be submitted by states within three years after promulgation of a new or revised NAAQS. Sections 110(a)(1) and (2) require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance of the NAAQS. States were required to submit such SIPs to EPA no later than October 15, 2011, for the 2008 Lead NAAQS.[1]

Today's action is proposing to approve South Carolina's infrastructure submission for the applicable requirements of the 2008 Lead NAAQS, with the exception of the PSD permitting requirements for major sources contained in sections 110(a)(2)(C), prong 3 of D(i) and (J). With respect to South Carolina's infrastructure SIP submission related to the provisions pertaining to the PSD permitting requirements for major sources of sections 110(a)(2)(C), prong 3 of D(i) and (J), EPA approved these elements on March 18, 2015 (80 FR 14019). This action is not approving any specific rule, but rather proposing that South Carolina's already approved SIP meets certain CAA requirements.

II. What elements are required under Sections 110(a)(1) and (2)?

Section 110(a) of the CAA requires states to submit SIPs to provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years following the promulgation of such NAAQS, or within such shorter period as EPA may prescribe. Section 110(a) imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the SIP for a new or revised NAAQS affects the content of the submission. The contents of such SIP submissions may also vary depending upon what provisions the state's existing SIP already contains. In the case of the 2008 Lead NAAQS, states typically have met the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with the 1978 Lead NAAQS.

Section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists specific elements that states must meet for ''infrastructure'' SIP requirements related to a newly established or revised NAAQS. As mentioned above, these requirements include SIP infrastructure elements such as modeling, monitoring, and emissions inventories that are designed to assure attainment and maintenance of the NAAQS. The requirements that are the subject of this proposed rulemaking are listed below [2] and in EPA's October 14, 2011, memorandum entitled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under Sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air

[1] In these infrastructure SIP submissions States generally certify evidence of compliance with sections 110(a)(1) and (2) of the CAA through a combination of state regulations and statutes, some of which have been incorporated into the federally-approved SIP. In addition, certain federally-approved, non-SIP regulations may also be appropriate for demonstrating compliance with sections 110(a)(1) and (2). Throughout this rulemaking, unless otherwise indicated, state regulations referenced herein as ''Regulation(s)'' have been approved into South Carolina's federally-approved SIP. South Carolina statutes, referenced as the ''S.C. Code Ann.'' are not a part of the SIP unless otherwise indicated.

[2] Two elements identified in section 110(a)(2) are not governed by the three year submission deadline of section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather due at the time the nonattainment area plan requirements are due pursuant to section 172. These requirements are: (1) Submissions required by section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D Title I of the CAA, and (2) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, Title I of the CAA. Today's proposed rulemaking does not address infrastructure elements related to section 110(a)(2)(I) or the nonattainment planning requirements of 110(a)(2)(C).

Quality Standards (NAAQS)'' (2011 Lead Infrastructure SIP Guidance).

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.
- 110(a)(2)(C): Program for enforcement, Prevention of Significant Deterioration (PSD) and new source review (NSR).[3]
- 110(a)(2)(D): Interstate and international transport provisions.
- 110(a)(2)(E): Adequate personnel, funding, and authority.
- 110(a)(2)(F): Stationary source monitoring and reporting.
- 110(a)(2)(G): Emergency episodes.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(I): Nonattainment area plan or plan revision under part D. [4]
- 110(a)(2)(J): Consultation with government officials, public notification, and PSD and visibility protection.
- 110(a)(2)(K): Air quality modeling/data.
- 110(a)(2)(L): Permitting fees.
- 110(a)(2)(M): Consultation/participation by affected local entities.

III. What is EPA's approach to the review of infrastructure SIP submissions?

EPA is acting upon the SIP submission from South Carolina that addresses the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the Lead NAAQS. The requirement for states to make a SIP submission of this type arises out of CAA section 110(a)(1). Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Although the term ''infrastructure SIP'' does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from submissions that are intended to satisfy other SIP requirements under the CAA, such as ''nonattainment SIP'' or ''attainment plan SIP'' submissions to address the nonattainment planning requirements of part D of title I of the CAA, ''regional haze SIP'' submissions required by EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review permit program submissions to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions, and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[5] EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that ''each'' SIP submission must meet the list of requirements therein, while EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the Act, which specifically address nonattainment SIP requirements.[6] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[7] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, EPA can elect to act on such submissions either individually or in a larger combined action.[8] Similarly, EPA interprets the CAA to

[3] This rulemaking only addresses requirements for this element as they relate to attainment areas.

[4] As mentioned above, this element is not relevant to today's proposed rulemaking.

[5] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[6] *See, e.g.,* ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NOx SIP Call; Final Rule,'' 70 FR 25162, at 25163—65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[7] EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, *e.g.,* that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

[8] *See, e.g.,* ''Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting,'' 78 FR 4339 (January 22, 2013) (EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of EPA's 2008 $PM_{2.5}$ NSR rule), and ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS,'' (78 FR 4337) (January 22, 2013) (EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[9]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[10]

EPA notes that interpretation of section 110(a)(2) is also necessary when EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions For example, section 172(c)(7) requires that attainment plan SIP submissions required by part D have to meet the ''applicable requirements'' of section 110(a)(2). Thus, for example, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements. As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[11] EPA issued the 2011 Lead Infrastructure SIP Guidance [12] to provide states with up-to-date guidance for Lead infrastructure SIPs. Within this guidance, EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions. The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.[13]

EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when EPA evaluates adequacy of the infrastructure SIP submission. EPA believes that a better approach is for states and EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

Finally, EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory

[9] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submittal.

[10] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

[11] EPA notes, however, that nothing in the CAA requires EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[12] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements Required under Clean Air Act Sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS),'' Memorandum from Stephen D. Page, October 14, 2011.

[13] Although not intended to provide guidance for purposes of infrastructure SIP submissions for the 2008 Lead NAAQS, EPA notes, that following the 2011 Lead Infrastructure SIP Guidance, EPA issued the ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' Memorandum from Stephen D. Page, September 13, 2013. This 2013 guidance provides recommendations for air agencies' development and the EPA's review of infrastructure SIPs for the 2008 ozone primary and secondary NAAQS, the 2010 primary nitrogen dioxide (NO_2) NAAQS, the 2010 primary sulfur dioxide (SO_2) NAAQS, and the 2012 primary fine particulate matter ($PM_{2.5}$) NAAQS, as well as infrastructure SIPs for new or revised NAAQS promulgated in the future.

tools allow EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a ''SIP call'' whenever the Agency determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[14] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submissions.[15] Significantly, EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[16]

IV. What is EPA's analysis of how South Carolina addressed the elements of Sections 110(a)(1) and (2) ''infrastructure'' provisions?

The South Carolina infrastructure submission addresses the provisions of sections 110(a)(1) and (2) as described below.

1. 110(a)(2)(A): *Emission limits and other control measures:* Several provisions within South Carolina Regulations and the 1976 South Carolina Code of Laws, as amended, (''S.C. Code Ann.'') are relevant to air quality control measures. Section 48–1–50(23) of the 1976 South Carolina Code of Laws, as amended, (''S.C. Code Ann.'') provides the SC DHEC with the authority to ''[a]dopt emission and effluent control regulations standards and limitations that are applicable to the entire State, that are applicable only within specified areas or zones of the State, or that are applicable only when a specified class of pollutant is present. EPA has made the preliminary determination that the South Carolina's SIP and practices are adequate to protect the 2008 Lead NAAQS in the State.

In this action, EPA is not proposing to approve or disapprove any existing State provisions with regard to excess emissions during startup, shutdown and malfunction (SSM) of operations at a facility. EPA believes that a number of states have SSM provisions which are contrary to the CAA and existing EPA guidance, ''State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown'' (September 20, 1999), and the Agency is addressing such state regulations in a separate action.[17] In the meantime, EPA encourages any state having a deficient SSM provision to take steps to correct it as soon as possible.

Additionally, in this action, EPA is not proposing to approve or disapprove any existing State rules with regard to director's discretion or variance provisions. EPA believes that a number of states have such provisions which are contrary to the CAA and existing EPA guidance (52 FR 45109 (November 24, 1987)), and the Agency plans to take action in the future to address such state regulations. In the meantime, EPA encourages any state having a director's discretion or variance provision which is contrary to the CAA and EPA guidance to take steps to correct the deficiency as soon as possible.

2. 110(a)(2)(B): *Ambient air quality monitoring/data system:* SIPs are required to provide for the establishment and operation of ambient air quality monitors, the compilation and analysis of ambient air quality data, and the submission of these data to EPA upon request. South Carolina's Air Pollution Control Regulations, Regulation 61–62.5, Standard No. 7, *Prevention of Significant Deterioration,* along with the *South Carolina Network Description and Ambient Air Network Monitoring Plan,* provide for an ambient air quality monitoring system in the State. S.C. Code Ann. § 48–1–50(14) provides the Department with the necessary authority to ''[c]ollect and disseminate information on air and water control.'' Annually, States develop and submit to EPA for approval statewide ambient monitoring network plans consistent with the requirements of 40 CFR parts 50, 53, and 58. The annual network plan involves an evaluation of any proposed changes to the monitoring network, includes the annual ambient monitoring network design plan and a certified evaluation of the agency's ambient monitors and auxiliary support equipment.[18] On July 3, 2014, South Carolina submitted its plan to EPA. On October 8, 2014, EPA approved South Carolina's monitoring network plan. South Carolina's approved monitoring network plan can be accessed at *www.regulations.gov* using Docket ID No. EPA–R04–OAR–2012–0852. EPA has made the preliminary determination that South Carolina's SIP and practices are adequate for the ambient air quality monitoring and data system related to the 2008 Lead NAAQS.

3. 110(a)(2)(C) *Program for enforcement, Prevention of Significant Deterioration (PSD) and new source review (NSR):* This element consists of three sub-elements; enforcement, state-wide regulation of new and modified minor sources and minor modifications of major sources; and preconstruction permitting of major sources and major modifications in areas designated attainment or unclassifiable for the subject NAAQS as required by CAA title I part C (*i.e.,* the major source PSD program). In this action, EPA is proposing to approve South Carolina's infrastructure SIP submission for the 2008 Lead NAAQS with respect to the general requirement in section 110(a)(2)(C) to include a program in the SIP that provides for enforcement of emission limits and control measures, the regulation of minor sources and modifications, and the enforcement emission limits to assist in the protection of air quality in nonattainment, attainment or unclassifiable areas. To meet these

[14] For example, EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. See ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions,'' 74 FR 21639 (April 18, 2011).

[15] EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. See ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (December 30, 2010). EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. See, *e.g.,* 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[16] *See, e.g.,* EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). *See, e.g.,* 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (Jan. 26, 2011) (final disapproval of such provisions).

[17] On May 22, 2015, the EPA Administrator signed a final action entitled, ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction.'' The prepublication version of this rule is available at *http://www.epa.gov/airquality/urbanair/sipstatus/emissions.html.*

[18] On occasion, proposed changes to the monitoring network are evaluated outside of the network plan approval process in accordance with 40 CFR part 58.

obligations, South Carolina cites to Regulation 61–62.5, Standard No. 7, *Prevention of Significant Deterioration,* and Regulation 61–62.5, Standard No. 7.1, *Nonattainment New Source Review,* and Regulation 61–62.1, Section II, *Permit Requirements,* which pertain to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as attainment or unclassifiable.

Enforcement: SC DHEC's above-described, SIP-approved regulations provide for enforcement of lead limits and control measures and construction permitting for new or modified stationary sources. Also S.C. Code Ann. § 48–1–50(11) provides the Department with the authority to ''Administer penalties as otherwise provided herein for violations of this chapter, including any order, permit, regulation or standards.''

Preconstruction PSD Permitting for Major Sources: With respect to South Carolina's infrastructure SIP submission related to the preconstruction PSD permitting requirements for major sources of section 110(a)(2)(C), EPA approved this element on March 18, 2015 (80 FR 14019), and thus is not proposing any action today regarding these requirements.

Regulation of minor sources and modifications: Section 110(a)(2)(C) also requires the SIP to include provisions that govern the minor source pre-construction program that regulates emissions of lead. Regulation 61–62.1, Section II, *Permit Requirements* governs the preconstruction permitting of modifications and construction of minor stationary sources.

EPA has made the preliminary determination that South Carolina's SIP and practices are adequate for program enforcement of control measures and regulation of minor sources and modifications related to the 2008 Lead NAAQS.

4. 110(a)(2)(D)(i) and (ii) *Interstate and International transport provisions:* Section 110(a)(2)(D)(i) has two components; 110(a)(2)(D)(i)(I) and 110(a)(2)(D)(II). Each of these components have two subparts resulting in four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (''prong 1''), and interfering with maintenance of the NAAQS in another state (''prong 2''). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (''prong 3''), or to protect visibility in another state (''prong 4''). Section 110(a)(2)(D)(ii) requires SIPs to include provisions insuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement.

110(a)(2)(D)(i)(I)—prongs 1 and 2: Section 110(a)(2)(D)(i) requires infrastructure SIP submissions to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment in, or interfering with maintenance of the NAAQS in another state. The physical properties of lead prevent lead emissions from experiencing that same travel or formation phenomena as $PM_{2.5}$ and ozone for interstate transport as outlined in prongs 1 and 2. More specifically, there is a sharp decrease in lead concentrations, at least in the coarse fraction, as the distance from a lead source increases. EPA believes that the requirements of prongs 1 and 2 can be satisfied through a state's assessment as to whether a lead source located within its State in close proximity to a state border has emissions that contribute significantly to the nonattainment or interfere with maintenance of the NAAQS in the neighboring state. For example, EPA's experience with the initial Lead designations suggests that sources that emit less than 0.5 tons per year (tpy) generally appear unlikely to contribute significantly to the nonattainment in another state. EPA's experience also suggests that sources located more than two miles from the state border generally appear unlikely to contribute significantly to the nonattainment in another state. South Carolina has one lead source that may potentially emit over 0.5 tpy that is currently being constructed, Johnson Controls, but it will be located well beyond 2 miles from the border of neighboring states. Thus, EPA believes there are no sources in South Carolina that are likely to contribute significantly to the nonattainment or interfere with maintenance of the NAAQS in another state. Therefore, EPA has made the preliminary determination that South Carolina's SIP meets the requirements of section 110(a)(2)(D)(i)(I).

110(a)(2)(D)(i)(II)—prong 3: With respect South Carolina's infrastructure SIP submission related to the preconstruction PSD permitting requirements for major sources of section 110(a)(2)(D)(i)(II), EPA approved this prong on March 18, 2015 (80 FR 14019), and thus is not proposing any action today regarding these requirements.

110(a)(2)(D)(i)(II)—prong 4: With regard to section 110(a)(2)(D)(i)(II), the visibility sub-element, referred to as prong 4, significant impacts from lead emissions from stationary sources are expected to be limited to short distances from the source. The 2011 Lead Infrastructure SIP Guidance notes that it is anticipated that lead emissions will contribute only negligibly to visibility impairment in Class I areas. Lead stationary sources in South Carolina are located distances from Class I areas such that visibility impacts are negligible. As noted above, South Carolina has one lead source that may potentially emit over 0.5 tpy that is currently being constructed, Johnson Controls, but it will be located at such a distance from Class I areas such that visibility impacts would be negligible. Therefore, EPA has preliminarily determined that the South Carolina SIP meets the relevant visibility requirements of prong 4 of section 110(a)(2)(D)(i).

110(a)(2)(D)(ii): *Interstate and International transport provisions:* Section 110(a)(2)(D)(ii) requires SIPs to include provisions insuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement. With regard to the requirements of section 110(a)(2)(D)(ii), South Carolina does not have any pending obligation under sections 115 and 126 of the CAA. Additionally, Regulation 61–62.5, Standards 7 and 7.1 (q)(2)(iv), *Public Participation,* requires SC DHEC to notify air agencies ''whose lands may be affected by emissions'' from each new or modified major source if such emissions may significantly contribute to levels of pollution in excess of a NAAQS in any air quality control region outside of the South Carolina. EPA has made the preliminary determination that South Carolina's SIP and practices are adequate for insuring compliance with the applicable requirements relating to interstate and international pollution abatement for the 2008 Lead NAAQS.

5. 110(a)(2)(E): *Adequate personnel, funding, and authority:* Section 110(a)(2)(E) requires that each implementation plan provide (i) necessary assurances that the State will have adequate personnel, funding, and authority under state law to carry out its implementation plan, (ii) that the State comply with the requirements respecting State Boards pursuant to section 128 of the Act, and (iii)

necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provisions. EPA is proposing to approve South Carolina's SIP as meeting the requirements of section 110(a)(2)(E). EPA's rationale for today's proposal respecting each requirement of section 110(a)(2)(E) is described below.

With respect to section 110(a)(2)(E)(i) and (iii), SC DHEC develops, implements and enforces EPA-approved SIP provisions in the State. S.C. Code Ann. Section 48, Title 1, as referenced in SC DHEC's infrastructure SIP submission, provides the Department's general legal authority to establish a SIP and implement related plans. Specifically, S.C. Code Ann. § 48–1–50(12) grants SC DHEC the statutory authority to ''[a]ccept, receive and administer grants or other funds or gifts for the purpose of carrying out any of the purposes of this chapter; [and to] accept, receive and receipt for Federal money given by the Federal government under any Federal law to the State of South Carolina for air or water control activities, surveys or programs.'' S.C. Code Ann. Section 48, Title 2 grants SC DHEC statutory authority to establish environmental protection funds, which provide resources for SC DHEC to carry out its obligations under the CAA. Additionally, Regulation 61–30, *Environmental Protection Fees,* provides SC DHEC with the ability to access fees for environmental permitting programs. SC DHEC implements the SIP in accordance with the provisions of S.C. Code Ann § 1–23–40 (the Administrative Procedures Act) and S.C. Code Ann. Section 48, Title 1.

The requirements of 110(a)(2)(E)(i) and (iii) are further confirmed when EPA performs a completeness determination for each SIP submittal. This provides additional assurances that each submittal provides evidence that adequate personnel, funding, and legal authority under State Law has been used to carry out the State's implementation plan and related issues. This information is included in all prehearings and final SIP submittal packages for approval by EPA.

EPA also notes that annually, states update grant commitments based on current SIP requirements, air quality planning, and applicable requirements related to the NAAQS, including the lead NAAQS. On March 11, 2014, EPA submitted a letter to South Carolina outlining 105 grant commitments and current status of these commitments for fiscal year 2013. The letter EPA submitted to South Carolina can be accessed at *www.regulations.gov* using Docket ID No. EPA–R04–OAR–2012–0852. There were no outstanding issues, therefore South Carolina's grants were finalized and closed out. EPA has made the preliminary determination that South Carolina has adequate resources for implementation of the 2008 Lead NAAQS.

With respect to 110(a)(2)(E)(ii), South Carolina satisfies the requirements of CAA section 128(a)(1) for the SC Board of Health and Environmental Control, which is the ''board or body which approves permits and enforcement orders'' under CAA programs in South Carolina, through S.C. Code Ann. Section 8–13–730. S.C. Code Ann. Section 8–13–730 provides that ''[u]nless otherwise provided by law, no person may serve as a member of a governmental regulatory agency that regulates business with which that person is associated,'' and S.C. Code Ann. Section 8–13–700(A) which provides in part that ''[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.'' S.C. Code Ann. Section 8–13–700(B)(1)–(5) provides for disclosure of any conflicts of interest by public official, public member or public employee, which meets the requirement of CAA Section 128(a)(2) that ''any potential conflicts of interest . . . be adequately disclosed.'' These state statutes—S.C. Code Ann. Sections 8–13–730, 8–13–700(A), and 8–13–700(B)(1)–(5)—have been approved into the South Carolina SIP as required by CAA section 128. Thus, EPA has made the preliminary determination that South Carolina's SIP and practices are adequate for insuring compliance with the applicable requirements relating to state boards for the 2008 Lead NAAQS.

6. 110(a)(2)(F) *Stationary source monitoring system:* South Carolina's infrastructure SIP submission describes the establishment of requirements for compliance testing by emissions sampling and analysis, and for emissions and operation monitoring to ensure the quality of data in the State. SC DHEC uses these data to track progress towards maintaining the NAAQS, develop control and maintenance strategies, identify sources and general emission levels, and determine compliance with emission regulations and additional EPA requirements. These SIP requirements are codified at Regulation 61–62.1, Definitions and General Requirements, which provides for an emission inventory plan that establishes reporting requirements of the South Carolina SIP. South Carolina's SIP requires owners or operators of stationary sources to monitor emissions, submit periodic reports of such emissions and maintain records as specified by various regulations and permits, and to evaluate reports and records for consistency with the applicable emission limitation or standard on a continuing basis over time. The monitoring data collected and records of operations serve as the basis for a source to certify compliance, and can be used by SC DHEC as direct evidence of an enforceable violation of the underlying emission limitation or standard. Accordingly, EPA is unaware of any provision preventing the use of credible evidence in the South Carolina SIP.

Additionally, South Carolina is required to submit emissions data to EPA for purposes of the National Emissions Inventory (NEI). The NEI is EPA's central repository for air emissions data. EPA published the Air Emissions Reporting Rule (AERR) on December 5, 2008, which modified the requirements for collecting and reporting air emissions data (73 FR 76539). The AERR shortened the time states had to report emissions data from 17 to 12 months, giving states one calendar year to submit emissions data. All states are required to submit a comprehensive emissions inventory every three years and report emissions for certain larger sources annually through EPA's online Emissions Inventory System. States report emissions data for the six criteria pollutants and their associated precursors—NO_X, sulfur dioxide, ammonia, lead, carbon monoxide, particulate matter, and VOC. Many states also voluntarily report emissions of hazardous air pollutants. South Carolina made its latest update to the 2011 NEI on April 8, 2014. EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through the Web site *http://www.epa.gov/ttn/chief/eiinformation.html*. EPA has made the preliminary determination that South Carolina's SIP and practices are adequate for the stationary source monitoring systems related to the 2008 Lead NAAQS. Accordingly, EPA is proposing to approve South Carolina's infrastructure SIP submission with respect to section 110(a)(2)(F).

7. 110(a)(2)(G) *Emergency episodes:* This section requires that states

demonstrate authority comparable with section 303 of the CAA and adequate contingency plans to implement such authority. Regulation 61–62.3, Air Pollution Episodes, provides for contingency measures when an air pollution episode or exceedance may lead to a substantial threat to the health of persons in the state or region. S.C. Code Ann. Section 48–1–290 provides SC DHEC, with concurrent notice to the Governor, the authority to issue an order recognizing the existence of an emergency requiring immediate action as deemed necessary by SC DHEC to protect the public health or property. Any person subject to this order is required to comply immediately. Additionally, S.C. Code Ann. Section 1–23–130 provides the Department with the authority to establish emergency regulations if it finds that an imminent peril to public health, safety, or welfare requires immediate promulgation of an emergency regulation or it finds that abnormal or unusual conditions, immediate need, or the state's best interest requires immediate promulgation of emergency regulations to protect or manage natural resources. EPA has made the preliminary determination that South Carolina's SIP, state laws and practices are adequate for emergency powers related to the 2008 Lead NAAQS. Accordingly, EPA is proposing to approve South Carolina's infrastructure SIP submission with respect to section 110(a)(2)(G).

8. 110(a)(2)(H) *Future SIP revisions:* As previously discussed, SC DHEC is responsible for adopting air quality rules and revising SIPs as needed to attain or maintain the NAAQS. South Carolina has the ability and authority to respond to calls for SIP revisions, and has provided a number of SIP revisions over the years for implementation of the NAAQS. Additionally, S.C. Code Ann. Section 48, Title 1, provides SC DHEC with the necessary authority to revise the SIP to accommodate changes in the NAAQS and thus revise the SIP as appropriate. EPA has made the preliminary determination that South Carolina adequately demonstrates a commitment to provide future SIP revisions related to the 2008 Lead NAAQS when necessary. Accordingly, EPA is proposing to approve South Carolina's infrastructure SIP submission with respect to section 110(a)(2)(H).

9. 110(a)(2)(J) *Consultation with government officials, public notification, and PSD and visibility protection:* EPA is proposing to approve South Carolina's infrastructure SIP submission for the 2008 Lead NAAQS with respect to the general requirement in section 110(a)(2)(J) to include a program in the SIP that provides for meeting the applicable consultation requirements of section 121, the public notification requirements of section 127; and the visibility protection requirements of Part C of the Act. With respect to South Carolina's infrastructure SIP submission related to the *PSD* permitting requirements, EPA approved this sub-element of 110(a)(2)(J) on March 18, 2015 (80 FR 14019) and thus is not proposing any action today regarding these requirements. EPA's rationale for its proposed action regarding applicable consultation requirements of section 121 and the public notification requirements of section 127, and visibility protection requirements is described below.

110(a)(2)(J) (121 consultation) Consultation with government officials: Regulation 61–62.5, Standard No. 7, *Prevention of Significant Deterioration,* as well as the State's Regional Haze Implementation Plan, *See* 77 FR 38509, (which allows for consultation between appropriate state, local, and tribal air pollution control agencies as well as the corresponding Federal Land Managers), provide for consultation with government officials whose jurisdictions might be affected by SIP development activities. South Carolina adopted state-wide consultation procedures for the implementation of transportation conformity, which require SC DHEC to consult with federal, state and local transportation and air quality agency officials on the development of motor vehicle emissions budgets. EPA has made the preliminary determination that South Carolina's SIP and practices adequately demonstrate consultation with government officials related to the 2008 Lead NAAQS when necessary. Accordingly, EPA is proposing to approve South Carolina's infrastructure SIP submission with respect to section 110(a)(2)(J) consultation with government officials.

110(a)(2)(J) (127 public notification) Public notification: These requirements are met through 61–62.3, *Air Pollution Episodes,* which requires that SC DHEC notify the public of any air pollution episode or NAAQS violation. Regulation 61–62.5, Standard 7.1 (q), *Public Participation,* notifies the public by advertisement in a newspaper of general circulation in each region in which a proposed plant or modifications will be constructed of the degree of increment consumption that is expected from the plant or modification, and the opportunity for comment at a public hearing as well as written public comment. An opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the plant or modification, alternatives to the plant or modification, the control technology required, and other appropriate considerations is also offered. EPA has made the preliminary determination that South Carolina's SIP and practices adequately demonstrate the State's ability to provide public notification related to the 2008 Lead NAAQS when necessary. Accordingly, EPA is proposing to approve South Carolina's infrastructure SIP submission with respect to section 110(a)(2)(J) public notification.

110(a)(2)(J)—Visibility protection: The 2011 Lead Infrastructure SIP Guidance notes that EPA does not generally treat the visibility protection aspects of section 110(a)(2)(J) as applicable for purposes of the infrastructure SIP approval process. EPA recognizes that states are subject to visibility protection and regional haze program requirements under Part C of the Act (which includes sections 169A and 169B). However, in the event of the establishment of a new primary NAAQS, the visibility protection and regional haze program requirements under part C do not change. Thus, EPA concludes there are no new applicable visibility protection obligations under section 110(a)(2)(J) as a result of the 2008 Lead NAAQS, and as such, has made the preliminary determination that South Carolina's SIP is adequate as it relates to the visibility protection sub-element of section 110(a)(2)(J).

10. 110(a)(2)(K) *Air quality and modeling/data:* Section 110(a)(2)(K) of the CAA requires that SIPs provide for performing air quality modeling so that effects on air quality of emissions from NAAQS pollutants can be predicted and submission of such data to the USEPA can be made. Regulations 61–62.5, Standards No. 2, *Ambient Air Quality Standards,* and Regulation 61–62.5, Standard No. 7, *Prevention of Significant Deterioration,* of the South Carolina SIP specify that required air modeling be conducted in accordance with 40 CFR part 51, Appendix W ''Guideline on Air Quality Models.'' These standards demonstrate that South Carolina has the authority to provide relevant data for the purpose of predicting the effect on ambient air quality of emissions of lead. Additionally, South Carolina supports a regional effort to coordinate the development of emissions inventories and conduct regional modeling for several NAAQS, including the 2008 Lead NAAQS, for the southeastern states. Taken as a whole, South Carolina's air quality regulations and

practices demonstrate that SC DHEC has the authority to provide relevant data for the purpose of predicting the effect on ambient air quality of any emissions of any pollutant for which a NAAQS had been promulgated, and to provide such information to the EPA Administrator upon request. EPA has made the preliminary determination that South Carolina's SIP and practices adequately demonstrate the State's ability to provide for air quality and modeling, along with analysis of the associated data, related to the 2008 Lead NAAQS. Accordingly, EPA is proposing to approve South Carolina's infrastructure SIP submission with respect to section 110(a)(2)(K).

11. 110(a)(2)(L)—*Permitting fees:* This section requires the SIP to direct the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under the CAA, a fee sufficient to cover (i) the reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V.

Section 48–2–50 of the South Carolina Code prescribes that SC DHEC charge fees for environmental programs it administers pursuant to federal and state law and regulations including those that govern the costs to review, implement and enforce PSD and NNSR permits. Regulation 61–30, *Environmental Protection Fees*[19] prescribes fees applicable to applicants and holders of permits, licenses, certificates, certifications, and registrations, establishes procedures for the payment of fees, provides for the assessment of penalties for nonpayment, and establishes an appeals process for refuting fees. This regulation may be amended as needed to meet the funding requirements of the state's permitting program. Additionally, South Carolina has a federally-approved title V program, Regulation 61–62.70, *Title V Operating Permit Program,*[20] which implements and enforces the requirements of PSD and nonattainment NSR for facilities once they begin operating. EPA has made the preliminary determination that South Carolina's SIP and practices adequately provide for permitting fees related to the 2008 Lead NAAQS when necessary. Accordingly, EPA is proposing to approve South Carolina's infrastructure SIP submission with respect to section 110(a)(2)(L).

12. 110(a)(2)(M) *Consultation/ participation by affected local entities:* This element requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP. Regulation 61–62.5, Standard No. 7, *Prevention of Significant Deterioration,* of the South Carolina SIP requires that SC DHEC notify the public of an application, preliminary determination, the activity or activities involved in the permit action, any emissions change associated with any permit modification, and the opportunity for comment prior to making a final permitting decision. SC DHEC has recently worked closely with local political subdivisions during the development of its Transportation Conformity SIP, Regional Haze Implementation Plan, and Early Action Compacts. EPA has made the preliminary determination that South Carolina's SIP and practices adequately demonstrate consultation with affected local entities related to the 2008 Lead NAAQS. Accordingly, EPA is proposing to approve South Carolina's infrastructure SIP submission with respect to section 110(a)(2)(M).

V. Proposed Action

With the exception of the PSD permitting requirements for major sources contained in section 110(a)(2)(C), prong 3 of (D)(i), and (J), EPA is proposing to approve that SC DHEC's infrastructure SIP submission, submitted September 20, 2011, for the 2008 Lead. EPA is proposing to approve these portions of South Carolina's infrastructure submission for the 2008 Lead NAAQS because this submission is consistent with section 110 of the CAA.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this 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, 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 CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

[19] This regulation has not been incorporated into the federally-approved SIP.

[20] Title V program regulations are federally-approved but not incorporated into the federally-approved SIP.

substantial direct costs on Tribal governments or preempt Tribal law.

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.

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

Dated: May 28, 2015.

Heather McTeer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–13947 Filed 6–5–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 88

World Trade Center Health Program; Petition 007—Autoimmune Diseases; Finding of Insufficient Evidence

AGENCY: Centers for Disease Control and Prevention, HHS.

ACTION: Denial of petition for addition of a health condition.

SUMMARY: On April 6, 2015, the Administrator of the World Trade Center (WTC) Health Program received a petition (Petition 007) to add certain autoimmune diseases, including rheumatoid arthritis and connective tissues diseases, to the List of WTC-Related Health Conditions (List). Upon reviewing the scientific and medical literature, including information provided by the petitioner, the Administrator has determined that the available evidence does not have the potential to provide a basis for a decision on whether to add certain autoimmune diseases to the List. The Administrator finds that insufficient evidence exists to request a recommendation of the WTC Health Program Scientific/Technical Advisory Committee (STAC), to publish a proposed rule, or to publish a determination not to publish a proposed rule.

DATES: The Administrator of the WTC Health Program is denying this petition for the addition of a health condition as of June 8, 2015.

FOR FURTHER INFORMATION CONTACT: Rachel Weiss, Program Analyst, 1090 Tusculum Avenue, MS: C–46, Cincinnati, OH 45226; telephone (855) 818–1629 (this is a toll-free number); email *NIOSHregs@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

A. WTC Health Program Statutory Authority

Title I of the James Zadroga 9/11 Health and Compensation Act of 2010 (Pub. L. 111–347), amended the Public Health Service Act (PHS Act) to add Title XXXIII [1] establishing the WTC Health Program within the Department of Health and Human Services (HHS). The WTC Health Program provides medical monitoring and treatment benefits to eligible firefighters and related personnel, law enforcement officers, and rescue, recovery, and cleanup workers who responded to the September 11, 2001, terrorist attacks in New York City, at the Pentagon, and in Shanksville, Pennsylvania (responders), and to eligible persons who were present in the dust or dust cloud on September 11, 2001 or who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area (survivors).

All references to the Administrator of the WTC Health Program (Administrator) in this notice mean the Director of the National Institute for Occupational Safety and Health (NIOSH) or his or her designee.

Pursuant to § 3312(a)(6)(B) of the PHS Act, interested parties may petition the Administrator to add a health condition to the List in 42 CFR 88.1. Within 60 calendar days after receipt of a petition to add a condition to the List, the Administrator must take one of the following four actions described in § 3312(a)(6)(B) and 42 CFR 88.17: (i) Request a recommendation of the STAC; (ii) publish a proposed rule in the **Federal Register** to add such health condition; (iii) publish in the **Federal Register** the Administrator's determination not to publish such a proposed rule and the basis for such determination; or (iv) publish in the **Federal Register** a determination that insufficient evidence exists to take action under (i) through (iii) above.

B. Petition 007

On April 6, 2015, the Administrator received a petition to add ''autoimmune diseases, such as Rheumatoid Arthritis'' to the List (Petition 007).[2] The petition was submitted by a WTC Health Program member who responded to the September 11, 2001, terrorist attacks in New York City. The petitioner indicated that she has been diagnosed with rheumatoid arthritis, an autoimmune disorder, and is currently receiving treatment for a number of other WTC-related health conditions. The petitioner described an article published in the Journal of Arthritis and Rheumatology by Webber *et al.* [2015],[3] which was designed to test the hypothesis that acute and chronic 9/11 work-related exposures were associated with the risk of certain new-onset systemic autoimmune diseases.

C. Administrator's Determination on Petition 007

The Administrator has established a methodology for evaluating whether to add non-cancer health conditions to the List of WTC-Related Health Conditions, published online in the Policies and Procedures section of the WTC Health Program Web site.[4] In accordance with the methodology, the Administrator directs the WTC Health Program Associate Director for Science (ADS) to conduct a review of the scientific literature to determine if the available scientific information has the potential to provide a basis for a decision on whether to add the condition to the List. The literature review includes published, peer-reviewed direct observational and/or epidemiological studies about the health condition among 9/11-exposed populations. The studies are reviewed for their relevance, quantity, and quality to provide a basis for deciding whether to propose adding the health condition to the List. Where the available evidence has the potential to provide a basis for a decision, the ADS further assesses the scientific and medical evidence to determine whether a causal relationship between 9/11 exposures and the health condition is supported. A health condition may be added to the List if published, peer-reviewed direct observational or epidemiologic studies provide

[1] Title XXXIII of the PHS Act is codified at 42 U.S.C. 300mm to 300mm–61. Those portions of the Zadroga Act found in Titles II and III of Public Law 111–347 do not pertain to the WTC Health Program and are codified elsewhere.

[2] See Petition 007. WTC Health Program: Petitions Received. *http://www.cdc.gov/wtc/received.html.*

[3] Webber M.P., Moir W., Zeig-Owens R., Glaser M.S., Jaber N., Hall C., Berman J., Qayyum B., Loupasakis K., Kelly K., and Prezant D.J. [2015]. Nested case-control study of selected systemic autoimmune diseases in World Trade Center rescue/recovery workers. Journal of Arthritis & Rheumatology 67(5):1369–1376.

[4] ''Policy and Procedures for Adding Non-Cancer Conditions to the List of WTC-Related Health Conditions,'' John Howard, MD, Administrator of the WTC Health Program, October 21, 2014. *http://www.cdc.gov/wtc/pdfs/WTCHP_PP_Adding_NonCancers_21_Oct_2014.pdf.*

substantial support [5] for a causal relationship between 9/11 exposures and the health condition in 9/11-exposed populations. If the evidence assessment provides only modest support [6] for a causal relationship between 9/11 exposures and the health condition, the Administrator may then evaluate additional published, peer-reviewed epidemiologic studies, conducted among non-9/11-exposed populations, evaluating associations between the health condition of interest and 9/11 agents.[7] If that additional assessment establishes substantial support for a causal relationship between a 9/11 agent or agents and the health condition, the health condition may be added to the List.

In accordance with § 3312(a)(6)(B) of the PHS Act, 42 CFR 88.17, and the methodology for the addition of non-cancer health conditions to the List, the Administrator reviewed the evidence presented in Petition 007. Although the petitioner specifically requested the addition of certain autoimmune diseases such as rheumatoid arthritis and connective tissue diseases, the Administrator determined that the scope of the petition properly includes all of the autoimmune diseases identified in Webber *et al.* Accordingly, the ADS conducted a systematic literature search of the published scientific and medical literature for evidence of a causal relationship between 9/11 exposures and the autoimmune disorders described in Webber *et al.*[8] Those autoimmune disorders include: Systemic lupus erythematosus, antiphospholipid syndrome, systemic sclerosis, inflammatory myositis, Sjögren's syndrome, rheumatoid arthritis, spondyloarthritis, granulomatosis with polyangiitis (Wegener's), and eosinophilic granulomatosis with polyangiitis (Churg-Strauss).

Other than the Webber study, the literature search yielded no relevant epidemiologic studies, and no direct observational studies.[9] In accordance with the methodology described above, the ADS assessed Webber *et al.* for quality and found significant limitations. Those limitations include low statistical power (due to the small number of cases); lack of information about other key confounders (*e.g.,* family history of autoimmune diseases, history of viral infections or vaccination preceding diagnosis of the autoimmune disease, use of pharmaceutical agents and non-WTC-related exposures, both work-related and recreational); and potential for measurement error of chronic exposure (*i.e.,* because a month of 9/11-related exposures was represented by at least 1 day spent at the WTC site, the duration variable did not differentiate between those with one day and those with many days of exposure in a given month; however, this measurement approach was non-differential between the cases and controls). Finally, participants were from the Fire Department of New York cohort only and predominantly a white male population which raises concern for generalizability to other 9/11-exposed groups, including female responders and survivors. Thus, the ADS concluded that the available information did not have the potential to form the basis for a decision on whether to propose adding the following conditions to the List of WTC-Related Health Conditions: Systemic lupus erythematosus, antiphospholipid syndrome, systemic sclerosis, inflammatory myositis, Sjögren's syndrome, rheumatoid arthritis, spondyloarthritis, granulomatosis with polyangiitis (Wegener's), or eosinophilic granulomatosis with polyangiitis (Churg-Strauss).

The findings described above led the Administrator to determine that insufficient evidence exists to take further action, including either proposing the addition of the autoimmune diseases identified above to the List (pursuant to PHS Act, § 3312(a)(6)(B)(ii) and 42 CFR 88.17(a)(2)(ii)) or publishing a determination not to publish a proposed rule in the **Federal Register** (pursuant to PHS Act, § 3312(a)(6)(B)(iii) and 42 CFR 88.17(a)(2)(iii)). The Administrator has also determined that requesting a recommendation from the STAC (pursuant to PHS Act, § 3312(a)(6)(B)(i) and 42 CFR 88.17(a)(2)(i)) is unwarranted.

For the reasons discussed above, the request made in Petition 007 to add certain autoimmune diseases to the List of WTC-Related Health Conditions, including: Systemic lupus erythematosus, antiphospholipid syndrome, systemic sclerosis, inflammatory myositis, Sjögren's syndrome, rheumatoid arthritis, spondyloarthritis, granulomatosis with polyangiitis (Wegener's), and eosinophilic granulomatosis with polyangiitis (Churg-Strauss), is denied.

The Administrator is aware that another study of autoimmune diseases among World Trade Center enrollees is being conducted by the World Trade Center Health Registry; however, results from this study are not yet available in the scientific literature. The Administrator will monitor the scientific literature for publication of the results of this study and any other studies that address autoimmune diseases among World Trade Center exposed populations.

Dated: June 1, 2015.

John Howard,

Administrator, World Trade Center Health Program and Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services.

[FR Doc. 2015–13914 Filed 6–5–15; 8:45 am]

BILLING CODE 4163–18P

[5] The substantial evidence standard is met when the Program assesses all of the available, relevant information and determines with high confidence that the evidence supports its findings regarding a causal association between the 9/11 exposure(s) and the health condition.

[6] The modest evidence standard is met when the Program assesses all of the available, relevant information and determines with moderate confidence that the evidence supports its findings regarding a causal association between the 9/11 exposure(s) and the health condition.

[7] 9/11 agents are chemical, physical, biological, or other agents or hazards reported in a published, peer-reviewed exposure assessment study of responders or survivors who were present in the New York City disaster area, or at the Pentagon site, or in Shanksville, Pennsylvania site as those locations are defined in 42 CFR 88.1.

[8] Databases searched include: PubMed, Health & Safety Science Abstracts, Toxicology Abstracts, Toxline, Scopus, and Embase.

[9] Only epidemiologic studies of 9/11-exposed populations were considered to be relevant.

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2015–0001; Internal Agency Docket Nos. FEMA–B–7759, FEMA–B–1138 and FEMA–B–1208]

Proposed Flood Elevation Determinations for Lafayette Parish, Louisiana, and Incorporated Areas

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for Lafayette Parish, Louisiana, and Incorporated Areas.

DATES: This withdrawal is effective on June 8, 2015.

ADDRESSES: You may submit comments, identified by Docket Nos. FEMA–B–7759, FEMA–B–1138 and FEMA–B–1208, to Luis Rodriguez, Chief,

Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On November 7, 2012, FEMA published a proposed rulemaking at 77 FR 66785–66788, proposing flood elevation determinations along one or more flooding sources in Lafayette Parish, Louisiana. FEMA is withdrawing the proposed rulemaking because FEMA has or will be issuing a Revised Preliminary Flood Insurance Rate Map, and if necessary a Flood Insurance Study report, featuring updated flood hazard information. A Notice of Proposed Flood Hazard Determinations will be published in the **Federal Register** and in the affected community's local newspaper following issuance of the Revised Preliminary Flood Insurance Rate Map.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: May 22, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2015–13878 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1145]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; correction.

SUMMARY: On October 7, 2010, and June 13, 2014, FEMA published in the **Federal Register** a proposed rule and a proposed rule correction, respectively, that contained erroneous information. This notice provides corrections to the table as amended by the proposed rule correction, to be used in lieu of the information published at 75 FR 62062–62063 and 79 FR 33878–33879. The table provided here represents the flooding sources, location of referenced elevations, effective and modified elevations, and communities affected for Clay County, Arkansas, and Incorporated Areas. Specifically, it addresses the following flooding sources: Cypress Creek Ditch and Sugar Creek and Tributary 2.

DATES: Comments are to be submitted on or before September 8, 2015.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1145, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064 or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064 or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are minimum requirements. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in those buildings.

In the proposed rule published at 75 FR 62062–62063, in the October 7, 2010, issue of the **Federal Register**, FEMA published a table under the authority of 44 CFR 67.4. That table was amended by the proposed rule correction published at 79 FR 33878–33879, in the June 13, 2014, issue of the **Federal Register**. In this document, FEMA is publishing a table containing the accurate information, to address previous inaccuracies. The information provided below should be used in lieu of that previously published.

Correction

This proposed rule provides corrections to the table as amended by the proposed rule correction, to be used in lieu of the information previously published. Correct the Clay County, Arkansas table as follows.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 21, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground ∧Elevation in meters (MSL)		Communities affected
		Effective	Modified	
Clay County, Arkansas, and Incorporated Areas				
Cypress Creek Ditch	Approximately 150 feet east of Southwest 11th Street to approximately 400 feet east of Southwest 11th Street.	None	+281	City of Corning.
	Approximately 120 feet south of Lucien Avenue to approximately 580 feet north of Lucien Avenue.	None	+281	
Cypress Creek Ditch	Approximately 100 feet north of Bryan Avenue to approximately 160 feet south of Bryan Street.	None	+281	City of Corning.
	Approximately 430 feet west of Southwest 6th Street to approximately 600 feet west of Southwest 6th Street.	None	+281	
Sugar Creek	Approximately 1,255 feet downstream of Pfeiffer Street.	None	+282	Unincorporated areas of Clay County.
	Approximately 0.57 mile upstream of the confluence with Club Drain.	None	+317	
Tributary 2	Approximately 1,350 feet upstream of West Jackson Street.	None	+329	Unincorporated areas of Clay County.

National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
∧ Mean Sea Level, rounded to the nearest 0.1 meter.
** BFEs to be changed include the listed downstream and upstream BFEs, and include BFEs located on the stream reach between the referenced locations above. Please refer to the revised Flood Insurance Rate Map located at the community map repository (see below) for exact locations of all BFEs to be changed.

Send comments to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472.

ADDRESSES

City of Corning
Maps are available for inspection at City Hall, 304 Southwest 2nd Street, Corning, AR 72422.

Unincorporated Areas of Clay County
Maps are available for inspection at the Clay County Courthouse, 168 East Main Street, Piggott, AR 72454.

[FR Doc. 2015–13863 Filed 6–5–15; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1017]

Proposed Flood Elevation Determinations for St. Mary Parish, Louisiana, and Incorporated Areas

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for St. Mary Parish, Louisiana, and Incorporated Areas.

DATES: This withdrawal is effective on June 8, 2015.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1017, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On November 10, 2008, FEMA published a proposed rulemaking at 73 FR 66578, proposing flood elevation determinations along one or more flooding sources in St. Mary Parish, Louisiana, and Incorporated Areas. FEMA is withdrawing the proposed rulemaking because FEMA has or will be issuing a Revised Preliminary Flood Insurance Rate Map, and if necessary a Flood Insurance Study report, featuring updated flood hazard information. A Notice of Proposed Flood Hazard Determinations will be published in the **Federal Register** and in the affected community's local newspaper following issuance of the Revised Preliminary Flood Insurance Rate Map.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: May 21, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2015–13864 Filed 6–5–15; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1000]

Proposed Flood Elevation Determinations for St. Mary Parish, Louisiana, and Incorporated Areas

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for St. Mary Parish, Louisiana, and Incorporated Areas.

DATES: This withdrawal is effective on June 8, 2015.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1000, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On August 18, 2008, FEMA published a proposed rulemaking at 73 FR 48181, proposing flood elevation determinations along one or more flooding sources in St. Mary Parish, Louisiana, and Incorporated Areas. FEMA is withdrawing the proposed rulemaking because FEMA has or will be issuing a Revised Preliminary Flood Insurance Rate Map, and if necessary a Flood Insurance Study report, featuring updated flood hazard information. A Notice of Proposed Flood Hazard Determinations will be published in the **Federal Register** and in the affected community's local newspaper following issuance of the Revised Preliminary Flood Insurance Rate Map.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: May 21, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2015–13865 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–B–1220]

Proposed Flood Elevation Determinations for St. Mary Parish, Louisiana, and Incorporated Areas

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Federal Emergency Management Agency (FEMA) is withdrawing its proposed rule concerning proposed flood elevation determinations for St. Mary Parish, Louisiana, and Incorporated Areas.

DATES: This withdrawal is effective on June 8, 2015.

ADDRESSES: You may submit comments, identified by Docket No. FEMA–B–1220, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: On September 28, 2011, FEMA published a proposed rulemaking at 76 FR 59962, proposing flood elevation determinations along one or more flooding sources in St. Mary Parish, Louisiana, and Incorporated Areas. FEMA is withdrawing the proposed rulemaking because FEMA has or will be issuing a Revised Preliminary Flood Insurance Rate Map, and if necessary a Flood Insurance Study report, featuring updated flood hazard information. A Notice of Proposed Flood Hazard Determinations will be published in the **Federal Register** and in the affected community's local newspaper following issuance of the Revised Preliminary Flood Insurance Rate Map.

Authority: 42 U.S.C. 4104; 44 CFR 67.4.

Dated: May 21, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2015–13867 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–12–P

Notices

Federal Register
Vol. 80, No. 109
Monday, June 8, 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

Ravalli Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ravalli Resource Advisory Committee (RAC) will meet in Hamilton, Montana. 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/bitterroot/workingtogether/advisorycommittees.*

DATES: The meeting will be held June 23, 2015, at 6:30 p.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 Bitteroot National Forest (NF) Supervisor's Office, 1801 North 1st Street, Hamilton, Montana.

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 Bitteroot NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Ryan Domsalla, Designated Federal Officer, by phone at 406–821–3269 or via email at *rdomsalla@fs.fed.us;* or, Joni Lubke, RAC Coordinator, by phone at 406–363–7182 or via email at *jmlubke@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. To approve Project Proposals for 2015 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 19, 2015, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Joni Lubke, Executive Assistant, 1801 N. 1st, Hamilton, Montana 59840 or by email to *jmlubke@fs.fed.us,* or via facsimile to 406–363–7159.

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.

Julie K. King,

Forest Supervisor.

[FR Doc. 2015–13931 Filed 6–5–15; 8:45 am]

BILLING CODE 3411–15P

DEPARTMENT OF AGRICULTURE

Forest Service

Lake Tahoe Basin Federal Advisory Committee

AGENCY: Forest Service, USDA

ACTION: Notice of meeting.

SUMMARY: The Lake Tahoe Basin Federal Advisory Committee (Committee) will meet in South Lake Tahoe, California. The Committee is established consistent with the Federal Advisory Committee Act of 1972. Additional information concerning the Committee, including meeting summary/minutes, can be found by visiting the Committee's Web site at: *http://www.fs.usda.gov/goto/ltbmu/LTFAC.* The summary/minutes of the meeting will be posted within 21 days of the meeting.

DATES: The meeting will be held on Monday, June 22, 2015 at 9:00 a.m.

All meetings are subject to cancellation. For updated status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Forest Service, Lake Tahoe Basin Management Unit, The Emerald Room, 35 College Drive, South Lake Tahoe, California. 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 Forest Service, 35 College Drive, South Lake Tahoe, California. Please call ahead at (530) 543–2627 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lynn Wright, Lake Tahoe Basin Management Unit, Forest Service, 35 College Drive, South Lake Tahoe, CA 96150, or by phone at (530) 543–2627, or by email at *hwright02@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to provide:

(1) Overview of committee history

(2) Review of committee charter and ground rules

(3) Current status of Lake Tahoe Restoration Act and Southern Nevada Public Lands Management Act

(4) Environmental Improvement Plan review

(5) Committee's future implementation strategy discussion

The meeting is open to the public. Anyone who would like to bring related matters to the attention of the Committee may file written statements

with the Committee staff before the meeting. 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 11, 2015 to be scheduled on the agenda. Written comments and time requests for oral comments must be sent to Lynn Wright, Forest Service, Lake Tahoe Basin Management Unit, 35 College Drive, South Lake Tahoe, California 96150, or by email at *hwright02@fs.fed.us,* or via facsimile to (530) 543–2937.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: June 1, 2015.

Jeff Marsolais,

Forest Supervisor.

[FR Doc. 2015–13933 Filed 6–5–15; 8:45 am]

BILLING CODE 3411–15–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting

TIME AND DATE: June 18, 2015, 9:30 a.m.–1:00 p.m. EDT.

PLACE: U.S. Chemical Safety Board, 2175 K St. NW., 4th Floor Conference Room, Washington, DC 20037.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: The Chemical Safety and Hazard Investigation Board (CSB) will convene a public meeting on June 18, 2015, starting at 9:30 a.m. at the CSB's headquarters, located at 2175 K St. NW., 4th Floor Conference Room, Washington, DC 20037. The meeting will focus on the Proposed Rule to amend 40 CFR 1600—Organization and Functions of the Chemical Safety and Hazard Investigation Board. This proposed rule (80 FR 27276 (May 13, 2015)), which was considered and approved during the CSB's May 6, 2015, public meeting, adds a requirement to the CSB's internal administrative rules for the Chairperson to add notation votes that have been calendared for public discussion to the agenda of a public meeting within 90 days of the calendared notation vote. The proposed rule also adds a requirement for the Chairperson, or in the absence of a Chairperson, a member designated by the Board, to schedule a minimum of four public meetings per year in Washington, DC. The CSB is accepting comments on the proposed rule until June 12, 2015. The agenda may also include Board discussion and vote(s) on motions related to Board governance when there is a vacancy in the Chairperson position.

Additional Information

The meeting is free and open to the public. If you require a translator or interpreter, please notify the individual listed below as the ''Contact Person for Further Information,'' at least three business days prior to the meeting.

If you are unable to attend the meeting in person, you may participate via phone. Please dial the phone number five minutes prior to the start of the conference call and provide the confirmation number. The phone number is: 1–877–691–2551 (U.S. Toll Free), or 1–630–691–2747 (U.S. Toll), with confirmation number: 39853839.

The CSB is an independent federal agency charged with investigating accidents and hazards that result, or may result, in the catastrophic release of extremely hazardous substances. The agency's Board Members are appointed by the President and confirmed by the Senate. CSB investigations look into all aspects of chemical accidents and hazards, including physical causes such as equipment failure as well as inadequacies in regulations, industry standards, and safety management systems.

Public Comment

The time provided for public statements will depend upon the number of people who wish to speak. Speakers should assume that their presentations will be limited to five minutes or less, but commenters may submit written statements for the record.

Contact Person for Further Information

Hillary J. Cohen, Communications Manager, *hillary.cohen@csb.gov* or (202) 446–8094. Further information about this public meeting can be found on the CSB Web site at: *www.csb.gov.*

Dated: June 3, 2015.

Mark Griffon,

Board Member.

[FR Doc. 2015–14058 Filed 6–4–15; 4:15 pm]

BILLING CODE 6350–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Florida Advisory Committee for a Meeting To Discuss Potential Project Topics

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 Florida Advisory Committee (Committee) will hold a meeting on Tuesday, June 23, 2015, at 12:00 p.m. EST for the purpose of updating new members on the human trafficking subcommittee preparatory work and to discuss potential projects moving forward.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 1–888–539–3612, conference ID: 8058593. 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.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office by July 23, 2015. Written comments may be mailed to the Southern Regional Office, U.S. Commission on Civil Rights, 61 Forsyth Street, Suite 16T126, Atlanta, GA 30303. They may also be faxed to the Commission at (404) 562–7005, or emailed to Regional Director, Jeffrey Hinton at *jhinton@usccr.gov.* Persons who desire additional information may contact the Southern Regional Office at (404) 562–7000.

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=242* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Southern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Southern Regional Office at the above email or street address.

Agenda

Call to Order

Dr. Elena Flom, Chair & Jeffrey Hinton, Regional Director, SRO
Introduction of members to the committee
Training requirements: Ethics training and Financial Disclosure form
Status Report of subcommittee: Human Trafficking (Introduction of subject proposed to new members)
Committee consideration of proposals of subcommittee.
New Business—Nomination of Vice Chairman: Dr. Elena Flom, Chair
Open Comment
Adjourn

DATES: The meeting will be held on Tuesday, June 23, 2015 at 12:00 p.m. EST.

PUBLIC CALL INFORMATION:
Dial: 888–539–3612
Conference ID: 8058593

FOR FURTHER INFORMATION CONTACT: Jeff Hinton, DFO, at 404–562–7006 or *jhinton@usccr.gov.*

Dated: June 3, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–13938 Filed 6–5–15; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Oklahoma Advisory Committee for a Meeting To Discuss Potential Panelists and Logistics for September Meeting Regarding the School to Prison Pipeline in Oklahoma

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 Oklahoma Advisory Committee (Committee) will hold a meeting on Friday, June 26, 2015, at 1:30 p.m. CST for the purpose of discussing the potential speakers and logistics for a September meeting on the school to prison pipeline. The Committee approved a project proposal on the topic at its March 27, 2015, meeting.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888–505–4368, conference ID: 2862160. 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 July 26, 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=269* 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
Vicki Limas, Chair
Discussion of Potential Agenda for meeting on School to Prison Pipeline in Oklahoma
Oklahoma Advisory Committee
Planning Next Steps
Open Comment
Adjournment

DATES: The meeting will be held on Friday, June 26, 2015, at 1:30 p.m.

PUBLIC CALL INFORMATION:
Dial: 888–505–4368.
Conference ID: 2862160.

FOR FURTHER INFORMATION CONTACT: David Mussatt, DFO, at 312–353–8311 or *dmussatt@usccr.gov.*

Dated: June 3, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–13895 Filed 6–5–15; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–811]

Purified Carboxymethylcellulose From the Netherlands: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on purified carboxymethylcellulose (purified CMC) from the Netherlands. The period of review (POR) is July 1, 2013, through June 30, 2014. The review covers one producer/exporter of the subject merchandise, Akzo Nobel Functional Chemicals, B.V. (Akzo Nobel).

We preliminarily determine that sales of subject merchandise by Akzo Nobel were not made at less than normal value during the POR. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* June 8, 2015.

FOR FURTHER INFORMATION CONTACT: John Drury or Angelica Townsend, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0195 or (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by the order is all purified CMC. The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States at subheading 3912.31.00. This tariff classification is provided for convenience and Customs purposes; however, the written description of the scope of the order is dispositive. A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, titled ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Purified Carboxymethylcellulose from the Netherlands; 2013–2014'' (Preliminary Decision Memorandum), which is issued concurrent with, and hereby adopted by, this notice.

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.* A list of topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Methodology

The Department has conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price (CEP) is calculated in accordance with section 772 of the Act. Normal value 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

We preliminarily determine that, for the period July 1, 2013, through June 30, 2014, the following weighted-average dumping margin exists:

Manufacturer/exporter	Weighted-average margin (percent)
Akzo Nobel Functional Chemicals B.V.[1]	0.00

Disclosure and Public Comment

The Department intends to disclose to interested parties to the proceeding any calculations performed in connection with these preliminary results of review within five days after the date of publication of this notice.[2] Interested parties may submit case briefs to the Department in response to these preliminary results no later than 30 days after the publication of these preliminary results.[3] Rebuttal briefs, the content of which is limited to the issues raised in the case briefs, must be filed within five days from the deadline date for the submission of case briefs.[4] Parties who submit arguments in this proceeding are requested 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] Executive summaries should be limited to five pages total, including footnotes. 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. Case and rebuttal briefs must be served on interested parties.[7]

Within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments raised in the case and rebuttal briefs.[8] Unless the Department specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs.[9] Written argument and hearing requests should be electronically submitted to the Department via ACCESS.[10] The Department's electronic records system, ACCESS, must successfully receive an electronically-filed document in its entirety by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[11] 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. Parties will be notified of the time and location of the hearing.

The Department intends to publish the final results of this administrative review, including the results of its analysis of issues addressed in any case or rebuttal brief, no later than 120 days after publication of the preliminary results, unless extended.[12]

Assessment Rates

Upon completion of this administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[13] If Akzo Nobel's weighted-average dumping margin is not zero or *de minimis* in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1). If Akzo Nobel's weighted-average dumping margin continues to be zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews, i.e.,* ''{w}here the weighted-average margin of dumping for the exporter is determined to be zero or de minimis, no antidumping duties will be assessed.'' [14] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for

[1] For this administrative review, the Department preliminarily determines that Akzo Nobel and ANC–AG should be treated as a single entity, based on affiliation and intertwined relations. *See* the Preliminary Analysis Memorandum at 2–7.

[2] *See* 19 CFR 351.224(b).

[3] *See* 19 CFR 351.309(c)(1)(ii).

[4] *See* 19 CFR 351.309(d)(1) and (2).

[5] *See* 19 CFR 351.309(c)(2) and (d)(2).

[6] *See generally* 19 CFR 351.303.

[7] *See* 19 CFR 351.303(f).

[8] *See* 19 CFR 351.310(c).

[9] *See* 19 CFR 351.310(d)(1).

[10] *See generally* 19 CFR 351.303.

[11] *See* 19 CFR 351.310(c).

[12] *See* section 751(a)(3)(A) of the Act; 19 CFR 351.213(h).

[13] *See* 19 CFR 351.212(b)(1).

[14] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews*).

consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Akzo Nobel will be that established in the final results of this administrative review (except, if the rate is zero or *de minimis,* 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 in 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) the cash deposit rate for all other manufacturers or exporters will continue to be the all-others rate of 14.57 percent, which is the all-others rate established in the investigation.[15] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a 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 Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h)(1).

Dated: May 29, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2015–13952 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–DS–P

[15] *See Notice of Antidumping Duty Orders: Purified Carboxymethylcellulose from Finland, Mexico, the Netherlands and Sweden,* 70 FR 39734, 39735 (July 11, 2005).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–853]

Citric Acid and Certain Citrate Salts From Canada: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on citric acid and certain citrate salts (citric acid) from Canada.[1] The period of review (POR) is May 1, 2013, through April 30, 2014. The review covers one producer/exporter of the subject merchandise, Jungbunzlauer Canada Inc. (JBL Canada). We preliminarily determine that sales of subject merchandise by JBL Canada have not been made at prices below normal value (NV). We invite interested parties to comment on these preliminary results.

DATES: *Effective Date:* June 8, 2015.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Katherine Johnson, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–4007 or (202) 482–4929, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by this order is citric acid and certain citrate salts from Canada. The product is currently classified under subheadings 2918.14.0000, 2918.15.1000, 2918.15.5000, and 3824.90.9290 of the Harmonized Tariff System of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of merchandise subject to the scope is dispositive.[2]

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed 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, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov*, and 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 at *http://enforcement.trade.gov/frn/*. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of the Review

As a result of this review, the Department preliminarily determines that a weighted-average dumping margin of 0.00 percent exists for JBL Canada for the period May 1, 2013, through April 30, 2014.

Disclosure and Public Comment

We intend to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 36462 (June 27, 2014) (*Initiation Notice*).

[2] A full description of the scope of the order is contained in the memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Citric Acid and Certain Citrate Salts from Canada'' (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.

publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs not 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] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), 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.

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, U.S. Department of Commerce, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.[5] 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. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.[6]

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 covered by this review.[7]

We calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or the importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[8]

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by JBL Canada for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[9]

We intend to issue instructions to CBP 41 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for JBL Canada will be the rate established in the final results of this review, except if the rate is *de minimis* within the meaning of 19 CFR 351.106(c)(1) (*i.e.*, less than 0.50 percent), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, 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 original 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) the cash deposit rate for all other manufacturers or exporters will continue to be 23.21 percent, the all-others rate established in the less-than-fair-value investigation.[10] These requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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 and 19 CFR 351.221(b)(4).

Dated: June 1, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2015–13970 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See* 19 CFR 351.309(c).

[4] *See* 19 CFR 351.309(d).

[5] *See* 19 CFR 351.310(c).

[6] *See* section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

[7] *See* 19 CFR 351.212(b)(1).

[8] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012); *see also* 19 CFR 351.106(c)(2).

[9] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

[10] *See Citric Acid and Certain Citrate Salts from Canada and the People's Republic of China: Antidumping Duty Orders*, 74 FR 25703 (May 29, 2009).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–900]

Diamond Sawblades and Parts Thereof From the People's Republic of China; Final Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On December 4, 2014, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on diamond sawblades and parts thereof (diamond sawblades) from the People's Republic of China (the PRC). The period of review (POR) is November 1, 2012, through October 31, 2013. For the final results, we continue to find that certain companies covered by this review made sales of subject merchandise at less than normal value.

DATES: *Effective Date:* June 8, 2015.

FOR FURTHER INFORMATION CONTACT: Michael Romani or Yang Jin Chun, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0198 or (202) 482–5760, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 4, 2014, the Department published the preliminary results of the administrative review of the antidumping duty order on diamond sawblades from the PRC.[1] We received case and rebuttal briefs with respect to the *Preliminary Results* and, at the request of interested parties, held a hearing on April 15, 2015. We extended the due date for the final results of review to June 2, 2015.[2] We conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the order is diamond sawblades. The diamond sawblades subject to the order are currently classifiable under subheadings 8202 to 8206 of the Harmonized Tariff Schedule of the United States (HTSUS), and may also enter under 6804.21.00. The HTSUS subheadings are provided for convenience and customs purposes. A full description of the scope of the order is contained in the Issues and Decision Memorandum.[3] The written description is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as an appendix. The Issues and 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*. The Issues and Decision Memorandum is also 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 Issues and Decision Memorandum can be accessed directly on the Enforcement and Compliance Web site at *http://enforcement.trade.gov/frn/index.html.*

Final Determination of No Shipments

We preliminarily found that Qingdao Shinhan Diamond Industrial Co., Ltd. (Qingdao Shinhan), which has been eligible for a separate rate in previous segments of the proceeding and is subject to this review, did not have any reviewable entries of subject merchandise during the POR.[4] After the *Preliminary Results,* we received no comments or additional information with respect to Qingdao Shinhan. Therefore, for the final results, we continue to find that Qingdao Shinhan did not have any reviewable entries of subject merchandise during the POR. Consistent with our ''automatic assessment'' clarification, we will issue appropriate instructions to CBP based on our final results.[5]

Changes Since the Preliminary Results

Based on our analysis of comments received, we made revisions that have changed the results for certain companies, including the valuation of certain factors of production and the PRC-wide rate. Additionally, we made calculation programming changes for the final results. For further details on the changes we made for these final results, *see* the company-specific analysis memoranda, the Issues and Decision Memorandum, and the final surrogate value memorandum, dated concurrently with this notice.

Final Results of the Review

As a result of this administrative review, we determine that the following weighted-average dumping margins exist for the period November 1, 2012, through October 31, 2013:

Company [6]	Margin (percent)
Bosun Tools Co., Ltd	1.51
Chengdu Huifeng Diamond Tools Co., Ltd	2.34
Danyang City Ou Di Ma Tools Co., Ltd	2.34
Danyang Huachang Diamond Tools Manufacturing Co., Ltd	2.34
Danyang NYCL Tools Manufacturing Co., Ltd	2.34
Danyang Tsunda Diamond Tools Co., Ltd	2.34
Danyang Weiwang Tools Manufacturing Co., Ltd	2.34

[1] *See Diamond Sawblades and Parts Thereof From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 71980 (December 4, 2014) (*Preliminary Results*), and the accompanying Preliminary Decision Memorandum.

[2] *See* the memorandum to Associate Deputy Assistant Secretary Gary Taverman entitled ''Diamond Sawblades and Parts Thereof from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review'' dated April 1, 2015, and the memorandum to Deputy Assistant Secretary Christian Marsh entitled ''Diamond Sawblades and Parts Thereof from the People's Republic of China: Second Extension of Deadline for Final Results of Antidumping Duty Administrative Review'' dated May 5, 2015.

[3] *See* the memorandum from Deputy Assistant Secretary Christian Marsh to Acting Assistant Secretary Ronald K. Lorentzen entitled ''Issues and Decision Memorandum for the Administrative Review of the Antidumping Duty Order on Diamond Sawblades and Parts Thereof from the People's Republic of China'' dated June 2, 2015, (Issues and Decision Memorandum) and hereby adopted by this notice, at 4–5.

[4] *See Preliminary Results* and the accompanying Preliminary Decision Memorandum at 5.

[5] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 4, 2011) (*Assessment Practice Refinement*); *see also* the ''Assessment'' section of this notice, below.

[6] During this segment of the proceeding, we identified certain name variations for several companies. *See Preliminary Results,* 79 FR at 71981, n.9, n.10, and n.11, and the accompanying Preliminary Decision Memorandum at 7–8.

Company [6]	Margin (percent)
Guilin Tebon Superhard Material Co., Ltd	2.34
Hangzhou Deer King Industrial and Trading Co., Ltd	2.34
Hangzhou Kingburg Import & Export Co., Ltd	2.34
Huzhou Gu's Import & Export Co., Ltd	2.34
Jiangsu Fengtai Diamond Tool Manufacture Co., Ltd	2.34
Jiangsu Inter-China Group Corporation	2.34
Jiangsu Youhe Tool Manufacturer Co., Ltd	2.34
Pujiang Talent Diamond Tools Co., Ltd	2.34
Qingdao Hyosung Diamond Tools Co., Ltd	2.34
Qingyuan Shangtai Diamond Tools Co., Ltd	2.34
Quanzhou Zhongzhi Diamond Tool Co. Ltd	2.34
Rizhao Hein Saw Co., Ltd	2.34
Saint-Gobain Abrasives (Shanghai) Co., Ltd	2.34
Shanghai Jingquan Ind. Trade Co., Ltd	2.34
Shanghai Starcraft Tools Company Limited	2.34
Weihai Xiangguang Mechanical Industrial Co., Ltd	3.35
Wuhan Wanbang Laser Diamond Tools Co.	2.34
Xiamen ZL Diamond Technology Co., Ltd	2.34
Zhejiang Wanli Tools Group Co., Ltd	2.34
PRC-Wide Entity [7]	82.05

Assessment

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[8] For customers or importers of Weihai Xiangguang Mechanical Industrial Co., Ltd. (Weihai) for which we do not have entered values, we calculated customer-/importer-specific antidumping duty assessment amounts based on the ratio of the total amount of dumping duties calculated for the examined sales of subject merchandise to the total sales quantity of those same sales.[9] For customers or importers of Bosun Tools Co., Ltd., and Weihai for which we received entered-value information, we have calculated customer/importer-specific antidumping duty assessment rates based on customer-/importer-specific *ad valorem* rates in accordance with 19 CFR 351.212(b)(1).

For all non-selected respondents that received a separate rate, we will instruct CBP to apply an antidumping duty assessment rate of 2.34 percent [10] to all entries of subject merchandise that entered the United States during the POR. For all other companies, except as described in Comment 2 of the Issues and Decision Memorandum, we will instruct CBP to apply the antidumping duty assessment rate of the PRC-wide entity, 82.05 percent, to all entries of subject merchandise exported by these companies.[11]

Pursuant to a refinement to the Department's assessment practice in NME cases,[12] for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. In addition, for Qingdao Shinhan, the exporter that we determined had no reviewable entries of the subject merchandise in this review period, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.

We intend to issue assessment instructions to CBP 15 days after the date of publication of the final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of review for all shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the companies listed above that have separate rates, the cash deposit rate will be the rate established in these final results of review for each exporter as listed above; (2) for previously investigated or reviewed PRC

[7] The PRC-wide entity includes the following companies: ATM Single Entity, Central Iron and Steel Research Institute Group, China Iron and Steel Research Institute Group, Danyang Aurui Hardware Products Co., Ltd., Danyang Dida Diamond Tools Manufacturing Co., Ltd., Electrolux Construction Products (Xiamen) Co. Ltd., Fujian Quanzhou Wanlong Stone Co., Ltd., Hebei Jikai Industrial Group Co., Ltd., Huachang Diamond Tools Manufacturing Co., Ltd., Hua Da Superabrasive Tools Technology Co., Ltd., Jiangsu Fengyu Tools Co., Ltd., Jiangyin Likn Industry Co., Ltd., Protech Diamond Tools, Quanzhou Shuangyang Diamond Tools Co., Ltd., Quanzhou Zongzhi Diamond Tool Co. Ltd., Shanghai Deda Industry & Trading Co., Ltd., Shanghai Robtol Tool Manufacturing Co., Ltd., Shijiazhuang Global New Century Tools Co., Ltd., Sichuan Huili Tools Co., Task Tools & Abrasives, Wanli Tools Group, Wuxi Lianhua Superhard Material Tools Co., Ltd., Zhejiang Tea Import & Export Co., Ltd., Zhejiang Wanda Import and Export Co., Zhejiang Wanda Tools Group Corp., and Zhejiang Wanli Super-hard Materials Co., Ltd. ATM Single Entity includes Advanced Technology & Materials Co., Ltd. (ATM), Beijing Gang Yan Diamond Products Co. (BGY), Yichang HXF Circular Saw Industrial Co., Ltd. (currently HXF Saw Co., Ltd.) (HXF), Cliff (Tianjin) International Ltd (Cliff), and AT&M International Trading Co., Ltd. Cliff also used the company name Cliff International Ltd. *See 3rd Review Prelim,* 78 FR at 77099, n.4, and the accompanying Preliminary Decision Memorandum at 5, n.24, unchanged in *3rd Review Final* for HXF's name change and Cliff's use of another company name.

[8] *See* 19 CFR 351.212(b)(1).

[9] *Id.*

[10] *See* Issues and Decision Memorandum at 5–6.

[11] Effective March 22, 2013, a date which falls within the period of this administrative review, the Department partially revoked the antidumping duty order with respect to the entries of diamond sawblades from the PRC produced and exported by three members of the ATM Single Entity: ATM, BGY, and HXF. *See Certain Frozen Warmwater Shrimp From the People's Republic of China and Diamond Sawblades and Parts Thereof From the People's Republic of China: Notice of Implementation of Determinations Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Orders,* 78 FR 18958, 18959 n.10, 18960 (March 28, 2013) (*Section 129 Partial Revocation*). In connection with a temporary restraining order and subsequent injunction issued by the U.S. Court of International Trade in Court No. 09–00511, the Department had suspended entries of subject merchandise exported by the ATM Single Entity. *See Section 129 Partial Revocation,* 78 FR 18958, 18960 n.20. This injunction has dissolved as a result of the final and conclusive court decision in *Advanced Technology & Materials Co., Ltd. et al.* v. *United States,* Court No. 2014–1154 (Fed. Cir. Oct. 24, 2014). Accordingly, we intend to liquidate the entries of subject merchandise exported by the ATM Single Entity as explained in the Issues and Decision Memorandum at Comment 2.

[12] For a full discussion of this practice, *see Assessment Practice Refinement.*

and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity, except as described in Comment 2 of the Issues and Decision Memorandum; [13] (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

These final results of review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

[13] Consistent with partial revocation of the order in *Section 129 Partial Revocation* and the dissolution of injunction pursuant to which incoming entries of subject merchandise from the ATM Single Entity remained suspended from liquidation, no cash deposits for estimated antidumping duties will be required for ATM, BGY, and HXF. *See Section 129 Partial Revocation,* 78 FR at 18959 n.10 and 18960 (''Accordingly, the Department will instruct CBP . . . to discontinue the collection of cash deposits for estimated antidumping duties for {ATM, BGY, and HXF}'').

Dated: June 2, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

[FR Doc. 2015–13942 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–938]

Citric Acid and Certain Citrate Salts: Preliminary Results of Countervailing Duty Administrative Review; 2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on citric acid and certain citrate salts from the People's Republic of China (PRC) for the period of review (POR) covering January 1, 2013, through December 31, 2013. These preliminary results cover Laiwu Taihe Biochemistry Co. Ltd. (Taihe). We preliminarily determine that Taihe received countervailable subsidies during the POR. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* June 8, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth Eastwood or Shannon Morrison, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–3874 or (202) 482–6274, respectively.

Scope of the Order

The merchandise subject to the order is citric acid and certain citrate salts. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 2918.14.0000, 2918.15.1000, 2918.15.5000, 3824.90.9290, and 3824.90.9290. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.

A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Ronald K Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review: Citric Acid and Certain Citrate Salts; 2013'' (Preliminary Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and 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://www.trade.gov/enforcement/*. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy (*i.e.*, a financial contribution from an authority that gives rise to a benefit to the recipient) and that the subsidy is specific.[1]

In making these findings, we relied, in part, on facts otherwise available. Because the Government of the PRC did not act to the best of its ability to respond to the Department's requests for information, we used an adverse inference in selecting from among the facts otherwise available.[2] For further information, see ''Use of Facts

[1] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[2] *See* sections 776(a) and (b) of the Act.

Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

Finally, as discussed in the Preliminary Decision Memorandum under ''Programs for Which Additional Information is Required,'' we require additional information to allow us to analyze whether the following programs are countervailable: ''Environmental Tax Offset'' and ''National Support Fund for 2011 Energy Saving Project, Circulation Economy and Resource Conservation Project and Pollution Abatement Project.''

For a full description of the methodology underlying the Department's conclusions, see the Preliminary Decision Memorandum.

Preliminary Results of the Review

As a result of this review, we preliminarily determine a net countervailable subsidy rate of 33.31 percent *ad valorem* for Taihe, for the period January 1, 2013, through December 31, 2013.

Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[3] Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to the Department no later than 30 days after the day on which these preliminary results are published in the **Federal Register**.[4] 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.[5] 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.[6] Case and rebuttal briefs should be filed using ACCESS.[7]

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. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[8] Requests should contain: (1) The party's name, address, and telephone number: (2) the number of participants; and (3) a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing, which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[9] Parties should confirm by telephone the date, time, and location of the hearing.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of this administrative review, including the results of its analysis of 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.

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Instructions

The Department also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown above. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: June 1, 2015.

Ronald K Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2015–13949 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See* 19 CFR 351.224(b).

[4] *See* 19 CFR 351.309(c)(1)(ii).

[5] *See* 19 CFR 351.309(d).

[6] *See* 19 CFR 351.309(c)(2) and (d)(2).

[7] *See* 19 CFR 351.303.

[8] *See* 19 CFR 351.310(c).

[9] *See* 19 CFR 351.310.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967]

Aluminum Extrusions From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on aluminum extrusions from the People's Republic of China (PRC).[1] The period of review (POR) is May 1, 2013 through April 30, 2014. These preliminary results cover 39 companies for which an administrative review was initiated and not rescinded.[2] The Department selected the following companies as mandatory respondents: Guangzhou Jangho Curtain Wall System Engineering Co., Ltd. and Jangho Curtain Wall Hong Kong Ltd. (collectively, Jangho), Union Industry (Asia) Co., Ltd. (Union), and Guang Ya Aluminium Industries Co., Ltd., Foshan Guangcheng Aluminium Co., Ltd., Kong Ah International Company Limited, and Guang Ya Aluminium Industries (Hong Kong) Ltd. (collectively, Guang Ya Group); Guangdong Zhongya Aluminium Company Limited, Zhongya Shaped Aluminium (HK) Holding Limited, and Karlton Aluminum Company Ltd. (collectively, Zhongya); and Xinya Aluminum & Stainless Steel Product Co., Ltd. (Xinya) (collectively, Guang Ya Group/Zhongya/Xinya).[3] The

[1] The Department initiated this review on June 27, 2014. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 36462 (June 27, 2014) (*Initiation Notice*).

[2] This administrative review initially covered 155 companies. *See Initiation Notice.* However, on January 29, 2015, the Department rescinded this review with respect to 116 companies. *See Aluminum Extrusions From the People's Republic of China: Partial Rescission of Antidumping Duty Administrative Review,* 80 FR 4868 (January 29, 2015).

[3] In prior segments of this proceeding the Department found that the Guang Ya Group, Zhongya, and Xinya were affiliated with each other and should be treated as a single entity. *See, e.g., Aluminum Extrusions From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Rescission, in Part, 2010/12,* 79 FR 96 (January 2, 2014) (*2010–2012 Final Results*) and *Aluminum Extrusions From the*

Continued

Department preliminarily finds that Union did not make sales of subject merchandise at less than normal value. In addition, the Department preliminarily determines that Jangho and Guang Ya Group/Zhongya/Xinya failed to cooperate by not acting to the best of their abilities to fully comply with the Department's requests for information, warranting the application of facts otherwise available with adverse inferences, pursuant to sections 776(a) and 776(b) of the Tariff Act of 1930, as amended (the Act). We also preliminarily determine that one company, Xin Wei Aluminum Company Limited (Xin Wei), had no shipments. If these preliminary results are adopted in the final results of this review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* June 8, 2015.

FOR FURTHER INFORMATION CONTACT: Deborah Scott, Mark Flessner or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2657, (202) 482–6312 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by the *Order* [4] is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or proprietary equivalents or other certifying body equivalents).[5]

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 7610.10.00, 7610.90.00, 7615.10.30, 7615.10.71, 7615.10.91, 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7615.20.00, 7616.99.10, 7616.99.50, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 7604.21.00.00, 7604.29.10.00, 7604.29.30.10, 7604.29.30.50, 7604.29.50.30, 7604.29.50.60, 7608.20.00.30, 7608.20.00.90, 8302.10.30.00, 8302.10.60.30, 8302.10.60.60, 8302.10.60.90, 8302.20.00.00, 8302.30.30.10, 8302.30.30.60, 8302.41.30.00, 8302.41.60.15, 8302.41.60.45, 8302.41.60.50, 8302.41.60.80, 8302.42.30.10, 8302.42.30.15, 8302.42.30.65, 8302.49.60.35, 8302.49.60.45, 8302.49.60.55, 8302.49.60.85, 8302.50.00.00, 8302.60.90.00, 8305.10.00.50, 8306.30.00.00, 8418.99.80.05, 8418.99.80.50, 8418.99.80.60, 8419.90.10.00, 8422.90.06.40, 8479.90.85.00, 8486.90.00.00, 8487.90.00.80, 8503.00.95.20, 8515.90.20.00, 8516.90.50.00, 8516.90.80.50, 8708.80.65.90, 9401.90.50.81, 9403.90.10.40, 9403.90.10.50, 9403.90.10.85, 9403.90.25.40, 9403.90.25.80, 9403.90.40.05, 9403.90.40.10, 9403.90.40.60, 9403.90.50.05, 9403.90.50.10, 9403.90.50.80, 9403.90.60.05, 9403.90.60.10, 9403.90.60.80, 9403.90.70.05, 9403.90.70.10, 9403.90.70.80, 9403.90.80.10, 9403.90.80.15, 9403.90.80.20, 9403.90.80.30, 9403.90.80.41, 9403.90.80.51, 9403.90.80.61, 9506.51.40.00, 9506.51.60.00, 9506.59.40.40, 9506.70.20.90, 9506.91.00.10, 9506.91.00.20, 9506.91.00.30, 9506.99.05.10, 9506.99.05.20, 9506.99.05.30, 9506.99.15.00, 9506.99.20.00, 9506.99.25.80, 9506.99.28.00, 9506.99.55.00, 9506.99.60.80, 9507.30.20.00, 9507.30.40.00, 9507.30.60.00, 9507.90.60.00, and 9603.90.80.50.

The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99 as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

The Department is conducting two scope inquiries concerning aluminum extrusions made from 5 series aluminum alloy. Petitioner (Aluminum Extrusions Fair Trade Committee) advocates that the Department impose a certification requirement related to these products, which the Department is considering in the context of these scope proceedings. Parties that wish to file comments on this potential certification requirement must do so on the record of these scope proceedings.[6] The final scope rulings, including our decision with respect to the certification issue, are currently due July 7, 2015.

Separate Rates

In the *Initiation Notice,* we informed parties of the opportunity to request a separate rate.[7] In proceedings involving non-market economy (NME) countries, the Department begins with a rebuttable presumption that all companies within the NME country are subject to government control and, thus, should be assigned a single weighted-average dumping margin. It is the Department's policy to assign all exporters of merchandise subject to an administrative review involving an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. Companies that wanted to be considered for a separate rate in this review were required to timely file a separate-rate application or a separate-rate certification to demonstrate their eligibility for a separate rate. Separate-rate applications and separate-rate certifications were due to the Department within 60 calendar days of the publication of the *Initiation Notice.*

In this review, 14 companies for which a review was requested and which remain under review did not submit separate-rate information to rebut the presumption that they are subject to government control.[8] These

People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013, 79 FR 78784 (December 31, 2014) (*2012–2013 Final Results*).

[4] *See Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order,* 76 FR 30650 (May 26, 2011) (*Order*).

[5] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Aluminum Extrusions from the People's Republic of China; 2013–2014,'' dated concurrently with this notice (Preliminary Decision Memorandum) for a complete description of the scope of the *Order.*

[6] *See* Letter from Trending Imports LLC to the Department, ''Aluminum Extrusions from the People's Republic of China: Trending Imports LLC Request for Scope Ruling Concerning 5050 Alloy Extrusions,'' dated December 12, 2013, and Letter from Kota International, LTD to the Department, ''Antidumping Duty and Countervailing Duty Orders on Aluminum Extrusions from the People's Republic of China: Scope Ruling Request,'' dated October 21, 2013.

[7] *See Initiation Notice,* 79 FR at 36463–36464.

[8] One company, Zhaoqing New Zhongya Aluminum Co., Ltd. (New Zhongya), was determined to have been succeeded by Guangdong Zhongya Aluminum Company Limited (Guangdong Zhongya) in a changed circumstances review. *See Aluminum Extrusions From the People's Republic of China: Final Results of Changed Circumstances Review,* 77 FR 54900 (September 6, 2012). Thus, despite the fact that a review was initiated of New Zhongya, it is not being included among these 14 companies because its successor in interest, Guangdong Zhongya, is part of the Guang Ya Group/Zhongya/Xinya single entity.

companies are: Aluminicaste Fundicion de Mexico; China Zhongwang Holdings, Ltd.; Classic & Contemporary Inc.; Dongguan Golden Tiger; Dongguan Golden Tiger Hardware Industrial Co., Ltd.; Gold Mountain International Development, Ltd.; Golden Dragon Precise Copper Tube Group, Inc.; Metaltek Metal Industry Co., Ltd.; Nidec Sankyo Singapore Pte. Ltd.; Press Metal International Ltd.; tenKsolar, Inc.; Tianjin Jinmao Import & Export Corp., Ltd.; WTI Building Products, Ltd.; and Zahoqing China Square Industry Limited/Zhaoqing China Square Industry Limited. As further discussed in the Preliminarily Decision Memorandum, we preliminarily determine that these entities have not demonstrated that they operate free from government control and thus are not eligible for a separate rate.

One additional company under review, Shenyang Yuanda Aluminium Industry Engineering Co., Ltd. (Yuanda), submitted a separate-rate application, but, as further discussed in the Preliminary Decision Memorandum, we preliminarily determine not to grant this company a separate rate because its separate-rate application did not contain evidence of a suspended entry of subject merchandise during the POR.

In addition to Union, 11 companies still under review submitted separate-rate applications or separate-rate certifications and responses to supplemental questionnaires which provide sufficient information to preliminarily determine that they are entitled to a separate rate. These eleven companies are: Allied Maker Limited; Changzhou Changzheng Evaporator Co., Ltd.; Dongguan Aoda Aluminum Co., Ltd.; Justhere Co., Ltd.; Kam Kiu Aluminium Products Sdn Bhd; Kromet International Inc. (Kromet); Metaltek Group Co., Ltd.; Permasteelisa South China Factory; Permasteelisa Hong Kong Ltd.; Taishan City Kam Kiu Aluminium Extrusion Co., Ltd.; and tenKsolar (Shanghai) Co., Ltd. A full discussion of the basis for granting these companies a separate rate can be found in the Preliminary Decision Memorandum.

Rate for Non-Examined Companies Which Are Eligible for a Separate Rate

The statute and the Department's regulations do not address the establishment of the rate applied to individual respondents not selected for individual examination when the Department limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for separate-rate respondents which we did not examine individually in an administrative review. Section 735(c)(5)(A) of the Act notes a preference that we are not to calculate an all-others rate using rates for individually-examined respondents which are zero, *de minimis,* or based entirely on facts available. Section 735(c)(5)(B) of the Act provides that, where all rates are zero, *de minimis,* or based entirely on facts available, the Department may use ''any reasonable method'' for assigning a rate to non-examined respondents.

For these preliminary results, the rates we determined for the mandatory respondents were either zero, *de minimis,* or based on entirely on facts available. Therefore, we preliminarily determine that the application of the rate from the investigation in this proceeding to the non-examined separate-rate companies is consistent with precedent [9] and the most appropriate method to determine the separate rate in the instant review.[10] Pursuant to this method, we are preliminarily assigning the margin of 32.79 percent, the most recent margin calculated for the non-examined separate-rate respondents,[11] to the non-examined separate-rate respondents in the instant review.

Preliminary Determination of No Shipments

One company remaining under review, Xin Wei, timely submitted a certification indicating that it had no sales, shipments, or entries of subject merchandise during the POR.[12] Consistent with our practice, the Department requested that CBP conduct a query on potential shipments made by Xin Wei during the POR; CBP provided no evidence that contradicted Xin Wei's claim of no shipments. Based on Xin Wei's no-shipment certification and our analysis of the CBP information, we preliminarily determine that Xin Wei had no shipments during the POR. In addition, consistent with our practice in NME cases, the Department is not rescinding this review, in part, but intends to complete the review with respect to Xin Wei and issue appropriate instructions to CBP based on the final results of the review.[13]

Application of Adverse Facts Available

Pursuant to sections 776(a)(2)(B), (C), and (D) of the Act, the Department preliminarily finds that the use of facts otherwise available is warranted with respect to Jangho because Jangho failed to provide information in the form and manner requested by the Department, and therefore significantly impeded the proceeding.[14] Furthermore, for the information which Jangho did provide, a large amount of that information would not be verifiable.[15] We also find that the use of facts otherwise available is warranted with respect to Guang Ya Group/Zhongya/Xinya in accordance with sections 776(a)(2)(A) and (C) of the Act, because Guang Ya Group/Zhongya/Xinya withheld information that was requested and, by not providing requested information, significantly impeded the proceeding.

Further, pursuant to section 776(b) of the Act, the Department preliminarily determines that both Jangho and Guang Ya Group/Zhongya/Xinya failed to cooperate by not acting to the best of their abilities to comply with the Department's requests for information, and, thus, an adverse inference is warranted.

Because the Department preliminarily determines that Jangho and Guang Ya Group/Zhongya/Xinya failed to cooperate by not acting to the best of their abilities to comply with requests for information, we have determined that they are not eligible for a separate rate.[16] Regarding Jangho, the

[9] *See, e.g., Certain Frozen Warmwater Shrimp From the People's Republic of China: Preliminary Results and Preliminary Partial Rescission of Fifth Antidumping Duty Administrative Review,* 76 FR 8338, 8342 (February 14, 2011), unchanged in *Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 76 FR 51940 (August 19, 2011); *see also Administrative Review of Certain Frozen Warmwater Shrimp From the People's Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review,* 75 FR 49460, 49463 (August 13, 2010).

[10] This is also consistent with the Department's determination in prior segments of this proceeding. *See 2010–2012 Final Results,* 79 FR at 99 and *2012–2013 Final Results,* 79 FR at 78786.

[11] This margin is from the less-than-fair-value investigation. *See Aluminum Extrusions From the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 76 FR 18524, 18530 (April 4, 2011).

[12] *See* Letter from Xin Wei to the Department, ''Aluminum Extrusions from the People's Republic of China: Certification of No Sales, Shipments, or Entries,'' dated August 26, 2014.

[13] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65695 (October 24, 2011).

[14] *See* Memorandum to Abdelali Elouaradia, ''2013–2014 Preliminary Results of the Antidumping Duty Administrative Review of Aluminum Extrusions from the People's Republic of China; Application of Adverse Facts Available for Jangho,'' dated June 1, 2015 (Jangho AFA Memorandum); *see also* Preliminary Decision Memorandum.

[15] *Id.*

[16] *See* section 776(b) of the Act.

Department preliminarily finds that Jangho's original questionnaire and supplemental questionnaire responses were grossly deficient, and therefore the record does not contain the information necessary to make a separate rate determination.[17] Guang Ya Group/Zhongya/Xinya, on the other hand, failed to provide a response to the Department's questionnaire at all. As such, separate rates are not warranted for Jangho or Guang Ya Group/Zhonya/Xinya.

PRC-Wide Entity

As the Department preliminarily determines, based on AFA, that Jangho and Guang Ya Group/Zhongya/Xinya are not eligible for a separate rate, we determine that both companies are part of the PRC-wide entity.

In addition, 14 companies still subject to these preliminary results are not eligible for separate-rate status because they did not submit separate-rate applications or certifications, and one company still under review, Yuanda, submitted a separate-rate application that did not demonstrate eligibility for a separate rate. As a result, the Department preliminarily finds these 15 companies are also part of the PRC-wide entity.

The Department's change in policy regarding conditional review of the PRC-wide entity applies to this administrative review.[18] Under this policy, the PRC-wide entity will not be under review unless a party specifically requests, or the Department self-initiates, a review of the entity. Because no party requested a review of the PRC-wide entity in this review, the entity is not under review and the entity's rate from the previous administrative review (*i.e.,* 33.28 percent) is not subject to change.[19]

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) of the Act. We calculated export prices in accordance with section 772 of the Act. Because the PRC is an NME country within the meaning of section 771(18) of the Act, the Department calculated normal value in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our preliminary results, *see* the Preliminary Decision Memorandum, dated concurrently with these results and hereby adopted by this notice. A list of the topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, parties can obtain a complete version of the Preliminary Decision Memorandum on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Adjustments for Countervailable Subsidies

Because no mandatory respondent established eligibility for an adjustment under section 777A(f) of the Act for countervailable domestic subsidies, the Department, for these preliminary results, did not make an adjustment pursuant to section 777A(f) of the Act for countervailable domestic subsidies for Union or the separate-rate recipients.[20]

Pursuant to section 772(c)(1)(C) of the Act, the Department made an adjustment for countervailable export subsidies. For Union, we made an adjustment to its reported U.S. price.[21] For the companies eligible for a separate rate, because all of these companies participated in the second countervailing duty administrative review,[22] an adjustment has been made based on the countervailable export subsidy found for the non-selected companies in the final results of the second countervailing duty administrative review (or its own calculated rate, in the case of Kromet).[23]

For the PRC-wide entity, since the entity is not currently under review, its rate is not subject to change.[24]

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted-average dumping margin (percent)	Margin adjusted for liquidation and cash deposit purposes (percent)
Allied Maker Limited	32.79	32.51
Changzhou Changzheng Evaporator Co., Ltd	32.79	32.51
Dongguan Aoda Aluminum Co., Ltd	32.79	32.51
Justhere Co., Ltd	32.79	32.51
Kam Kiu Aluminium Products Sdn Bhd[25]	32.79	32.51
Kromet International Inc	32.79	32.44
Metaltek Group Co., Ltd	32.79	32.51
Permasteelisa Hong Kong Ltd[26]	32.79	32.51
tenKsolar (Shanghai) Co., Ltd	32.79	32.51
Union Industry (Asia) Co., Ltd	0.00	0.00

[17] *See* Jangho AFA Memorandum.

[18] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963, 65970 (November 4, 2013).

[19] *See 2012–2013 Final Results,* 79 FR at 78787.

[20] *See* Preliminary Decision Memorandum.

[21] *See* Memorandum from Mark Flessner to the File, ''2013–2014 Administrative Review of the Antidumping Duty Order on Aluminum Extrusions from the People's Republic of China: Analysis of the Preliminary Results Margin Calculation for Union Industry (Asia) Co., Ltd.,'' dated June 1, 2015.

[22] *See Aluminum Extrusions From the People's Republic of China: Final Results of Countervailing Duty Administrative Review; 2012,* 79 FR 78788, 78789–90 (December 31, 2014).

[23] *See* Preliminary Decision Memorandum.

[24] *See 2012–2013 Final Results,* 79 FR at 78787. As the rate for the PRC-wide entity is not subject to change in the instant review, the margin from the *2012–2013 Final Results* that we are applying to the PRC-wide entity in the instant review is net of countervailable domestic and export subsidies.

Additionally, the Department preliminarily determines that the following companies are part of the PRC-wide entity: Jangho (which includes Guangzhou Jangho Curtain Wall System Engineering Co., Ltd. and Jangho Curtain Wall Hong Kong Ltd.); Guang Ya Group/Zhongya/Xinya (which includes Guang Ya Aluminium Industries Co., Ltd.; Foshan Guangcheng Aluminium Co., Ltd.; Kong Ah International Company Limited; Guang Ya Aluminium Industries (Hong Kong) Ltd.; Guangdong Zhongya Aluminium Company Limited; Zhongya Shaped Aluminium (HK) Holding Limited; Karlton Aluminum Company Ltd.; and Xinya Aluminum & Stainless Steel Product Co., Ltd.); Aluminicaste Fundicion de Mexico; China Zhongwang Holdings, Ltd.; Classic & Contemporary Inc.; Dongguan Golden Tiger; Dongguan Golden Tiger Hardware Industrial Co., Ltd.; Gold Mountain International Development, Ltd.; Golden Dragon Precise Copper Tube Group, Inc.; Metaltek Metal Industry Co., Ltd.; Nidec Sankyo Singapore Pte. Ltd.; Press Metal International Ltd.; Shenyang Yuanda Aluminium Industry Engineering Co., Ltd.; tenKsolar, Inc.; Tianjin Jinmao Import & Export Corp., Ltd.; WTI Building Products, Ltd.; and Zahoqing China Square Industry Limited/Zhaoqing China Square Industry Limited. The rate previously established for the PRC-wide entity in the previous administrative review is 33.28 percent.[27]

Disclosure and Public Comment

The Department intends to disclose to the parties the calculations performed for these preliminary results within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[28] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the case briefs are filed.[29] Parties who submit arguments are requested to submit with the argument (a) a statement of the issue, (b) a brief summary of the argument, and (c) a table of authorities.[30] Parties submitting briefs should do so pursuant to the Department's electronic filing requirements.

Any interested party may request a hearing within 30 days of publication of this notice.[31] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the case and rebuttal briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.[32]

Unless extended, the Department intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in the case briefs, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results of this review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[33] The Department intends to issue assessment instructions to CBP 15 days after publication of the final results of this review.

For each individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent) in the final results of this review, the Department will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales, in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer- (or customer-) specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer- (or customer-) specific assessment rate is zero or *de minimis,* the Department will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. We intend to instruct CBP to liquidate entries containing subject merchandise exported by the PRC-wide entity at the PRC-wide rate.

For entries that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the PRC-wide rate.[34]

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties, when imposed, will apply to all shipments of subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) If the companies preliminarily determined to be eligible for a separate rate receive a separate rate in the final results of this administrative review, their cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review, as adjusted for domestic and export subsidies (except, if that rate is *de minimis,* then the cash deposit rate will be zero); (2) for any previously investigated or reviewed PRC and non-PRC exporters that are not under review in this segment of the proceeding but that received a separate rate in the most recently completed segment of this proceeding, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity, which is 33.18 percent;[35]

[25] Although the Department initiated a review for both Taishan City Kam Kiu Aluminium Extrusion Co., Ltd. and Kam Kiu Aluminium Products Sdn Bhd, it is apparent from the company's separate-rate application that Kam Kiu Aluminium Products Sdn Bhd is the exporter and Taishan City Kam Kiu Aluminium Extrusion Co., Ltd. is a producer only; thus, Kam Kiu Aluminium Products Sdn Bhd is the appropriate party to grant the separate rate status.

[26] Although the Department initiated a review for Permasteelisa South China Factory and Permasteelisa Hong Kong Ltd., it is apparent from the company's separate-rate application that Permasteelisa Hong Kong Ltd. is the exporter and Permasteelisa South China Factory is a producer only; thus, Permasteelisa Hong Kong Ltd. is the appropriate party to grant the separate rate status.

[27] *See 2012–2013 Final Results,* 79 FR at 78787.

[28] *See* 19 CFR 351.309(c)(1)(ii).

[29] *See* 19 CFR 351.309(d)(1)–(2).

[30] See 19 CFR 351.309(c)(2) and (d)(2).

[31] *See* 19 CFR 351.310(c).

[32] *See* 19 CFR 351.310(d).

[33] *See* 19 CFR 351.212(b)(1).

[34] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[35] *See 2012–2013 Final Results,* 79 FR at 78787.

and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter.

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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 Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing notice of these preliminary results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: June 1, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2015–13967 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–851]

Certain Preserved Mushrooms From the People's Republic of China: Final Results of Antidumping Duty New Shipper Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* June 8, 2015.

SUMMARY: The Department of Commerce (the Department) published the *Preliminary Results* of the 2013/2014 new shipper review on January 22, 2015.[1] This review covers one company, Dezhou Kaihang Agricultural Science Technology Co., Ltd. (Dezhou Kaihang). We gave interested parties an opportunity to comment on the *Preliminary Results.* Based upon our analysis of the comments received, we made changes to the margin calculations for these final results. As a result of these changes, we find that Dezhou Kaihang did not make sales of subject merchandise at less than normal value. The period of review (POR) is February 1, 2013 through February 28, 2014.[2]

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4475 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published the *Preliminary Results* on January 22, 2015.[3] On March 13, 2015, the Department extended the deadline for issuing the final results by 60 days.[4] On February 23, 2015, Dezhou Kaihang submitted its case brief.[5] On March 19, 2015, petitioner Monterey Mushrooms submitted a rebuttal brief.[6]

Scope of the Order

The products covered by this antidumping order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The merchandise subject to this order is classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153, and 0711.51.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.[7]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this review are addressed in the Issues and Decision Memorandum. A list of the issues which parties raised is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building, as well as electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and in the CRU. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our review of the comments received from interested parties regarding our *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, we have revised the margin calculation for

[1] *See Certain Preserved Mushrooms From the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Review; 2013/2014,* 80 FR 3216 (January 22, 2015) (*Preliminary Results*).

[2] As noted in the *Preliminary Results,* the Department extended the review period for this new shipper review to capture the entry associated with the sale made by Dezhou Kaihang during the POR. *See* 19 CFR 351.214(f)(2)(ii).

[3] *See Preliminary Results.*

[4] *See* Memorandum dated March 13, 2015 from Michael J. Heaney to Christian Marsh Re: Certain Preserved Mushrooms from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty New Shipper Review: 2013–2014.

[5] *See* February 23, 2015 letter from Dezhou Kaihang to Secretary of Commerce Re: Certain Preserved Mushrooms from the People's Republic of China; Submission of Case Brief.

[6] *See* March 19, 2015 letter from Monterey Mushrooms to Secretary of Commerce from Monterey Mushrooms.

[7] For a complete description of the scope of the order, *see* ''Certain Preserved Mushrooms from the People's Republic of China: Issues and Decision Memorandum for the Final Results in the 2013/2014 New Shipper Review'' dated June 1, 2015 (Issues and Decision Memorandum).

Dezhou Kaihang. The analysis memorandum for Dezhou Kaihang contains further explanation of the margin calculations utilized in the final results.[8]

Final Results of Review

The weighted average dumping margin for the final results of this review for the period February 1, 2013 through February 28, 2014 and for the following exporter/producer combination is as follows:

Exporter	Producer	Weighted-average dumping margin (percent)
Dezhou Kaihang Agricultural Science Technology Co., Ltd	Shandong Fengyu Edible Fungus Co., Ltd	0.00

Disclosure

The Department intends to disclose calculations performed for these final results to the parties within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930 as amended (the Act) and 19 CFR 351.212(b), the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

For assessment purposes, because Dezhou Kaihang's margin is zero, we will instruct CBP to liquidate the entry covered in this new shipper review without regard to antidumping duties.

On October 24, 2011, the Department announced a refinement to its assessment practice in non-market economy cases. [9] Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by Dezhou Kaihang during this review, the Department will instruct CBP to liquidate at the PRC-wide rate.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this new shipper review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise produced by Shandong Fengyu Edible Fungus Co., Ltd. and exported by Dezhou Kaihang, no cash deposit rate will be required since the rate established in the *Final Results of Review* section of this notice is zero; (2) for subject merchandise exported by Dezhou Kaihang but not produced by Shandong Fengyu Edible Fungus Co., Ltd., the cash deposit rate will be that for the PRC-wide entity (*i.e.,* 308.33 percent); and (3) for subject merchandise produced by Shandong Fengyu Edible Fungus Co., Ltd. but not exported by Dezhou Kaihang, the cash deposit rate will be the rate applicable to that exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(2)(B) and 777(i) of the Act.

Dated: June 1, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

List of Topics Discussed in the Accompanying Issues and Decision Memorandum

[FR Doc. 2015–13979 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–937]

Citric Acid and Certain Citrate Salts From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') is conducting the fifth administrative review (''AR'') of the antidumping duty order on citric acid and certain citrate salts (''citric acid'') from the People's Republic of China (''PRC''). The review covers three companies, RZBC Co., Ltd., RZBC Import & Export Co., Ltd., and RZBC (Juxian) Co., Ltd. (collectively, ''RZBC''), Laiwu Taihe Biochemistry Co., Ltd. (''Taihe''), and Yixing Union Biochemical Ltd. (''Yixing Union''). The period of review (''POR'') for the AR is May 1, 2013, through April 30, 2014. We preliminarily determine that Yixing

[8] *See* Memorandum to the File from Michael J. Heaney ''Analysis of Data Submitted by Dezhou Kaihang Agricultural Science Technology Co., Ltd (Dezhou Kaihang) in the Final Results of New Shipper Review of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China (PRC)'' dated June 1, 2015 (Dezhou Kaihang Final Analysis Memorandum).

[9] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

Union did not have any reviewable transactions during the POR. For RZBC and Taihe, because of outstanding issues pertaining to the selection of the surrogate country, we have preliminarily assigned to each its cash deposit rate currently in effect.

DATES: *Effective Date:* June 8, 2015.

FOR FURTHER INFORMATION CONTACT: Krisha Hill or Maisha Cryor, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4037 or (202) 482–5831, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by this order is citric acid and certain citrate salts from the PRC. The product is currently classified under subheadings 2918.14.0000, 2918.15.1000, 2918.15.5000, and 3824.90.9290 of the Harmonized Tariff System of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of merchandise subject to the scope is dispositive. For a full description of the scope of the order, see Preliminary Decision Memorandum.[1]

Preliminary Determination of No Shipments

Yixing Union reported it made no shipments of subject merchandise to the United States during the POR.[2] On November 20, 2014, the Department placed information from a U.S. Customs and Border Protection (''CBP'') data query related to potential POR entries of subject merchandise from Yixing Union.[3] Based on Yixing Union's no shipments certification, and because CBP had no findings of reviewable transactions, we preliminarily determine that Yixing Union did not have any reviewable transactions during the POR.

In addition, consistent with our practice, the Department is not rescinding this review, in part, but intends to complete the review with respect to Yixing Union for which it has preliminarily found no shipments and issue appropriate instructions to CBP based on the final results of the review.

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (''the Act''). The Department normally calculates export prices in accordance with section 772 of the Act, and because the PRC is a non-market economy within the meaning of section 771(18) of the Act, the Department normally calculates normal value in accordance with section 773(c) of the Act. However, we are unable to determine normal value in accordance with section 773(c) for these Preliminary Results because parties did not submit appropriate surrogate value data in accordance with our normal requirements, and we did not have sufficient time to obtain and analyze additional data prior to the Preliminary Results. Accordingly, we are applying neutral facts available under section 776(a) of the Act and preliminarily assigning RZBC and Taihe their current cash deposit rates. As indicated below and in the Preliminary Decision Memorandum, we intend to seek additional data following the Preliminary Results and intend to select an appropriate surrogate country based on the results of further inquiry and analysis.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov* and 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 at *http://www.trade.gov/enforcement/*. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum, is attached as the Appendix to this notice.

Preliminary Results of Review

The following weighted-average dumping margins exist for the period May 1, 2013, through April 30, 2014.

Exporter	Weighted-average dumping margin (percent)[4]
RZBC Imp. & Exp. Co., Ltd.	0.00
Laiwu Taihe Biochemistry Co., Ltd	3.08

Public Comment

We request that interested parties submit surrogate country and surrogate value data from a country or countries identified in the Surrogate Country Memo[5] by close of business on June 15, 2015. Rebuttal comments and rebuttal surrogate value data will be due by close of business on June 22, 2015. In the event that no interested party provides surrogate country and surrogate value data within this time period, then the Department will conduct its own research in an effort to obtain such data. We intend to issue post-preliminary results after we receive and analyze the surrogate country and surrogate value data submitted after the preliminary results. We will provide interested parties an opportunity to comment on such post-preliminary results.

All submissions, with limited exceptions, must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by 5 p.m. Eastern Time (''ET'') on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.*, in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.[6]

[1] *See* ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Citric Acid and Certain Citrate Salts from the People's Republic of China'' from Christian Marsh, Deputy Assistant Secretary, Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, issued concurrently with this notice (''Preliminary Decision Memorandum''), for a complete description of the Scope of the Order.

[2] *See* Letter from Yixing Union to the Department, regarding ''Yixing-Union Biochemical Co., Ltd. Statement of No Shipments during the POR: Antidumping Administrative Review of Citric Acid and Certain Citrate Salts from the People's Republic of China,'' dated July 8, 2014.

[3] *See* Memorandum to the File Regarding ''Release of U.S. Customs and Border Protection Information Relating to No Shipment Claims Made in the 2013–2014 Administrative Review of Citric Acid and Certain Citrate Salts from the People's Republic of China,'' dated November 20, 2014.

[4] *See Citric Acid and Certain Citrate Salts From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013*, 79 FR 65182 (November 3, 2014) (Taihe); *see also Citric Acid and Certain Citrate Salts From the People's Republic of China; Final Results of Antidumping Duty Administrative Review; 2011–2012*, 79 FR 101 (January 2, 2014) (RZBC).

[5] *See* Letter from the Department to All Interested Parties, regarding ''2013–2014 Administrative Review of the Antidumping Duty Order on Citric Acid and Certain Citrate Salts from the People's Republic of China: Request for Surrogate Country and Surrogate Value Comments and Information,'' dated January 9, 2015 (''Surrogate Country Memo'').

[6] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

The Department will issue the final results of this AR, which will include the results of its analysis of issues raised in any briefs received, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act, unless that time is extended.

Assessment Rates

Upon issuing the final results of this review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries.[7] The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

For each individually examined respondent in this review whose weighted-average dumping margin is above *de minimis* (*i.e.*, 0.5 percent) in the final results of this review, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1).[8] Where an importer- (or customer-) specific *ad valorem* rate is greater than *de minimis*, the Department will instruct CBP to collect the appropriate duties at the time of liquidation.[9] Where either a respondent's weighted average dumping margin is zero or *de minimis*, or an importer- (or customer-) specific *ad valorem* dumping margin is zero or *de minimis*, the Department will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[10]

For entries that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. Additionally, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the PRC-wide rate.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For the companies listed above that have a separate rate, the cash deposit rate will be that rate established in the final results of these reviews (except, if the rate is zero or *de minimis*, then a zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter.

These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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 Department'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 and 19 CFR 351.213.

Dated: June 1, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2015–13953 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See* 19 CFR 351.212(b).

[8] In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

[9] *See* 19 CFR 351.212(b)(1).

[10] *See* 19 CFR 351.212(b)(1).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–851]

Certain Preserved Mushrooms From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013–2014; and Partial Rescission of Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* June 8, 2015.

SUMMARY: The Department of Commerce (the Department) published the *Preliminary Results* of the 2013/2014 administrative review on December 3, 2014.[1] We gave interested parties an opportunity to comment on the *Preliminary Results.* Based upon our analysis of the comments received, we made changes to the margin calculations for these final results. The final dumping margins are listed below in the ''Final Results of Review'' section of this notice. The period of review (POR) is February 1, 2013 through January 31, 2014. The review covers two mandatory respondents, Zhangzhou Gangchang Canned Foods Co., Ltd. (Gangchang) and Linyi City Kangfa Foodstuff Drinkable Co., Ltd. (Kangfa).

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4475 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published the *Preliminary Results* on December 3, 2014.[2] On March 13, 2015, the Department extended the deadline for issuing the final results by 60 days, until June 1, 2015.[3] On January 9, 2015, Gangchang and Kangfa submitted a joint case brief.[4] On January 21, 2015,

[1] *See Certain Preserved Mushrooms From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2013/2014,* 79 FR 71746 (December 3, 2014) (*Preliminary Results*).

[2] *See Preliminary Results.*

[3] *See* Memorandum dated March 13, 2015 from Michael J. Heaney to Christian Marsh Re: Certain Preserved Mushrooms from the People's Republic of China: Extension of Deadline for Final Results of Antidumping Duty Administrative Review: 2013–2014.

[4] *See* January 9, 2015 letter from Gangchang and Kangfa to Secretary of Commerce Re: Certain Preserved Mushrooms from the People's Republic

Continued

petitioner Monterey Mushrooms submitted a rebuttal brief.[5]

Scope of the Order

The products covered by this antidumping order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The merchandise subject to this order is classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153, and 0711.51.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.[6]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this review are addressed in the Issues and Decision Memorandum. A list of the issues which parties raised is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building, as well as electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and in the CRU. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our review of the comments received from interested parties regarding our *Preliminary Results,* and for the reasons explained in the Issues and Decision Memorandum, we have revised the margin calculation for both Gangchang and Kangfa. The respective analysis memoranda for Gangchang and Kangfa contain further explanation of the margin calculations utilized in the final results.[7]

Final Determination of No Shipments

In the *Preliminary Results,* we determined that Xiamen International Trade & Industrial Co., Ltd. (XITIC) and Zhangzhou Hongda Import & Export Trading Co., Ltd. (Zhangzhou Hongda) did not have any reviewable entries during the POR because both XITIC and Zhangzhou Hongda submitted timely certifications of no shipments, entries, or sales of subject merchandise during the POR and we did not receive any information from U.S. Customs and Border Protection (CBP) indicating there were reviewable entries for XITIC or Zhangzhou Hongda during the POR. Consistent with the Department's assessment practice in non-market economy cases, we stated in the *Preliminary Results* that the Department would not rescind the review in these circumstances but, rather, would complete the review with respect to XITIC and Zhangzhou Hongda and issue appropriate instructions to CBP based on the final results of the review.[8] We did not receive any comments following our *Preliminary Results* with respect to this issue. As such, in these final results, we continue to determine that XITIC and Zhangzhou Hongda had no reviewable entries of subject merchandise during the POR.

Final Results of Review and Partial Rescission of Review

In our *Preliminary Results,* we found that 48 companies subject to this review did not establish their eligibility for a separate rate and that they were, thus, part of the PRC-wide entity. In these final results, we continue to determine that 47 of these companies are part of the PRC-wide entity.[9] Because no party requested a review of the PRC-wide entity and the Department no longer considers the PRC-wide entity as an exporter conditionally subject to administrative reviews, we did not conduct a review of the PRC-wide entity and the entity's rate is not subject to change. Finally, we note that one of the companies determined to be a part of the PRC-wide entity in our *Preliminary Results,* Dezhou Kaihang Agricultural Science Technology Co., Ltd. (Dezhou Kaihang), is a respondent in a new shipper review covering the period February 1, 2013 through February 28, 2014, the final results of which are being issued concurrent with these final results. Because the new shipper review encompasses the entire POR of the administrative review, Dezhou Kaihang's sole sale during the POR is covered by the new shipper review and, therefore there is no reviewable entry subject to this administrative review.[10] Accordingly, we are rescinding this administrative review with respect to Dezhou Kaihang.

For the companies subject to this review that established their eligibility for a separate rate, the weighted average dumping margins for the final results of this review for the POR are as follows:

of China; Submission of Respondents' Case Brief (Respondents Case Brief).

[5] *See* January 21, 2015 letter from Monterey Mushrooms to Secretary of Commerce from Monterey Mushrooms (Petitioner's Rebuttal Brief).

[6] For a complete description of the scope of the order, *see* ''Certain Preserved Mushrooms from the People's Republic of China: Issues and Decision Memorandum for the Final Results in the 2013/2014 Administrative Review,'' dated June 1, 2015 (Issues and Decision Memorandum) at 2.

[7] *See* Memorandum to the File from Michael J. Heaney ''Analysis of Data Submitted by Zhangzhou Gangchang Canned Foods Co., Ltd. (Gangchang) in the Final Results of Administrative Review of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China (PRC)'' dated June 2, 2015 at 2 (Gangchang Final Analysis Memorandum); *see also* Memorandum to the File from Michael J. Heaney ''Analysis of Data Submitted by Linyi City Kangfa Foodstuff Drinkable Co., Ltd. in the Final Results of Administrative Review of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China (PRC)'' dated June 2, 2015 (Kangfa Final Analysis Memorandum) at 2.

[8] *See Preliminary Results,* 79 FR at 71747.

[9] These 47 exporters are: (1)Ayecue (Liaocheng) Foodstuff Co., Ltd., (2) Blue Field (Sichuan) Food Industrial Co., Ltd., (3) China National Cereals, Oils & Foodstuffs Import & Export Corp., (4) China Processed Food Import & Export Co., (5) Dalian J&N Foods Co., Ltd., (6) Dujiangyan Xingda Foodstuff Co., Ltd., (7) Fujian Dongshan Changlong Trade Co., Ltd., (8) Fujian Golden Banyan Foodstuffs Industrial Co., Ltd., (9) Fujian Haishan Foods Co., Ltd., (10) Fujian Pinghe Baofeng Canned Foods, (11) Fujian Tongfa Foods Group Co., Ltd., (12) Fuzhou Sunshine Imp. & Exp. Co., Ltd., (13) Fujian Yuxing Fruits and Vegetables Foodstuffs Development Co., Ltd., (14) Fujian Zishan Group Co., Ltd., (15) Golden Banyan Foodstuffs Co., Ltd., (16) Guangxi Eastwing Trading Co., Ltd., (17) Guangxi Hengyong Industrial & Commercial Dev. Ltd., (18) Guangxi Jisheng Foods, Inc., (19) Inter-Foods (Dongshan) Co., Ltd., (20) Longhai Guangfa Food Co., Ltd., (21) Longhai Jiasheng Food Co., Ltd., (22) Primera Harvest (Xiangfan) Co., Ltd., (23) Qingdao Canned Foods Co., Ltd., (24) Shandong Fengyu Edible Fungus Corporation Ltd., (25) Shandong Jiufa Edible Fungus Corporation, Ltd., (26) Shandong Yinfeng Rare Fungus Corporation, Ltd., (27) Synehon (Xiamen) Trading Co., Ltd., (28) Sun Wave Trading Co., Ltd., (29) Xiamen Carre Food Co., Ltd., (30) Xiamen Choice Harvest Imp., (31) Xiamen Greenland Import & Export Co., Ltd., (32) Xiamen Gulong Import & Export Co., Ltd., (33) Xiamen Gulong Import Export Co. Ltd., (34) Xiamen Jiahua Import & Export Trading Co., Ltd., (35) Xiamen Longhuai Import & Export Co., Ltd., (36) Xiamen Sungiven Import & Export Co., Ltd., (37) Xiamen Yubang Import Export Trading Co. Ltd., (38) Zhangzhou Golden Banyan Foodstuffs Industrial Co., Ltd., (39) Zhangzhou Lixing Imp. & Exp. Trade Co., Ltd., (40) Zhangzhou Long Mountain Foods Co., Ltd., (41) Zhangzhou Tan Co., Ltd., (42) Zhangzhou Tianbaolong Food Co., Ltd., (43) Zhangzhou Tongfa Foods Industry Co., Ltd., (44) Zhangzhou Yuxing Imp. & Exp. Trading Co., Ltd., (45) Zhangzhou Xiangcheng Rainbow & Greenland Food Co., Ltd., (46) Zhejiang Iceman Food Co., Ltd., and (47) Zhejiang Iceman Group Co., Ltd.

[10] *See Certain Preserved Mushrooms From the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Review; 2013/2014,* 80 FR 3216 (January 22, 2015) and Accompanying Decision Memorandum at 1 (unchanged in final). We further note that Dezhou Kaihang's entry entered subsequent to the commencement of the AR. *Id.*

Exporter	Weighted average margin (percent)
Linyi City Kangfa Foodstuff Drinkable Co., Ltd.	75.67
Zhangzhou Gangchang Canned Foods Co., Ltd.	99.71

Disclosure

The Department will disclose calculations performed for these final results to the parties within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b), the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

For assessment purposes, for both Gangchang and Kangfa, we will instruct CBP to liquidate based upon a per-unit, importer-specific, assessment rate. This per-unit assessment rate is based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered quantity of those same sales.[11] For the 47 companies identified above as being part of the PRC-wide entity, any entries will be assessed at the PRC-wide rate.

On October 24, 2011, the Department announced a refinement to its assessment practice in non-market economy cases.[12] Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate at the PRC-wide rate. In addition, if the Department determines that an exporter had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.

As noted above, the Department determines that XITIC and Zhangzhou Hongda did not have any reviewable transactions during the POR. As a result, any suspended entries that entered under these exporters' case numbers will be liquidated at the PRC-wide rate.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rate established in the final results of this review; (2) for previously investigated or reviewed PRC and non-PRC exporters which are not under review in this segment of the proceeding but received a separate rate in a previous segment, the cash deposit rate will continue to be the exporter-specific rate published for the most recently-completed period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity (*i.e.,* 308.33 percent); [13] and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied the non-PRC exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: June 1, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

List of Topics Discussed in the Accompanying Issues and Decision Memorandum

[FR Doc. 2015–13975 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See* 19 CFR 351.212(b)(1).

[12] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[13] In the *Preliminary Results,* we inadvertently identified the rate applicable to the PRC-wide entity as 303.80 percent. We have corrected that error in these final results to reflect the correct rate of 308.33 percent. *See Certain Preserved Mushrooms From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 12150, 12152 (March 4, 2014).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD644

Taking of Marine Mammals Incidental to Specified Activities; Vashon Seismic Retrofit Project

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

ACTION: Notice; issuance of an incidental take authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the Washington State Department of Transportation (WSDOT) to take, by harassment, small numbers of nine species of marine mammals incidental to construction activities for Vashon Seismic Retrofit Project in Vashon Island, Washington, between August 1, 2015, and July 31, 2016.

DATES: Effective August 1, 2015, through July 31, 2016.

ADDRESSES: Requests for information on the incidental take authorization should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National

Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the application containing a list of the references used in this document, NMFS' Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and the IHA may be obtained by writing to the address specified above or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental/*.

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the U.S. can apply for a one-year authorization to incidentally take small numbers of marine mammals by harassment, provided that there is no potential for serious injury or mortality to result from the activity. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization.

Summary of Request

On June 20, 2014, WSDOT submitted a request to NOAA requesting an IHA for the possible harassment of small numbers of nine marine mammal species incidental to construction associated with the Vashon Seismic Retrofit Project at the Vashon Ferry Terminal in Vashon Island, Washington between August 1, 2015, and February 15, 2016. On December 15, 2014, WSDOT added a test pile drive and removal program to the Vashon Seismic Retrofit Project and submitted a revised IHA application. The information provided here is based on WSDOT's December 15, 2014, IHA application.

Description of the Specified Activity

A detailed description of the WSDOT's Vashon Seismic Retrofit Project is provided in the **Federal Register** notice for the proposed IHA (79 FR 78821; December 31, 2014). Since that time, no changes have been made to the proposed construction activities at the Vashon Seismic Retrofit Project. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to WSDOT was published in the **Federal Register** on December 31, 2014. That notice described, in detail, WSDOT's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received comments from the Marine Mammal Commission (Commission). The Commission recommends NMFS issue the IHA to WSDOT, subject to inclusion of the proposed mitigation and monitoring measures described in the proposed IHA. NMFS agrees with the Commission's recommendation and issued the IHA with mitigation and monitoring measures described below.

Description of Marine Mammals in the Area of the Specified Activity

The marine mammal species under NMFS jurisdiction most likely to occur in the construction area include Pacific harbor seal (*Phoca vitulina richardsi*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), killer whale (*Orcinus orca*), gray whale (*Eschrichtius robustus*), minke whale (*Balaenoptera acutorostrata*), and humpback whale (*Megaptera novaeangliae*).

General information on the marine mammal species found in the vicinity of the project area in Washington waters can be found in Caretta *et al.* (2014), which is available at the following URL: *http://www.nmfs.noaa.gov/pr/sars/pdf/po2013.pdf*. Specific information concerning these species in the vicinity of the action area is provided in the **Federal Register** notice for the proposed IHA and in WSDOT's IHA application. Therefore, it is not repeated here.

Potential Effects of the Specified Activity on Marine Mammals

The effects of underwater noise from in-water pile removal and pile driving associated with the Vashon Seismic Retrofit Project has the potential to result in behavioral harassment of marine mammal species and stocks in the vicinity of the action area. The Notice of Proposed IHA included a discussion of the effects of anthropogenic noise on marine mammals, which is not repeated here. No instances of hearing threshold shifts, injury, serious injury, or mortality are expected as a result of WSDOT's activities given the strong likelihood that marine mammals would avoid the immediate vicinity of the pile driving area.

Potential Effects on Marine Mammal Habitat

The primary potential impacts to marine mammals and other marine species are associated with elevated sound levels, but the project may also result in additional effects to marine mammal prey species and short-term local water turbidity caused by in-water construction due to pile removal and pile driving. These potential effects are discussed in detail in the **Federal Register** notice for the proposed IHA and are not repeated here.

Mitigation Measures

In order to issue an incidental take authorization under section 101(a)(5)(D) of the MMPA, NMFS must prescribe, where applicable, the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses.

For WSDOT's Vashon Seismic Retrofit Project, NMFS is requiring WSDOT to

implement the following mitigation measures to minimize the potential impacts to marine mammals in the project vicinity as a result of the in-water construction activities.

Use of Noise Attenuation Devices

Noise attenuation systems (*i.e.,* bubble curtains) will be used during all impact pile driving of steel piles to dampen the acoustic pressure and reduce the impact on marine mammals. By reducing underwater sound pressure levels at the source, bubble curtains would reduce the area over which Level B harassment would occur, thereby potentially reducing the numbers of marine mammals affected. In addition, the bubble curtain system would reduce sound levels below the threshold for injury (Level A harassment) and thus eliminate the need for an exclusion zone for Level A harassment.

Time Restriction

Work would occur only during daylight hours, when visual monitoring of marine mammals can be conducted. In addition, all in-water construction will be limited to the period between August 1, 2015, and February 15, 2016.

Establishment of Exclusion Zone and Level B Harassment Zones of Influence

Before the commencement of in-water pile driving activities, WSDOT shall establish Level B behavioral harassment ZOIs where received underwater sound pressure levels (SPLs) are higher than 160 dB (rms) and 120 dB (rms) re 1 μPa for impulse noise sources (impact pile driving) and non-impulses noise sources (vibratory pile driving and mechanic dismantling), respectively.

For the test pile program, because glacial till soils will be harder to drive through, the assumed attenuation will be 8–10 dB, the same bubble-curtain attenuation used in the current consultation. Based on the 2009 Vashon Test Pile, source levels for impact driving of 30'' piles are 210 dB (peak), 181 dB (SEL), and 189 dB (rms) measured at 16 m (Pile P–8 Unmitigated) (WSDOT 2010).

The exclusion zones for Level A harassment and ZOIs for Level B harassment are modeled based on in-water measurements during the WSF Bainbridge Island Ferry Terminal and presented in Table 1 below.

TABLE 1—MODELED MAXIMUM LEVEL A AND LEVEL B HARASSMENT ZONES FOR VARIOUS PILE DRIVING ACTIVITIES

Pile driving methods	Distance to 190 dB * (m)	Distance to 180 dB (m)	Distance to 160 dB (m)	Distance to 121 ** dB (m)	ZOI No.	ZOI size (km^2)
Vibratory pile driving/removal (24-in steel pile)	NA	NA	NA	5,500	ZOI–1	44 km^2
Vibratory pile driving/removal (13-in timber pile)	NA	NA	NA	2,000	ZOI–2	5.6 km^2
Vibratory pile removal (30-in steel pile)	NA	NA	NA	21,500	ZOI–3	151 km^2
Test impact pile driving (assume 8 dB reduction w/attenuation devices).	4.0	19	402	NA	ZOI–4	0.4 km^2
Impact driving (24-in steel pile)	3.0	12	251	NA	ZOI–5	0.07 km^2
Impact pile driving (13-in timber)	NA	NA	46	NA	ZOI–6	1,769 m^2

* SPLs are dB re 1 μPa rms.

** Since the median ambient noise level at the Project area is 121 dB re 1 μPa (rms), this level will be used as the threshold for vibratory pile driving and removal.

Soft Start

A ''soft-start'' technique is intended to allow marine mammals to vacate the area before the pile driver reaches full power. Whenever there has been downtime of 30 minutes or more without pile driving, the contractor will initiate the driving with ramp-up procedures described below.

Soft start for vibratory hammers requires contractors to initiate hammer noise for 15 seconds at reduced energy followed by a 1-minute waiting period. The procedure will be repeated two additional times. Soft start for impact hammers requires contractors to provide an initial set of three strikes from the impact hammer at 40 percent energy, followed by a 1-minute waiting period, then two subsequent three-strike sets. Each day, WSDOT will use the soft-start technique at the beginning of pile driving or removal, or if pile driving or removal has ceased for more than one hour.

Shutdown Measures

WSDOT shall implement shutdown measures if a marine mammal is sighted approaching the Level A exclusion zone. In-water construction activities shall be suspended until the marine mammal is sighted moving away from the exclusion zone, or if the animal is not sighted for 30 minutes after the shutdown.

In addition, WSDOT shall implement shutdown measures if southern resident killer whales are sighted within the vicinity of the project area and are approaching the Level B harassment zone (zone of influence, or ZOI) during in-water construction activities.

If a killer whale approaches the ZOI during pile driving or removal, and it is unknown whether it is a Southern Resident killer whale or a transient killer whale, it shall be assumed to be a Southern Resident killer whale and WSDOT shall implement the shutdown measure.

If a Southern Resident killer whale or an unidentified killer whale enters the ZOI undetected, in-water pile driving or pile removal shall be suspended until the whale exits the ZOI to avoid further level B harassment.

Further, WSDOT shall implement shutdown measures if the number of any allotted marine mammal takes reaches the limit under the IHA, if such marine mammals are sighted within the vicinity of the project area and are approaching the Level B harassment zone during in-water construction activities.

Mitigation Conclusions

Based on our evaluation of the prescribed mitigation measures, NMFS has determined the measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

Monitoring Measures

Any ITA issued under section 101(a)(5)(D) of the MMPA is required to prescribe, where applicable, ''requirements pertaining to the monitoring and reporting of such taking''. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) state that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge

of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area.

WSDOT shall employee NMFS-approved protected species observers (PSOs) to conduct marine mammal monitoring for its Vashon Seismic Retrofit Project. The PSOs will observe and collect data on marine mammals in and around the project area for 30 minutes before, during, and for 30 minutes after all pile removal and pile installation work. If a PSO observes a marine mammal within a ZOI that appears to be disturbed by the work activity, the PSO will notify the work crew to initiate shutdown measures.

Monitoring of marine mammals around the construction site shall be conducted using high-quality binoculars (*e.g.,* Zeiss, 10 × 42 power). Due to the different sizes of ZOIs from different pile driving/removal methods and pile sizes, ZOIs corresponding to a specific pile driving/removal methods listed in Table 1 will be monitored according to the following monitoring protocols at different locations.

- The required monitoring distances will be determined by using a range finder or hand-held global positioning system device.
- ZOI–1 will be monitored by one land-based biologist at the terminal work site, and one boat with a pilot and a biologist that will travel through the monitoring area.
- ZOI–2 will be monitored by one land-based biologist at the terminal work site, and one boat with a pilot and a biologist that will travel through the monitoring area.
- ZOI–3 will be monitored by five land-based biologists, and one boat with a pilot and a biologist that will travel through the monitoring area.
- ZOI–4 will be monitored by one land-based biologist at the terminal work site, and one boat with a pilot and a biologist that will travel through the monitoring area.
- ZOI–5 will be monitored by one land-based biologist at the terminal work site, and one boat with a pilot and a biologist that will travel through the monitoring area.
- ZOI–6 will be monitored by two land-based biologists from the terminal work site.

The geographic location of each ZOI is provided in maps of WSDOT's marine mammal monitoring plan.

WSDOT will contact the Orca Network and/or Center for Whale Research to find out the location of the nearest marine mammal sightings. In addition, WSDOT will utilize marine mammal occurrence information collected by the Orca Network using hydrophone systems to maximize marine mammal detection in the project vicinity.

Data collection during marine mammal monitoring will consist of a count of all marine mammals by species, a description of behavior (if possible), location, direction of movement, type of construction that is occurring, time that pile replacement work begins and ends, any acoustic or visual disturbance, and time of the observation. Environmental conditions such as weather, visibility, temperature, tide level, current, and sea state would also be recorded.

NMFS has determined that the monitoring measures described above are adequate, particularly as they relate to assessing the level of taking or impacts to affected species. The land-based PSOs are expected to be positioned in a location that will maximize their abilities to detect marine mammals and will also utilize binoculars to improve detection rates.

Reporting Measures

WSF will provide NMFS with a draft monitoring report within 90 days of the conclusion of the proposed construction work, or within 90 days after the expiration of this IHA, whichever comes first. This report will detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed.

If comments are received from the NMFS West Coast Regional Administrator or NMFS Office of Protected Resources on the draft report, a final report will be submitted to NMFS within 30 days thereafter. If no comments are received from NMFS, the draft report will be considered to be the final report.

Notification of Injured or Dead Marine Mammals

In addition to the reporting measures listed above, NMFS will require that WSDOT notify NMFS' Office of Protected Resources and NMFS' Stranding Network of sighting an injured or dead marine mammal in the vicinity of marine operations. Depending on the circumstance of the incident, WSDOT shall take one of the following reporting protocols when an injured or dead marine mammal is discovered in the vicinity of the action area.

(A) In the unanticipated event that the construction activities clearly cause the take of a marine mammal in a manner prohibited by this Authorization, such as an injury, serious injury or mortality (*e.g.,* ship-strike, gear interaction, and/or entanglement), WSDOT shall immediately cease all operations and immediately report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators. The report must include the following information:

(i) Time, date, and location (latitude/longitude) of the incident;

(ii) Description of the incident;

(iii) Status of all sound source use in the 24 hours preceding the incident;

(iv) Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, visibility, and water depth);

(v) Description of marine mammal observations in the 24 hours preceding the incident;

(vi) Species identification or description of the animal(s) involved;

(vii) The fate of the animal(s); and

(viii) Photographs or video footage of the animal (if equipment is available).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with WSDOT to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. WSDOT may not resume their activities until notified by NMFS via letter, email, or telephone.

(B) In the event that WSDOT discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as described in the next paragraph), WSDOT will immediately report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators. The report must include the same information identified above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with WSDOT to determine whether modifications in the activities are appropriate.

(C) In the event that WSDOT discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), WSDOT shall report the incident to the Permits and Conservation Division, Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinators, within 24 hours of the

discovery. WSDOT shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. WSDOT can continue its operations under such a case.

Estimated Take by Incidental Harassment

As discussed above, in-water pile removal and pile driving (vibratory and impact) generate loud noises that could potentially harass marine mammals in the vicinity of WSDOT's Vashon Seismic Retrofit Project.

Currently, NMFS uses 120 dB re 1 μPa and 160 dB re 1 μPa at the received levels for the onset of Level B harassment from non-impulse (vibratory pile driving and removal) and impulse sources (impact pile driving) underwater, respectively. Table 2 summarizes the current NMFS marine mammal take criteria.

TABLE 2—CURRENT ACOUSTIC EXPOSURE CRITERIA FOR NON-EXPLOSIVE SOUND UNDERWATER

Criterion	Criterion definition	Threshold
Level A Harassment (Injury)	Permanent Threshold Shift (PTS) (Any level above that which is known to cause TTS).	180 dB re 1 μPa (cetaceans). 190 dB re 1 μPa (pinnipeds). root mean square (rms).
Level B Harassment	Behavioral Disruption (for impulse noises)	160 dB re 1 μPa (rms).
Level B Harassment	Behavioral Disruption (for non-impulse noise)	120 dB re 1 μPa (rms).

As explained above, ZOIs will be established that encompass the areas where received underwater sound pressure levels exceed the applicable thresholds for Level B harassment. There will not be a zone for Level A harassment in this case, because the bubble curtain system will keep all underwater noise below the threshold for Level A harassment.

Sound Levels From Proposed Construction Activity

As mentioned earlier, the project includes impact driving and proofing of 24-inch hollow steel piling, impact driving of 13-inch timber piling, and impact driving of 30-inch steel test piles.

Based on in-water measurements during the WSF Bainbridge Island Ferry Terminal, impact pile driving of a 24-inch steel pile generated 170 dB RMS (overall average), with the highest measured at 189 dB RMS measured at 10 meters (Laughlin 2005). A bubble curtain will be used to attenuate steel pile impact driving noise.

For the test pile program, the more conservative cetacean injury zone (19 m/62 ft) will be used to set the 30-inch steel test pile exclusion zone.

In-water measurements for impact driving of 13-inch timber piling are not available. Impact driving of 12-inch timber piling generated 170 dB RMS (WSF 2014). The source level for 13-inch timber piles shall be assumed to be the same as 12-inch timber piles. A bubble curtain will not be used during impact driving of timber piles.

Using practical spreading model to calculate sound propagation loss, Table 2 provides the estimated maximum distances for a variety of harassment zones.

As explained above, exclusion zones and ZOIs will be established that encompass the areas where received underwater SPLs exceed the applicable thresholds for Level A and Level B harassment, respectively.

Incidental take for each species is estimated by determining the likelihood of a marine mammal being present within a ZOI during pile removal and pile driving. Expected marine mammal presence is determined by past observations and general abundance near the Vashon Ferry Terminal during the construction window. Typically, potential take is estimated by multiplying the area of the ZOI by the local animal density. This provides an estimate of the number of animals that might occupy the ZOI at any given moment. However, there are no density estimates for any Puget Sound population of marine mammals. As a result, the take requests were estimated using local marine mammal data sets (*e.g.,* Orca Network, state and federal agencies), opinions from state and federal agencies, and observations from Navy biologists.

Based on the estimates, approximately 1,919 Pacific harbor seals, 1,919 California sea lions, 644 Steller sea lions, 438 harbor porpoises, 146 Dall's porpoises, 54 killer whales (50 transient, 4 Southern Resident killer whales), 71 gray whales, 36 humpback whales, and 36 minke whales could be exposed to received sound levels that could result in takes from the proposed Vashon Seismic Retrofit Project. A summary of the estimated takes is presented in Table 3.

TABLE 3—ESTIMATED NUMBERS OF MARINE MAMMALS THAT MAY BE EXPOSED TO RECEIVED PILE REMOVAL LEVELS ABOVE 121 dB re 1 μPa (RMS)

Species	Estimated marine mammal takes	Abundance	Percentage
Pacific harbor seal	1,919	14,612	13
California sea lion	1,919	296,750	0.7
Steller sea lion	644	63,160	1.0
Harbor porpoise	438	10,682	4.0
Dall's porpoise *	146	42,000	0.3
Killer whale, transient	50	521	9.6
Killer whale, Southern Resident	4	85	4.7
Gray whale	71	19,126	0.4
Humpback whale	36	1,918	1.9
Minke whale	36	478	7.5

* The **Federal Register** notice for the proposed IHA erroneously stated that the estimated takes for Dall's porpoise to be 136 individuals. It is corrected in this document as 146 individuals. The results of the analysis and the percentage of the take by its population remain the same.

Analysis and Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

WSDOT's Vashon Seismic Retrofit Project would involve pile removal and pile driving activities. Elevated underwater noises are expected to be generated as a result of these activities; however, these noises are expected to result in no mortality or Level A harassment and limited, if any, Level B harassment of marine mammals. WSDOT would use noise attenuation devices (*i.e.,* bubble curtains) during the impact pile driving of steel piles, thus eliminating the potential for injury (including PTS) and TTS from impact driving. For vibratory pile removal and pile driving and impact pile driving of timber piles, noise levels are not expected to reach the level that may cause TTS, injury (including PTS), or mortality to marine mammals. Therefore, NMFS does not expect that any animals would experience Level A harassment (including injury or PTS) or Level B harassment in the form of TTS from being exposed to in-water pile removal and pile driving associated with WSDOT's construction project.

In addition, WSDOT's activities are localized and of short duration. The entire project area is limited to WSDOT's Vashon ferry terminal in Vashon Island. The entire project would involve the removal of 106 existing timber piles and installation of 119 steel piles. In addition, 96 temporary piles will be installed and then removed during the project. The duration for pile driving and removal lasts for about 10 to 120 minutes per pile, depending on the type and dimension of the pile. These low-intensity, localized, and short-term noise exposures may cause brief startle reactions or short-term behavioral modification by the animals. These reactions and behavioral changes are expected to subside quickly when the exposures cease. Moreover, the proposed mitigation and monitoring measures are expected to reduce potential exposures and behavioral modifications even further. Additionally, no important feeding and/or reproductive areas for marine mammals are known to be near the proposed action area. Therefore, the take resulting from the proposed Vashon Seismic Retrofit Project is not reasonably expected to, and is not reasonably likely to, adversely affect the marine mammal species or stocks through effects on annual rates of recruitment or survival.

The project also is not expected to have significant adverse effects on affected marine mammals' habitat, as analyzed in detail in the ''Anticipated Effects on Marine Mammal Habitat'' section. The project activities would not modify existing marine mammal habitat. The activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS finds that the total marine mammal take from WSDOT's Vashon Seismic Retrofit Project will have a negligible impact on the affected marine mammal species or stocks.

Small Number

Based on analyses provided above, it is estimated that approximately 1,919 harbor seals, 1,919 California sea lions, 644 Steller sea lions, 438 harbor porpoises, 136 Dall's porpoises, 50 transient killer whales, 4 Southern Resident killer whales, 71 gray whales, 36 humpback whales, and 36 minke whales could be exposed to received noise levels that could cause Level B behavioral harassment from the proposed construction work at the Vashon ferry terminal in Washington State. These numbers represent approximately 0.3% to 14% of the populations of these species that could be affected by Level B behavioral harassment, respectively (see Table 2 above), which are small percentages relative to the total populations of the affected species or stocks.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, which are expected to reduce the number of marine mammals potentially affected by the proposed action, NMFS finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species for Taking for Subsistence Uses

There are no subsistence uses of marine mammals in the proposed project area; and, thus, no subsistence uses impacted by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

The humpback whale and Southern Resident stock of killer whale are the only marine mammal species currently listed under the ESA that could occur in the vicinity of WSDOT's Vashon Seismic Retrofit Project. Under section 7 of the ESA, the Federal Transit Administration (FTA) and WSDOT have consulted with NMFS West Coast Regional Office (WCRO) on the proposed WSDOT Vashon Seismic Retrofit Project. WCRO issued a Biological Opinion in May 2015, which concludes that the proposed Vashon Seismic Retrofit Project may affect, but is not likely to adversely affect the listed marine mammal species and stocks.

The issuance of an IHA to WSDOT constitutes an agency action that authorizes an activity that may affect ESA-listed species and, therefore, is subject to section 7 of the ESA. As the effects of the activities on listed marine mammals were analyzed during a formal consultation between the FTA and NMFS, and as the underlying action has not changed from that considered in the consultation, the discussion of effects that are contained in the Biological Opinion and accompanying memo issued to the FTA in May 2015, pertains also to this action. Therefore, NMFS has determined that issuance of an IHA for this activity would not lead to any effects to listed marine mammal

species apart from those that were considered in the consultation on FTA's action.

National Environmental Policy Act (NEPA)

NMFS prepared an Environmental Assessment (EA) and analyzed the potential impacts to marine mammals that would result from WSDOT's Vashon Seismic Retrofit Project. A Finding of No Significant Impact (FONSI) was signed in May 2015. A copy of the EA and FONSI is available upon request (see **ADDRESSES**).

Authorization

NMFS has issued an IHA to WSDOT for the potential harassment of small numbers of nine marine mammal species incidental to the Vashon Seismic Retrofit Project in Washington State, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: June 2, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–13890 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–BE51

Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Joint Logistics Over-the-Shore Training Activities in Virginia and North Carolina

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

ACTION: Notice of issuance of a Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to the U.S. Navy (NAVY) to take marine mammals, by harassment, incidental to the Joint Logistics Over-the-Shore (JLOTS) training activities conducted in nearshore waters at the Joint Expeditionary Base (JEB) Little Creek-Fort Story in Virginia and at Camp Lejeune in North Carolina, from June 2, 2015 through June 1, 2020.

DATES: Effective from June 2, 2015, through June 1, 2020.

ADDRESSES: The LOA and supporting documentation may be obtained by writing to Jolie Harrison, Supervisor, Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, calling the contact listed under **FOR FURTHER INFORMATION CONTACT**, or visiting the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* Documents cited in this notice may also be viewed, by appointment, during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued. Under the MMPA, the term ''take'' means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill any marine mammal.

Authorization for incidental takings may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain subsistence uses, and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as: ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

The National Defense Authorization Act of 2004 (NDAA) (Public Law 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations and amended the definition of ''harassment'' as it applies to a ''military readiness activity'' to read as follows (Section 3(18)(B) of the MMPA): ''(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].'' Because the Navy's activities constitute military readiness activities, they are not subject to the small numbers or specified geographic region limitations.

Regulations governing the take of five species of marine mammals, by Level B harassment, incidental to the JLOTS training activities were effective on June 2, 2015. These regulations are effective from June 2, 2015, through June 1, 2020. The species which are authorized for taking by Level B harassment are: Bottlenose and Atlantic spotted dolphins. For detailed information on this action, please refer to the final rule published on June 2, 2015. These regulations include mitigation, monitoring, and reporting requirements for the incidental take of marine mammals during the specified activities.

This LOA is effective from June 2, 2015, through June 1, 2020, and authorizes the incidental take of the five marine mammal species listed above that may result from launches, aircraft and helicopter operations, and harbor activities related to vehicles from VAFB, California.

Dated: June 2, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–13891 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD970

Pacific Whiting; Advisory Panel; Joint Management Committee

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

ACTION: Notice; call for nominations.

SUMMARY: NMFS is soliciting nominations for appointments to the United States Advisory Panel (AP) and the Joint Management Committee (JMC) established in the Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting (Pacific Whiting Treaty). Nominations are being sought to fill six positions on the AP beginning on September 16, 2015, and

one position on the JMC starting November 1, 2015. Terms are 4 years, and appointees will be eligible for reappointment at the expiration of the terms.

DATES: Nominations must be received by July 30, 2015.

ADDRESSES: You may submit nominations by any of the following methods:

Email: whiting.nominations.wcr@noaa.gov.

Fax: 206–526–6736, Attn: Frank Lockhart.

Mail: William W. Stelle, Jr., Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070.

FOR FURTHER INFORMATION CONTACT: Frank Lockhart, (206) 526–6142 or Miako Ushio, (206) 526–4644

SUPPLEMENTARY INFORMATION:

Background

Pacific Whiting Treaty Committees

The Pacific Whiting Act of 2006 (Pacific Whiting Act) (16 U.S.C. 7001–10) implements the 2003 Agreement between the Government of the United States of America and the Government of Canada on Pacific Hake/Whiting. Among other provisions, the Pacific Whiting Act provides for the establishment of a JMC and AP.

The JMC reviews the advice of two scientific bodies and the AP, and recommends to the Parties the coast-wide total allowable catch of Pacific whiting each year. Four individuals represent the United States on the JMC; one official from NOAA, one member of the Pacific Fishery Management Council, one representative of the treaty Indian tribes with treaty fishing rights to Pacific whiting, and one representative from the commercial fishing sector. NMFS is soliciting nominations for the representative of the commercial sector of the whiting fishing industry concerned with the offshore whiting resource (16 U.S.C. 7001(a)(1)(D)) through this notice.

The AP advises the JMC on bilateral Pacific whiting management issues. Eight individuals represent the United States on the AP, and nominations for six of those individuals (*id.* at section 7005) are solicited through this notice.

Members appointed to the U.S. sections of the AP and JMC will be reimbursed for necessary travel expenses in accordance with Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of Title 5. (*Id.* at section 7008). NMFS anticipates that 1–2 meetings of the AP and of the JMC will be held annually, and these meetings will be held in the United States or Canada. AP and JMC members will need a valid U.S. passport.

The Pacific Whiting Act of 2006 also states that while performing their appointed duties, members ''other than officers or employees of the United States Government, shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5 and chapter 171 of title 28.'' (*Id.*)

Information on the Pacific Whiting Treaty, including current committee members can be found at: *www.westcoast.fisheries.noaa.gov/fisheries/management/whiting/pacific_whiting_treaty.html.*

Nominations

Nomination packages for appointments should include:

(1) The name of the applicant or nominee, position they are being nominated for and a description of his/her interest in Pacific whiting; and

(2) A statement of background and/or description of how the following qualifications are met.

Advisory Panel Qualifications

AP member nominees must be knowledgeable or experienced in the harvesting, processing, marketing, management, conservation, or research of the offshore Pacific whiting resource; and must not be employees of the United States government.

Joint Management Committee Qualifications

The JMC nominee must be from the commercial sector of the Pacific whiting fishing industry concerned with the offshore Pacific whiting resource, and must be knowledgeable or experienced concerning the offshore whiting resource.

Authority: 16 U.S.C. 7001 *et seq.*

Dated: June 3, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–13894 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Marine Debris Program Performance Progress Report.

OMB Control Number: 0648–xxxx.

Form Number(s): None.

Type of Request: Regular (request for a new information collection).

Number of Respondents: 70.

Average Hours per Response: 10 hours per semi-annual report.

Burden Hours: 1,400 hours.

Needs and Uses: The NOAA Marine Debris Program (MDP) supports national and international efforts to research, prevent, and reduce the impacts of marine debris. The MDP is a centralized office within NOAA that coordinates and supports activities, both within the bureau and with other federal agencies, that address marine debris and its impacts. In addition to inter-agency coordination, the MDP uses partnerships with state and local agencies, tribes, non-governmental organizations, academia, and industry to investigate and solve the problems that stem from marine debris through research, prevention, and reduction activities, in order to protect and conserve our nation's marine environment and ensure navigation safety.

The Marine Debris Research, Prevention, and Reduction Act (33 U.S.C. 1951 *et seq.*) as amended by the Marine Debris Act Amendments of 2012 (Pub. L. 112–213, Title VI, Sec. 603, 126 Stat. 1576, December 20, 2012) outlines three central program components for the MDP to undertake: (1) Mapping, identification, impact assessment, removal, and prevention; (2) reducing and preventing fishing gear loss; and (3) outreach to stakeholders and the general public. To address these components, the Marine Debris Act authorized the MDP to establish several competitive grant programs on marine debris research, prevention and removal that provide federal funding to non-federal applicants throughout the coastal United States and territories.

The terms and conditions of the financial assistance awarded through

these grant programs require regular progress reporting and communication of project accomplishments to MDP. This information collection enables MDP to monitor and evaluate the activities supported by federal funds to ensure accountability to the public and to ensure that funds are used consistent with the purpose for which they were appropriated. It also ensures that reported information is standardized in such a way that allows for it to be meaningfully synthesized across a diverse set of projects and project types. MDP uses the information collected in a variety of ways to communicate with federal and non-federal partners and stakeholders on individual project and general program accomplishments.

Affected Public: Business or other for-profit organizations; not-for-profit institutions; state, local or tribal government.

Frequency: Semi-annually.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: June 3, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2015–13916 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD367]

Endangered and Threatened Species; Recovery Plans

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

ACTION: Notice of availability.

SUMMARY: We, NMFS, announce the adoption of an Endangered Species Act (ESA) recovery plan (Plan) for the Snake River Sockeye Salmon (*Onchorhynchus nerka*) evolutionarily significant unit (ESU) which is listed as endangered under the ESA. The geographic area covered by the plan is the Sawtooth Valley in Idaho including the Upper Salmon River and its tributaries, Stanley Lake, Redfish Lake, Yellowbelly Lake, Pettit Lake, and Alturas Lake, and the migration corridor from the Sawtooth Valley to the ocean. As required under the ESA, the Plan contains objective, measurable delisting criteria, site-specific management actions necessary to achieve the plan's goals, and estimates of the time and costs required to implement recovery actions. The *Endangered Species Act (ESA) Recovery Plan for Snake River Sockeye Salmon* and our summary of and responses to public comments on the Plan are now available.

ADDRESSES: Electronic copies of the Plan and a summary of and response to public comments on the Plan are available on-line at *http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/snake_river/current_snake_river_recovery_plan_documents.html.* A CD–ROM of these documents can be obtained by emailing a request to *Bonnie. Hossack@noaa.gov* with the subject line ''CD ROM Request for Snake River Sockeye Salmon Recovery Plan'' or by writing to NMFS Interior Columbia Basin Office, National Marine Fisheries Service, 1201 NE. Lloyd Boulevard, Suite 1100, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Rosemary Furfey, NMFS Snake River Sockeye Salmon Recovery Coordinator, at (503) 231–2149, or *rosemary.furfey@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

We are responsible for developing and implementing recovery plans for Pacific salmon and steelhead listed under the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*). Recovery means that the listed species and their ecosystems are sufficiently restored, and their future secured, to the point that the protections of the ESA are no longer necessary. Section 4(f)(1) of the ESA requires that recovery plans include, to the extent practicable: (1) Objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the plan's goals; and (3) estimates of the time required and costs to implement recovery actions.

We believe it is essential to have local support of recovery plans by those whose activities directly affect the listed species and whose continued commitment and leadership will be needed to implement the necessary recovery actions. We therefore support and participate in locally led, collaborative efforts to develop recovery plans that involve state, tribal, and federal entities, local communities, and other stakeholders. For this Plan for endangered Snake River Sockeye Salmon, we worked collaboratively with local state, tribal, and federal partners to produce a recovery plan that satisfies the ESA requirements. We have determined that this *ESA Recovery Plan for Snake River Sockeye Salmon* meets the statutory requirements for a recovery plan and are adopting it as the ESA recovery plan for this endangered species.

Development of the Plan

For the purpose of recovery planning for the ESA-listed species of Pacific salmon and steelhead in Idaho, Oregon and Washington, NMFS designated five geographically based ''recovery domains.'' The Snake River Sockeye Salmon ESU spawning range is in the Interior Columbia domain. For each domain, NMFS appointed a team of scientists, nominated for their geographic and species expertise, to provide a solid scientific foundation for recovery plans. The Interior Columbia Technical Recovery Team included biologists from NMFS, other federal agencies, states, tribes, and academic institutions.

A primary task for the Interior Columbia Technical Recovery Team was to recommend criteria for determining when each component population with an ESU or distinct population segment (DPS) should be considered viable (*i.e.,* when they are have a low risk of extinction over a 100-year period) and when ESUs or DPSs have a risk of extinction consistent with no longer needing the protections of the ESA. All Technical Recovery Teams used the same biological principles for developing their recommendations; these principles are described in the NOAA technical memorandum *Viable Salmonid Populations and the Recovery of Evolutionarily Significant Units* (McElhany *et al.,* 2000). Viable salmonid populations (VSP) are defined in terms of four parameters: Abundance, productivity or growth rate, spatial structure, and diversity.

For this Plan, we collaborated with state, tribal and federal biologists and resource managers to provide technical information that NMFS used to write the Plan which is built upon locally-led recovery efforts. In addition, NMFS established a multi-state (Idaho, Oregon and Washington), tribal and federal partners' regional forum called the

Snake River Coordination Group that addresses the four ESA-listed Snake River salmon and steelhead species. They met twice a year to be briefed and provide technical and policy-related information to NMFS. We presented regular updates on the status of this Plan to the Snake River Coordination Group and posted draft chapters on NMFS' West Coast Region Snake River recovery planning Web page.

In addition to the Plan, we developed and incorporated the *Module for the Ocean Environment* (Fresh *et al.* 2014) as Appendix B to address Snake River Sockeye Salmon recovery needs in the Columbia River estuary, plume, and Pacific Ocean. To address recovery needs related to the Lower Columbia River mainstem and estuary, we incorporated the *Columbia Estuary ESA Recovery Plan Module* (NMFS 2011) as Appendix C. To address recovery needs for fishery harvest management in the Salmon, Snake and Columbia Rivers mainstem, Columbia River estuary and ocean, we developed and incorporated the *Harvest Module* (NMFS 2014a) as Appendix D. To address recovery needs related to the Columbia River Hydropower System, we developed and incorporated the *Supplemental Recovery Plan Module for Snake River Salmon and Steelhead Mainstem Columbia River Hydropower Projects* (NMFS 2014b) as Appendix E of this Plan.

Contents of Plan

The Plan contains biological background and contextual information that includes description of the ESU, the planning area, and the context of the plan's development. It presents relevant information on ESU structure, guidelines for assessing salmonid population and ESU-level status, and a brief summary of Interior Columbia Technical Recovery Team products on population structure and species status. It also presents NMFS' biological viability criteria and threats criteria for delisting.

The Plan also describes specific information on the following: Current status of Snake River Sockeye Salmon; limiting factors and threats for the full life cycle that contributed to the species decline; recovery strategies and actions addressing these limiting factors and threats; key information needs, and a proposed research, monitoring, and evaluation program for adaptive management. For recovery actions, the Plan includes a table summarizing each proposed action, together with the associated location, life stage affected, estimated costs, timing and potential implementing entity. It also describes how implementation, prioritization of actions, and adaptive management will proceed at the population and ESU scales. The Plan also summarizes time and costs (Section 9 and Appendix A) required to implement recovery actions. In addition to the information in the Plan, readers are referred to the recovery plan modules (Appendices B–E) for more information on all these topics.

How NMFS and Others Expect To Use the Plan

We will commit to implement the actions in the Plan for which we have authority and funding; encourage other federal and state agencies and tribal governments to implement recovery actions for which they have responsibility, authority and funding; and work cooperatively with the public and local stakeholders on implementation of other actions. We expect the Plan to guide us and other federal agencies in evaluating federal actions under ESA section 7, as well as in implementing other provisions of the ESA and other statutes. For example, the Plan will provide greater biological context for evaluating the effects that a proposed action may have on a species by providing delisting criteria, information on priority areas for addressing specific limiting factors, and information on how future populations within the ESU can tolerate varying levels of risk.

When we are considering a species for delisting, the agency will examine whether the section 4(a)(1) listing factors have been addressed. To assist in this examination, we will use the delisting criteria described in section 3.3 of the Plan, which include both biological criteria and criteria addressing each of the ESA section 4(a)(1) listing factors, as well as any other relevant data and policy considerations.

We will also work with the proposed Snake River Sockeye Salmon Implementation and Science Team described in section 10 of the Plan to develop implementation schedules that provide greater specificity for recovery actions to be implemented over five-year periods. This Team will also help promote implementation of recovery actions and subsequent implementation schedules, and will track and report on implementation progress. The Implementation and Science Team, working together with NMFS staff, will coordinate the implementation of recovery actions among federal, state, tribal entities and local stakeholders.

Public Comments Solicited

Section 4(f) of the ESA, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided prior to final approval of a recovery plan. Between July 21 and September 19, 2014, we made the Plan—including the recovery plan modules, which were included as appendices—available for public review (79 FR 42298; July 21, 2014). NMFS received a total of six comment letters on the proposed Plan from state and federal entities, as well as interested individuals.

We reviewed all comments for substantive issues and new information and have responded to the comments, both in the response-to-comments document and by making clarifying changes to relevant text in the Plan. The Plan and a summary of public comments and responses are available on the NMFS West Coast Region Web site at *http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/snake_river/current_snake_river_recovery_plan_documents.html*.

Conclusion

Section 4(f)(1)(B) of the ESA requires that recovery plans incorporate, to the extent practicable, (1) objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the plan's goals; and (3) estimates of the time required and costs to implement recovery actions. We conclude that the Plan meets the requirements of ESA section 4(f) and adopt it as the *ESA Recovery Plan for Snake River Sockeye Salmon*.

Literature Cited

McElhany, P., M.H. Ruckelshaus, M.J. Ford, T.C. Wainwright, and E.P. Bjorkstedt. 2000. Viable salmon populations and the recovery of evolutionarily significant units. U.S. Dept. of Commerce, NOAA Tech. Memo., NMFS NWFSC 42, 156 p.

National Marine Fisheries Service (NMFS). 2011. Columbia River Estuary ESA Recovery Plan Module for Salmon and Steelhead. Northwest Region. January 2011. Available at: *http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/lower_columbia_river/lower_columbia_river_recovery_plan_for_salmon_steelhead.html*.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: June 2, 2015.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–13854 Filed 6–5–15; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Consumer Advisory Board Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the announcement of a public meeting of the Consumer Advisory Board (CAB or Board) of the Consumer Financial Protection Bureau (Bureau). The notice also describes the functions of the Board. Notice of the meeting is permitted by section 6 of the CAB Charter and is intended to notify the public of this meeting. Specifically, section X of the CAB Charter states:

(1) Each meeting of the Board shall be open to public observation, to the extent that a facility is available to accommodate the public, unless the Bureau, in accordance with paragraph (4) of this section, determines that the meeting shall be closed. The Bureau also will make reasonable efforts to make the meetings available to the public through live web streaming. (2) Notice of the time, place and purpose of each meeting, as well as a summary of the proposed agenda, shall be published in the **Federal Register** not more than 45 or less than 15 days prior to the scheduled meeting date. Shorter notice may be given when the Bureau determines that the Board's business so requires; in such event, the public will be given notice at the earliest practicable time. (3) Minutes of meetings, records, reports, studies, and agenda of the Board shall be posted on the Bureau's Web site (*www.consumerfinance.gov*). (4) The Bureau may close to the public a portion of any meeting, for confidential discussion. If the Bureau closes a meeting or any portion of a meeting, the Bureau will issue, at least annually, a summary of the Board's activities during such closed meetings or portions of meetings.

DATES: The meeting date is Thursday, June 18, 2015, 10:00 a.m. to 4:00 p.m. Central Standard Time.

ADDRESSES: The meeting location is CenturyLink Center Omaha Convention Center, 455 N. 10th Street, Omaha, NE 68102.

FOR FURTHER INFORMATION CONTACT: Crystal Dully, Consumer Advisory Board & Councils, External Affairs, 1275 First Street NE., Washington, DC 20002; telephone: 202–435–9588; *CFPB_CABandCouncilsEvents@cfpb.gov* .

SUPPLEMENTARY INFORMATION:

I. Background

Section 1014(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (*http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf*) (Dodd-Frank Act) provides: ''The Director shall establish a Consumer Advisory Board to advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.'' 12 U.S.C. 5494.

(a) The purpose of the Board is outlined in section 1014(a) of the Dodd-Frank Act (*http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf*), which states that the Board shall ''advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws'' and ''provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.'' (b) To carry out the Board's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The Board will generally serve as a vehicle for market intelligence and expertise for the Bureau. Its objectives will include identifying and assessing the impact on consumers and other market participants of new, emerging, and changing products, practices, or services. (c) The Board will also be available to advise and consult with the Director and the Bureau on other matters related to the Bureau's functions under the Dodd-Frank Act.

II. Agenda

The Consumer Advisory Board will discuss trends and themes in the consumer finance market place, and the Bureau's recent proposal in connection with regulating payday loans, auto-title loans, and certain longer-term credit products.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. CFPB will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Individuals who wish to attend the Consumer Advisory Board meeting must RSVP to *cfpb_cabandcouncilsevents@cfpb.gov* by noon, June 17, 2015. Members of the public must RSVP by the due date and must include ''CAB'' in the subject line of the RSVP.

III. Availability

The Board's agenda will be made available to the public on June 3, 2015, via *consumerfinance.gov*. Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and transcript of this meeting will be available after the meeting on the CFPB's Web site *consumerfinance.gov.*

Dated: June 2, 2015.

Christopher D'Angelo,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2015–13981 Filed 6–5–15; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Renewal of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense is publishing this notice to announce that it is renewing the charter for the Board of Visitors, Marine Corps University (''the Board'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed pursuant to 10 U.S.C § 7102 (d) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(a).

The Board is a statutory Federal advisory committee that provides independent advice and recommendations on matters pertaining to the Marine Corps University (''the University'').

The Board provides the Secretary of Defense, through the Secretary of the Navy and the Commanding General, Marine Corps Combat Development Command, independent advice and recommendations on matters pertaining to:

a. U.S. Marine Corps Professional Military Education;

b. All aspects of the academic and administrative policies of the University;

c. Higher educational standards and cost effective operations of the University; and

d. The operation and accreditation of the National Museum of the Marine Corps.

The DoD, through the Secretary of the Navy and the Marine Corps University, provides support for the performance of the Board's functions, and ensures compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended) (''the Sunshine Act''), governing Federal statutes and regulations, and established DoD policies and procedures.

The Board shall be composed of at least 7 and not more than 11 members. The members will be eminent authorities in the fields of education, defense, management, economics, leadership, academia, national military strategy, or international affairs.

The Secretary of Defense authorizes the President of the University to serve as a non-voting ex-officio member of the Board, whose membership shall not count toward the total membership of the Board. No other full-time or permanent part-time University employee will serve on the Board.

Board members that are not ex-officio members shall be appointed by the Secretary of Defense or the Deputy Secretary of Defense, and their appointments will be renewed on an annual basis according to DoD policies and procedures. Each member, based upon his or her individual professional experience, provides his or her best judgment on the matters before the Board. Board members who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee (SGE) members. Board members who are full-time or permanent part-time Federal officers or employees will serve as regular government employee (RGE) members pursuant to 41 CFR 102–3.130(a). Members of the Board shall serve a term of service of one-to-four years, and their appointments must be renewed by the Secretary of Defense on an annual basis. No member may serve more than two consecutive terms of service without Secretary of Defense or Deputy Secretary of Defense approval.

DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Navy, as the Board's Sponsor.

Such subcommittees will not work independently of the Board and will report all of their recommendations and advice solely to the Board for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Board. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Board, directly to the DoD or any Federal officers or employees. Each member, based upon his or her individual professional experience, provides his or her best judgment on the matters before the Board, and he or she does so in a manner that is free from conflict of interest. All subcommittee members will be appointed by the Secretary of Defense or the Deputy Secretary of Defense to a term of service of one-to-four years, with annual renewals, even if the individual is already a member of the Board. Subcommittee members will not serve more than two consecutive terms of service, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense. Subcommittee members who are not full-time or permanent part-time Federal officers or employees will be appointed as an expert or consultant pursuant to 5 U.S.C. 3109, to serve as a SGE member. Subcommittee members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 CFR 102–3.130(a), to serve as a RGE member. With the exception of reimbursement of official travel and per diem related to the Board or its subcommittees, subcommittee members will serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures. The Board's Designated Federal Officer (DFO) must be a full-time or permanent part-time DoD officer or employee, appointed in accordance with established DoD policies and procedures. The Board's DFO is required to attend at all meetings of the Board and its subcommittees for the entire duration of each and every meeting. However, in the absence of the Board's DFO, a properly approved Alternate DFO, duly appointed to the Board according to established DoD policies and procedures, must attend the entire duration of all meetings of the Board and its subcommittees.

The DFO, or the Alternate DFO, calls all meetings of the Board and its subcommittees; prepares and approves all meeting agendas; and adjourns any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to Board membership about the Board's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board.

All written statements shall be submitted to the DFO for the Board, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Board's DFO can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/*.

The DFO, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Board. The DFO, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: June 2, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–13847 Filed 6–5–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14671–000]

Symphony Hydro, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 23, 2015, Symphony Hydro, LLC filed an application for a preliminary permit under section 4(f) of the Federal Power Act proposing to study the feasibility of the proposed Symphony Hydro Project No. 14671–000, to be located at the existing Upper St. Anthony Lock and Dam on the Mississippi River, near the city of Minneapolis, in Hennepin County,

Minnesota. The Upper St. Anthony Lock and Dam is owned and operated by U.S. Army Corps of Engineers. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would be located completely within lands owned by the United States and consist of: (1) The existing 400-foot-long by 56-foot-wide by 77-foot-high lock (2) two new 56-foot-wide by 70-foot high vertical lift steel gates; (3) two new submersible 1700-kilowatt axial flow Kaplan turbine-generator units having a combined capacity of 3.4 megawatts; (4) two new 6-foot-long by 6-foot-wide by 4-foot-high pad mounted metal boxes containing plant controls, communications and inverter equipment, and a step-up distribution transformer; (5) a new 400 to 500-foot-long, 13.8 kilovolt, underground transmission line that would connect to Xcel Energy's distribution system; and (6) appurtenant facilities. The project would have an estimated annual generation of 18,500 megawatt-hours.

Applicant Contact: Robert H. Schulte, 2236 Coley Forest Place, Raleigh, NC 27607, (952) 949–2676.

FERC Contact: Tyrone A. Williams, (202) 502–6331.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14671–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14671) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13902 Filed 6–5–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–555–000]

Dominion Transmission, Inc.; Notice of Availability of the Environmental Assessment for the Proposed Lebanon West II Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Lebanon West II Project, proposed by Dominion Transmission, Inc. (Dominion) in the above-referenced docket. Dominion requests authorization to replace 11 non-contiguous segments of its 26- and 30-inch-diameter TL–400 Pipeline totaling about 10.2 miles, add a 10,915-horsepower compressor unit to an existing compressor station, and install other compressor station and gate assembly facilities. Dominion also proposes to increase the maximum allowable operating pressure (MAOP) of these pipeline segments from 745 pounds per square inch gauge (psig) to 848 psig. The project would allow Dominion to transport an additional 130,000 dekatherms per day from Dominion's MarkWest Liberty Bluestone Interconnect in Butler County, Pennsylvania to Dominion's Lebanon-Texas Gas Interconnect in Warren County, Ohio.

The EA assesses the potential environmental effects of the activities associated with the project in accordance with the requirements of the National Environmental Policy Act. The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; Native American tribes; potentially affected landowners; newspapers and libraries in the project area; and parties to this proceeding. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before July 2, 2015.

For your convenience, there are three methods you can use to file your comments with the Commission. In all instances please reference the project docket number (CP14–555–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at 202–502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the

Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP14–555). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: June 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13897 Filed 6–5–15; 8:45 am]

BILLING CODE 6717–17–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL13–88–000]

Northern Indiana Public Service Company v. Midcontinent Independent System Operator, Inc. and PJM Interconnection, LLC; Supplemental Notice of Technical Conference

As announced in the notice issued on May 5, 2015, the Federal Energy Regulatory Commission will hold a technical conference on June 15, 2015 from 9:00 a.m. to 4:00 p.m. to explore issues raised in the complaint filed by Northern Indiana Public Service Company (NIPSCO) against Midcontinent Independent System Operator, Inc. (MISO) and PJM Interconnection, L.L.C. (PJM) related to the MISO–PJM Joint Operating Agreement (JOA) and the MISO–PJM seam. The conference will be held at the Commission's headquarters at 888 First Street NE., Washington, DC 20426 in the Commission Meeting Room. An updated agenda identifying panelists for this conference is attached.

The technical conference will not be transcribed. However, there will be a free webcast of the conference. The webcast will allow persons to listen to the technical conference, but not participate. Anyone with internet access who wants to listen to the conference can do so by navigating to the Calendar of Events at *www.ferc.gov* and locating the technical conference in the Calendar. The technical conference will contain a link to its webcast. The Capitol Connection provides technical support for the webcast and offers the option of listening to the meeting via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100.[1]

While the purpose of this conference is to discuss the matter pending before the Commission in Docket No. EL13–88 and is not for the purpose of discussing other specific cases, we note that the discussions at the conference may address matters at issue in the following Commission proceedings that are either pending or within their rehearing period:

- PJM Interconnection, L.L.C ..... Docket No. ER13–1944
- Midcontinent Independent System Operator, Inc ..... Docket No. ER13–1943
- PJM Interconnection, L.L.C ..... Docket No. ER13–1924
- Midcontinent Independent System Operator, Inc ..... Docket No. ER13–1945
- Entergy Services, Inc ..... Docket No. ER13–1955
- Cleco Power LLC ..... Docket No. ER13–1956
- Southwest Power Pool, Inc ..... Docket No. ER14–1174
- Midcontinent Independent System Operator, Inc ..... Docket No. ER14–1736
- Midcontinent Independent System Operator, Inc. ..... Docket No. ER14–2445
- Southwest Power Pool, Inc ..... Docket No. ER13–1864
- Southwest Power Pool, Inc. v. Midcontinent Independent System Operator, Inc ..... Docket No. EL14–21
- Midcontinent Independent System Operator, Inc. v. Southwest Power Pool, Inc ..... Docket No. EL14–30
- Midwest Independent Transmission System Operator, Inc ..... Docket No. EL11–34
- Midwest Independent Transmission System Operator, Inc ..... Docket No. ER11–1844

Advance registration is strongly encouraged for all attendees. If you have not already done so, those who plan to attend may register in advance at the following Web page: *https://www.ferc.gov/whats-new/registration/06-15-15-form.asp.* Attendees should allow time to pass through building security procedures before the 9:00 a.m. (Eastern Time) start time of the technical conference. In addition, information on this event will be posted on the Calendar of Events on the Commission's Web site, *www.ferc.gov,* prior to the event.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY); or send a fax to 202–208–2106 with the required accommodations.

Following the technical conference, the Commission will consider post-technical conference comments submitted on or before July 15, 2015. Reply comments are due on or before August 5, 2015. The written comments will be included in the formal record of the proceeding, which, together with the record developed to date, will form the basis for further Commission action.

[1] See the previous discussion on the methods for filing comments.

[1] The webcast will be available on the Calendar of Events on the Commission's Web site *www.ferc.gov* for three months after the conference.

For more information about this technical conference, please contact Lina Naik, 202–502–8882, *lina.naik@ferc.gov,* regarding legal issues; or Jason Strong, 202–502–6124, *jason.strong@ferc.gov,* and Ben Foster, 202–502–6149, *ben.foster@ferc.gov,* regarding technical issues; or Sarah McKinley, 202–502–8368, *sarah.mckinley@ferc.gov,* regarding logistical issues.

Dated: June 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13899 Filed 6–5–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–496–000]

Equitrans, LP; Notice of Request Under Blanket Authorization

Take notice that on May 21, 2015, Equitrans, L.P. (Equitrans), 625 Liberty Avenue, Suite 1700, Pittsburgh, Pennsylvania 15222, filed in the above Docket, a prior notice request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA), and Equitrans' authorization in Docket No. CP96–532–000 for authorization to operate its existing Jefferson Compressor Station at a higher horsepower, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed Paul W. Diehl, Counsel-Midstream, EQT Corporation, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, at (412) 395–5540.

Specifically, Equitrans seeks authorization to operate the newly constructed natural gas turbine compressor at is fully rated capability of 16,301 horsepower. No construction will be necessary for Equitrans to operate the compressor at its fully capability; rather, Equitrans will need only to modify the software which currently limits the horsepower at the newly constructed turbine compressor to 12,913 horsepower. There is no new capital or construction cost associated with the project.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: June 1, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13898 Filed 6–5–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–72–000]

Southwestern Electric Cooperative, Inc. v. Midcontinent Independent System Operator, Inc., Dynegy, Inc., and Sellers of Capacity into Zone 4 of the 2015–2016 MISO Planning Resource Auction; Notice of Complaint

Take notice that on May 29, 2015, pursuant to sections 206, 222 and 306 of the Federal Power Act (FPA), 16 U.S.C. 824(e), 824(v), and 825(e) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Southwestern Electric Cooperative, Inc. (Complainant) filed a complaint against Midcontinent Independent Transmission System Operator, Inc. (''MISO''), Dynegy, Inc. and Sellers of Capacity into Zone 4 of the 2015–2016 MISO Planning Resource Auction asserting that the MISO 2015–2016 Planning Resource Auction failed to produce just and reasonable rates in Zone 4, in violation of the Federal Power Act, as more fully explained in the complaint.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a

document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 18, 2015.

Dated: June 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13900 Filed 6–5–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6757–008]

Stuwe and Davenport Partnership, Stuwe and Davenport Partnership, LLC; Notice of Transfer of Exemption

1. By letter filed April 30, 2015, Stuwe and Davenport Partnership informed the Commission that the exemption from licensing for the Dog River Project,[1] FERC No. 6757 [2] has been transferred to Stuwe Davenport Partnership, LLC. The project is located on the Dog River in Washington County, Vermont. The transfer of an exemption does not require Commission approval.

2. Stuwe and Davenport Partnership, LLC is now the exemptee of the Dog River Project, FERC No. 6757. All correspondence should be forwarded to: Mark Boumansour, President, Stuwe and Davenport Partnership, LLC, 1401 Walnut Street, Suite 220, Boulder, CO 80302.

Dated: June 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13901 Filed 6–5–15; 8:45 am]

BILLING CODE 6717–01–P

[1] The project has been referred to as the ''Northfield Hydroelectric Project'' and the ''Nantanna Mill Dam Project.'' The correct name for FERC No. 6757 is the ''Dog River Project.''

[2] 29 FERC ¶ 62,209, Order Granting Exemption From Licensing of a Small Hydroelectric Project 5 Megawatts or Less (1984).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14679–000]

Virterras Hydro Power, Inc.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On May 1, 2015, Virterras Hydro Power, Inc., filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Silver Creek Pumped Storage Project to be located on Silver Creek Reservoir in Schuylkill County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new 8,000-foot-long, 125- to 175-foot-high roller-compacted concrete or rock-filled semi-circular dam and/or dike forming an upper reservoir having a surface area of 150 acres and a total storage capacity between approximately 8,000 and 10,000 acre-feet at a normal maximum water surface elevation between approximately 1,650 and 1,750 feet above mean sea level (msl); (2) a lower reservoir encompassing the existing Silver Creek Reservoir and neighboring abandoned mines land and having a surface area of 100 acres and a total storage capacity of 10,000 acre-feet at a normal maximum water surface elevation between 1,200 and 1,300 feet msl; (3) a 3,000-foot-long tunnel connecting the upper and lower reservoirs; (4) a powerhouse containing two turbine units with a total rated capacity of 250 megawatts; (5) a 2-mile-long transmission line connecting to an existing 230 kilovolt (kV) line or a 4000-foot-long transmission line connecting to an existing 69-kV line; and (6) appurtenant facilities. The proposed project would have an annual generation of 784,750 megawatt-hours.

Applicant Contact: Kirk McAfee, Virterras Hydro Power, Inc., Glenmaura Professional Center, 72 Glenmaura Blvd., Suite 105, Moosic, PA 18057; phone: 707–888–2892.

FERC Contact: Monir Chowdhury; phone: (202) 502–6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14679–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14679) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 2, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–13903 Filed 6–5–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9928–75–OW]

Meeting of the National Drinking Water Advisory Council

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of a public meeting.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is announcing a meeting, via a webinar, of the National Drinking Water Advisory Council (Council), as authorized under the Safe Drinking Water Act. The purpose of the webinar is for the Lead and Copper Rule Working Group (LCRWG) to update the Council on the status of the LCRWG's draft report, which provides recommendations for revising the Lead and Copper Rule.

DATES: The webinar will be held on June 22, 2015, from 12:30 to 2:30 p.m., eastern time. Persons wishing to participate in the webinar must pre-register by June 17, 2015, as described in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: For those who would like to attend in person, the meeting/webinar will be held in Room 2123 at EPA's William Jefferson Clinton East building, located at 1201 Constitution Avenue NW., Washington, DC 20004. All attendees must go through a metal detector, sign in with the security desk and show government-issued photo identification to enter the government building.

FOR FURTHER INFORMATION CONTACT: More information is available at the following EPA Web site: *http://water.epa.gov/drink/ndwac/lcr.cfm.* For questions about this webinar, please contact Michelle Schutz, Designated Federal Officer for the EPA's Office of Ground Water and Drinking Water; telephone (202) 564–7374, or email at *schutz.michelle@epa.gov.*

SUPPLEMENTARY INFORMATION: To participate in the webinar, you must pre-register by June 17, 2015, at *http://epandwacwebinar.eventbrite.com.* If you would like to attend in person, please contact Michelle Schutz at (202) 564–7374 or by email at *schutz.michelle@epa.gov* on or before June 17, 2015. To ensure adequate time for public involvement, individuals or organizations interested in presenting an oral statement during the webinar should notify Michelle Schutz no later than June 17, 2015. It is preferred that only one person present a statement on behalf of a group or organization.

How can I get a copy of the webinar materials? The webinar materials will be provided for those who have registered for the webinar. EPA will also post the materials on the Agency's Web site for persons who are unable to participate in the webinar. Please note, the posting of these materials could occur after the webinar.

Special Accommodations: To request special accommodations for individuals with disabilities, please contact Michelle Schutz at (202) 564–7374, or by email at *schutz.michelle@epa.gov* at least five business days prior to the webinar to allow time to process your request.

Dated: May 29, 2015.

Peter Grevatt,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 2015–13677 Filed 6–5–15; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT SYSTEM INSURANCE CORPORATION

Farm Credit System Insurance Corporation Board; Regular Meeting

AGENCY: Farm Credit System Insurance Corporation.

SUMMARY: Notice is hereby given of the regular meeting of the Farm Credit System Insurance Corporation Board (Board).

DATES: The meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on June 11, 2015, from 1:00 p.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, at (703) 883–4009. The matters to be considered at the meeting are:

Closed Session

- FCSIC Report on System Performance

Open Session

A. *Approval of Minutes*

- March 26, 2015

B. *Business Reports*

- FCSIC Financial Report
- Report on Insured Obligations
- Quarterly Report on Annual Performance Plan

C. *New Business*

- Mid-Year Review of Insurance Premium Rates

Dated: June 1, 2015.

Dale L. Aultman,

Secretary, Farm Credit System Insurance Corporation Board.

[FR Doc. 2015–13881 Filed 6–5–15; 8:45 am]

BILLING CODE 6710–01–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of New Exposure Draft Opening Balances for Inventory, Operating Materials and Supplies (OM&S) and Stockpile Materials

AGENCY: Federal Accounting Standards Advisory Board.

Board Action: Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules Of Procedure, as amended in October, 2010, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has issued an Exposure draft, *Opening Balances for Inventory, Operating Materials and Supplies (OM&S) and Stockpile Materials.*

The Exposure Draft is available on the FASAB home page *http://www.fasab.gov/exposure.html.* Copies can be obtained by contacting FASAB at (202) 512–7350.

Respondents are encouraged to comment on any part of the exposure draft. Written comments are requested by July 20th, 2015, and should be sent to: Wendy M. Payne, Executive Director, Federal Accounting Standards Advisory Board, 441 G Street NW., Suite 6814, Mail Stop 6H19, Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: Wendy Payne, Executive Director, 441 G Street, NW., Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act, Pub. L. 92–463.

Dated: June 3, 2015.

Charles Jackson,

Federal Register Liaison Officer.

[FR Doc. 2015–13934 Filed 6–5–15; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties, of the Termination of the Receivership of 10473 Chipola Community Bank, Marianna, Florida

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Chipola Community Bank, Marianna, Florida (''the Receiver'') intends to terminate its

receivership for said institution. The FDIC was appointed receiver of Chipola Community Bank on April 19, 2013. 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 34.6, 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 2, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–13833 Filed 6–5–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10087, Security Bank of Houston County, Perry, Georgia

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Security Bank of Houston County, Perry, Georgia (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Security Bank of Houston 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 2, 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–13802 Filed 6–5–15; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL TRADE COMMISSION

[File No. 141–0168]

Reynolds American Inc. and Lorillard Inc.; Analysis of Proposed Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before June 25, 2015.

ADDRESSES: Interested parties may file a comment at online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Reynolds American Inc. and Lorillard Inc.—Consent Agreement; File 141–0168'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/reynoldslorillardconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Reynolds American Inc. and Lorillard Inc.—Consent Agreement; File 141–0168'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Robert Tovsky, Bureau of Competition, (202–326–2634), 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for May 26, 2015), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before June 25, 2015. Write ''Reynolds American Inc. and Lorillard Inc.—Consent Agreement; File 141–0168'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information

such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/reynoldslorillardconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Reynolds American Inc. and Lorillard Inc.—Consent Agreement; File 141–0168'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before June 25, 2015. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *http://www.ftc.gov/ftc/privacy.htm.*

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted from Reynolds American Inc. (''Reynolds'') and Lorillard Inc. (''Lorillard''), subject to final approval, an Agreement Containing Consent Order (''Consent Agreement'') designed to remedy the anticompetitive effects resulting from Reynolds's proposed acquisition of Lorillard.

Reynolds's July 2014 agreement to acquire Lorillard in a $27.4 billion transaction (''the Acquisition'') would combine the second- and third-largest cigarette producers in the United States. After the Acquisition, Reynolds and the largest U.S. cigarette producer, Altria Group, Inc. (''Altria''), would together control approximately 90% of all U.S. cigarette sales. The Commission's Complaint alleges that the proposed Acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by substantially lessening competition in the market for traditional combustible cigarettes.

Under the terms of the Consent Agreement, Reynolds must divest a substantial set of assets to Imperial Tobacco Group plc. (''Imperial''). These assets include four cigarette brands, Lorillard's manufacturing facility and headquarters, and most of Lorillard's current workforce. The Consent Agreement also requires Reynolds to provide Imperial with visible shelf-space at retail locations for a period of five months following the close of the transaction. This Consent Agreement provides Imperial's U.S. operations with the nationally relevant brands, manufacturing facilities, and other tangible and intangible assets needed to effectively compete in the U.S. cigarette market. Reynolds must complete the divestiture on the same day it acquires Lorillard.

The Consent Agreement has been placed on the public record for 30 days to solicit comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review the Consent Agreement, and comments received, to decide whether it should withdraw or modify the Consent Agreement, or make the Consent Agreement final.

I. The Parties

All parties to the proposed Acquisition and Consent Agreement are current competitors in the U.S. cigarette market.

Reynolds has the second-largest cigarette manufacturing and sales business in the United States. Its brands include two of the best-selling cigarettes in the country: Camel and Pall Mall. It also manages a number of smaller cigarette brands that it promotes less heavily. These include Winston, Kool, and Salem. Reynolds primarily sells its cigarettes in the United States.

Lorillard has the third-largest cigarette manufacturing and sales business in the United States. Its flagship brand, Newport, is the best-selling menthol cigarette in the country, and the second-best-selling cigarette brand overall. In addition to recently introduced non-menthol styles of Newport, Lorillard manufactures and sells a few smaller discount-segment brands, such as Maverick. Like Reynolds, Lorillard competes primarily in the United States.

Imperial is an international tobacco company operating in many countries including Australia, France, Germany, Greece, Italy, Turkey, Taiwan, the United Kingdom, and the United States. It sells tobacco products in the U.S. through its Commonwealth-Altadis subsidiary. Imperial's U.S. cigarette portfolio consists of several smaller discount brands, including USA Gold, Sonoma, and Montclair.

II. The Relevant Market and Market Structure

The relevant line of commerce in which to analyze the effects of the Acquisition is traditional combustible cigarettes (''cigarettes''). Consumers do not consider alternative tobacco products to be close substitutes for cigarettes. Cigarette producers similarly view cigarettes and other tobacco products as separate product categories, and cigarette prices are not significantly constrained by other tobacco products.

The United States is the relevant geographic market in which to analyze the effects of the Acquisition on the cigarette market. Both Reynolds and Lorillard sell cigarettes primarily in this country. U.S. consumers are in practice limited to the set of current U.S. producers when seeking to buy cigarettes.

The U.S. cigarette market has experienced declining demand since 1981. Total shipments fell by approximately 3.2% in 2014, with similar annual declines expected in the future. The market includes three large producers—Altria, Reynolds, and Lorillard—who together account for roughly 90% of all cigarette sales. Two smaller producers—Liggett and Imperial—have roughly 3% market shares apiece. All other producers have individual market shares of 1% or less.

Competition in the U.S. cigarette market involves brand positioning, customer loyalty management, product promotion, and retail presence. Cigarette advertising is severely restricted in the United States: Various forms of advertising and marketing are prohibited by law, by regulation, and by the terms of settlement agreements between major cigarette producers and the individual States. The predominant form of promotion remaining for U.S. cigarette producers is retail price reduction.

III. Entry

Entry or expansion in the U.S. cigarette market is unlikely to deter or counteract any anticompetitive effects of the proposed Acquisition. New entry in the cigarette market is difficult because of falling demand and the potentially slow and costly process of obtaining Food and Drug Administration clearance for new cigarette products. Expansion by new or existing cigarette producers is further obstructed by legal restrictions on advertising, limited retail product-visibility for fringe cigarette brands, and existing retail marketing contracts.

IV. Effects of the Acquisition

The proposed Acquisition is likely to substantially lessen competition in the U.S. cigarette market. It would eliminate current and emerging head-to-head competition between Reynolds and Lorillard, particularly for menthol cigarette sales, which is an increasingly important segment of the market. The Acquisition would also increase the likelihood that the merged firm will unilaterally exercise market power. Finally, the Acquisition will increase the likelihood of coordinated interaction between the remaining participants in the cigarette market.

V. The Consent Agreement

The purpose of the Consent Agreement is to mitigate the anticompetitive threat of the proposed acquisition. The Consent Agreement allows Reynolds to complete its acquisition of Lorillard, but requires Reynolds to divest several of its post-acquisition assets to Imperial.

Among other terms, the Consent Agreement requires Reynolds to sell Imperial four of its post-acquisition cigarette brands: Winton, Kool, Salem, and Maverick. These brands have a combined share of approximately 7% of the total U.S. cigarette market. Reynolds must also sell Lorillard's manufacturing facility and headquarters to Imperial, give Imperial employment rights for most of Lorillard's current staff and salesforce, and guarantee Imperial visible retail shelf-space for a period of five months following the close of the transaction. Finally, Reynolds must also provide Imperial with certain transition services.

This divestiture package, including the nationally recognized Winston and Kool brands, provides Imperial an opportunity to rapidly increase its competitive significance in the U.S. market. Imperial will shift immediately from being a small regional producer with limited competitive influence on the larger firms to become a national competitor with the third-largest cigarette business in the market. While Imperial's plans call for it to reposition the acquired brands, which have lost market share as part of the Reynolds portfolio, Imperial has successfully executed similar turnarounds with brands in other international markets.

Imperial will have greater opportunity and incentive to promote and grow sales of the divested brands because, unlike Reynolds, incremental sales of these brands are unlikely to cannibalize sales from more profitable cigarette brands in its portfolio. Imperial's incentive to reduce the price of the divestiture brands, in order to grow their market share, is a procompetitive offset to the reduction in competition that will result from the consolidation of Reynolds and Lorillard. Imperial's incentive to reduce prices and promote products in new areas likewise reduces the threat of anticompetitive coordination following the merger—as coordination on price increases and other aspects of competition may be relatively difficult given Imperial's contrary incentives. Ultimately, the divestiture package provides Imperial with a robust opportunity to undertake procompetitive actions to grow its market share in the U.S. cigarette market, and address the competitive concerns raised by the merger.

IV. Opportunity for Public Comment

By accepting the Consent Agreement, subject to final approval, the Commission anticipates that the competitive problems alleged in its Complaint will be resolved. The purpose of this analysis is to invite and facilitate public comment concerning the Consent Agreement to aid the Commission in determining whether it should make the Consent Agreement final. This analysis is not an official interpretation of the Consent Agreement, and does not modify its terms in any way.

By direction of the Commission, Commissioners Brill and Wright dissenting.

Donald S. Clark,

Secretary.

Statement of the Federal Trade Commission

In the Matter of Reynolds American, Inc. and Lorillard Inc.

The Federal Trade Commission has voted to accept for public comment a settlement with Reynolds American, Inc. (''Reynolds'') to resolve the likely anticompetitive effects of Reynolds' proposed acquisition of Lorillard Inc. (''Lorillard'').[1] The settlement will allow the acquisition to move forward, subject to large divestitures by the parties to another major competitor in the tobacco industry.

The merging parties chose to present this acquisition to the Commission with a proposed divestiture aimed solely at securing our approval of the acquisition.[2] As proposed, Reynolds will purchase Lorillard for $27.4 billion and then immediately divest certain assets from both Reynolds and Lorillard to Imperial Tobacco Group plc (''Imperial'') in a second $7.1 billion transaction. At the end of both transactions, Reynolds will own Lorillard's Newport brand and Imperial will own three former Reynolds' brands, Winston, Kool and Salem, as well as Lorillard's Maverick and e-cigarette Blu brands, and Lorillard's corporate infrastructure and manufacturing facility.

As we explain below, we have reason to believe that Reynolds' proposed acquisition of Lorillard is likely to substantially lessen competition in the market for combustible cigarettes in the United States. We conclude, however, that the parties' proposed post-merger divestitures to Imperial would be effective in restoring competition in this market, and we therefore approve the divestitures as part of a consent order.

I. Reynolds' Acquisition of Lorillard Is Likely to Substantially Lessen Competition in the Combustible Cigarette Market

Today, the market for combustible cigarettes in the United States contains three major players and several additional smaller competitors. Philip Morris USA, a division of Altria Group, Inc. (''Altria''), is the largest, with a share of about 51%, roughly twice the

[1] This statement reflects the views of Chairwoman Ramirez, Commissioner Ohlhausen, and Commissioner McSweeny.

[2] The only transaction before the Commission for purposes of Hart-Scott-Rodino review was the Reynolds-Lorillard transaction.

size of its nearest competitor. Reynolds and Lorillard are the second- and third-largest firms, with shares of approximately 26% and 15%, respectively. Other players in the market include Liggett and Imperial, each with about 3% of the market, and roughly 50 other small players focused mainly on discount or regional business.

In light of their size and relative positions in the market, if Reynolds and Lorillard were attempting their transaction without any divestitures, the acquisition would likely substantially lessen competition, with the post-acquisition Reynolds controlling 41% of the market and Reynolds and Altria together holding 92% of the market. In particular, we have reason to believe that the transaction would eliminate competition between Reynolds' Camel brand and Lorillard's Newport brand. For example, we found evidence that Camel has been seeking to gain market share from Newport. There is also evidence of discounting by Newport in response to Camel. In addition, our econometric analysis showed likely price effects resulting from the combination of Camel and Newport.[3]

Having concluded that Reynolds' acquisition of Lorillard is likely to result in anticompetitive effects, we explain next why we believe the parties' proposed divestitures to Imperial are sufficient to restore competition.

II. The Divestitures to Imperial Will Offset the Competition Lost From the Reynolds-Lorillard Merger

Imperial is an international tobacco company with operations in 160 countries and global revenues of roughly $11.8 billion. Today, Imperial is a relatively small player in the United States with a 3% share of the market.[4] Through the divestitures, Imperial is purchasing a collection of assets from both Reynolds and Lorillard. In addition to buying several prominent brands from both companies, Imperial is receiving an intact American manufacturing and sales operation from Lorillard, including Lorillard's offices, production facilities, and 2,900 employees. Lorillard's national sales force, which will be moving to Imperial, is an experienced team with knowledge of brands and customers.

We believe that these divestitures to Imperial will address the competitive concerns arising out of the Reynolds-Lorillard combination. Following the divestitures, Imperial will immediately become the third-largest cigarette maker in the country, with a 10% market share.[5] Imperial has a clearly defined strategy for the United States, and it will have both the capability and incentives to become an effective U.S. competitor.

Winston is the number two cigarette brand in the world and will be the main focus of Imperial's strategy in the United States. Imperial's consumer research strongly indicates that Winston could see increased brand recognition and acceptance in the United States. Imperial plans to reposition Winston as a premium-value brand and invest in the growth of the brand through added visibility and significant discounting. Imperial also plans to refocus and invest in Kool through discounting on a state-by-state basis. The evidence shows that Imperial can grow the market share of these brands through discounting and other promotional activity.

In her dissent, Commissioner Brill questions Imperial's ability to restore the competition lost due to the Reynolds-Lorillard transaction, noting that the Winston and Kool brands have been declining for years.[6] In our view, however, Reynolds' track record with these two brands is not indicative of their potential with Imperial. As Commissioner Brill acknowledges, Reynolds made a conscious decision to promote Camel and Pall Mall aggressively as growth brands, and to put limited marketing support behind Winston and Kool. Going forward, Imperial will have greater incentives to promote Winston and Kool than Reynolds did because, unlike Reynolds, Imperial does not risk cannibalizing other brands in its portfolio. Moreover, Imperial is also acquiring Lorillard's Maverick, a value brand that competes well with Reynolds' Pall Mall.

Imperial has a successful record of repositioning cigarette brands in other jurisdictions and growing the market share of those brands. Although it has had a relatively small presence in this country, Imperial is acquiring an experienced, national sales force from Lorillard that will help it to grow the acquired brands and more effectively compete against Reynolds and Altria. Imperial has agreements in place with Reynolds to ensure continuity of supply of the acquired brands and to ensure their visibility at the point of sale. The agreements will enable Imperial to have immediate access to retail shelf space and give Imperial time to negotiate contracts with retailers.

Following the divestitures, Imperial's business in the United States will account for 24% of its worldwide tobacco net revenues, thus making it important for Imperial to succeed in the United States. The acquisition will enable Imperial to be a national competitor, give it a portfolio of brands across different price points, and make its business more important to retailers, thereby enabling it to obtain visible shelf space and build stronger retailer relationships.

We are therefore satisfied that Imperial is positioned to be a sufficiently robust and aggressive competitor against a merged Reynolds-Lorillard and Altria, and to offset the competitive concerns arising from Reynolds' acquisition of Lorillard. Indeed, Imperial's incentives will stand in contrast to those of the pre-merger Lorillard, which has not been a particularly aggressive competitor in this market, having instead been generally content to rely on Newport's strong brand equity to drive most of its sales. We believe that Imperial will behave differently.

For these reasons, we are allowing the merger of Reynolds and Lorillard to go forward and accepting a consent decree to ensure that the divestitures to Imperial occur on a timely and effective basis.[7]

---

[3] While our main concern is with the transaction's likely unilateral effects, there is also evidence that the transaction would increase the likelihood of coordination by creating greater symmetry between Reynolds and Altria in terms of their market shares, portfolio of brands, and geographic strength in the United States. When the Commission last publicly evaluated this market in the context of the 2004 R.J. Reynolds Tobacco Holdings, Inc. (''RJR'')/British American Tobacco p.l.c. (''BAT'') transaction, we noted in our statement that conditions in the cigarette market at the time would make coordination difficult. The market has changed considerably over the last decade, perhaps most importantly in that the RJR/BAT transaction left the market with three major players relying on complex, differentiated product placement and pricing strategies. Unlike the combination of Reynolds/Lorillard, which would leave only two symmetric players with major national brands competing directly, the RJR/BAT transaction and market environment in 2004 presented a less pronounced coordination issue.

[4] Imperial entered the United States market through its acquisition of Commonwealth's cigarette brands in April 2007.

[5] After the divestitures to Imperial, Reynolds will have a 34% market share in the United States.

[6] Dissenting Statement of Commissioner Julie Brill at 6–7.

[7] Although he agrees that the merger of Reynolds and Lorillard is likely to substantially lessen competition and that a consent order increases the likelihood that the divestitures to Imperial are properly and promptly effectuated, Commissioner Wright believes a consent order is unwarranted and on that basis dissents. We respectfully disagree with Commissioner Wright's suggestion that our action is improper under these circumstances. Our obligation under the Hart-Scott-Rodino Act is to take appropriate steps to ensure that any competitive issues with a proposed transaction are addressed effectively and that is precisely what we have done here. Indeed, we believe that our responsibility would not be fully discharged if we did not guard against the risks that Commissioner Wright himself acknowledges exist in the absence of a consent order.

Dissenting Statement of Commissioner Julie Brill

In the Matter of Reynolds American, Inc. and Lorillard Inc.

A majority of the Commission has voted to accept a consent to resolve competitive concerns stemming from Reynolds American, Inc.'s $27.4 billion acquisition of Lorillard Tobacco Company, a transaction combining the second and third largest cigarette manufacturers in the United States. Under the terms of the consent, Reynolds will divest some of its weaker non-growth brands—Winston, Kool, and Salem—as well as Lorillard's brand Maverick to Imperial Tobacco Group plc, a British firm that currently operates as Commonwealth here in the United States.[1] The Commission will allow Reynolds to retain its sought-after growth brands, Camel and Pall Mall, as well as Lorillard's flagship brand Newport. I respectfully dissent because I am not convinced that the remedy accepted by the Commission fully resolves the competitive concerns arising from this transaction. By accepting the parties' proposed divestitures and allowing the merger to proceed, the Commission is betting on Imperial's ability and incentive to compete vigorously with a set of weak and declining brands. For the reasons explained below, Imperial's ability to do so is at best uncertain. I thus have reason to believe that Reynolds' acquisition of Lorillard, even after the divestitures to Imperial, is likely to substantially lessen competition in the U.S. cigarette market. As a result of the Commission's failure to take meaningful action against this merger, the remaining two major cigarette manufacturers—Altria/Philip Morris and Reynolds—will likely be able to impose higher cigarette prices on consumers.

I have reason to believe this merger increases both the likelihood of coordinated interaction between the remaining participants in the cigarette market, and the likelihood that the merged firm will unilaterally exercise market power. While both theories are presented in the Commission's Complaint,[2] I describe below additional facts and evidence not included in the Complaint that I believe illustrate why the transaction remains anticompetitive, notwithstanding the divestitures to Imperial.

Coordinated Effects

Under a coordinated effects theory, as set forth in the 2010 Horizontal Merger Guidelines, the Commission is likely to challenge a merger if the following three conditions are met: ''(1) The merger would significantly increase concentration and lead to a moderately or highly concentrated market; (2) that market shows signs of vulnerability to coordinated conduct [ ]; and (3) the [Commission has] a credible basis on which to conclude that the merger may enhance that vulnerability.'' [3] Importantly, the Guidelines explain ''the risk that a merger will induce adverse coordinated effects may not be susceptible to quantification or detailed proof . . .''.[4] The Guidelines also instruct that ''[p]ursuant to the Clayton Act's incipiency standard, the Agencies may challenge mergers that in their judgment pose a real danger of harm through coordinated effects, even without specific evidence showing precisely how the coordination likely would take place.'' [5]

I have reason to believe that the facts in this case demonstrate a substantial risk of coordinated interaction because all three conditions for coordinated interaction spelled out in the Horizontal Merger Guidelines are satisfied.

The first condition is easily satisfied. After the dust settles on the merger and divestitures, Reynolds and market leader Altria/Philip Morris will have over 80 percent of the U.S. market for traditional combustible cigarettes.[6]

The second condition is also easily satisfied. The Guidelines identify a number of market characteristics that are generally considered to make a market more vulnerable to coordination.[7] These include (1) evidence of past express collusion affecting the relevant market; (2) firms' ability to monitor rivals' behavior and detect cheating with relative ease; (3) availability of rapid and effective forms of punishment for cheating; (4) difficulties associated with attempting to gain significant market share from aggressive price cutting; and (5) low elasticity of demand. The cigarette market has many of these characteristics.

First, for the last decade, the cigarette market in the United States has been dominated by three firms—Reynolds, Lorillard, and Altria/Philip Morris—which together represent over 90 percent of the market. Over the same 10-year period, these ''Big Three'' tobacco firms have made lock-step cigarette list price increases unrelated to any change in costs or market fundamentals.[8]

Second, there is a high degree of pricing transparency at the wholesale and retail levels in the cigarette market, giving cigarette manufacturers the ability to monitor each other's prices and engage in disciplinary action necessary to maintain coordination. The major manufacturers all receive detailed wholesale volume information from firms collecting data. Reynolds and Lorillard also receive numerous analyst reports that track manufacturers' pricing behavior and project whether the industry will enjoy a stable or aggressive competitive environment as a result. These conditions will allow the new ''Big Two'' cigarette manufacturers to quickly detect volume shifts due to price cuts and other competitive activity, allowing them to monitor each other's prices, detect cheating, and quickly discipline each other—or threaten to do so. Third, many U.S. smokers are addicted to tobacco, resulting in fairly inelastic market demand, and rendering successful coordination more profitable for industry members. As the Guidelines

[1] Reynolds will also sell Lorillard's e-cigarette Blu to Imperial; that sale is not part of the Commission's proposed order.

[2] Complaint, ¶ 8, *In the Matter of Reynolds American Inc. and Lorillard Inc.,* File No. 141–0168, (May 26, 2015).

[3] U.S. DEP'T OF JUSTICE & FED. TRADE COMM'N, HORIZONTAL MERGER GUIDELINES § 7.1 (2010) [*hereinafter* Guidelines].

[4] *Id.*

[5] *Id.*

[6] As the majority notes, the relevant market is combustible cigarettes in the United States. Statement of the F.T.C., *In the Matter of* Reynolds American Inc. and Lorillard Inc., File No. 141–0168, May 26, 2015, at 1 [*hereinafter* Majority Statement].

[7] Guidelines, *supra* note 3,. at § 7.2.

[8] In this context, it is worth noting that, in 2006, U.S. District Judge Kessler held Reynolds, Lorillard, Philip Morris, and a number of other cigarette manufacturers liable under the Racketeer Influenced and Corrupt Organizations Act (RICO). *United States* v. *Philip Morris,* 449 F. Supp 2d 1 (D.D.C. 2006), *aff'd* 566 F.3d 1095 (D.C. Cir. 2009). In a lengthy decision containing over 4000 paragraphs of findings of fact, the district court highlighted the coordinated nature of the defendants' activities in furtherance of the racketeering scheme. The conduct involved was indirectly related to price, as the overarching purpose behind the scheme was to maximize the competing cigarette firms' profits. The district court explained that ''[t]he central shared objective of Defendants has been to maximize the profits of the cigarette company Defendants by acting in concert to preserve and enhance the market for cigarettes through an overarching scheme to defraud existing and potential smokers. . . .'' (*Philip Morris,* 449 F. Supp 2d at 869). The court also found that ''[t]here is overwhelming evidence demonstrating Defendants' recognition that their economic interests would best be served by pursuing a united front on smoking and health issues and by a global coordination of their activities to protect and enhance their market positions in their respective countries.'' (*Id.* at 119). I find this evidence troubling when viewed in conjunction with the evidence in this case showing the U.S. cigarette market's vulnerability to coordinated interaction relating to prices.

describe, coordination is more likely the more participants stand to gain from it.

Apart from the market characteristics identified in the Guidelines that make a market more vulnerable to coordination, it is important to consider that the cigarette market in the United States has experienced an ongoing decline in volume for over 20 years. This creates pressure on manufacturers to increase prices to offset volume losses, potentially easing the difficulties associated with formation of coordinating arrangements by making price increases a focal strategy.

In 2004, the Commission elected not to challenge the merger of Reynolds and Brown & Williamson in part because it found that the cigarette market was not vulnerable to coordinated interaction. However, three key market dynamics have changed since then. These three changes have limited the market significance of the discount fringe and its ability to constrain cigarette prices, and increased entry barriers—both of which make the market more vulnerable to coordination. First, Reynolds' Every Day Low Price (EDLP) program, substantially modified in 2008 to reposition and grow Pall Mall as the EDLP brand, requires participating retailers to maintain Pall Mall as the lowest price brand sold in the store, creating an effective price floor that discount manufacturers are not allowed to undercut. Second, the vast majority of states that signed the Tobacco Master Settlement Agreement (''MSA'') have enacted Non-Participating Manufacturer Legislation and Allocable Share Legislation, further diminishing the impact of discount brands.[9] Under this legislation, companies that do not participate in the MSA—typically the discount cigarette manufacturers—are required to pay an escrow fee to approximate the costs incurred by the participating cigarette companies, thereby eliminating much of the cost advantage that discounters had previously enjoyed. Third, the FDA's 2010 regulations,[10] implementing the 2009 Family Smoking Prevention and Tobacco Control Act,[11] restrict tobacco advertising and promotion in the United States. Thus the 2010 FDA regulation limits the ability of new firms to enter the market, and limits the ability of existing fringe market participants to grow through aggressive advertising. The combined effect of these three, relatively new market dynamics has been a reduction in the competitive significance of the fringe discount brand manufacturers. Indeed, the number of discount brand manufacturers has fallen from over 100 in 2005, to around 50 today, now representing just two percent of the market.

The third and final condition identified in the Guidelines as leading the Commission to challenge a proposed merger based on a theory of coordination—that the Commission has a credible basis to conclude that the merger may enhance the market's vulnerability to coordination—is also satisfied in this case. Prior to the transaction, a large percentage of Reynolds' portfolio consisted of non-growth brands (including Winston, Kool, and Salem), and overall Reynolds' volumes were declining. In the years leading up to this transaction Reynolds also had a noticeable portfolio gap, as it lacked a strong premium menthol brand. Reynolds initiated new competition in the menthol segment with the introduction of Camel Crush and Camel Menthol, but Reynolds was still playing catch-up. Seeking to stop further volume loss to its competitors' menthol brands—Lorillard's Newport and Altria/Philip Morris' Marlboro—Reynolds implemented a strategy of aggressive promotion of Camel and Pall Mall. The proposed merger eliminates many of Reynolds' incentives to continue these strategies. With Newport added to its portfolio, Reynolds will no longer face a gap in menthol and will not be subject to the same level of volume losses. Post-transaction, there will be greater symmetry between Altria/Philip Morris and Reynolds, bringing Reynolds' incentives into closer alignment with Altria/Philip Morris to place greater emphasis on profitability over market share growth. This increase in symmetry between Reynolds and Altria/Philip Morris thus enhances the market's vulnerability to coordination.[12]

Unilateral Effects

This transaction also raises concerns about unilateral anticompetitive effects, because it eliminates the growing head-to-head competition between Reynolds and Lorillard. The Guidelines explain that ''[t]he elimination of competition between two firms that results from their merger may alone constitute a substantial lessening of competition.'' [13] As the majority explains, the Commission's econometric modeling showed likely price effects from the combination of the parties' cigarette portfolios.[14]

The econometric analysis supports the substantial qualitative evidence of unilateral anticompetitive effects. For years, Lorillard's Newport brand has been able to rely on strong brand equity and brand loyalty to sustain its high market share and high prices for its menthol product line. As noted above, Reynolds, on the other hand, has been lagging behind Altria/Philip Morris and Lorillard in terms of profitability and pricing, with no comparably strong menthol product. As a result, in recent years Reynolds has been making efforts to challenge Newport's established leadership position and increase its share in menthol through increased

[9] The Tobacco Master Settlement Agreement (''MSA'') was entered in November 1998, originally between the four largest U.S. tobacco companies—Philip Morris Inc., R.J. Reynolds, Brown & Williamson and Lorillard—the original participating manufacturers (''OPMs''), and the attorneys general of 46 states, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Marianas. The MSA resolved over 40 lawsuits brought by the states against tobacco manufacturers to recover billions of dollars in costs incurred by the states to treat smoking related illnesses and to obtain other relief. The OPMs agreed (1) to make multi-billion dollar payments, annually and in perpetuity, to the states and (2) to significantly restrict the way they market and advertise their tobacco products, including a prohibition on the use of cartoons in cigarette advertising or any other method that targets youth. In exchange, the states agreed to release the OPMs, and any other tobacco company that became a signatory to the MSA, from past and future liability arising from the health care costs caused by smoking. All MSA states subsequently enacted legislation requiring non-participating manufacturers (''NPMs'') to make certain payments based on the number of cigarettes sold into the state. These payments are placed in an escrow account to ensure that funds are available to satisfy state claims against NPMs. Although all MSA states enacted this legislation, many NPMs were not making the required payments, or were exploiting a loophole by withdrawing their escrow deposits in a way that conflicted with the legislation's intent. To address those issues, many states adopted additional legislation to provide enforcement tools to ensure that NPMs make the required escrow payments (''complementary enforcement legislation''), as well as legislation to close a loophole in the state escrow statutes by preventing NPMs from withdrawing escrow payments in a way that was never contemplated when those statutes were enacted (''Allocable Share Legislation'').

[10] Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents, 75 FR 13225 (March 19, 2010).

[11] 21 U.S.C. 301 (2009).

[12] *See* Statement of the F.T.C., *In the Matter of ZF Friedrichshafen AG and TRW Automotive Holdings Corp.,* File No. 141–0235, May 8, 2015, *available at https://www.ftc.gov/system/files/document/cases/150515zffrn.pdf. See also* Marc Ivaldi, et al., *The Economics of Tacit Collusion* 66 & 67, Final Report for DG Competition, European Commission (2003), *available at http://ec.europa.eu/competition/mergers/studies_reports/the_economics_of_tacit_collusion_en.pdf.* (''By eliminating a competitor, a merger reduces the number of participants and thereby tends to facilitate collusion. This effect is likely to be the higher, the smaller the number of participants already left in the market.'') (''[I]t is easier to collude among equals, that is, among firms that have similar cost structures, similar production capacities, or offer similar ranges of products. This is a factor that is typically affected by a merger. Mergers that tend to restore symmetry can facilitate collusion.'').

[13] Guidelines, *supra* note 3, at § 6.

[14] Majority Statement, *supra* note 6, at 2.

promotional activity. Reynolds also engaged in the first innovation in this industry in many years with the introduction of Camel Crush,[15] which has generated strong sales growth for a new brand. Post-merger, with Newport in its hands, Reynolds will no longer need to innovate or increase its promotional activity to increase its share in menthol.

* * * * *

In sum, I have reason to believe that this merger poses a real danger of anticompetitive harm through coordinated effects and unilateral exercise of market power in the U.S. cigarette market.

Adequacy of Divestitures To Imperial To Restore Competition

As the Supreme Court has stated, restoring competition is the ''key to the whole question of an antitrust remedy.'' [16] Both Supreme Court precedent and Commission guidance makes clear that any remedy to a transaction found to be in violation of Section 7 of the Clayton Act must fully restore the competition lost from the transaction,[17] and a remedy that restores only *some* of the competition lost does not suffice.[18] Because Clayton Act merger enforcement is predictive, it is hard to define what will precisely fully restore lost competition in any given case. The agency has on occasion allowed for remedies that are not an exact replica of the pre-merger market, usually when there is evidence that the buyer can have a strong competitive impact with the divested assets. Yet the focus of the inquiry is always on whether the proposed divestitures are sufficient to maintain or restore competition in the relevant market that existed prior to the transaction.[19]

Under these well-grounded principles, I have serious concerns about whether the divestiture remedy in this case is sufficient to restore competition in the U.S. cigarette market. As a preliminary matter, it is worth noting that, post-transaction, Imperial will be less than one-third the size of the combined Reynolds/Lorillard, with a 10 percent market share compared to the combined Reynolds/Lorillard's 34 percent market share. Prior to the transaction, Reynolds and Lorillard were more comparable in size to each other—Reynolds with a 26 percent market share and Lorillard with a 15 percent market share. And despite the divestitures, the HHI will increase 331 points to 3,809. Moreover, there is nothing dynamic about the cigarette market by any measure that could plausibly make these measures less useful in analyzing the likelihood of the divestiture to fully restore the competition lost from this transaction.

Beyond the resulting increased concentration, the question is whether Imperial can nonetheless maintain or restore competition in the market with the divested brands due to its own business acumen and incentives post-divestiture. I have reason to believe Imperial will not be up to the job. Indeed, I believe Imperial's post-divestiture market share may overstate its competitive significance. Through this transaction, Reynolds will obtain the second largest selling brand in the country (Newport), and keep the third largest selling brand (Camel). Imperial, on the other hand, will continue to have no strong brands in its portfolio. Reynolds' Winston, Kool, and Salem are declining and unsuccessful. Their combined market share has gone from approximately 14 percent in 2010 to 8 percent in 2013 (a 6 percent decline), and they are still losing share. It is no surprise that Reynolds would want to unload these weak brands, and refuse to provide a meaningful divestiture package that would replace the competition lost through its merger with Lorillard. I am not convinced that Imperial will have any greater ability to grow these declining brands. Indeed, I have reason to believe that Winston, Kool, and Salem, as well as Maverick, will languish even further outside the hands of Reynolds and Lorillard.

There is no doubt that Imperial hopes to make these brands successful and will make every attempt to do so. Imperial's strong global financial position will help. The Commission cannot rely on hopes and aspirations alone, however. We must base our decision on facts and demonstrated performance in the market. And it is by this measure that Imperial, with the added weak brands from Reynolds, comes up short. Imperial has a poor track record of growing acquired brands in the U.S. Imperial entered the U.S. market in 2007 by acquiring Commonwealth.[20] At that time Imperial also aspired to increase share. However, Imperial was not successful. Commonwealth's market share has declined since it was acquired by Imperial, and stands at less than three percent today. While in FY 2014 Imperial may have achieved modest growth with one of its other brands, USA Gold, that growth was only focused on limited geographic markets, and doesn't give me confidence that Imperial can implement a national campaign growth strategy. Reynolds, with much greater experience in the U.S. market, made numerous efforts to reinvigorate Winston, Kool, and Salem, but failed.[21] In light of Imperial's much worse track record here in the U.S., I am unconvinced that it will have *more* luck in making its wishful plans a reality.

The majority notes that, outside the United States, Winston is the number two cigarette brand, and Imperial plans to make Winston the main focus of its strategy in the United States post-transaction.[22] But Winston's dichotomous position—a strong brand outside the United States and a weak brand in the United States—has held for many years. And Reynolds' multiple

[15] Camel Crush allows consumers to change the cigarette from non-menthol to menthol or from menthol to stronger menthol by crushing a menthol capsule inside the filter.

[16] *United States* v. *E.I. du Pont de Nemours & Co.,* 366 U.S. 316, 326 (1961).

[17] *Ford Motor Co.* v. *United States,* 405 U.S. 562, 573 (1972) (''The relief in an antitrust case must be 'effective to redress the violations' and 'to restore competition.' . . . Complete divestiture is particularly appropriate where asset or stock acquisitions violate the antitrust laws.'').

[18] *See* F.T.C. Frequently Asked Questions About Merger Consent Order Provisions, *available at https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/mergers/merger-faq.* (''There have been instances in which the divestiture of one firm's entire business in a relevant market was not sufficient to maintain or restore competition in that relevant market and thus was not an acceptable divestiture package. To assure effective relief, the Commission may thus order the inclusion of additional assets beyond those operating in the relevant market . . . In all cases, the objective is to effectuate a divestiture most likely to maintain or restore competition in the relevant market . . . At all times, the burden is on the parties to provide concrete and convincing evidence indicating that the asset package is sufficient to allow the proposed buyer to operate in a manner that maintains or restores competition in the relevant market.'').

[19] *Id.* (''Every order in a merger case has the same goal: To preserve fully the existing competition in the relevant market or markets . . . An acceptable divestiture package is one that maintains or restores competition in the relevant market . . .''). *See also* Statement of the F.T.C.'s Bureau of Competition on Negotiating Merger Remedies, at 4, January 2012, *available at https://www.ftc.gov/system/files/attachments/negotiating-merger-remedies/merger-remediesstmt.pdf.* (''If the Commission concludes that a proposed settlement will remedy the merger's anticompetitive effects, it will likely accept that settlement and not seek to prevent the proposed merger or unwind the consummated merger.'').

[20] In 1996 Commonwealth acquired brands required by the Commission to be divested to resolve competitive concerns stemming from B.A.T. Industries p.l.c.'s $1 billion acquisition of The American Tobacco Company. B.A.T. Industries p.l.c., *et al,* 119 F.T.C. 532 (1995).

[21] The majority interprets the evidence before us as showing that Reynolds emphasized Camel and Pall Mall but only put ''limited marketing support behind Winston and Kool.'' *See* Majority Statement, *supra* note 6, at 3. In contradistinction to the majority, I believe the evidence before us demonstrates that on numerous occasions Reynolds sought—valiantly but without success—to grow Winston and Kool, even while emphasizing Camel and Pall Mall.

[22] Majority Statement, *supra* note 6, at 2.

efforts to reposition Winston in light of its strong global position have not had any effect on slowing the dramatic decline of Winston in the United States. Indeed, by placing Winston at the center of its U.S. strategy, Imperial is demonstrating the same tone-deafness to the unique dynamics of the U.S. market that has caused Imperial to lose market share since it entered the U.S. market in 2007.

My concerns about Imperial's ability to succeed where Reynolds has failed is heightened by the fact that Imperial will have no ''anchor'' brand to gain traction with retailers, and as a result will have limited shelf space available to it. The divestitures of Maverick from Lorillard and Winston, Kool, and Salem from Reynolds effectively de-couple each divested brand from a strong anchor brand. These anchor brands—Newport and Camel, the second and third best-selling brands in the country—gave Maverick, Winston, Kool, and Salem increased shelf space and promotional spending, helping to drive the limited sales they had. Maverick in particular benefits from Newport's brand success: Lorillard gives it a portion of Newport's shelf space, and when Lorillard advertises Newport, it advertises Maverick too. In Imperial's hands, the divested brands will not have the same shelf space or the benefit of strong advertising that comes with their anchor brands. I believe that the decoupling of the divested brands from Camel and Newport will serve to further exacerbate their decline.

Recognizing Imperial's shelf space disadvantage, the proposed Consent requires Reynolds to make some short term accommodations in an attempt to give Imperial a fighting chance in its effort to gain some shelf space in stores. First, the Consent envisions Reynolds entering into a Route to Market (''RTM'') agreement with Imperial, whereby Reynolds agrees to provide Imperial a portion of its post-acquisition retail shelf space for a period of five months following the close of the transaction. Imperial will pay Reynolds $7 million for this agreement. Under the terms of the RTM agreement, Reynolds commits for a period of five months to continue placing Winston, Kool, and Salem on retail fixtures according to historic business practices, and to assign Imperial a defined portion of Lorillard's current retail shelf-space allotments to use as it sees fit. Second, Reynolds is also undertaking a 12-month commitment to remove provisions in new retail marketing contracts that would otherwise require some retailers to provide it shelf space in proportion to its national market share, where Reynolds national market share is higher than its local market share. The intent of this commitment is to increase Imperial's ability to obtain shelf space at least proportional to its local market share in many retail outlets for a period of 12 months.

I have reason to believe that these provisions are insufficient to make up for Imperial's significant shelf space disadvantage. The five-month RTM Agreement and 12-month commitment pertaining to Reynolds' allocation of shelf space according to its local market share are too short. While Imperial may be optimistic that it can establish sufficient shelf space in this limited time frame, nothing in the RTM Agreement and 12-month local market share commitment will alter retailers' incentives to allocate their shelf space to popular products that sell well when those time periods expire. Even if Imperial offers better terms and uses former Lorillard salespeople who have preexisting relationships with retailers to push for greater shelf space, it likely will still be in retailers' economic interest to allocate shelf space to the strong Reynolds and Altria/Philp Morris brands, not to Imperial's collection of weak and declining brands.[23] And at the end of Reynolds' 12-month local market share commitment, Reynolds will be able to squeeze Imperial's shelf space by requiring many retailers to provide it shelf space in proportion to its higher-than-local national market share. While Imperial may attempt to maintain its retail visibility by offering stores lucrative merchandising contracts, Reynolds and Altria/Philip Morris will no doubt counter those efforts with their own lucrative contracts. In the short run, arguably this may be beneficial for competition, but in the long run, Imperial's market presence will diminish and the market will in all likelihood become a stable duopoly.[24]

[23] The majority places its bet on Imperial in part based on the transfer to Imperial of ''an experienced, national sales force from Lorillard.'' Majority Statement, *supra* note 6, at 2. I do not believe the transfer of some of Lorillard's sales staff to Imperial will transform Imperial into a significant competitor in the U.S. market. Lorillard's transferred sales staff will not be able to overcome the significant market dynamics described herein. Moreover, Lorillard's sales staff likely will be unable to fundamentally transform Imperial's lackluster competitive performance in the U.S. market because, as the majority itself acknowledges, ''pre-merger Lorillard . . . has not been a particularly aggressive competitor in this market, having instead been generally content to rely on Newport's strong brand equity to drive most of its sales.'' Majority Statement, *supra* note 6, at 3.

[24] The majority relies on the fact that Imperial will have more favorable incentives as compared with those of the pre-merger Lorillard, since Lorillard was not a particularly aggressive competitor. Majority Statement, *supra* note 6, at 3. But that comparison does not capture the full picture of the competitive harm from this transaction. Reynolds, not Lorillard, was the firm injecting some competition into the market. And as described herein, once Reynolds adds Lorillard's flagship Newport brand to its portfolio, Reynolds will have a portfolio of brands that is symmetrical to Altria/Philip Morris, resulting in a significant change in its incentives post-merger. In considering whether Imperial will fully restore the competition lost from this transaction, the majority seems to omit from its analysis Reynolds' changed incentives post-merger, and the effect that these changed incentives will have to substantially lessen competition in the U.S. market.

Conclusion

There is a great deal of discussion among academia, industry and other stakeholders about the negative impact on the market stemming from over enforcement of the antitrust laws.[25] There is consensus that over enforcement, also known as ''Type 1 errors'' or ''false positives'', can harm businesses and consumers by preventing what could otherwise be procompetitive conduct; many commentators believe Type 1 errors can also have a chilling effect on future procompetitive conduct.[26] However, failing to bring antitrust enforcement actions can also cause significant harms to consumers. As has been recently demonstrated by an in-depth study of merger retrospectives, harm from under enforcement, also known as ''Type 2 errors'' or ''false negatives'', can come in the form of significant price increases.[27] The Commission has always been very careful not to take enforcement action that turns out not to be warranted, an approach I fully support. This Commission also normally pays close attention when we are presented with insufficient divestitures or other remedies, to avoid under enforcement errors that can cause significant harm to consumers. Unfortunately, the majority has failed to do so in this case.

For all of these reasons, I respectfully dissent.

[25] *See, e.g.,* Christine A. Varney & Jonathan J. Clark, Chicago and Georgetown: An Essay in Honor of Robert Pitofsky, 101 Geo. L.J. 1565 (2013); Bruce H. Kobayashi and Timothy J. Muris, Chicago, Post-Chicago, and Beyond: Time to Let Go of the 20th Century, 78 Antitrust L. J. 147 (2012); Alan Devlin and Michael Jacobs, Antitrust Error, 52 Wm. & Mary L. Rev. 75 (2010); *Verizon Commc'ns, Inc.* v. *Law Offices of Curtis V. Trinko, LLP,* 540 U.S. 398, 414 (2004); Frank H. Easterbrook, The Limits of Antitrust, 63 Tex. L. Rev. 1, 15–16 (1984).

[26] *Id.*

[27] John Kwoka, Mergers, Merger Control, and Remedies, A Retrospective Analysis of U.S. Policy, 2015.

Dissenting Statement of Commissioner Joshua D. Wright

In the Matter of Reynolds American Inc. and Lorillard Inc.

The Commission has voted to issue a Complaint and Decision & Order against Reynolds American Inc. (''Reynolds'') to remedy the allegedly anticompetitive effects of Reynolds' proposed acquisition of Lorillard Inc. (''Lorillard''). I respectfully dissent because the evidence is insufficient to provide reason to believe the three-way transaction between Reynolds, Lorillard, and Imperial Tobacco Group, plc (''Imperial'') will substantially lessen competition for combustible cigarettes sold in the United States. In particular, I believe the Commission has not met its burden to show that an order is required to remedy any competitive harm arising from the original three-way transaction. This is because the Imperial transaction is both highly likely to occur and is sufficient to extinguish any competitive concerns arising from Reynolds' proposed acquisition of Lorillard. This combination of facts necessarily implies the Commission should close the investigation of the three-way transaction before it and allow the parties to complete the proposed three-way transaction without imposing an order.

In July 2014, Reynolds, Lorillard, and Imperial struck a deal where, as the Commission states, ''Reynolds will own Lorillard's Newport brand and Imperial will own three former Reynolds' brands, Winston, Kool and Salem, as well as Lorillard's Maverick and e-cigarette Blu brands, and Lorillard's corporate infrastructure and manufacturing facility.'' [1] Thus, this deal came to us as a three-way transaction. As a matter of principle, when the Commission is presented with a three (or more) way transaction, an order is unnecessary if the transaction—taken as a whole—does not give reason to believe competition will be substantially lessened. The fact that a component of a multi-part transaction is likely anticompetitive when analyzed in isolation does not imply that the transaction when examined as a whole is also likely to substantially lessen competition.

When presented with a three-way transaction, the Commission should begin with the following question: If the three-way deal is completed, is there reason to believe competition will be substantially lessened? If there is reason to believe the three-way deal will substantially lessen competition, then the Commission should pursue the appropriate remedy, either through litigation or a consent decree. If the deal examined as a whole *does not* substantially lessen competition, the default approach should be to close the investigation. An exception to the default approach, and a corresponding remedy, may be appropriate if there is substantial evidence that the three-way deal will not be completed as proposed. In such a case, the Commission must ask: What is the likelihood of only a portion of the deal being completed while the other portion, which is responsible for ameliorating the competitive concerns, is not completed? In this case, this second inquiry amounts to an assessment of the likelihood that Reynolds' proposed acquisition of Lorillard would be completed but the Imperial transaction would not be.

I agree with the Commission majority that the first question should be answered in the negative because the proposed transfer of brands to Imperial makes it unlikely that there will be a substantial lessening of competition from either unilateral or coordinated effects.[2] I also agree with the Commission majority that if Reynolds and Lorillard were attempting a transaction without the involvement of Imperial, the acquisition would likely substantially lessen competition.[3] Thus, taken as a whole, I do not find the three-way transaction to be in violation of Section 7 of the Clayton Act.

The next question to consider is whether there is any evidence that the Imperial portion of the transaction will not be completed absent an order. In theory, if the probability of the Imperial portion of the transaction coming to completion in a manner that ameliorates the competitive concerns arising from just the Reynolds-Lorillard portion of the transaction were sufficiently low, then one could argue the overall transaction is likely to substantially lessen competition. I have seen no evidence that, absent an order, Reynolds and Lorillard would not complete its transfer of assets and brands to Imperial. While there are no guarantees and the probability that the Imperial portion of the transaction will be completed is something less than 100 percent, I have no reason to believe it is close to or less than 50 percent.[4]

I fully accept that a consent and order will increase the likelihood that the Imperial portion of the transaction will be completed. Putting firms under order with threat of contempt tends to have that effect. I also accept the view that a consent and order may mitigate some, but perhaps not all, potential moral hazard issues regarding the transfer of assets and brands from Reynolds-Lorillard to Imperial. Specifically, the concern is that, post-merger, Reynolds-Lorillard would complete the Imperial portion of the transaction but more in form but not in function and artificially raise the cost for Imperial. Higher costs for Imperial, such as undue delays in obtaining critical assets, would certainly materially impact Imperial's ability to compete effectively. Given this possibility, a consent and order, including the use a monitor, would make such behavior easier to detect, and consequently would provide some deterrence from these potential moral hazard issues.

It is also true, however, that a monitor in numerous other circumstances would make anticompetitive behavior easier to detect and consequently deter that behavior from occurring in the first place. Based upon this reasoning, the Commission could try as a prophylactic effort to impose a monitor in all oligopoly markets in the United States. This would no doubt detect (and deter) much price fixing. Such a broad effort would be unprecedented, and of course, plainly unlawful. The Commission's authority to impose a remedy in any context depends upon its finding a law violation. Here, because the parties originally presented the three-way transaction to ameliorate competitive concerns about a Reynolds-Lorillard-only deal, and they did so successfully, there is no reason to believe the three-way transaction will substantially lessen competition; therefore, there is no legal wrongdoing to remedy.

The Commission understandably would like to hold the parties to a

[1] *See* Statement of the Federal Trade Commission 1, Reynolds American Inc., FTC File No. 141–0168 (May 26, 2015).

[2] Statement of the Federal Trade Commission, *supra* note 1, at 3.

[3] Statement of the Federal Trade Commission, *supra* note 1, at 1. While I agree with the Commission's ultimate conclusion that Reynolds' proposed acquisition of Lorillard would substantially lessen competition, I do not agree with the Commission's reasoning. In particular, I do not believe the assertion that higher concentration resulting from the transaction renders coordinated effects likely. Specifically, I have no reason to believe that the market is vulnerable to coordination or that there is a credible basis to conclude the combination of Reynolds and Lorillard would enhance that vulnerability. For further discussion of why, as a general matter, the Commission should not in my view rely upon increases in concentration to create a presumption of competitive harm or the likelihood of coordinated effects, see Statement of Commissioner Joshua D. Wright, Holcim Ltd., FTC File No. 141–0129 (May 8, 2015).

[4] I would find a likelihood that the Imperial portion of the transaction would be completed less than 50 percent to be a sufficient basis to challenge the three-way transaction or enter into a consent decree.

consent order that requires them to make the deal along with a handful of other changes. But that is not our role. There is no legal authority for the proposition that the Commission can prophylactically impose remedies without an underlying violation of the antitrust laws. And there is no legal authority to support the view that the Commission can isolate selected components of a three-way transaction to find such a violation. In the absence of such authority, the appropriate course is to evaluate the three-way transaction presented to the agency as a whole. Because I conclude, as apparently does the Commission, that the three-way transaction does not substantially lessen competition, there is no competitive harm to correct and any remedy is unnecessary and unwarranted.[5] Entering into consents is appropriate only when the transaction at issue—in this case the three-way transaction—is likely to substantially lessen competition. This one does not.

[FR Doc. 2015–13861 Filed 6–5–15; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–0856; Docket No. CDC–2015–0041]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the proposed revision of the National Quitline Data Warehouse (NQDW) information collection. The NQDW is a repository of information about callers who have received services from state quitlines and a quarterly summary of services provided by each quitline.

DATES: Written comments must be received on or before August 7, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0041 by any of the following methods:

Federal eRulemaking Portal: Regulation.gov. Follow the instructions for submitting comments.

Mail: Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (*Regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

National Quitline Data Warehouse (NQDW) (OMB No. 0920–0856, exp. 10/31/2015)—Revision—National Center for Chronic Disease and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Despite the high level of public knowledge about the adverse effects of smoking, tobacco use remains the leading preventable cause of disease and death in the United States. Smoking results in approximately 480,000 deaths annually (USDHHS, 2014). This total includes approximately 41,000 annual deaths in nonsmoking U.S. adults caused by secondhand smoke exposure (USDHHS, 2014). Although the prevalence of current smoking among adults has been decreasing, substantial disparities in smoking prevalence continue to exist among individuals of low socioeconomic status, persons with mental health and substance abuse conditions, and certain racial/ethnic populations, among other groups.

Quitlines are telephone-based tobacco cessation services that help tobacco users quit through a variety of services,

[5] The Commission points to the HSR Act as providing the legal basis for the FTC to enter into consent orders ''to ensure that any competitive issues with a proposed transaction are addressed effectively.'' Statement of the Federal Trade Commission, *supra* note 1, at 4 n.7. When a proposed transaction or set of transactions would not substantially lessen competition, as is the case with the three way transaction originally proposed here, there are no competitive issues with the proposed transaction to be addressed, and the belief that a consent order may even further mitigate concerns regarding the transfer of assets is not material to our analysis under the Clayton Act. The HSR Act is not in conflict with the Clayton Act and does not change this result.

including counseling, medications, information and self-help materials (NAQC, 2009). Quitlines are effective, population-based interventions that increase successful quitting. Tobacco cessation quitlines overcome many of the barriers to in-person tobacco cessation individual and group counseling because they are free, available at the caller's convenience, and do not require transportation or child care. They are also efficient and cost-effective, in part because they offer multiple services centrally that often are unavailable locally. CDC has directly supported state quitlines since 2004 when CDC and the National Cancer Institute (NCI) created the National Network of Tobacco Cessation Quitlines Initiative to provide greater access to counseling for tobacco cessation to U.S. tobacco users. Also, as part of the Initiative, NCI established a toll-free national portal number at 1–800–QUIT–NOW. This portal number automatically transfers callers to their state quitline.

Quitlines now exist in all U.S. states, the District of Columbia, Guam, and Puerto Rico. CDC currently supports the maintenance and enhancement of state quitlines as part of the National Tobacco Control Program, a cooperative agreement program with the states, and additional funding designated for ensuring quitline capacity. One of CDC's current goals is to expand quitline capacity so that all callers to the quitline during a federal media campaign are offered at least one coaching call, either immediately upon calling or by being re-contacted within two to three days. A secondary purpose is to continue to expand the capacity of state tobacco control programs to implement evidence-based cessation interventions and to provide interventions that are culturally and linguistically appropriate for populations that experience disparities.

In 2010, with funding provided by the American Reinvestment and Recovery Act (ARRA) of 2009, CDC's Office on Smoking and Health (OSH) obtained approval to collect information through the National Quitline Data Warehouse (NQDW; OMB No. 0920–0856). The NQDW information collection continued from 2012–2014 using funds from the Patient Protection and Affordable Care Act (ACA) and CDC's Prevention and Public Health Fund (PPHF). During its five years in existence, the NQDW has collected a quarterly services summary report from 50 states, the District of Columbia, Guam and Puerto Rico. NQDW has also collected de-identified, individual-level data about tobacco users who have received services from state quitlines including caller demographics, tobacco use behaviors of callers, reasons for calling the quitline, how callers reported hearing about the quitline, what services callers have received from the quitline, and whether or not callers were able to make successful quit attempts after using state quitline programs.

Information collected by the NQDW has demonstrated an increase in the demand for quitline services over time. Unfortunately, quitlines remain under-funded and under-promoted. According to CDC's *Best Practices for Comprehensive Tobacco Control Programs,* currently about 1 percent of tobacco users receive services from state quitlines each year, however approximately 6 to 8 percent of tobacco users could potentially be reached by state quitlines if quitlines were sufficiently funded and promoted.

CDC uses the information collected by the NQDW for ongoing monitoring and evaluation related to state quitlines. The NQDW collects important information used to monitor and evaluate the impact of funding for tobacco control programs and state quitlines as well as other tobacco programs, policies and interventions. In addition, data collected by the NQDW serves an important role in helping CDC assess the effectiveness of the *Tips From Former Smokers* media campaign. The ''*Tips*'' campaign was initiated in 2012 to increase public awareness of the immediate health damage caused by smoking and to encourage adult smokers to quit (*www.cdc.gov/tips*).

CDC plans to request OMB approval to continue the NQDW information collection for three years. All 50 states, the District of Columbia, Guam, and Puerto Rico will continue to participate. Changes to be implemented include:

(1) The Asian Smokers' Quitline (ASQ) will participate in the NQDW. The ASQ will be administered and operated by a single, national quitline service provider. This change will allow CDC to assess state quitline efforts to expand quitline capacity and service provision to the tobacco users who speak Asian languages. The total number of programs reporting through the NQDW will increase from 53 to 54.

(2) Five questions will be added to the NQDW Intake Questionnaire concerning pregnancy, insurance status, type of health insurance, mental health, and language of service. This information will help CDC and the states tailor quitline services to the needs of callers. In 2014, CDC inquired with states as to whether their state quitlines are already collecting information on pregnancy status, insurance status, and mental health status and learned that most state quitlines already collect this information. However, these questions are not included in the current NQDW Intake Questionnaire. Adding these items to the NQDW Intake Questionnaire will impose minimal additional burden on states but will substantially improve the utility of the NQDW data to identify use of state quitlines by key tobacco use populations. Finally, CDC proposes to add a question about the language in which quitline services are provided. This question would not be a question posed to callers, but would be recorded by the quitline service provider.

(3) In 2012, CDC discontinued data collection for the NQDW Seven-Month Follow-up Survey. During the three year period of this Revision request, the NQDW Seven-Month Follow-up Questionnaire will be collected, but only for callers who receive services through the Asian Smokers' Quitline. Should the need arise in the future to resume collecting seven-month follow-up data from all callers, an additional Revision request will be submitted to OMB.

Participation in the caller intake and follow-up interviews is voluntary for quitline callers. The estimated burden is 10 minutes for a complete intake call conducted with an individual who calls on their own behalf. The estimated burden is one minute for a caller who requests information for someone else, as these callers complete only a subset of questions on the intake questionnaire. The estimated burden per response for the Seven-Month Follow-Up Questionnaire is seven minutes.

As a condition of funding, the 54 cooperative agreement awardees are required to submit a quarterly services survey. CDC recognizes that awardees incur additional burden for preparing and transmitting summary files with their de-identified caller intake and follow-up data. This burden is acknowledged in the instructions for transmitting the electronic data files. There is a net decrease in burden, primarily due to discontinuation of the Seven-Month Follow-Up Questionnaire for the majority of callers.

All information will be submitted to CDC electronically. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)	Total burden (in hrs.)
Quitline callers who contact the quitline for help themselves.	NQDW Intake Questionnaire (complete)	509,742	1	10/60	84,957
Caller who contacts the quitline on behalf of someone else.	NQDW Intake Questionnaire (subset)	26,902	1	1/60	448
Quitline caller who received a quitline service from the Asian Smokers' quitline.	NQDW 7-Month Follow-Up Questionnaire	659	1	7/60	77
Tobacco Control Manager or Their Designee.	Instructions for Submitting NQDW Intake Questionnaire Electronic Data File to CDC.	54	4	1	216
	Instructions for Submitting NQDW 7-Month Follow-up Electronic Data File to CDC.	1	1	1	1
	NQDW Quitline Services Survey	54	4	20/60	72
Total					85,771

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–13849 Filed 6–5–15; 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 (FOA), CK15–004, Epicenters for the Prevention of Healthcare Associated Infections (HAIs)—Cycle II.

Time and Date: 10:00 a.m.–4:00 p.m., EDT, July 9, 2015 (Closed).

Place: 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 ''Epicenters for the Prevention of Healthcare Associated Infections (HAIs)—Cycle II'', FOA CK15–004.

Contact Person for More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE., Mailstop E60, Atlanta, Georgia 30329–4027, Telephone: (404) 718–8833.

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. 2015–13924 Filed 6–5–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Office for State, Tribal, Local and Territorial Support

In accordance with Presidential Executive Order No. 13175, November 6, 2000, and the Presidential Memorandum of November 5, 2009, and September 23, 2004, Consultation and Coordination with Indian Tribal Governments, CDC/Agency for Toxic Substances and Disease Registry (ATSDR), announces the following meeting and Tribal Consultation Session:

Name: Tribal Advisory Committee (TAC) Meeting and 13th Biannual Tribal Consultation Session.

Times and Dates: 8:00 a.m.–5:00 p.m., August 4, 2015 (TAC Meeting); 8:00 a.m.–5:00 p.m., August 5, 2015 (13th Biannual Tribal Consultation Session).

Place: The TAC Meeting and Tribal Consultation Session will be held at the Northern Quest, 100 North Hayford Road, Airway Heights, Washington 99001.

Status: The meetings are being hosted by CDC/ATSDR in-person only and are open to the public. Attendees must pre-register for the event by Friday, July 3, 2015, at the following link: *http://www.cdc.gov/tribal/meetings.html.*

Purpose: The purpose of these recurring meetings is to advance CDC/ATSDR support for and collaboration with tribes, and to improve the health of tribes through, including but not limited to, assisting in eliminating the health disparities faced by Indian tribes, ensuring that access to critical health and human services and public health services is maximized to advance or enhance the social, physical, and economic status of American Indian/Alaska Native (AI/AN) people; and promoting health equity for all AI/AN people and communities. To advance these goals, CDC/ATSDR conducts government-to-government consultations with elected tribal officials or their authorized representatives. Consultation is an enhanced form of communication that emphasizes trust, respect, and shared responsibility. It is an open and free exchange of information and opinion among parties that leads to mutual understanding and comprehension.

Matters for Discussion: The TAC and CDC leaders will discuss the following public health topics: Chronic disease prevention and health promotion in Indian Country, CDC's budget, and CDC's communication and engagement with tribes; however, discussion is not limited to these topics.

During the 13th Biannual Tribal Consultation Session, tribes and CDC leaders will engage in a listening session with CDC's director and have roundtable discussions with CDC senior leaders. Tribes will also have an opportunity to present testimony on tribal health issues.

Tribal leaders are encouraged to submit written testimony by July 17, 2015, by mail to Annabelle Allison, Deputy Associate Director, Tribal Support Unit, Office for State, Tribal, Local and Territorial Support (OSTLTS), Centers for Disease Control and Prevention, 4770 Buford Highway NE., MS E–70, Atlanta, Georgia 30341, or by email to *TribalSupport@cdc.gov.*

Depending on the time available, it might be necessary to limit each presenter's time.

The agenda is subject to change as priorities dictate.

Information about the TAC, CDC's Tribal Consultation Policy, and previous meetings can be found at the following link: *http://www.cdc.gov/tribal.*

Contact person for more information: Annabelle Allison, Deputy Associate Director, Tribal Support Unit, CDC/OSTLTS, 4770 Buford Highway NE., MS E–70, Atlanta, Georgia 30341; email: *AAllison@cdc.gov.*

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. 2015–13923 Filed 6–5–15; 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

The meeting announced below concerns, Health Promotion and Disease Prevention Research Centers: Special Interest Project Competitive Supplements, DP15–008, initial review.

SUMMARY: This document corrects a notice that was published in the **Federal Register** on May 18, 2015, Volume 80, Number 95, page 28273. This meeting is canceled in its entirety.

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.*

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. 2015–13884 Filed 6–5–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Plan for Foster Care and Adoption Assistance—Title IV–E.

OMB No.: 0970–0433.

Description

A title IV–E plan is required by section 471, part IV–E of the Social Security Act (the Act) for each public child welfare agency requesting Federal funding for foster care, adoption assistance and guardianship assistance under the Act. Section 479B of the Act provides for an Indian tribe, tribal organization or tribal consortium (Tribe) to operate a title IV–E program in the same manner as a State with minimal exceptions. The Tribe must have an approved title IV–E Plan. The title IV–E plan provides assurances the programs will be administered in conformity with the specific requirements stipulated in title IV–E. The plan must include all applicable State or Tribal statutory, regulatory, or policy references and citations for each requirement as well as supporting documentation. A title IV–E agency may use the pre-print format prepared by the Children's Bureau of the Administration for Children and Families or a different format, on the condition that the format used includes all of the title IV–E plan requirements of the law.

Respondents: Title IV–E agencies administering or supervising the administration of the title IV–E programs.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Title IV–E Plan	17	1	16	272

Estimated Total Annual Burden Hours: 272.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–13906 Filed 6–5–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control

and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from the Hanford site in Richland, Washington, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

On May 20, 2015, as provided for under 42 U.S.C. 7384*l*(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of Department of Energy contractors and subcontractors(excluding employees of the following Hanford prime contractors during the specified time periods: Battelle Memorial Institute, January 1, 1984, through December 31, 1990; Rockwell Hanford Operations, January 1, 1984, through June 28, 1987; Boeing Computer Services Richland, January 1, 1984, through June 28, 1987; UNC Nuclear Industries, January 1, 1984, through June 28, 1987; Westinghouse Hanford Company, January 1, 1984, through December 31, 1990; and Hanford Environmental Health Foundation, January 1, 1984, through December 31, 1990), who worked at the Hanford site in Richland, Washington, during the period from January I, 1984, through December 31, 1990, for a number of work days aggregating at least 250 work days, occurring either solely under this employment, or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation will become effective on June 21, 2015, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2015–13930 Filed 6–5–15; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from the Dow Chemical Company in Pittsburg, California, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

On May 21, 2015, as provided for under 42 U.S.C. 7384*l*(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All Atomic Weapons Employer employees who worked for Dow Chemical Company in Pittsburg, California, from October 1, 1947, through June 30, 1957, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation will become effective on June 20, 2015, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2015–13929 Filed 6–5–15; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from the Grand Junction Facilities site in Grand Junction, Colorado, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

On May 20, 2015, as provided for under 42 U.S.C. 7384*l*(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and its contractors and subcontractors who worked at the Grand Junction Facilities site in Grand Junction, Colorado, during the period from February 1, 1975, through December 31, 1985, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees in the Special Exposure Cohort.

This designation will become effective on June 19, 2015, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2015–13927 Filed 6–5–15; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60 Day Comment Request Characterization of Risk of HIV and HIV Outcomes in the Brazilian Sickle Cell Disease (SCD) Population and Comparison of SCD Outcomes Between HIV Sero-Positive and Negative SCD Patients (NHLBI)

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH), will publish periodic summaries of proposed projects to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

TO SUBMIT COMMENTS AND FOR FURTHER INFORMATION: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Simone Glynn, MD, Project Officer/ICD Contact, Two Rockledge Center, Suite 9142, 6701 Rockledge Drive, Bethesda, MD 20892, or call non-toll-free number (301) 435–0065, or Email your request to: *glynnsa@nhlbi.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

DATES:

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: Characterization of risk of HIV and HIV outcomes in the Brazilian Sickle Cell Disease (SCD) population and comparison of SCD outcomes between HIV sero-positive and negative SCD patients 0925–NEW, National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH).

Need and Use of Information Collection: The National Heart, Lung, and Blood Institute (NHLBI) Recipient Epidemiology and Donor Evaluation Study-III (REDS–III) program conducts research focused on the safety of the blood supply, the patients who are in need of transfusions, and the epidemiology of transfusion-transmissible infections such as human immunodeficiency virus (HIV). Sickle cell disease (SCD) is a blood disorder that affects thousands of people in the United States and Brazil. Many patients with SCD need to be chronically transfused with red blood cells and the REDS–III research program has established in Brazil a cohort of patients with SCD to study transfusion outcomes and infectious diseases such as HIV in the SCD population.

Sickle cell disease predominantly affects persons with sub-Saharan Africa and other malaria-endemic regions ancestry because people who carry one sickle cell disease gene (you need 2 to have sickle cell disease) have a survival advantage for malaria. Sub-Saharan Africa, where most people with SCD in the world live, remains one of the regions most severely affected by HIV, with nearly 1 in every 20 adults living with the virus. In the United States, HIV also disproportionately affects persons with African ancestry. Despite the diseases' occurrence in similar populations and the fact that both HIV and SCD are independent predictors of outcomes such as stroke, there is a lack of data to evaluate if patients with SCD and HIV have different illnesses than patients who have SCD- or HIV-only. The proposed study will seek to understand the risk of HIV in the SCD population, describe HIV outcomes in patients with SCD and compare SCD complications between HIV-positive and HIV-negative patients with SCD using the infrastructure established by the REDS–III SCD Cohort study.

The limited studies focused on HIV in SCD have suggested that HIV may not occur as frequently in patients with SCD as in people who do not have SCD. While it has been hypothesized that perhaps SCD pathophysiology has a unique effect on HIV infection or replication, none of the studies have adequately measured risk factors for HIV in patients with SCD. The first objective of the proposed study is to compare HIV risk factors between 150 patients with SCD (cases) randomly selected from the REDS–III SCD Cohort study and 150 individuals without SCD (controls) from a demographically similar population. An assessment that has been well validated in previous studies has been modified for the SCD population and will be used to collect data regarding HIV risk behaviors. The second objective of the proposed study will seek to enroll approximately 25 patients with SCD and HIV who consent to have detailed information regarding their diseases retrieved from their medical records. This will allow for an in-depth evaluation of how patients with both diseases fare. Additionally, patients who have SCD but not HIV will be compared to patients who have both diseases to better understand how one disease affects the other disease. Information on the HIV-negative patients with SCD has already been collected because they participated in the REDS–III SCD Cohort study. This study will provide critical information to guide the management and future research for patients with HIV and SCD in Brazil, the United States, and worldwide.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 325.

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Objective 1 Risk Factor Informed Consents.	Adult SCD cases and controls	300	1	15/60	75
Objective 2 Risk Factor Informed Consent.	Adult previously enrolled REDS–II and III HIV SCD patients.	25	1	15/60	6

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Objectives 1 and 2 Risk Factor Assessment.	Adult SCD cases and controls, and Adult previously enrolled REDS–II and III HIV SCD patients.	325	1	45/60	244

Lynn Susulske,

NHLBI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2015–13837 Filed 6–5–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA–DK–14–022: Improving Diabetes Management in Young Children with Type 1 Diabetes (DP3).

Date: June 24, 2015.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Ancillary Studies: Kramer.

Date: July 10, 2015.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; R13 Conference Grant Applications.

Date: July 16, 2015.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 755, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Psychosocial and Behavioral Aspects of Bariatric Surgery (R01).

Date: July 23, 2015.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Identification of Novel Targets and Pathways Mediating Weight Loss, Diabetes Resolution and Related Metabolic Disease after Bariatric Surgery in Humans (R01).

Date: July 27, 2015.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: June 2, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–13839 Filed 6–5–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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: Microbiology, Infectious Diseases and AIDS Initial Review Group; Microbiology and Infectious Diseases B Subcommittee.

Date: June 30, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3F30A, 5601 Fisher Lane, Rockville, MD 20892.

Contact Person: Ellen S. Buczko, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Bethesda, MD 20892–7616, 240–669–5028, *ebuczko1@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856,

Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 2, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–13840 Filed 6–5–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; Review of DSR Member Conflict, R25 & R13 Applications.

Date: June 25, 2015.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892.

Contact Person: Victor Henriquez, Ph.D., Scientific Review Officer, DEA/SRB/NIDCR, 6701 Democracy Blvd., Room 668, Bethesda, MD 20892–4878, 301–451–2405, *henriquv@nidcr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: June 2, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–13827 Filed 6–5–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Investigator Initiated Extended Clinical Trial (R01).

Date: June 29, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fisher Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: B. Duane Price, Ph.D., Scientific Review Officer, Scientific Review Program, DHHS/NIH/NIAID, 5601 Fishers Lane, Room 3C100, Bethesda, MD 20892, 240–669–5074, *pricebd@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 2, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–13841 Filed 6–5–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; NIGMS Postdoctoral T32 Review.

Date: July 10, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.18, Bethesda, MD 20892, 301–594–3907, *pikebr@mail.nih.gov*.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Anesthesiology Program Project Review.

Date: July 13, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3An.18, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Brian R. Pike, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.18, Bethesda, MD 20892, 301–594–3907, *pikebr@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: June 2, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–13826 Filed 6–5–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2015–0015; OMB No. 1660–0073]

Agency Information Collection Activities: Proposed Collection; Comment Request; National Urban Search and Rescue Response System

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a revision of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Urban Search and Rescue Response System information collection.

DATES: Comments must be submitted on or before August 7, 2015.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2015–0015. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

(3) *Facsimile.* Submit comments to (202) 212–4701.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov*, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Catherine Deel, Program Specialist, FEMA, Response Directorate, Operations Division, at (202) 212–3796. You may contact the Records Management Division for copies of the proposed collection of information at facsimile number (202) 212–4701 or email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: Section 303 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5144, authorizes the President of the United States to form emergency support teams of Federal personnel to be deployed to an area affected by major disaster or emergency. Section 403(a)(3)(B) of the Stafford Act provides that the President may authorize Federal Agencies to perform work on public or private lands essential to save lives and protect property, including search and rescue and emergency medical care, and other essential needs. The Post Katrina Emergency Management Reform Act (PKEMRA) codified the Urban Search and Rescue in the Homeland Security Act of 2002 (as amended), stating:

There is in the Agency [FEMA] a system known as the National Urban Search and Rescue Response System (US&R).

The information collection activity authorized under the Omnicircular, 2 CFR part 200, is the collection of program and administrative information from US&R Sponsoring Agencies relating to readiness and response cooperative agreement awards.

Collection of Information

Title: National Urban Search and Rescue Response System.

Type of Information Collection: Revision of a currently approved information collection.

OMB Number: 1660–0073.

FEMA Forms: FEMA Form 089–0–10, Urban Search Rescue Response System Narrative Statement Workbook; FEMA Form 089–0–11, Urban Search Rescue Response System Semi-Annual Performance Report; FEMA Form 089–0–12, Urban Search Rescue Response System Amendment Form; FEMA Form 089–0–14, Urban Search Rescue Response System Task Force Self-Evaluation Scoresheet; FEMA Form 089–0–15, Urban Search Rescue Response System Task Force Deployment Data; FEMA Form 089–0–26, Vehicle Support Unit Purchase/Replacement/Disposal Justification.

Abstract: The information collection activity is the collection of financial, program and administrative information for US&R Sponsoring Agencies relating to readiness and response Cooperative Agreement awards.

Affected Public: State, Local or Tribal Government.

Number of Respondents: 28.

Number of Responses: 210.

Estimated Total Annual Burden Hours: 392 hours.

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS

Type of respondent	Form name/form No.	Number of respondents	Number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Average hourly wage rate	Total annual respondent cost
State, Local or Tribal Government (US&R Task Forces).	FEMA Form 089–0–10, A thru I: Narrative Statement Workbook.	28	1	28	4	112	$42.94	$4,809.28
State, Local or Tribal Government (US&R Task Forces).	Semi-Annual Performance Report/FEMA Form 089–0–11.	28	2	56	2	112	42.94	4,809.28
State, Local or Tribal Government (US&R Task Forces).	Amendment Form/FEMA Form 089–0–12.	28	2	56	1	56	42.94	2,404.64
State, Local or Tribal Government (US&R Task Forces).	Self-Evaluations/FEMA Form 089–0–14.	28	1	28	2	56	42.94	2,404.64
State, Local or Tribal Government (US&R Task Forces).	Task Force Deployment Data/FEMA Form 089–0–15.	28	1	28	1	28	42.94	1,202.32
State, Local or Tribal Government (US&R Task Forces).	Vehicle Support Unit Purchase/Replacement/Disposal Justification Form/FEMA Form 089–0–26.	14	1	14	2	28	42.94	1,202.32

ESTIMATED ANNUALIZED BURDEN HOURS AND COSTS—Continued

Type of respondent	Form name/form No.	Number of respondents	Number of responses per respondent	Total number of responses	Average burden per response (in hours)	Total annual burden (in hours)	Average hourly wage rate	Total annual respondent cost
Total		28		210		392		16,832.48

Note: The ''Avg. Hourly Wage Rate'' for each respondent includes a 1.4 multiplier to reflect a fully-loaded wage rate.

Estimated Cost: The estimated annual cost to respondents for the hour burden is $16,832.48. There are no annual costs to respondents' operations and maintenance costs for technical services. There are no annual start-up or capital costs. The cost to the Federal Government is $79,665.90.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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.

Dated: May 29, 2015.

Janice Waller,

Director, Records Management Division, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2015–13969 Filed 6–5–15; 8:45 am]

BILLING CODE 9111–54–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2014–0022]

Technical Mapping Advisory Council

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Federal Emergency Management Agency (FEMA) Technical Mapping Advisory Council (TMAC) will meet in person on June 23–24, 2015, in Silver Spring, MD. The meeting will be open to the public.

DATES: The TMAC will meet on Tuesday, June 23, 2015, from 12:45 p.m.–5:00 p.m., and Wednesday, June 24, 2015, from 12:30 p.m.–5:30 p.m., Eastern Daylight Savings Time (EDT). Please note that the meeting will close early if the TMAC has completed its business.

ADDRESSES: The meeting will be held at the National Oceanic and Atmospheric Administration (NOAA) headquarters conference center located at 1325 East-West Hwy, Silver Spring, 20910. Members of the public who wish to attend the meeting must register in advance by sending an email to *FEMA–TMAC@fema.dhs.gov* (attention Mark Crowell) by 11 p.m. EDT on Thursday, June 18, 2015. Members of the public must check in at the NOAA security desk and be escorted to the conference room on the second floor; photo identification is required.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the person listed in **FOR FURTHER INFORMATION CONTACT** below as soon as possible.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered by the TMAC, as listed in the ''Supplementary Information'' section below. Associated meeting materials will be available at *www.fema.gov/TMAC* for review by June 15, 2015. Written comments to be considered by the committee at the time of the meeting must be submitted and received by Thursday, June 18, 2015, identified by Docket ID FEMA–2014–0022, and submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* Address the email TO: *FEMA-RULES@fema.dhs.gov* and CC: *FEMA-TMAC@fema.dhs.gov.* Include the docket number in the subject line of the message. Include name and contact detail in the body of the email.
- *Mail:* Regulatory Affairs Division, Office of Chief Counsel, FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For docket access to read background documents or comments received by the TMAC, go to *http://www.regulations.gov* and search for the Docket ID FEMA–2014–0022.

A public comment period will be held on June 23, 2015, from 4:30 p.m. to 5:00 p.m. and again on June 24, 2015, from 3:30 to 4:00 p.m. Speakers are requested to limit their comments to no more than three minutes. The public comment period will not exceed 30 minutes. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact the individual listed below to register as a speaker by close of business on Thursday, June 18, 2015.

FOR FURTHER INFORMATION CONTACT: Mark Crowell, Designated Federal Officer for the TMAC, FEMA, 1800 South Bell Street, Arlington, VA 22202, telephone (202) 646–3432, and email *mark.crowell@fema.dhs.gov.* The TMAC Web site is: *http://www.fema.gov/TMAC.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

As required by the *Biggert-Waters Flood Insurance Reform Act of 2012,* the TMAC makes recommendations to the FEMA Administrator on: (1) How to improve, in a cost-effective manner, the (a) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and (b) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States; (2) mapping standards and guidelines for (a) flood insurance rate maps, and (b) data accuracy, data quality, data currency, and data eligibility; (3) how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification; (4) procedures for delegating mapping

activities to State and local mapping partners; and (5)(a) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination, and (b) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies. Furthermore, the TMAC is required to submit an annual report to the FEMA Administrator that contains: (1) A description of the activities of the Council; (2) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update Flood Insurance Rate Maps; and (3) a summary of recommendations made by the Council to the FEMA Administrator.

The TMAC must also develop recommendations on how to ensure that flood insurance rate maps incorporate the best available climate science to assess flood risks and ensure that FEMA uses the best available methodology to consider the impact of the rise in sea level and future development on flood risk. The TMAC must collect these recommendations and present them to the FEMA Administrator in a future conditions risk assessment and modeling report.

Further, in accordance with the *Homeowner Flood Insurance Affordability Act of 2014,* the TMAC must develop a review report related to flood mapping in support of the National Flood Insurance Program (NFIP).

Agenda: On June 23, 2015, the TMAC members will discuss the Council's work process for preparation of the Annual Report and Future Conditions Report due in October 2015, and receive report outs from the following TMAC subcommittees: (1) Future Conditions; (2) Flood Hazard Risk Generation and Dissemination; and (3) Operations, Coordination, and Leveraging. A brief public comment period will take place prior to any votes. In addition, invited subject matter experts will brief TMAC members on FEMA's mapping program and the progress of FEMA's Flood Insurance Reform Flood Mapping Integrated Project Team (IPT) to date, and present a tribal perspective on the program.

On June 24, 2015, the TMAC members will (1) discuss the report outs from the TMAC subcommittees, (2) deliberate on content for the 2015 reports, and (3) discuss next steps for TMAC discussions and report development, including a vote on the annotated outlines for the Annual Report and Future Condition Report due in October 2015. A brief public comment period will take place prior to a vote. The full agenda and related briefing materials will be posted for review by June 15, 2015 at *http://www.fema.gov/TMAC.*

Dated: May 29, 2015.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2015–13966 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1513]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact

stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 21, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Illinois:						
DuPage	City of Warrenville, (15–05–1937P).	The Honorable David L. Brummel, Mayor, City of Warrenville, City Hall, 28W701 Stafford Place, Warrenville, IL 60555..	Warrenville City Hall, 3S258 Manning Avenue, Warrenville, IL 60555.	*http://www.msc.fema.gov/lomc*	Aug. 14, 2015	170218
DuPage	Unincorporated areas of DuPage County, (15–05–1937P).	Mr. Dan Cronin, County Board Chairman, DuPage County, Administration Building, 421 North County Farm Road, Wheaton, IL 60187.	DuPage County Department of Development and Environmental Concerns, 421 North County Farm Rd., 2nd Floor, Wheaton, IL 60187.	*http://www.msc.fema.gov/lomc*	Aug. 14, 2015	170197
Indiana: Allen	Unincorporated areas of, Allen County, (14–05–9162P).	The Honorable F. Nelson Peters, Allen County Commissioner, Citizens Square, 200 East Berry Street, Suite 410, Fort Wayne, IN 46802.	1 East Main Street, Room 630, Fort Wayne, IN 46802.	*http://www.msc.fema.gov/lomc*	Aug. 25, 2015	180302
Ohio:						
Delaware	Unincorporated areas of Delaware County, (15–05–1599P).	The Honorable Gary Merrell, President, Delaware County Board of Commissioners, 101 North Sandusky Street, Delaware, OH 43015.	50 Channing Street, South Wing, Delaware, OH 43015.	*http://www.msc.fema.gov/lomc*	Aug. 1, 2015	390146
Franklin	City of Columbus, (15–05–1599P).	The Honorable Michael B. Coleman, Mayor, City of Columbus, 90 West Broad Street, 2nd Floor, Columbus, OH 43215.	757 Carolyn Avenue, Columbus, OH 43224.	*http://www.msc.fema.gov/lomc*	Aug. 1, 2015	390170
Franklin	City of Dublin, (15–05–1599).	The Honorable Michael Keenan, Mayor, City of Dublin, 5200 Emerald Parkway, Dublin, OH 43017.	5800 Shier-Rings Road, Dublin, OH 43017.	*http://www.msc.fema.gov/lomc*	Aug. 1, 2015	390673
Franklin	Unincorporated areas of Franklin County, (15–05–1599P).	The Honorable Marilyn Brown, President, Franklin County Board of Commissioners, 373 South High Street, 26th Floor, Columbus, OH 43215.	280 East Broad Street, Columbus, OH 43215.	*http://www.msc.fema.gov/lomc*	Aug. 1, 2015	390167
Massachusetts:						
Norfolk	City of Quincy, (15–01–0874P).	The Honorable Thomas P. Koch, Mayor, City of Quincy, City Hall, 1305 Hancock Street, Quincy, MA 02169.	1305 Hancock Street, Quincy, MA 02169.	*http://www.msc.fema.gov/lomc*	Aug. 21, 2015	255219
Norfolk	Town of Milton, (15–01–0874P).	Mr. Denis Keohane, Selectman, Town of Milton, Town Office Building, 525 Canton Avenue, Milton, MA 02186.	525 Canton Avenue, Milton, MA 02186.	*http://www.msc.fema.gov/lomc*	Aug. 21, 2015	250245
Wisconsin:						
Milwaukee	City of Greenfield, (15–05–0082P).	The Honorable Michael J. Neitzke, Mayor, City of Greenfield, 7325 West Forest Home Avenue, Greenfield, WI 53220.	7325 West Forest Home Avenue, Greenfield, WI 53220.	*http://www.msc.fema.gov/lomc*	Aug. 21, 2015	550277
Kenosha	City of Kenosha, (14–05–8669P).	The Honorable Keith G. Bosman, Mayor, City of Kenosha, 625 52nd Street, Kenosha, WI 53140.	625 52nd Street, Kenosha, WI 53140.	*http://www.msc.fema.gov/lomc*	Aug. 21, 2015	55209
Kenosha	Village of Bristol, (14–05–8669P).	Mr. Michael Farrell, President, Village of Bristol, 19801 83rd Street, Bristol, WI 53104.	19801 83rd Street, Bristol, WI 53104.	*http://www.msc.fema.gov/lomc*	Aug. 21, 2015	550595

[FR Doc. 2015–13858 Filed 6–5–15; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1511]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before September 8, 2015.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1511, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 21, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-based studies:

Community	Community map repository address
Deschutes Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Thurston County, Washington, and Incorporated Areas	
City of Lacey	City Hall—Community Development Department, 420 College Street Southeast, Lacey, WA 98503.
City of Olympia	City Hall, 601 4th Avenue East, Olympia, WA 98501.
City of Rainier	City Hall, 102 Rochester Street, Rainier, WA 98576.
City of Tumwater	City Hall, 555 Israel Road Southwest, Tumwater, WA 98501.

Community	Community map repository address
Unincorporated Areas of Thurston County	Thurston County Courthouse, 2000 Lakeridge Drive Southwest, Olympia, WA 98502.

II. Non-watershed-based studies:

Community	Community map repository address
Humboldt County, CA and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project:14–09–2976S Preliminary Date: January 9, 2015	
City of Arcata	City of Arcata, 525 9th Street, Arcata, CA 95521.
City of Blue Lake	City of Blue Lake, 111 Greenwood Avenue, Blue Lake, CA 95525.
City of Fortuna	City of Fortuna City Hall, 621 11th Street, Fortuna, CA 95540.
Unincorporated Areas of Humboldt County	Clark Complex, 3015 H Street, Eureka, CA 95501.
Trinity County, California, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project:11–09–0903S Preliminary Date: December 22, 2014	
Unincorporated Areas of Trinity County	Planning Department & Planning Commission, 61 Airport Road, Weaverville, CA 96093.
Lee County, IL and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 12–05–1345S Preliminary Date: August 20, 2014	
City of Dixon	City Hall, Building and Zoning Office, 121 West Second Street, Dixon, IL 61021.
City of Rochelle	City Hall, 420 North Sixth Street, Rochelle, IL 61068.
Unincorporated Areas of Lee County	County Zoning Office, 112 East Second Street, Dixon, IL 61021.
Village of Nelson	Village Hall, 202 South Butler Street, Nelson, IL 61021.
Ogle County, IL and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project:12–05–1345S Preliminary Date: August 20, 2014	
City of Byron	City Hall, 232 West Second Street, Byron, IL 61010.
City of Oregon	City Hall, 115 North Third Street, Oregon, IL 61061.
City of Rochelle	City Hall, 420 North Sixth Street, Rochelle, IL 61068.
Unincorporated Areas of Ogle County	Ogle County Planning & Zoning Department, 911 West Pines Road, Oregon, IL 61061.
Village of Hillcrest	Village Hall, 204 Hillcrest Avenue, Rochelle, IL 61068.
Sedgwick County, Kansas, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 10–07–2217S Preliminary Date: January 23, 2015	
City of Andale	Sedgwick County Metropolitan Area Building and Construction Department, 1144 South Seneca Street, Wichita, KS 67213.
City of Bel Aire	City Hall, 7651 East Central Park Avenue, Bel Aire, KS 67226.
City of Bentley	Sedgwick County Metropolitan Area Building and Construction Department, 1144 South Seneca Street, Wichita, KS 67213.
City of Cheney	City Hall, 131 North Main Street, Cheney, KS 67025.
City of Clearwater	City Hall, 129 East Ross Avenue, Clearwater, KS 67026.
City of Colwich	City Hall, 310 South Second Street, Colwich, KS 67030.
City of Derby	City Hall, 611 Mulberry Street, Suite 300, Derby, KS 67037.
City of Eastborough	City Hall, 1 Douglas Avenue, Eastborough, KS 67207.
City of Garden Plain	City Hall, 505 North Main Street, Garden Plain, KS 67050.
City of Goddard	City Hall, 118 North Main Street, Goddard, KS 67052.
City of Haysville	Planning Department, 200 West Grand Street, Haysville, KS 67060.
City of Kechi	City Hall, 220 West Kechi Road, Kechi, KS 67067.
City of Maize	City Hall, 10100 West Grady Avenue, Maize, KS 67101.

Community	Community map repository address
City of Mount Hope	City Hall, 112 West Main Street, Mount Hope, KS 67108.
City of Mulvane	City Hall, 211 North Second Street, Mulvane, KS 67110.
City of Park City	Economic Development & Planning, 6110 North Hydraulic Street, Park City, KS 67219.
City of Valley Center	City Hall, 121 South Meridian Avenue, Valley Center, KS 67147.
City of Viola	City Hall, 121 South Main Street, Viola, KS 67149.
City of Wichita	Office of Storm Water Management, 455 North Main Street, 8th Floor, Wichita, KS 67202.
Unincorporated Areas of Sedgwick County	Sedgwick County Metropolitan Area Building and Construction Department, 1144 South Seneca Street, Wichita, KS 67213.
Marion County, Missouri, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–07–0674S Preliminary Date: February 27, 2015	
Unincorporated Areas of Marion County	County Courthouse, 100 South Main Street, Palmyra, MO 63461.
Saunders County, Nebraska, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Wahoo	City Hall, 605 North Broadway Street, Wahoo, NE 68066.
Unincorporated Areas of Saunders County	Saunders County Courthouse, 433 North Chestnut Street, Wahoo, NE 68066.
Benton County, Oregon, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Unincorporated Areas of Benton County	Benton County Community Development Department, 360 Southwest Avery Avenue, Corvallis, OR 97333.
Linn County, Oregon, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Albany	City Hall, 333 Broadalbin Street Southwest, Albany, OR 97321.
Unincorporated Areas of Linn County	Linn County Courthouse, 300 Southwest 4th Avenue, Albany, OR 97321.
Pierce County, Washington, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Bonney Lake	Justice and Municipal Center, 9002 Main Street East, Suite 300, Bonney Lake, WA 98391.
City of Buckley	Planning and Building Department, 811 Main Street, Buckley, WA 98321.
City of Dupont	City Hall, 1700 Civic Drive, Dupont, WA 98327.
City of Edgewood	City Hall, 2224 104th Avenue East, Edgewood, WA 98372.
City of Fife	City Hall, 5411 23rd Street East, Fife, WA 98424.
City of Fircrest	Planning and Building Department, 115 Ramsdell Street, Fircrest, WA 98466.
City of Gig Harbor	City Clerk's Office, 3510 Grandview Street, Gig Harbor, WA 98335.
City of Lakewood	City Hall, 6000 Main Street Southwest, Lakewood, WA 98499.
City of Milton	Public Works Department, 1000 Laurel Street, Milton, WA 98354.
City of Orting	City Hall, 110 Train Street Southeast, Orting, WA 98360.
City of Puyallup	City Hall, 333 South Meridian, Puyallup, WA 98371.
City of Roy	City Hall, 216 McNaught Street South, Roy, WA 98580.
City of Ruston	City Hall, 5117 North Winnifred Street, Ruston, WA 98407.
City of Sumner	City Hall, Public Works Counter, 1104 Maple Street, Sumner, WA 98390.
City of Tacoma	Municipal Building, 747 Market Street, Tacoma, WA 98402.
City of University Place	City Hall, 3715 Bridgeport Way West, Suite B–1, University Place, WA 98466.
Town of Eatonville	Town Hall, 201 Center Street West, Eatonville, WA 98328.
Town of South Prairie	Town Hall, 121 Northwest Washington Street, South Prairie, WA 98385.
Town of Steilacoom	Public Works Building, 1030 Roe Street, Steilacoom, WA 98388.
Town of Wilkeson	Town Hall, 540 Church Street, Wilkeson, WA 98396.
Unincorporated Areas of Pierce County	Pierce County Annex, 2401 South 35th Street, Tacoma, WA 98409.

[FR Doc. 2015–13862 Filed 6–5–15; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket No. FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1404]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Notice; correction.

SUMMARY: On April 25, 2014, FEMA published in the **Federal Register** a proposed flood hazard determination notice at 79 FR 23007 that contained a table which included a Web page address through which the Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for the communities listed in the table could be accessed. The information available through the Web page address has subsequently been updated. The table provided here represents the proposed flood hazard determinations and communities affected for Ulster County, New York (All Jurisdictions).

DATES: Comments are to be submitted on or before September 8, 2015.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1404, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov*.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064 or (email) *Luis.Rodriguez3@fema.dhs.gov*.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://www.floodsrp.org/pdfs/srp_fact_sheet.pdf*.

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Correction

In the proposed flood hazard determination notice published at 79 FR 23007 in the April 25, 2014, issue of the **Federal Register**, FEMA published a table titled ''Ulster County, New York (All Jurisdictions).'' This table contained a Web page address through which the Preliminary FIRM, and where applicable, FIS report for the communities listed in the table could be accessed online. A Revised Preliminary FIRM and/or FIS report have subsequently been issued for some or all of the communities listed in the table. The information available through the Web page address listed in the table has been updated to reflect the Revised Preliminary information and is to be used in lieu of the information previously available.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 21, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Ulster County, New York (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Town of Denning	Denning Town Clerk's Office, 1567 Denning Road, Claryville, NY 12725.
Town of Hardenburgh	Hardenburgh Town Hall, 51 Rider Hollow Road, Arkville, NY 12406.
Town of Hurley	Town Hall, 10 Wamsley Place, Hurley, NY 12443.
Town of Marbletown	Marbletown Town Hall, 3775 Main Street, Stone Ridge, NY 12484.
Town of Olive	Olive Town Hall, 45 Watson Hollow Road, West Shokan, NY 12494.
Town of Shandaken	Town Hall, 7209 Route 28, Shandaken, NY 12480.
Town of Wawarsing	Wawarsing Town Assessor's Office and Building Department, 108 Canal Street, Ellenville, NY 12428.
Town of Woodstock	Town Clerk's Office, 45 Comeau Drive, Woodstock, NY 12498.

[FR Doc. 2015–13866 Filed 6–5–15; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1514]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 21, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Alabama:						
Washington	Town of McIntosh (15–04–1284P).	The Honorable Wilbert Dixon, Mayor, Town of McIntosh, P.O. Box 351, McIntosh, AL 36553.	Town Hall, 206 Commerce Street, McIntosh, AL 36553.	*http://www.msc.fema.gov/lomc*	Jul. 27, 2015	010525
Washington	Unincorporated areas of Washington County (15–04–1284P).	The Honorable Allen Bailey, Chairman, Washington County Board of Commissioners, P.O. Box 146, Chatom, AL 36518.	Washington County Engineering Department, 45 Court Street, Chatom, AL 36518.	*http://www.msc.fema.gov/lomc*	Jul. 27, 2015	010302

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Jefferson	City of Birmingham (14–04–9133P).	The Honorable William A. Bell, Sr., Mayor, City of Birmingham, 710 North 20th Street, Birmingham, AL 35203.	Planning and Engineering Department, 710 North 20th Street, Birmingham, AL 35203.	*http://www.msc.fema.gov/lomc*	Jul. 20, 2015	010116
Jefferson	City of Irondale (14–04–9133P).	The Honorable Tommy J. Alexander, Mayor, City of Irondale, P.O. Box 100188, Irondale, AL 35210.	City Hall, 101 20th Street South, Irondale, AL 35210.	*http://www.msc.fema.gov/lomc*	Jul. 20, 2015	010124
Jefferson	City of Mountain Brook (14–04–9133P).	The Honorable Lawrence T. Oden, Mayor, City of Mountain Brook, P.O. Box 130009, Mountain Brook, AL 35213.	City Hall, 3928 Montclair Road, Mountain Brook, AL 35213.	*http://www.msc.fema.gov/lomc*	Jul. 20, 2015	010128
Jefferson	Unincorporated areas of Jefferson County (14–04–9133P).	The Honorable Jimmie Stephens, Chairman, Jefferson County Commission, 716 Richard Arrington Jr. Boulevard North, Birmingham, AL 35203.	Jefferson County Land Development Department, 716 Richard Arrington Jr. Boulevard North, Birmingham, AL 35203.	*http://www.msc.fema.gov/lomc*	Jul. 20, 2015	010217
Montgomery ...	Town of Pike Road (14–04–9699P).	The Honorable Gordon Stone, Mayor, Town of Pike Road, 9575 Vaughan Road, Pike Road, AL 36064.	Town Hall, 9575 Vaughan Road, Pike Road, AL 36064.	*http://www.msc.fema.gov/lomc*	Jul. 10, 2015	010433
Montgomery ...	Unincorporated areas of Montgomery County (14–04–9699P).	The Honorable Elton N. Dean, Sr., Chairman, Montgomery County Commission, P.O. Box 1667, Montgomery, AL 36102.	Montgomery County Engineering Department, 100 South Lawrence Street, Montgomery, AL 36104.	*http://www.msc.fema.gov/lomc*	Jul. 10, 2015	010278
Arizona: Maricopa	City of Phoenix (15–09–0681P).	The Honorable Greg Stanton, Mayor, City of Phoenix, 200 West Washington Street, Phoenix, AZ 85003.	Street Transportation Department, 200 West Washington Street, 5th Floor, Phoenix, AZ 85345.	*http://www.msc.fema.gov/lomc*	Jul. 31, 2015	040051
California: Los Angeles.	City of Los Angeles (15–09–0550P).	The Honorable Eric Garcetti, Mayor, City of Los Angeles, 200 North Spring Street, Los Angeles, CA 90012.	Public Works Department, 1149 South Broadway, Suite 810, Los Angeles, CA 90015.	*http://www.msc.fema.gov/lomc*	Jul. 27, 2015	060137
Colorado:						
Arapahoe	City of Aurora (14–08–0918P).	The Honorable Steve Hogan, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	City Hall, 15151 East Alameda Parkway, Aurora, CO 80012.	*http://www.msc.fema.gov/lomc*	Jul. 10, 2015	080002
Eagle	Unincorporated areas of Eagle County (14–08–1086P).	The Honorable Kathy Chandler-Henry, Chair, Eagle County Board of Commissioners, P.O. Box 850, Eagle, CO 81631.	Eagle County Building and Engineering Department, 500 Broadway Street, Eagle, CO 81631.	*http://www.msc.fema.gov/lomc*	Aug. 7, 2015	080051
El Paso	City of Colorado Springs (15–08–0177P).	The Honorable Steve Bach, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Colorado Springs, CO 80903.	City Administration, 30 South Nevada Avenue, Colorado Springs, CO 80903.	*http://www.msc.fema.gov/lomc*	Jul. 27, 2015	080060
Fremont	City of Canon City (14–08–0930P).	The Honorable Tony Greer, Mayor, City of Canon City, 901 Main Street, Canon City, CO 81212.	City Hall, 128 Main Street, Canon City, CO 81212.	*http://www.msc.fema.gov/lomc*	Aug. 3, 2015	080068
Fremont	Unincorporated areas of Fremont County (14–08–0930P).	The Honorable Ed Norden, Chairman, Fremont County Board of Commissioners, 615 Macon Avenue, Room 105, Canon City, CO 81212.	Fremont County Administrator, 615 Macon Avenue, Canon City, CO 81212.	*http://www.msc.fema.gov/lomc*	Aug. 3, 2015	080067
La Plata	Unincorporated areas of La Plata County (14–08–1382P).	The Honorable Julie Westendorff, Chair, La Plata County Board of Commissioners, 1060 East 2nd Avenue, Durango, CO 81301.	La Plata County Administration Office, 1060 East 2nd Avenue, Durango, CO 81301.	*http://www.msc.fema.gov/lomc*	Jul. 10, 2015	080097
Florida:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Collier	City of Marco Island (14–04–6846P).	The Honorable Lawrence Sacher, Chairman, City of Marco Island Council, 50 Bald Eagle Drive, Marco Island, FL 34145.	City Hall, 50 Bald Eagle Drive, Marco Island, FL 34145.	*http://www.msc.fema.gov/lomc*	Jun. 19, 2015	120426
Lee	Unincorporated areas of Lee County (15–04–2532P).	The Honorable Brian Hamman, Chairman, Lee County Board of Commissioners, P.O. Box 398, Fort Myers, FL 33902.	Lee County Community Development Department, 1500 Monroe Street, 2nd Floor, Fort Meyers, FL 33901.	*http://www.msc.fema.gov/lomc*	Jul. 31, 2015	125124
Manatee	City of Bradenton (15–04–1364P).	The Honorable Wayne H. Poston, Mayor, City of Bradenton, 101 Old Main Street West, Bradenton, FL 34205.	City Hall, 101 Old Main Street West, Bradenton, FL 34205.	*http://www.msc.fema.gov/lomc*	Jul. 14, 2015	120155
Manatee	City of Holmes Beach (15–04–1453P).	The Honorable Bob Johnson, Mayor, City of Holmes Beach, 5801 Marina Drive, Holmes Beach, FL 34217.	City Hall, 5801 Marina Drive, Holmes Beach, FL 34217.	*http://www.msc.fema.gov/lomc*	Jun. 25, 2015	125114
Manatee	Unincorporated areas of Manatee County (15–04–1364P).	The Honorable Betsy Benac, Chair, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34206.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	*http://www.msc.fema.gov/lomc*	Jul. 14, 2015	120153
Manatee	Unincorporated areas of Manatee County (15–04–1453P).	The Honorable Betsy Benac, Chair, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34206.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	*http://www.msc.fema.gov/lomc*	Jun. 25, 2015	120153
Manatee	Unincorporated areas of Manatee County (15–04–A642P).	The Honorable Betsy Benac, Chair, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34206.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	*http://www.msc.fema.gov/lomc*	Jul. 3, 2015	120153
Miami-Dade	City of Sunny Isles Beach (15–04–0303P).	The Honorable George ''Bud'' Scholl, Mayor, City of Sunny Isles Beach, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	City Hall, 18070 Collins Avenue, Sunny Isles Beach, FL 33160.	*http://www.msc.fema.gov/lomc*	Jul. 3, 2015	120688
Monroe	Unincorporated areas of Monroe County (15–04–1298P).	The Honorable Danny Kolhage, Mayor, Monroe County, 1100 Simonton Street, Key West, FL 33040.	Monroe County Department of Planning and Environmental Resources, 2798 Overseas Highway, Marathon, FL 33050.	*http://www.msc.fema.gov/lomc*	Jul. 10, 2015	125129
Monroe	Unincorporated areas of Monroe County (15–04–1517P).	The Honorable Danny Kolhage, Mayor, Monroe County, 1100 Simonton Street, Key West, FL 33040.	Monroe County Department of Planning and Environmental Resources, 2798 Overseas Highway, Marathon, FL 33050.	*http://www.msc.fema.gov/lomc*	Jul. 14, 2015	125129
St. Johns	Unincorporated areas of St. Johns County (14–04–A710P).	The Honorable Rachael L. Bennett, Chair, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Administration, 4040 Lewis Speedway, St. Augustine, FL, 32084.	*http://www.msc.fema.gov/lomc*	Jul. 15, 2015	125147
Seminole	Unincorporated areas of Seminole County (14–04–AB49P).	The Honorable Bob Dallari, Chairman, Seminole County Board of Commissioners, 1101 East 1st Street, Sanford, FL 32771.	Seminole County Manager, 1101 East 1st Street, Sanford, FL 32771.	*http://www.msc.fema.gov/lomc*	Jul. 10, 2015	120289
Pinellas	City of Dunedin (14–04–A013P).	The Honorable Julie Ward Bojalski, Mayor, City of Dunedin, 542 Main Street, Dunedin, FL 34697.	Engineering Department, 542 Main Street, Dunedin, FL 34697.	*http://www.msc.fema.gov/lomc*	Jul. 10, 2015	125103
Pinellas	City of Madeira Beach (14–04–8328P).	The Honorable Travis Palladeno, Mayor, City of Madeira Beach, 300 Municipal Drive, Madeira Beach, FL 33708.	Building Department, 300 Municipal Drive, Madeira Beach, FL 33708.	*http://www.msc.fema.gov/lomc*	Jul. 3, 2015	125127

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Georgia: Cobb	Unincorporated areas of Cobb County (14–04–6997P).	The Honorable Tim Lee, Chairman, Cobb County Board of Commissioners, 100 Cherokee Street, Marietta, GA 30090.	Cobb County Water System, 680 South Cobb Drive, Marietta, GA 30060.	*http://www.msc.fema.gov/lomc*	Jul. 13, 2015	130052
Kentucky:						
Fayette	Lexington-Fayette Urban County Government (14–04–2813P).	The Honorable Jim Gray, Mayor, Lexington-Fayette Urban County Government, 200 East Main Street, Lexington, KY 40507.	Lexington-Fayette Urban County Government Center, 200 East Main Street, 12th Floor, Lexington, KY 40507.	*http://www.msc.fema.gov/lomc*	Jul. 21, 2015	210067
Hardin	City of Elizabethtown (14–04–6996P).	The Honorable Edna Berger, Mayor, City of Elizabethtown, P.O. Box 550, Elizabethtown, KY 42702.	City Hall, 200 West Dixie Avenue, Elizabethtown, KY 42702.	*http://www.msc.fema.gov/lomc*	Jul. 2, 2015	210095
North Carolina:						
Guilford	City of Greensboro (14–04–7717P).	The Honorable Nancy Vaughan, Mayor, City of Greensboro, P.O. Box 3136, Greensboro, NC 27402.	Central Library, 219 North Church Street, Greensboro, NC 27401.	*http://www.msc.fema.gov/lomc*	Jul. 7, 2015	375351
Guilford	Unincorporated areas of Guilford County (14–04–7717P).	The Honorable Hank Henning, Chairman, Guilford County Board of Commissioners, P.O. Box 3427, Greensboro, NC 27402.	Independent Center, 400 West Market Street, Greensboro, NC 27402.	*http://www.msc.fema.gov/lomc*	Jul. 7, 2015	370111
Haywood	Unincorporated Areas of Haywood County (14–04–8009P).	The Honorable Mark S. Swanger, Chairman, Haywood County Board of Commissioners, 215 North Main Street, Waynesville, NC 28786.	Haywood County Planning Division, 157 Paragon Parkway, Suite 200, Clyde, NC 28721.	*http://www.msc.fema.gov/lomc*	Jul. 16, 2015	370120
Nevada: Clark	City of North Las Vegas (15–09–0456P).	The Honorable John J. Lee, Mayor, City of North Las Vegas, 2250 Las Vegas Boulevard North, North Las Vegas, NV 89030.	Public Works Department, 2200 Civic Center Drive, North Las Vegas, NV 89030.	*http://www.msc.fema.gov/lomc*	Jul. 27, 2015	320007

[FR Doc. 2015–13860 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket No. FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1436]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency; DHS.

ACTION: Notice; correction.

SUMMARY: On November 3, 2014, FEMA published in the **Federal Register** a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 79 FR 65231. The table provided here represents the proposed flood hazard determinations and communities affected for Kenai Peninsula Borough, Alaska, and Incorporated Areas.

DATES: Comments are to be submitted on or before September 8, 2015.

ADDRESSES: The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1436, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064 or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain

management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Correction

In the proposed flood hazard determination notice published at 79 FR 65231 in the November 3, 2014, issue of the **Federal Register**, FEMA published a table titled Kenai Peninsula Borough, Alaska, and Incorporated Areas. This table contained inaccurate information as the community map repository for the City of Kenai, City of Seward and Kenai Peninsula Borough featured in the table.

In this document, FEMA is publishing a table containing the accurate information for the City of Kenai, City of Seward and Kenai Peninsula Borough. The information for the City of Homer published correctly and is not included in the table below. The information provided below should be used in lieu of that previously published for the City of Kenai, City of Seward and Kenai Peninsula Borough.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 21, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Kenai Peninsula Borough, Alaska, and Incorporated Areas	
Maps available for inspection online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
City of Kenai	Donald E. Gilman River Center, 514 Funny River Road, Soldotna, AK 99669.
City of Seward	City Hall Annex, 238 Fifth Avenue, Seward, AK 99664.
Kenai Peninsula Borough	Donald E. Gilman River Center, 514 Funny River Road, Soldotna, AK 99669.

[FR Doc. 2015–13965 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001; Internal Agency Docket No. FEMA–B–1518]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online

location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 21, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Illinois:						
Adams	City of Quincy (15–05–3495P).	The Honorable Kyle Moore, Mayor, City of Quincy, 730 Maine Street, Quincy, IL 62301.	Quincy City Hall, 730 Maine Street, Quincy, IL 62301.	*http://www.msc.fema.gov/lomc*	Sept. 8, 2015	170003
Adams	Unincorporated areas of Adams County (15–05–3495P).	The Honorable Les Post, Adams County Chairman, 101 North 54th Street, Quincy, IL 62305.	Adams County Highway Department, 101 North 54th Street, Quincy, IL 62305.	*http://www.msc.fema.gov/lomc*	Sept. 8, 2015	170001
Michigan:						
Grand Traverse.	City of Traverse City (15–05–0036P).	The Honorable Michael Estes, Mayor, City of Traverse City, 400 Boardman Avenue, Traverse City, MI 49684.	400 Boardman Avenue, Traverse City, MI 49684.	*http://www.msc.fema.gov/lomc*	Sept. 10, 2015	260082
Oakland	City of Novi (15–05–3406P).	The Honorable Bob Gatt, Mayor, City of Novi, Civic Center, 45175 West Ten Mile Road, Novi, MI 48375.	45175 West Ten Mile Road, Novi, MI 48375.	*http://www.msc.fema.gov/lomc*	Aug. 31, 2015	260175
Missouri:						
Greene	City of Springfield (14–07–2873P).	The Honorable Bob Stephens, Mayor, City of Springfield, 840 Boonville Avenue, Springfield, MO 65802.	Springfield City Hall, 840 Boonville Avenue, Springfield, MO 65802.	*http://www.msc.fema.gov/lomc*	Sept. 9, 2015	290149
Greene	Unincorporated areas of Greene County (14–07–2873P).	The Honorable Bob Cirtin, Presiding Commissioner, Greene County, 933 N. Robberson Avenue, Springfield, MO 65802.	Greene County Courthouse, 840 Boonville Avenue, Springfield, MO 65802.	*http://www.msc.fema.gov/lomc*	Sept. 9, 2015	290782
Jefferson	City of Herculaneum (14–07–1995P).	The Honorable Bill Haggard, Mayor, City of Herculaneum, City Hall, 1 Parkwood Court, Herculaneum, MO 63048.	1 Parkwood Ct., Herculaneum, MO 63048.	*http://www.msc.fema.gov/lomc*	Sept. 14, 2015	290192
Nebraska:						
Merrick	Village of Clarks (15–07–0548P).	Mr. James Kava, Board Chairman, Village of Clarks, 209 North Green Street, Clarks, NE 68628.	209 North Green Street, Clarks, NE 68628.	*http://www.msc.fema.gov/lomc*	Sept. 11, 2015	310149
Merrick	Unincorporated areas of Merrick County (15–07–0548P).	Mr. Roger Wiegert, Chairman, Board of Supervisors, Merrick County Courthouse, 1510 18th Street, #1, Central City, NE 68826.	1510 18th Street, #1, Central City, NE 68826.	*http://www.msc.fema.gov/lomc*	Sept. 11, 2015	310457
New Hampshire:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Merrimack	Town of Hooksett (14–01–3205P).	The Honorable James Sullivan, Town of Hooksett Councilor at Large, 35 Main Street, Hooksett, NH 03106.	16 Main Street, Hooksett, NH 03106.	*http://www.msc.fema.gov/lomc*	Sept. 15, 2015 ...	330115

[FR Doc. 2015–13857 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2015–0001]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of July 16, 2015, which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.* The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: May 2, 2015.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-based studies:

Community	Community map repository address
Narragansett HUC8 Watershed	
Bristol County, Massachusetts (All Jurisdictions) Docket No.: FEMA–B–1415	
City of Attleboro	City Hall, 77 Park Street, Attleboro, MA 02703.
City of Taunton	City Hall, 15 Summer Street, Taunton, MA 02780.
Town of Acushnet	Town Hall, 122 Main Street, Acushnet, MA 02743.
Town of Berkley	Town Hall, One North Main Street, Berkley, MA 02779.
Town of Dighton	Town Hall, 979 Somerset Avenue, Dighton, MA 02715.
Town of Freetown	Town Hall, Three North Main Street, Assonet, MA 02702.
Town of Mansfield	Town Hall, Six Park Row, Mansfield, MA 02048.
Town of North Attleborough	Town Hall, 43 South Washington Street, North Attleborough, MA 02760.
Town of Norton	Town Hall, 70 East Main Street, Norton, MA 02766.
Town of Raynham	Town Hall, 558 South Main Street, Raynham, MA 02767.
Town of Seekonk	Town Hall, 100 Peck Street, Seekonk, MA 02771.

Community	Community map repository address
Norfolk County, Massachusetts (All Jurisdictions) Docket No.: FEMA–B–1415	
Town of Foxborough	Town Hall, 40 South Street, Foxborough, MA 02035.
Town of Plainville	Town Hall, 142 South Street, Plainville, MA 02762.
Plymouth County, Massachusetts (All Jurisdictions) Docket No.: FEMA–B–1415	
Town of Bridgewater	Memorial Building, 151 High Street, Bridgewater, MA 02324.
Town of East Bridgewater	Town Hall, 175 Central Street, East Bridgewater, MA 02333.
Town of Halifax	Town Hall, 499 Plymouth Street, Halifax, MA 02338.
Town of Lakeville	Town Hall, 364 Bedford Street, Lakeville, MA 02347.
Town of Middleborough	Town Hall Annex, 20 Centre Street, Middleborough, MA 02346.
Town of Rochester	Town Hall Annex, 37 Marion Way, Rochester, MA 02770.

II. Non-watershed-based studies:

Community	Community map repository address
San Mateo County, California, and Incorporated Areas Docket No.: FEMA–B–1413	
City of Belmont	City Hall, One Twin Pines Lane, Belmont, CA 94002.
City of Foster City	City Hall, 610 Foster City Boulevard, Foster City, CA 94404.
City of Redwood City	City Hall, 1017 Middlefield Road, Redwood City, CA 94063.
City of San Mateo	City Hall, 330 West 20th Avenue, San Mateo, CA 94403.
Okeechobee County, Florida, and Incorporated Areas Docket No.: FEMA–B–1351	
City of Okeechobee	City Hall, Clerk's Office, 55 Southeast 3rd Avenue, Room 100, Okeechobee, FL 34974.
Unincorporated Areas of Okeechobee County	Okeechobee County Department of Community Development, 1700 Northwest 9th Avenue, Suite A, Okeechobee, FL 34972.
Leavenworth County, Kansas, and Incorporated Areas Docket No.: FEMA–B–1410	
City of Bashor	City Hall, 2620 North 155th Street, Basehor, KS 66007.
City of Easton	City Hall, 300 West Riley Street, Easton, KS 66020.
City of Lansing	City Hall Annex, 730 First Terrace, Suite 3, Lansing, KS 66043.
City of Leavenworth	City Hall, 100 North 5th Street, Leavenworth, KS 66048.
City of Linwood	City Hall, 306 Main Street, Linwood, KS 66052.
City of Tonganoxie	City Hall, 321 South Delaware Street, Tonganoxie, KS 66086.
Unincorporated Areas of Leavenworth County	County Courthouse, 300 Walnut Street, Leavenworth, KS 66048.
Lincoln County, Maine (All Jurisdictions) Docket No.: FEMA–B–1415	
Bar Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Haddock Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Hungry Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Indian Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Jones Garden Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Killick Stone Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Louds Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.

Community	Community map repository address
Marsh Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Monhegan Plantation	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Polins Ledges Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Ross Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Thief Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Thrumcap Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Town of Alna	Town Hall, 1568 Alna Road, Alna, ME 04535.
Town of Boothbay	Town Hall, 1011 Wiscasset Road, Boothbay, ME 04537.
Town of Boothbay Harbor	Town Hall, 11 Howard Street, Boothbay Harbor, ME 04538.
Town of Bremen	Town Hall, 208 Waldoboro Road, Bremen, ME 04551.
Town of Bristol	Town Hall, 1268 Bristol Road, (State Route 130), Bristol, ME 04539.
Town of Damariscotta	Town Hall, 21 School Street, Damariscotta, ME 04543.
Town of Dresden	Town Hall, 534 Gardner Road, Dresden, ME 04342.
Town of Edgecomb	Town Hall, 16 Town Hall Road, Edgecomb, ME 04556.
Town of Jefferson	Town Hall, 58 Washington Road, Jefferson, ME 04348.
Town of Newcastle	Town Hall, Four Pump Street, Newcastle, ME 04553.
Town of Nobleboro	Town Hall, 192 US Highway One, Nobleboro, ME 04555.
Town of Somerville	Town Hall, 72 Sand Hill Road, Somerville, ME 04348.
Town of South Bristol	South Bristol Town Hall, 470 Clarks Cove Road, Walepole, ME 04573.
Town of Southport	Town Hall, 361 Hendricks Hill Road, Southport, ME 04576.
Town of Waldoboro	Town Hall, 1600 Atlantic Highway, Walsoboro, ME 04572.
Town of Westport Island	Town Hall, Six Fowles Point Road, Westport Island, ME 04578.
Town of Whitefield	Town Hall, 36 Town House Road, Whitefield, ME 04353.
Town of Wiscasset	Town Hall, 51 Bath Road, Wiscasset, ME 04578.
Township of Hibberts Gore	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Webber Dry Ledge Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Western Egg Rock Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Wreck Island	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.
Wreck Island Ledge	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.

Sagadahoc County, Maine (All Jurisdictions)
Docket No.: FEMA–B–1415

City of Bath	City Hall, 55 Front Street, Bath, ME 04530.
Town of Arrowsic	Town Hall, 340 Arrowsic Road, Arrowsic, ME 04530.
Town of Bowdoin	Town Hall, 23 Cornish Drive, Bowdoin, ME 04287.
Town of Bowdoinham	Town Hall, 13 School Street, Bowdoinham, ME 04008.
Town of Georgetown	Town Hall, 50 Bay Point Road, Georgetown, ME 04548.
Town of Phippsburg	Town Hall, 1042 Main Road, Phippsburg, ME 04562.
Town of Richmond	Town Hall, 26 Gardner Street, Richmond, ME 04357.
Town of Topsham	Town Hall, 100 Main Street, Topsham, ME 04086.
Town of West Bath	Town Hall, 219 Fosters Point Road, West Bath, ME 04530.
Town of Woolwich	Town Hall, 13 Nequasset Road, Woolwich, ME 04579.
Township of Perkins	Land Use Planning Commission, Maine Department of Agriculture, Conservation and Forestry, 18 Elkins Lane/Harlow Building, 4th Floor, State House Station 22, Augusta, ME 04333.

[FR Doc. 2015–13964 Filed 6–5–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0092]

Agency Information Collection Activities: E-Verify Program; Revision of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: 60-Day Notice.

SUMMARY: DHS, USCIS invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.*, the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until August 7, 2015.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0092 in the subject box, the agency name and Docket ID USCIS–2007–0023. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.regulations.gov* under e-Docket ID number USCIS–2007–0023;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov*;

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Laura Dawkins, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, telephone number 202–272–8377 (comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov*, or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0023 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov*, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* E-Verify Program.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Agency Form Number; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for profit. E-Verify allows employers to electronically verify the employment eligibility status of newly hired employees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

- 65,000 respondents averaging 2.26 hours (2 hours 16 minutes) per response (enrollment time includes review and signing of the MOU, registration, new user training, and review of the user guides); plus
- 425,000, the number of already-enrolled respondents receiving training on new features and system updates averaging 1 hour per response; plus
- 425,000, the number of respondents submitting E-Verify cases averaging .129 hours (approximately 8 minutes) per case; plus
- 232,900, the number of respondents submitting reverification cases averaging .06 hours (approximately 4 minutes) per case.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 3,563,900 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* There is no estimated annual cost burden associated with this collection of information.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2015–13935 Filed 6–5–15; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5831–N–27]

30-Day Notice of Proposed Information Collection: Multifamily Financial Management Template

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD has submitted the proposed information collection requirement described below to the Office of Management and Budget

(OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* July 8, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email at *Colette Pollard@hud.gov* or telephone 202–402–3400. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD has submitted to OMB a request for approval of the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on March 13, 2015 at 80 FR 13413.

A. Overview of Information Collection

Title of Information Collection: Multifamily Financial Management Template.

OMB Approval Number: 2502–0551.

Type of Request: Extension of a currently approved collection.

Form Numbers: None.

Description of the need for the information and proposed use: Owners of certain HUD-insured and HUD-assisted properties are required to submit annual financial statements to HUD via the Internet in the HUD-prescribed format and chart of accounts, and in accordance with the generally accepted accounting principles (GAAP).

Respondents: Owners of certain HUD-insured and HUD-assisted properties.

Estimated Number of Respondents: 20,527.

Estimated Number of Responses: 20,527.

Frequency of Response: Annually.

Average Hours per Response: 14.

Total Estimated Burdens: 287,378.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: May 29, 2015.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2015–13912 Filed 6–5–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–R–2014–N021; FXRS12610400000S3–145–FF04R02000]

National Wildlife Refuge System; Draft Programmatic Environmental Assessment for the Use of Genetically Modified Crops in National Wildlife Refuge Farming Programs in Region 4 (Southeast Region) of the United States Fish and Wildlife Service; Discontinuation of Preparation of NEPA Document

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of discontinuation of preparation of NEPA Document.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) and in accordance with the negotiated settlement of a lawsuit, we, the U.S. Fish and Wildlife Service (Service), published a notice in the **Federal Register** on April 30, 2013, announcing and inviting comments on our intention to develop a draft programmatic environmental assessment (PEA) of the effects of the cultivation and use of genetically modified crops (GMCs) on certain refuges in the Southeast Region to meet wildlife management objectives. As part of the settlement agreement, we also agreed to discontinue cultivating and using the GMCs in the Southeast Region after the 2012 crop year and to refrain from such activities until 90 days after completion of an appropriate NEPA analysis of such activities. On July 17, 2014, the Chief of the Service's National Wildlife Refuge System issued a memorandum announcing that the use of GMCs to meet wildlife management objectives within the National Wildlife Refuge System (System) would be phased out and discontinued by January 2016. Accordingly, we have concluded that our NEPA process is no longer necessary and, therefore, are notifying the public that we are discontinuing preparation of the PEA.

FOR FURTHER INFORMATION CONTACT: Tom MacKenzie, by email at *tom_mackenzie@fws.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

On April 30, 2013, we published a notice in the **Federal Register** (78 FR 25297) announcing and inviting comments on our intention to prepare a PEA on the effects of the cultivation and use of GMCs on certain refuges in the Southeast Region. The Southeast Region is comprised of Alabama, Arkansas, Florida, Tennessee, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and the Caribbean. GMCs were primarily used on certain refuges in Alabama, Arkansas, Tennessee, Kentucky, Louisiana, Mississippi, and North Carolina, to meet Service goals and objectives to provide migratory birds, especially waterfowl, with dependable high-energy food during the winter months.

In 2011, three national nonprofit organizations, the Center for Food Safety, Beyond Pesticides, and Public Employees for Environmental Responsibility, sued the Secretary of the Department of the Interior, the Director of the Service, and the Service in *Center for Food Safety, et al.* v. *Salazar, et al.*, Civil Action No. 11–1457 (DC 2011), on the Service's decision to allow GMCs to be cultivated on some 44,000 acres of refuge land in the Southeast Region. On November 5, 2012, the Court entered an Order adopting the negotiated settlement agreement of the Parties, which included a prohibition on the use of GMCs in the Southeast Region unless and until ninety (90) days after completion of appropriate NEPA analysis on such use.

Background

In our April 30, 2013, **Federal Register** notice, we invited public input on our intent to prepare a PEA and requested submissions in the form of information and suggestions on the issues that should be considered during the NEPA planning process and in the PEA. We held five scoping meetings in Columbia, North Carolina; Decatur, Alabama; Dyersburg, Tennessee; Natchez, Mississippi; and Alexandria, Louisiana. We also created a Web site on which the public could submit comments and suggestions.

After the scoping meetings and receipt of comments via the Web site, we began drafting the PEA, and were engaged in doing so when the Chief of the Service's National Wildlife Refuge System issued the July 17, 2014, memorandum announcing the phasing out of the use of GMCs to achieve wildlife management objectives throughout the National Wildlife Refuge System by January 2016. Upon issuance of the memorandum, we determined that the need to prepare the PEA no longer existed and abandoned such preparation.

Authority

This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd *et seq.*).

Dated: March 27, 2015.

Michael Oetker,

Acting Regional Director.

[FR Doc. 2015–13842 Filed 6–5–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX15EN05ESB0500]

Reopening of Nomination Period for Members of the Advisory Committee on Climate Change and Natural Resource Science

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior published a notice inviting nominations for non-Federal members of the Advisory Committee on Climate Change and Natural Resource Science (Committee). The closing date for nominations was June 1, 2015. This **Federal Register** Notice reopens the nomination and comment period for 30 days. If you have already submitted information to be considered for appointment to the Committee you do not have to resubmit it.

DATES: Written nominations must be received by July 8, 2015.

ADDRESSES: Send nominations to: Robin O'Malley, Policy and Partnership Coordinator, National Climate Change and Wildlife Science Center, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 516, Reston, VA 20192, *romalley@usgs.gov*.

FOR FURTHER INFORMATION CONTACT: Robin O'Malley, Policy and Partnership Coordinator, National Climate Change and Wildlife Science Center, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 516, Reston, VA 20192, *romalley@usgs.gov*.

SUPPLEMENTARY INFORMATION: On March 30, 2015, the U.S. Department of the Interior (DOI) published a notice inviting nominations for the Advisory Committee on Climate Change and Natural Resource Science (Committee). The Committee provides advice on matters and actions relating to the establishment and operations of the U.S. Geological Survey National Climate Change and Wildlife Science Center and the DOI Climate Science Centers. See: *https://nccwsc.usgs.gov/acccnrs* for more information.

The Department has determined that additional time is required to enable members to be nominated for the committee.

We are seeking nominations for individuals involved in specific interests, noted below, to be considered as Committee members. Nominations should include a resume that describes the nominee's qualifications in enough detail to enable us to make an informed decision regarding meeting the membership requirements of the Committee and to contact a potential member.

Members of the Committee will be composed of approximately 25 members from both the Federal Government, and the following interests: (1) State and local governments, including state membership entities; (2) Non-governmental organizations, including those whose primary mission is professional and scientific and those whose primary mission is conservation and related scientific and advocacy activities; (3) American Indian tribes and other Native American entities; (4) Academia; (5) Individual landowners; and (6) Business interests.

In addition, the Committee may include scientific experts, and will include rotating representation from one or more of the institutions that host the DOI Climate Science Centers.

The Committee will meet approximately 2–4 times annually, and at such times as designated by the DFO. The Secretary of the Interior will appoint members to the Committee. Members appointed as special Government employees are required to file on an annual basis a confidential financial disclosure report.

No individual who is currently registered as a Federal lobbyist is eligible to serve as a member of the Committee.

Robin O'Malley,

Designated Federal Officer, ACCCNRS.

[FR Doc. 2015–13859 Filed 6–5–15; 8:45 am]

BILLING CODE 4311–MP–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[XXXD5198NI DS61100000 DNINR0000.000000 DX61104]

Meetings; Exxon Valdez Oil Spill Public Advisory Committee

AGENCY: Office of the Secretary, Interior.

ACTION: Meeting notice.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the *Exxon Valdez* Oil Spill Public Advisory Committee.

DATES: June 29, 2015, at 1:30 p.m.

ADDRESSES: *Exxon Valdez* Oil Spill Trustee Council Conference Room, Grace Hall, 4230 University Drive, Anchorage, AK 99508.

FOR FURTHER INFORMATION CONTACT: Dr. Philip Johnson, Department of the Interior, Office of Environmental Policy and Compliance, 1689 ''C'' Street, Suite 119, Anchorage, Alaska, (907) 271–5011.

SUPPLEMENTARY INFORMATION: The *Exxon Valdez* Oil Spill Public Advisory Committee was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska,* Civil Action No. A91–081 CV.

The *Exxon Valdez* Oil Spill Public Advisory Committee Meeting agenda will focus on review of the current draft of the *Exxon Valdez* Oil Spill Trustee Council's Fiscal Year 2017–2021 Invitation for Proposals. An opportunity for public comments will be provided. The final agenda and materials for the

meeting will be posted on the *Exxon Valdez* Oil Spill Trustee Council Web site at *www.evostc.state.ak.us.* All *Exxon Valdez* Oil Spill Public Advisory Committee meetings are open to the public.

Kathleen Bartholomew,

Acting Director, Office of Environmental Policy and Compliance.

[FR Doc. 2015–13855 Filed 6–5–15; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Separation Technology Research Program

Notice is hereby given that, on May 15, 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''), Southwest Research Institute—Cooperative Research Group on Separation Technology Research Program (''STAR'') 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, Costacurta S.p.A.-VICO, Milano, ITALY; and Saipem SA, Versailles, FRANCE, have been added as parties to this venture.

In addition, Aker Process Systems changed its name to Fjords Processing AS, Fornebu, NORWAY.

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 STAR intends to file additional written notifications disclosing all changes in membership.

On August 8, 2014, STAR 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 8, 2014 (79 FR 53215).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–13908 Filed 6–5–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Heterogeneous System Architecture Foundation

Notice is hereby given that, on May 18, 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''), Heterogeneous System Architecture Foundation (''HSA Foundation'') 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, Oracle, Redwood Shores, CA, has withdrawn as a party 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 HSA Foundation intends to file additional written notifications disclosing all changes in membership.

On August 31, 2012, HSA Foundation 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 October 11, 2012 (77 FR 61786).

The last notification was filed with the Department on March 11, 2015. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on April 30, 2015 (80 FR 24278).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–13907 Filed 6–5–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Advanced Engine Fluids

Notice is hereby given that, on May 19, 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''), Southwest Research Institute—Cooperative Research Group on Advanced Engine Fluids (''AEF'') 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, Sasol Technology (PTY) Ltd., Rosebank, SOUTH AFRICA, has withdrawn as a party 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 AEF intends to file additional written notifications disclosing all changes in membership.

On March 20, 2015, AEF 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 April 22, 2015 (80 FR 22551).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–13909 Filed 6–5–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Application: MALLINCKRODT, LLC; Correction

ACTION: Notice of application; correction.

SUMMARY: The Drug Enforcement Administration (DEA) published a document in the **Federal Register** of January 28, 2015, concerning a notice of application for registration as a bulk manufacturer of four basic classes of controlled substances. The document inadvertently omitted two basic classes of controlled substances.

Correction

In the **Federal Register** of January 28, 2015, in FR Doc. 2015–01576 (80 FR 4592), on page 4592, in the second column, in the table of the second paragraph of the Supplementary Information caption, add entries for ''Oripavine'' and ''Tapentadol'' to read as follows:

Controlled substances	Schedule
* * * * *	
Oripavine (9330)	II
Tapentadol (9780)	II

Dated: June 01, 2015.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–13835 Filed 6–5–15; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: S & B PHARMA, INC.; Correction

ACTION: Notice of registration; correction.

SUMMARY: The Drug Enforcement Administration (DEA) published a document in the **Federal Register** of January 26, 2015, concerning a notice of registration that inadvertently stated no comments or objections were submitted in the notice.

Correction

In the **Federal Register** of January 26, 2015, FR Doc. 2015–01287 (80 FR 3988), page 3988, make the following correction. In the second column, the first paragraph of the **SUPPLEMENTARY INFORMATION** caption, remove the last sentence and add in its place the following:

One comment of objection was received on this registration on August 28, 2014. However, after a thorough review of this matter, the Drug Enforcement Administration has concluded that the issues raised in the comment and objection do not warrant the denial of this application.

Dated: June 1, 2015.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–13832 Filed 6–5–15; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Notice Lodging of Proposed Consent Decree Under the Clean Water Act

On May 29, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of New Jersey in the lawsuit entitled *United States* v. *Garden Homes et al.,* Civil Action No. 2:15–cv–03618–CCC–JBC.

The Consent Decree resolves the United States' claims set forth in the complaint against Garden Homes and twelve of its affiliates (''Defendants'') for violations of the Clean Water Act, in connection with Defendants' operations at ten construction sites in New Jersey. Under the Consent Decree, Defendants have agreed to pay a civil penalty of $225,000. Defendants will also perform a land preservation supplemental environmental project valued at approximately $780,000, and implement a company-wide storm water management program designed to provide increased oversight of operations and ensure greater compliance with the Clean Water Act.

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. *Garden Homes et al.,* D.J. Ref. No. 90–5–1–1–10904. 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, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $24.25 (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 $9.75.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–13806 Filed 6–5–15; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL LABOR RELATIONS BOARD

Public Availability of National Labor Relations Board FY 2014 Service Contract Inventory

AGENCY: National Labor Relations Board.

ACTION: Notice.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), the National Labor Relations Board is publishing this notice to advise the public of the availability of the FY 2014 Service Contract Inventory. This inventory provides information on service contract actions over $25,000 that were made in FY 2014. The information is organized by function to show how contracted resources are distributed throughout the Agency. The inventory has been developed in accordance with guidance issued by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP), *Service Contract Inventories (December 19, 2011).* The National Labor Relations Board has posted its inventory and a summary of the inventory on the NLRB's homepage at the following link: *http://www.nlrb.gov/reports-guidance/reports/service-contract-inventories.*

FOR FURTHER INFORMATION CONTACT: Christopher Henshaw, Director of Acquisitions, 202–273–4047, *Christopher.Henshaw@nlrb.gov.*

Dated: June 2, 2015.

William B. Cowen,

Solicitor.

[FR Doc. 2015–13843 Filed 6–5–15; 8:45 am]

BILLING CODE 7545–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board's Committee on Strategy and Budget (CSB), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATE & TIME: Thursday, June 11, 2015 at 5:00–6:00 p.m. EDT.

SUBJECT MATTER: Discussion of the NSF's FT 2017 budget development.

STATUS: Closed.

This meeting will be held by teleconference. Please refer to the National Science Board Web site for additional information and schedule updates (time, place, subject matter or status of meeting), which may be found at *http://www.nsf.gov/nsb/notices/*. Point of contact for this meeting is Jacqueline Meszaros (*jmeszaro@nsf.gov*).

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2015–14008 Filed 6–4–15; 11:15 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 052–00027 and 052–00028; NRC–2008–0441]

Virgil C. Summer Nuclear Station, Units 2 and 3

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Combined Licenses (NPF–93 and NPF–94), issued to South Carolina Electric and Gas (SCE&G) and South Carolina Public Service Authority (Santee Cooper) (the licensee), for construction and operation of the Virgil C. Summer Nuclear Station (VCSNS), Units 2 and 3 located in Fairfield County, South Carolina.

The proposed amendment departs from to Tier 2* and associated Tier 2 information in the VCSNS Units 2 and 3 Updated Final Safety Analysis Report (UFSAR) (which includes the plant specific Design Control Document Tier 2 information) to revise the application of welding codes.

DATES: Submit comments by July 8, 2015. Requests for a hearing or petition for leave to intervene must be filed by August 7, 2015.

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–2008–0441. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Denise McGovern, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–000; telephone: 301–415–0681; email: *Denise.Mcgovern@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2008–0441 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–2008–0441.
- *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 application for amendment, dated May 26, 2015, is available in ADAMS under Accession No. ML15146A455.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2008–0441 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Facility Operating License Nos. NPF–93 and NPF–94, issued to SCE&G and Santee Cooper for operation of the Virgil C. Summer Nuclear Station Units 2 and 3, located in Fairfield County, South Carolina.

The proposed amendment departs from Tier 2* and associated Tier 2 information in the VCSNS Units 2 and 3 UFSAR (which includes the plant specific Design Control Document Tier 2 information) to revise the application of American Institute for Steel Construction (AISC) N690–1994, Specification for the Design, Fabrication and Erection of Steel Safety Related Structures for Nuclear Facilities, to allow use of American Welding Society (AWS) D1.1–2000, Structural Welding Code-Steel, in lieu of the AWS D1.1–1992 edition identified in AISC N690–1994.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The design functions of the nuclear island structures are to provide support, protection, and separation for the seismic Category I mechanical and electrical equipment located in the nuclear island. The nuclear island structures are structurally designed to meet seismic Category I requirements as defined in Regulatory Guide 1.29. The design functions of the seismic Category II portions of the annex building and turbine building are to provide integrity for non-seismic items located in the proximity of safety-related items, the failure of which during a safe shutdown earthquake could result in loss of function of safety-related items.

The use of AWS D1.1–2000 provides criteria for the design, qualification, fabrication, and inspection of welds for nuclear island structures and seismic Category II portions of the annex building and turbine building. These structures continue to meet the applicable portions of ACI 349, the remaining applicable portions of AISC N690 not related to requirements for welding, including the supplemental requirements described in UFSAR Subsections 3.8.4.4.1 and 3.8.4.5, and the supplemental requirements identified in the UFSAR Subsection 3.8.3 for structural modules. The use of AWS D1.1–2000 does not have an adverse impact on the response of the nuclear island structures, or seismic Category II portions of the annex building and turbine building to safe shutdown earthquake ground motions or loads due to anticipated transients or postulated accident conditions. The change does not impact the support, design, or operation of mechanical and fluid systems. There is no change to plant systems or the response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to normal operation or postulated accident conditions. The plant response to previously evaluated accidents or external events is not adversely affected, nor does the change described create any new accident precursors.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change includes the use of AWS D1.1–2000 to provide criteria for the design, qualification, fabrication, and inspection of welds for nuclear island structures and the seismic Category II portions of the annex building and turbine building. The proposed change provides a consistent set of requirements for welding of structures required to be designed to the requirements of ACI 349 and AISC N690. The change to the details does not change the design function, support, design, or operation of mechanical and fluid systems. The change to the weld details does not result in a new failure mechanism for the pertinent structures or new accident precursors. As a result, the design function of the structures is not adversely affected by the proposed change.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The AWS D1.1–2000 code is a consensus standard written, revised, and approved by industry experts experienced in welding and weld design. The proposed change adds AWS D1.1–2000 to the list of applicable codes and standards in the UFSAR. The 2000 edition includes criteria that consider directionality in the weld which allows for an increase factor on structural fillet weld strength relative to the angle of load direction. These changes are supported by tests that provide the justification for criteria that consider the directionality. These changes can be similarly applied to welds in the AP1000 to continue to provide the necessary safety margin.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a No Significant Hazards Consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the license amendment request. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the NRC'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. 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/.*

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must 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 hearing request or petition must 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 hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert

opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for 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.

Hearing requests or 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).

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

IV. 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, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated May 26, 2015.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW., Washington, DC 20004–2514.

NRC Branch Chief: Denise L. McGovern

Dated at Rockville, Maryland, this 1st day of June 2015.

For the Nuclear Regulatory Commission.

Denise L. McGovern,

Acting Branch Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2015–13940 Filed 6–5–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302; License No. DPR–72; NRC–2011–0024]

In the Matter of Duke Energy Florida, Inc.; Crystal River Unit 3 Nuclear Generating Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct transfer of license; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an order to Duke Energy Florida, Inc. (DEF), approving the direct transfer of Facility Operating License No. DPR–72 for Crystal River Unit 3 Nuclear Generating Plant (CR–3), to the extent held by eight minority co-owners to DEF. The eight minority co-owners, all municipalities or utilities in the State of Florida, are as follows: The City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission/City of New Smyrna Beach, City of Ocala, and Orlando Utilities Commission/City of Orlando (the eight minority co-owners, collectively). The direct license transfer does not involve Seminole Electric Cooperative, Inc., the remaining co-owner of CR–3. A conforming license amendment will remove reference to the eight minority co-owners in the license. The CR–3 facility is permanently shut down and defueled and the application proposed no physical changes to the facility or operational changes. DEF and Seminole Electric Corporation, Inc., will be joint owners of CR–3 and DEF will be the operator of the facility. This Order is effective upon issuance.

DATES: The Order was issued on May 29, 2015, and is effective for one year.

ADDRESSES: Please refer to Docket ID NRC–2011–0024 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–2011–0024. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Michael D. Orenak, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3229; email: *Michael.Orenak@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Rockville, Maryland this 29th day of May, 2015.

For The Nuclear Regulatory Commission.

Meena K. Khanna,

Chief, Plant Licensing IV–2 and Decommissioning Transition Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attachment—Order Approving Transfer of License and Conforming Amendment

United States of America

Nuclear Regulatory Commission

In the Matter of Duke Energy Florida, Inc.; Crystal River Unit 3 Nuclear Generating Plant, Docket No. 50–302, License No. DPR–72, Order Approving Transfer of License and Conforming Amendment.

I.

Duke Energy Florida, Inc. (DEF or the applicant), City of Alachua, City of Bushnell, City of Gainesville, City of

Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission/City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission/City of Orlando, and Seminole Electric Cooperative, Inc., are holders of Facility Operating License No. DPR–72, which authorizes the possession of the Crystal River Unit 3 Nuclear Generating Plant (CR–3). Facility Operating License No. DPR–72 also authorizes DEF (currently owner of 91.78 percent of CR–3) to use and operate CR–3. CR–3 is located in Red Level, Florida, in Citrus County, about 5 miles south of Levy County. The site is 7.5 miles northwest of Crystal River, Florida, and 90 miles north of St. Petersburg, Florida. CR–3 is situated on the Gulf of Mexico, within the Crystal River Energy Complex.

CR–3 has been shut down since September 26, 2009, and the final removal of fuel from the reactor vessel was completed on May 28, 2011. By letter dated February 20, 2013, the licensee submitted a certification to the NRC of permanent cessation of power operations and the removal of fuel from the reactor vessel, pursuant to Sections 50.82(a)(1)(i) and 50.82(a)(1)(ii) of Title 10 of the *Code of Federal Regulations* (10 CFR). Upon docketing of this certification, the 10 CFR part 50 license for CR–3 no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel, as specified in 10 CFR 50.82(a)(2).

II.

By application dated November 7, 2014, as supplemented by letter dated April 30, 2015 (collectively, the application), DEF requested that the U.S. Nuclear Regulatory Commission (NRC) approve the direct transfer of control of Facility Operating License No. DPR–72 for CR–3, to the extent held by the eight minority co-owners to DEF. The eight minority co-owners collectively own 6.52 percent of CR–3 and are as follows: The City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission/City of New Smyrna Beach, City of Ocala, and Orlando Utilities Commission/City of Orlando. The proposed direct transfer of the license does not involve Seminole Electric Cooperative, Inc., the remaining co-owner (1.70 percent interest) of CR–3. As a result of the transaction, DEF and Seminole Electric Cooperative, Inc., will become the joint owners of CR–3.

The applicant also requested approval of a conforming administrative license amendment that would remove the references to the eight minority co-owners in the license. DEF did not propose any physical changes to the facilities or operational changes in the application. After completion of the proposed transfer, DEF and Seminole Electric Cooperative, Inc., will be the joint owners of CR–3, holding 98.30 percent interest and 1.70 percent interest, respectively, and DEF will remain the operator of the facility.

DEF requested approval of the direct transfer of the facility operating license and the conforming license amendment pursuant to 10 CFR 50.80, ''Transfer of licenses,'' and 10 CFR 50.90, ''Application for amendment of license, construction permit, or early site permit.'' A notice entitled, ''Crystal River Nuclear Generating Plant, Unit 3; Consideration of Approval of Transfer of License and Conforming Amendment,'' was published in the **Federal Register** on April 28, 2015 (80 FR 23612). The NRC did not receive any public comments regarding the proposed license transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission provides its consent in writing. Upon review of the information in the licensee's application and other information before the Commission, and relying upon the representations and agreements contained in the application, the NRC staff has determined that DEF is qualified to hold the ownership interests in the facility previously held by the eight minority co-owners. The NRC staff has also determined that the direct transfer of ownership interests in the facility to DEF, as described in the application, is otherwise consistent with applicable provisions of laws, regulations, and orders issued by the Commission, subject to the conditions set forth below. The NRC staff has further found that the application for the proposed license amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I; the facility will operate in conformity with the applications, the provisions of the Act, and the rules and regulations of the Commission; there is reasonable assurance that the activities authorized by the proposed license amendment can be conducted without endangering the health and safety of the public and that such activities will be conducted in compliance with the Commission's regulations; the issuance of the proposed license amendment will not be inimical to the common defense and security or to the health and safety of the public; and the issuance of the proposed amendment will be in accordance with 10 CFR part 51 of the Commission's regulations and all applicable requirements have been satisfied.

The findings set forth above are supported by the NRC safety evaluation dated May 29, 2015.

III.

Accordingly, pursuant to Sections 161b, 161i, 161o and 184 of the Act, 42 U.S.C. Sections 2201(b), 2201(i), 2201(o) and 2234; and 10 CFR 50.80, *it is hereby ordered* that the direct transfer of the license, as described herein, to DEF is approved, subject to the following condition:

1. DEF shall provide satisfactory documentary evidence to the Director of the Office of Nuclear Reactor Regulation that it has obtained the insurance required of a licensee under 10 CFR part 140, ''Financial Protection Requirements and Indemnity Agreements,'' in the appropriate amount pursuant to the exemption to 10 CFR 140.11(a)(4) granted to DEF by NRC letter dated April 27, 2015 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML14183B338).

It is further ordered that, consistent with 10 CFR 2.1315(b), the license amendment that makes changes, as indicated in Enclosure 2 to the cover letter forwarding this Order, to conform the license to reflect the subject direct license transfer is approved. The license amendment shall be issued and made effective at the time the proposed direct transfer is completed.

It is further ordered that after receipt of all required regulatory approvals of the proposed direct transfer action, DEF shall inform the Director of the Office of Nuclear Reactor Regulation in writing of such receipt, and the date of closing of the transfer no later than one business day prior to the date of the closing of the direct transfer. Should the direct transfer not be completed within one year of this Order's date of issue, this Order shall become null and void, provided, however, that upon written application and good cause shown, such date may be extended by order.

This Order is effective upon issuance.

For further details with respect to this Order, see the initial application dated November 7, 2014 (ADAMS Accession No. ML14321A450), as supplemented by letter dated April 30, 2015 (ADAMS Accession No. ML15126A278), and the safety evaluation dated May 29, 2015 (ADAMS Accession No. ML15121A570), which are available for public inspection at the Commission's Public Document Room (PDR), located at One

White Flint North, 11555 Rockville Pike, Room O–1 F21 (First Floor), Rockville, Maryland and accessible electronically though the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR reference staff by telephone at 1–800–397–4209, 301–415–4737, or by email at *pdr.resource@nrc.gov.*

Dated at Rockville, Maryland, this 29th day of May 2015.

For The Nuclear Regulatory Commission.
William M. Dean,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–13939 Filed 6–5–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–609; NRC–2013–0235]

Northwest Medical Isotopes, LLC; Construction Permit Application

AGENCY: Nuclear Regulatory Commission.

ACTION: Construction permit application; docketing.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff has determined that the partial application for a construction permit, submitted by Northwest Medical Isotopes, LLC (NWMI) is acceptable for docketing. The NWMI proposes to build a medical radioisotope production facility located in Columbia, Missouri.

DATES: June 8, 2015.

ADDRESSES: Please refer to Docket ID NRC–2013–0235 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–2013–0235. 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 in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

• *NRC's PDR*: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Michael Balazik, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2856; email: *Michael.Balazik@nrc.gov.*

SUPPLEMENTARY INFORMATION: On November 7, 2014, NWMI filed with the NRC, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), a portion of an application for a construction permit for a medical radioisotope production facility in Columbia, Missouri. By letter dated February 5, 2015 (ADAMS Accession No. ML15086A262), NWMI withdrew and resubmitted this portion of its construction permit application (ADAMS Accession No. ML15086A261) to include a discussion of connected actions in its environmental report in response to a January 23, 2015, letter from the NRC (ADAMS Accession No. ML14349A501). A notice of receipt of this application was previously published in the **Federal Register** on April 21, 2015 (80 FR 22227).

An exemption from certain requirements of 10 CFR 2.101(a)(5) granted by the Commission on October 7, 2013, and published in the **Federal Register** on October 24, 2013 (78 FR 63501), in response to a letter from NWMI dated August 9, 2013 (ADAMS Accession No. ML13227A295), allowed for NWMI to submit its construction permit application in two parts. Specifically, the exemption allowed NWMI to submit a portion of its application for a construction permit up to six months prior to the remainder of the application regardless of whether or not an environmental impact statement or a supplement to an environmental impact statement was prepared during the review of its application. On February 5, 2015, in accordance with 10 CFR 2.101(a)(5), NWMI submitted the following in part one of the construction permit application (ADAMS Accession No. ML15086A261):

• The description and safety assessment of the site required by 10 CFR 50.34(a)(1),

• the environmental report required by 10 CFR 50.30(f),

• the filing fee information required by 10 CFR 50.30(e) and 10 CFR 170.21,

• the general information required by 10 CFR 50.33; and

• the agreement limiting access to classified information required by 10 CFR 50.37.

The NRC staff has determined that NWMI has submitted the information listed above in accordance with 10 CFR 2.101(a)(5) and that the partial application is acceptable for docketing. The docket number established for the NWMI facility is 50–609.

The NRC staff will perform a detailed technical review of the partial construction permit application. Docketing of the partial construction permit application does not preclude the NRC from requesting additional information from the applicant as the review proceeds, nor does it predict whether the Commission will grant or deny the application. The NRC staff will also perform an acceptance review of the second and final part of the construction permit application when it is tendered. As stated in NWMI's February 5, 2015, letter, the second and final part of NWMI's application for a construction permit will contain the remainder of the preliminary safety analysis report required by 10 CFR 50.34(a) and will be submitted in accordance with the requirements of 10 CFR 2.101(a)(5). If, after completion of the acceptance review of the full construction permit application, the full construction permit application is found acceptable for docketing, the Commission or a designated Atomic Safety and Licensing Board will conduct a hearing in accordance with Subpart L, ''Simplified Hearing Procedures for NRC Adjudications,'' of 10 CFR part 2 and the Advisory Committee on Reactor Safeguards will prepare a report on the construction permit application consistent with 10 CFR 50.58, ''Hearings and report of the Advisory Committee on Reactor Safeguards.'' The Commission will announce in a future **Federal Register** notice, the opportunity to petition for leave to intervene in the hearing required for this application by 10 CFR 50.58, as well as the time and place of the hearing. If the Commission finds that the full construction permit application meets the applicable standards of the Atomic Energy Act and

the Commission's regulations, and that required notifications to other agencies and bodies have been made, the Commission will issue a construction permit, in the form and containing conditions and limitations that the Commission finds appropriate and necessary.

Pursuant to 10 CFR part 51, the NRC staff will conduct an environmental review of the construction permit before recommending Commission action on the application. The NRC staff will determine in accordance with 10 CFR 51.25, whether it will prepare an environmental impact statement or an environmental assessment to inform the decision on the construction permit application and will publish a **Federal Register** notice concerning its environmental review.

Dated at Rockville, Maryland, this 29th day of May 2015.

For the Nuclear Regulatory Commission.

Alexander Adams, Jr.,

Chief, Research and Test Reactors Licensing Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–13937 Filed 6–5–15; 8:45 am]

BILLING CODE 7590–01–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* June 8, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 29, 2015, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 124 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2015–53, CP2015–81.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–13879 Filed 6–5–15; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Effective date:* June 8, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 29, 2015, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 123 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2015–52, CP2015–80.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2015–13877 Filed 6–5–15; 8:45 am]

BILLING CODE 7710–12–P

PRESIDIO TRUST

Notice of Public Meeting of Presidio Institute Advisory Council

AGENCY: The Presidio Trust.

ACTION: Notice of public meeting of Presidio Institute Advisory Council.

SUMMARY: Pursuant to the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given that a public meeting of the Presidio Institute Advisory Council (Council) will be held from 9:00 a.m. to 12:00 p.m. on Tuesday, June 30, 2015. The meeting is open to the public, and oral public comment will be received at the meeting. The Council was formed to advise the Executive Director of the Presidio Trust (Trust) on matters pertaining to the rehabilitation and reuse of Fort Winfield Scott as a new national center focused on service and leadership development.

SUPPLEMENTARY INFORMATION: The Trust's Executive Director, in consultation with the Chair of the Board of Directors, has determined that the Council is in the public interest and supports the Trust in performing its duties and responsibilities under the Presidio Trust Act, 16 U.S.C. 460bb appendix.

The Council will advise on the establishment of a new national center (Presidio Institute) focused on service and leadership development, with specific emphasis on: (a) Assessing the role and key opportunities of a national center dedicated to service and leadership at Fort Scott in the Presidio of San Francisco; (b) providing recommendations related to the Presidio Institute's programmatic goals, target audiences, content, implementation and evaluation; (c) providing guidance on a phased development approach that leverages a combination of funding sources including philanthropy; and (d) making recommendations on how to structure the Presidio Institute's business model to best achieve the Presidio Institute's mission and ensure long-term financial self-sufficiency.

Meeting Agenda: This meeting of the Council will feature a presentation by Fellows from the Presidio Institute Cross Sector Leaders Fellowship program. Updates will be provided on programs and input will be sought on potential audiences and program participants. The period from 11:30 a.m. to 12:00 p.m. will be reserved for public comments.

Public Comment: Individuals who would like to offer comments are invited to sign-up at the meeting and speaking times will be assigned on a first-come, first-served basis. Written comments may be submitted on cards that will be provided at the meeting, via mail to Aimee Vincent, Presidio Institute, 1201 Ralston Avenue, San Francisco, CA 94129–0052, or via email to *institute@presidiotrust.gov.* If individuals submitting written comments request that their address or other contact information be withheld from public disclosure, it will be honored to the extent allowable by law. Such requests must be stated prominently at the beginning of the comments. The Trust will make available for public inspection all submissions from organizations or businesses and from persons identifying themselves as representatives or officials of organizations and businesses.

Time: The meeting will be held from 9:00 a.m. to 12:00 p.m. on Tuesday, June 30, 2015.

Location: The meeting will be held at the Presidio Institute, Building 1202 Ralston Avenue, San Francisco, CA 94129.

FOR FURTHER INFORMATION CONTACT: Additional information is available online at *http://www.presidio.gov/explore/Pages/fort-scott-council.aspx.*

Dated: May 27, 2015.

Karen A. Cook,

General Counsel.

[FR Doc. 2015–13911 Filed 6–5–15; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

[Extension: Form N–8B–2; OMB Control No. 3235–0186, SEC File No. 270–186]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form N–8B–2 (17 CFR 274.12) is the form used by unit investment trusts (''UITs'') other than separate accounts that are currently issuing securities, including UITs that are issuers of periodic payment plan certificates and UITs of which a management investment company is the sponsor or depositor, to comply with the filing and disclosure requirements imposed by section 8(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–8(b)). Form N–8B–2 requires disclosure about the organization of a UIT, its securities, the personnel and affiliated persons of the depositor, the distribution and redemption of securities, the trustee or custodian, and financial statements. The Commission uses the information provided in the collection of information to determine compliance with section 8(b) of the Investment Company Act.

Each registrant subject to the Form N–8B–2 filing requirement files Form N–8B–2 for its initial filing and does not file post-effective amendments on Form N–8B–2.[1] The Commission staff estimates that approximately four respondents each file one Form N–8B–2 filing annually with the Commission. Staff estimates that the burden for compliance with Form N–8B–2 is approximately 10 hours per filing. The total hour burden for the Form N–8B–2 filing requirement therefore is 40 hours in the aggregate (4 respondents × one filing per respondent × 10 hours per filing).

Estimates of the burden hours are made solely for the purposes of the PRA and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms. The information provided on Form N–8B–2 is mandatory. The information provided on Form N–8B–2 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov*.

Dated: June 2, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–13873 Filed 6–5–15; 8:45 am]

BILLING CODE 8011–01–P

[1] Post-effective amendments are filed with the Commission on the UIT's Form S–6. Hence, respondents only file Form N–8B–2 for their initial registration statement and not for post-effective amendments.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75096; File No. SR–NYSEArca 2015–43]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change Amending Rule 6.91(c), Electronic Complex Order Auction Process Removing the Limitation on Who Can Respond to a COA and Provide a Response Time Interval of at Least 500 Milliseconds; and Rule 6.47A, Order Exposure Requirements-OX To Add Use of the COA for a User To Satisfy the Order Exposure Requirement in Rule 6.47A and Delete the Reference in Rule 6.91(c) to the Order Exposure Requirements—OX Being Separate From the Duration of the COA Response Time Interval

June 2, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on May 21, 2015, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to: (1) Amend Rule 6.91(c) (Electronic Complex Order Auction (''COA'') Process) to remove the limitation on who can respond to a COA and to provide a Response Time Interval of at least 500 milliseconds; and (2) amend Rule 6.47A (Order Exposure Requirements-OX) to add use of the COA as a means for a User to satisfy the Order Exposure Requirement in Rule 6.47A and delete the reference in Rule 6.91(c) to the Order Exposure Requirements -OX being separate from the duration of the COA Response Time Interval.

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] 15 U.S.C. 78a.

[3] 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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Participation in and Minimum Response Time Interval for the COA

The Exchange operates COA, which allows an entering OTP Holder to initiate an auction for eligible Electronic Complex Orders (''COA-eligible orders'').[4] Upon receiving a COA-eligible order, and the direction from the entering OTP Holder that an auction be initiated, the Exchange sends an automated request for response message (''RFR'') to all OTP Holders who subscribe to RFR messages.[5] OTP Holders that are eligible to participate in a COA may respond to an RFR message (''RFR Responses'') indicating the price and the number of contracts they would be willing trade in the COA. RFR Responses must be submitted during the Response Time Interval (''RTI''), the duration of which is determined by the Exchange, but may not exceed one (1) second.[6]

Rule 6.91(c)(4) currently provides that each Market Maker with an appointment in the relevant option class, and each OTP Holder acting as agent for orders resting at the top of the Consolidated Book in the relevant options series may submit RFR Responses during the RTI. The Exchange proposes to amend Rule 6.91(c)(4) to provide that any OTP Holder may submit RFR Responses during the RTI. The Exchange believes that the proposed amendment may increase participation in COAs, which would foster greater competition and provide additional price improvement opportunities for COA-eligible orders exposed during the COA. In addition, the Exchange believes the proposed amendment is fair and reasonable and would benefit market participants because it would enable the Exchange to better compete with option exchanges that permit all members to participate in electronic auctions for crossing transactions that are similar to the COA.[7]

As noted above, the duration of a COA is determined by the Exchange, but may not exceed one (1) second. Currently, the Exchange has not established a minimum duration for the RTI. The Exchange believes it is important to establish a minimum duration for the RTI to ensure that orders entered into a COA are exposed for a sufficient time period to allow the opportunity for participating OTP Holders to provide RFR Responses. Accordingly, the Exchange is proposing to establish a minimum of 500 milliseconds as the length of time the Exchange may determine for the RTI, with the maximum length of time continuing to be one (1) second.[8]

The Exchange believes that a minimum of 500 milliseconds is a sufficient time to submit RFR Responses and would encourage competition among participants, thereby enhancing the potential for price improvement for orders in the COA.[9] The proposed 500 millisecond minimum for the RTI is comparable to the response time interval in the NYSE Amex Options CUBE Auction for single-leg orders, which disseminates an RFR message for an auction lasting a random period of time of between 500 and 750 milliseconds.[10] In addition, BOX Options Exchange LLC (''BOX'')'s Complex Order Price Improvement Period (''COPIP''), like the Exchange's COA, is designed to offer price improvement to complex orders, and is only 100 milliseconds in length.[11] Although both the CUBE and the COPIP relate to electronic crossing transactions and provide for a guaranteed execution, the Exchange believes the CUBE and COPIP are analogous to the COA as they are designed to attract liquidity and provide opportunities for price improvement.

Amendment to Order Exposure Requirements

In addition, the Exchange proposes to amend Rule 6.47A by adding that use of the COA is a means for a User to satisfy the Order Exposure Requirement in Rule 6.47A. Exchange Rule 6.47A prohibits Users (*i.e.,* OTP Holders)[12] from trading as principal with orders they represent as agent unless the order exposure requirements under the rule are met. The order exposure requirements are designed to enhance opportunities for competition among market participants.[13] Specifically, a User may only trade as principal with an order it represents as agent if:

- The agency order is first exposed on the Exchange for at least one (1) second; or
- The User has been bidding or offering on the Exchange for at least one (1) second prior to receiving an agency order that is executable against such bid or offer.

[4] The Exchange may determine, on a class by class basis, which Electronic Complex Orders are eligible for a COA based on marketability (defined as a number of ticks from the current market), size, and Complex Order origin type. *See* Rule 6.91(c)(1).

[5] RFR messages identify the component series, size and side of the market of the order and any contingencies. *See* Rule 6.91(c)(2).

[6] *See* Rule 6.91(c)(3) (stating, in part,''[t]he Exchange will determine the length of the Response Time Interval; provided, however, that the duration shall not exceed one (1) second.'').

[7] *See, e.g.,* ISE Rule 723(a) (Price Improvement Orders may be entered by all Members for their own account or for the account of a Public Customer in one-cent increments at the same price as the Crossing Transaction or at an improved price for the Agency Order, and for any size up to the size of the Agency Order); NYSE MKT Rule 971.1(c)(2)(C) (allowing any ATP Holder to respond to an RFR in a Customer Best Execution (''CUBE'') Auction for single-legged transactions on the Exchange) (NYSE Amex Options is the options trading facility of NYSE MKT LLC). The Exchange believes that although ISE Rule 723(a) and NYSE Amex Rule 971.1NY relate to electronic crossing transactions and provide for a guaranteed execution, these electronic auction mechanisms are analogous to the COA as they are designed to attract liquidity to the exchange and provide opportunities for price improvement.

[8] *See* proposed Rule 6.91(c)(3) (providing that ''the that the duration [of the RTI] shall not be less than 500 milliseconds and shall not exceed one (1) second.'').

[9] In May 2015, to determine whether the proposed RTI would provide sufficient time to respond to a COA, the Exchange conducted a survey of ATP Holders to determine whether their firms ''could respond to an auction lasting 100 milliseconds.'' Of the ATP Holders that have electronic access to the Exchange and are able to submit responses to a COA (the ''Relevant ATP Holders''), thirteen (13) responded the survey. Of the thirteen (13) Relevant ATP Holders, ten (10)—or 77%—said that they could respond to an auction lasting 100 milliseconds. Thus, the Exchange believes that the proposed RTI duration of at least 500 milliseconds would provide a meaningful opportunity for participants on the Exchange to respond to a COA while at the same time facilitating the prompt execution of orders.

[10] *See* NYSE MKT Rule 971.1NY(c)(2)(B).

[11] *See* Box Rule 7245(f)(1).

[12] A ''User'' is ''any OTP Holder, OTP Firm or Sponsored Participant that is authorized to obtain access to OX pursuant to Rule 6.2A.'' *See* Rule 6.1A(19). The term ''Sponsored Participant'' refers to a person that has entered into a sponsorship arrangement with a Sponsoring OTP Firm pursuant to Rule 6.2A. *See* Rule 6.1A(16).

[13] *See* Rule 6.47A Commentary .01 (''Rule 6.47A prevents a User from executing agency orders to increase its economic gain from trading against the order without first giving other trading interest on the Exchange an opportunity to either trade with the agency order or to trade at the execution price when the User was already bidding or offering on the book.'').

The Exchange proposes to amend Rule 6.47A to also permit a User who utilizes the COA pursuant to Rule 6.91(c) to submit a principal order during the RTI to trade against an order it represents as agent.[14] As described above, the Exchange is proposing a minimum duration for the RTI of 500 milliseconds. RTIs would thus last for at least 500 milliseconds and no more than one (1) second, as determined by the Exchange.[15]

As stated above, the Exchange believes that a COA with an RTI of at least 500 milliseconds is a sufficient length of time to permit OTP Holders to respond to a RFR and enhance opportunities for competition among participants, increasing the likelihood for price improvement for the COA-eligible order in the COA. Accordingly, the Exchange proposes to amend Rule 6.47A to state that a User may execute as principal an order that the User represents as agent if the User avails itself of COA pursuant to Rule 6.91(c). Thus, an Electronic Complex Order subject to a COA would not be subject to the one-second order exposure requirement of Rule 6.47A. This exclusion from the one-second order exposure requirement is consistent with the treatment of orders in the NYSE Amex Options CUBE Auction, which has a minimum duration of 500 milliseconds, as is proposed for COA.[16] This proposed exception is also consistent with the treatment of similar orders entered in the BOX Complex Order Price Improvement Period.[17] Consistent with Rule 6.47A Commentary .01, OTP Holders shall only use COA where there is a genuine intention to execute bona fide transactions.

The Exchange also proposes to delete rule text from Rule 6.91(c)(3), which provides that ''[t]he obligations of Rule 6.47A, Order Exposure Requirements -OX, are separate from the duration of the Response Time Interval.'' The Exchange is proposing to delete this text because it would no longer be accurate with the proposed changes to Rule 6.47A described above.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b)(5) of the Securities Exchange Act of 1934 (the ''Act''),[18] which requires the rules of an exchange to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change to amend Rule 6.91(c)(4) to provide that any OTP Holder may submit an RFR Response during an RTI would remove impediments to and perfect the mechanism of a free and open market and a national market system because it could result in increased participation in the COA process, which should increase competition within a COA, potentially offering greater price improvement opportunities to the COA-eligible order. The Exchange notes that at least two other options exchanges allow all members to participate in electronic auctions similar to the COA.[19]

The Exchange believes the proposed minimum of 500 milliseconds for a RTI within a COA promotes just and equitable principles of trade and removes impediments to a free and open market because it allow [sic] sufficient time for OTP Holders participating in a COA to submit RFR Responses and would encourage competition among participants, thereby enhancing the potential for price improvement for orders in the COA to the benefit of investors and public interest. The Exchange believes the proposed rule change is not unfairly discriminatory because it establishes a minimum exposure period applicable to COA-eligible orders, which would be the same for all OTP Holders participating in a COA. In addition, the proposed minimum of 500 millisecond [sic] is consistent with the NYSE Amex Options CUBE Auction and is comparable to BOX's Complex Order Price Improvement Period, which similar to the Exchange's COA, is designed to offer price improvement to complex orders, and is only 100 milliseconds in length.[20]

The Exchange believes the proposal to allow Users who utilize the COA to enter an order as principal to potentially execute against an order it represents as agent promotes just and equitable principles of trade because the proposed minimum of 500 milliseconds for the RTI would provide ample time for participants in the COA to respond and would encourage competition and opportunities for price improvement, to the benefit of investors and the public interest. In addition, exempting Electronic Complex Orders subject to a COA from the one-second order exposure requirement of Rule 6.47A is consistent with the treatment of orders in the NYSE Amex Options CUBE Auction as well as the treatment of similar orders entered in the BOX Complex Order Price Improvement Period.[21] Additionally, the Exchange believes the proposed exemption from Rule 6.47A would reduce market risk for OTP Holders responding to COA-eligible orders by providing timely executions of these orders.

Accordingly, for foregoing reasons, the Exchange believes the proposed change is consistent with the Act.

(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 purposes of the Act. The Exchange believes the proposal to allow all OTP Holders to participate in the COA process should increase the level of competition within COAs, which will increase opportunities to trade for all participants on the Exchange and may increase opportunities for COA-eligible orders to receive price improvement. The Exchange also believes that this proposed expansion would enable the Exchange to better compete with other options exchanges that already offer all participants the ability to participate in electronic auctions.[22] The Exchange believes the proposed 500 millisecond minimum for a RTI is pro-competitive as it would afford OTP Holders sufficient time to respond to a COA and enhance opportunities for price improvement while encouraging timely executions. The Exchange believes that the proposed limited exception to Rule 6.47A would enable the Exchange to better compete with other options exchanges that already exempt market participants from the one-second order exposure requirements when utilizing certain price improvement and auction mechanisms.[23] Accordingly, the proposed rule change would also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

[14] *See* proposed Rule 6.47A(iii). The Exchange also proposes to add semi-colons to separate the subparts of Rule 6.47A, in lieu of ''or'', which the Exchange believes would simplify the rule.

[15] *See* proposed Rule 6.91(c)(3).

[16] *See* NYSE MKT Rule 935NY(iii). *See also supra* n. 10.

[17] *See* BOX IM–7140–2; *see also* Box Rule 7245(f)(1).

[18] 15 U.S.C. 78f(b).

[19] *See supra* n. 7.

[20] *See supra* nn. 10, 12.

[21] *See supra* nn. 16, 17.

[22] *See supra* n. 7.

[23] *See supra* nn. 16, 17.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2015–43 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–NYSEArca–2015–43. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca-2015–43 and should be submitted on or before June 29, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–13871 Filed 6–5–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0409, SEC File No. 270–360]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 17Ad–15.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17Ad–15 (17 CFR 240.17Ad–15) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17Ad–15 (17 CFR 240.17Ad–15) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (the ''Act'') requires approximately 429 transfer agents to establish written standards for the acceptance or rejection of guarantees of securities transfers from eligible guarantor institutions. Transfer agents are required to establish procedures to ensure that those standards are used by the transfer agent to determine whether to accept or reject guarantees from eligible guarantor institutions. Transfer agents must maintain, for a period of three years following the date of a rejection of transfer, a record of all transfers rejected, along with the reason for the rejection, identification of the guarantor, and whether the guarantor failed to meet the transfer agent's guarantee standard. These recordkeeping requirements assist the Commission and other regulatory agencies with monitoring transfer agents and ensuring compliance with the rule.

There are approximately 429 registered transfer agents. The staff estimates that each transfer agent will spend about 40 hours annually to comply with Rule 17Ad–15, or a total of 17,160 hours for all transfer agents (429 × 40 hours = 17,160 hours). The Commission staff estimates that compliance staff work at each registered transfer agent will result in an internal cost of compliance (at an estimated hourly wage of $283) of $11,320 per year per transfer agent (40 hours × $283 per hour = $11,320 per year). Therefore, the aggregate annual internal cost of compliance for the approximately 429 registered transfer agents is approximately $4,856,280 ($11,320 × 429 = $4,856,280).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

[24] 17 CFR 200.30–3(a)(12).

Dated: June 2, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–13872 Filed 6–5–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on June 8, 2015, at 1:00 p.m., in Room 10800 at the Commission's headquarters building, to hear oral argument in cross-appeals by Timbervest, LLC, Joel Barth Shapiro, Walter William Anthony Boden, III, Donald David Zell, Jr., Gordon Jones II (collectively, Respondents), and the Division of Enforcement from an initial decision of an administrative law judge.

On August 20, 2014, the law judge found that Timbervest violated Sections 206(1) and 206(2) of the Investment Advisers Act in connection with a repurchase arrangement and real estate commissions. The law judge also found that each of the individual Respondents aided, abetted, and caused the Section 206 violations that were connected to the repurchase agreement. But the law judge concluded that only Shapiro and Boden acted with scienter in furthering Timbervest's violations related to the real estate commissions; the law judge concluded that Zell and Jones were merely negligent. The law judge accordingly found that Shapiro and Jones aided, abetted, and caused Timbervest's Sections 206(1) and 206(2) violations, but found that Jones and Zell aided, abetted, and caused only Timbervest's Section 206(2) violation. The law judge imposed cease-and-desist orders on Respondents and ordered disgorgement.

The issues likely to considered at oral argument include whether Respondents violated Advisers Act Sections 206(1) and 206(2) as alleged and, if so, the extent to which they should be sanctioned for those violations. Also likely to be considered at oral argument is whether these administrative proceedings violate the U.S. Constitution.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Chair White, as duty officer, voted to consider the item listed for the Closed Meeting in closed session, and determined that Commission business required consideration earlier than one week from today. No earlier notice of this Meeting was practicable.

The subject matter of June 8, 2015 Closed Meeting will be:

Post argument discussion

For further information, please contact the Office of the Secretary at (202) 551–5400.

Dated: June 2, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–13984 Filed 6–4–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Extension: Regulation FD; OMB Control No.: 3235–0536, SEC File No. 270–475]

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission Office of FOIA Services 100 F Street NE., Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management Budget for extension and approval.

Regulation FD (17 CFR 243.100 *et seq.*)—Other Disclosure Materials requires public disclosure of material information from issuers of publicly traded securities so that investors have current information upon which to base investment decisions. The purpose of the regulation is to require: (1) An issuer that intentionally discloses material information, to do so through public disclosure, not selective disclosure; and (2) to make prompt public disclosure of material information that was unintentionally selectively disclosed. We estimate that approximately 13,000 issuers make Regulation FD disclosures approximately five times a year for a total of 58,000 submissions annually, not including an estimated 7,000 issuers who file Form 8–K to comply with Regulation FD. We estimate that it takes 5 hours per response (58,000 responses × 5 hours) for a total burden of 290,000 hours annually. In addition, we estimate that 25% of the 5 hours per response (1.25 hours) is prepared by the filer for an annual reporting burden of 72,500 hours (1.25 hours per response × 58,000 responses).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 2, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–13874 Filed 6–5–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 206(4)–3; OMB Control No. 3235–0242, SEC File No. 270–218]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 206(4)–3 (17 CFR 275.206(4)–3) under the Investment Advisers Act of 1940, which is entitled ''Cash Payments for Client Solicitations,'' provides

restrictions on cash payments for client solicitations. The rule requires that an adviser pay all solicitors' fees pursuant to a written agreement. When an adviser will provide only impersonal advisory services to the prospective client, the rule imposes no disclosure requirements. When the solicitor is affiliated with the adviser and the adviser will provide individualized advisory services to the prospective client, the solicitor must, at the time of the solicitation or referral, indicate to the prospective client that he is affiliated with the adviser. When the solicitor is not affiliated with the adviser and the adviser will provide individualized advisory services to the prospective client, the solicitor must, at the time of the solicitation or referral, provide the prospective client with a copy of the adviser's brochure and a disclosure document containing information specified in rule 206(4)–3. Amendments to rule 206(4)–3, adopted in 2010 in connection with rule 206(4)–5, specify that solicitation activities involving a government entity, as defined in rule 206(4)–5, are subject to the additional limitations of rule 206(4)–5. The information rule 206(4)–3 requires is necessary to inform advisory clients about the nature of the solicitor's financial interest in the recommendation so the prospective clients may consider the solicitor's potential bias, and to protect clients against solicitation activities being carried out in a manner inconsistent with the adviser's fiduciary duty to clients. Rule 206(4)–3 is applicable to all Commission-registered investment advisers. The Commission believes that approximately 4,422 of these advisers have cash referral fee arrangements. The rule requires approximately 7.04 burden hours per year per adviser and results in a total of approximately 31,130 total burden hours (7.04 × 4,422) for all advisers.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication. The Commission may not conduct or sponsor a collection of information unless it displays a currently valid OMB number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB number.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: June 2, 2015.

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–13876 Filed 6–5–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75093; File No. SR–NYSEArca–2015–25]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the iShares iBonds Dec 2021 AMT-Free Muni Bond ETF and iShares iBonds Dec 2022 AMT-Free Muni Bond ETF Under NYSE Arca Equities Rule 5.2(j)(3)

June 2, 2015.

On March 31, 2015, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] a proposed rule change to list and trade shares of the following series of the iShares Trust: iShares iBonds Dec 2021 AMT-Free Muni Bond ETF and iShares iBonds Dec 2022 AMT-Free Muni Bond ETF under NYSE Arca Equities Rule 5.2(j)(3), Commentary .02. On April 14, 2015, the Exchange filed Amendment No. 1 to the proposed rule change, which superseded the original filing. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on April 21, 2015.[4] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act [5] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates July 20, 2015, as the date by which the Commission shall either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR–NYSEArca–2015–25).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–13868 Filed 6–5–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75094: File No. SR–DTC–2015–007]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change Regarding the Discontinuance of the Distribution of Fractional Shares in Respect of Corporate Actions for New Issues in DTC's System

June 2, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') and Rule 19b–4 [2] thereunder, notice is hereby given that on May 27, 2015, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by DTC. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 74730 (April 15, 2015), 80 FR 22234 (''Notice'').

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change by DTC would discontinue the option offered by DTC to issuers that allows for the distribution of fractional shares of securities in DTC's system, when DTC is handling fractional dispositions of shares resulting from corporate actions, for new issues, as more fully described below.[3] The proposed change does not affect the text of DTC's Rules and Procedures.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to discontinue the option offered by DTC to issuers that allows for the distribution of fractional shares of securities in DTC's system, when DTC is handling fractional dispositions of shares resulting from corporate actions, for new issues, as more fully described below.

Background

When a securities issue is made eligible at DTC, DTC offers three options to the issuer for handling the disposition of fractional shares in DTC's system resulting from a corporate action for the issue. The issuer may: (i) Round up to the next full share or drop fractions, (ii) pay ''cash-in-lieu'' of fractional shares, or (iii) issue the fractional shares into an identifying number (''Fractional Identifier'') generated by DTC.[4] The assets comprising the disposition of fractional shares, whether in the form of shares or cash, once received from the issuer's transfer or paying agent, are credited by DTC in proportional amounts to the respective accounts of Participants depending on the amount shares of the issue they have on deposit. Participants then distribute credits on their own books, as applicable, to their customers that hold beneficial interests in those shares.

The first two options for handling the disposition of fractional shares are specified in the DTC Distributions Service Guide (''Guide'') [5] and DTC's Operational Arrangements (''OA'').[6] Distributions of fractional shares in DTC's system under the third option are delivered to Participants in accordance with the provisions of DTC Rule 6 that are applicable to DTC services related to Deposited Securities.[7]

Proposal

Fractional shares are not tradable. The distribution of fractional shares in respect of corporate actions reduces efficiencies for investors in an issue, including with respect to the value and transferability of assets delivered, as investors are required to wait for an extended period for the aggregation of fractional shares into a full share that may be traded. Tracking, processing and reporting of fractional shares separately from the associated CUSIP, which are necessitated by this process, increases costs to DTC and the industry.

In order to improve efficiencies for investors and reduce costs for DTC and the industry, DTC proposes to discontinue the option for issuers to distribute any fractional shares for new issues into DTC's system. DTC would continue to allow issuers undergoing a corporate action with a choice between: (i) The rounding up and dropping of fractions, and (ii) the payment of cash-in-lieu of fractional shares. DTC would maintain the Fractional Identifiers previously designated for existing fractional shares within DTC, and continue to perform corporate actions processing with respect to those Fractional Identifiers.

Implementation

The effective date of the proposed rule change would be announced via a DTC Important Notice.

2. Statutory Basis

By eliminating the distribution of fractional shares for new issues within DTC's system, the proposed rule change would improve efficiencies for investors relating to the disposition of fractional shares in corporate action events, as well as reduce the costs for DTC and the industry relating to DTC tracking, processing and reporting on separate Fractional Identifiers for those issues. Therefore, by improving efficiencies for investors and reducing costs for DTC and the industry, the proposed rule change is consistent with the provisions of Section 17A(b)(3)(F) [8] of the Act, which requires that the rules of the clearing agency be designed, *inter alia,* to promote the prompt and accurate clearance and settlement of securities transactions, as well as, in general, protect the interests of investors.

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change would have any impact, or impose any burden, on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. DTC will notify the Commission of any written comments received by DTC.

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 such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing,

[3] Terms not otherwise defined herein have the meaning set forth in the DTC Rules and Procedures (''DTC Rules''), *available at http://www.dtcc.com/legal/rules-and-procedures.aspx.*

[4] The Fractional Identifier generated for the third option above is separate from the CUSIP® identifier (''CUSIP'') that is universally recognized by the marketplace.

[5] *See* the Guide, p. 31, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Distributions%20Service%20Guide%20FINAL%20November%202014.pdf.*

[6] *See* the OA, p. 31, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/issue-eligibility/eligibility/operational-arrangements.pdf.*

[7] *See* DTC Rules (Rule 6 (Services)), p. 45, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/rules/dtc_rules.pdf.*

[8] 15 U.S.C. 78q–1(b)(3)(F).

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–DTC–2015–007 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–DTC–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 the filing also will be available for inspection and copying at the principal office of DTC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–DTC–2015–007 and should be submitted on or before June 29, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–13869 Filed 6–5–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75095; File No. SR–NYSEMKT–2015–41]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing of Proposed Rule Change Amending Rule 980NY(e), Electronic Complex Order Auction Process Removing the Limitation on Who Can Respond to a COA and Provide a Response Time Interval of at Least 500 Milliseconds; and Amend Rule 935NY, Order Exposure Requirements To Add Use of the COA for a User To Satisfy the Order Exposure Requirement in Rule 935NY and Delete the Reference in Rule 980NY(e) to the Order Exposure Requirements Being Separate From the Duration of the COA Response Time Interval

June 2, 2015

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on May 21, 2015, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to: (1) Amend Rule 980NY(e) (Electronic Complex Order Auction (''COA'') Process) to remove the limitation on who can respond to a COA and to provide a Response Time Interval of at least 500 milliseconds; and (2) amend Rule 935NY (Order Exposure Requirements) to add use of the COA as a means for a User to satisfy the Order Exposure Requirement in Rule 935NY and delete the reference in Rule 980NY(e) to the Order Exposure Requirements being separate from the duration of the COA Response Time Interval. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Participation in and Minimum Response Time Interval for the COA

The Exchange operates COA, which allows an entering ATP Holder to initiate an auction for eligible Electronic Complex Orders (''COA-eligible orders'').[4] Upon receiving a COA-eligible order, and the direction from the entering ATP Holder that an auction be initiated, the Exchange sends an automated request for response message (''RFR'') to all ATP Holders who subscribe to RFR messages.[5] ATP Holders that are eligible to participate in a COA may respond to an RFR message (''RFR Responses'') indicating the price and the number of contracts they would be willing trade in the COA. RFR Responses must be submitted during the Response Time Interval (''RTI''), the duration of which is determined by the Exchange, but may not exceed one (1) second.[6]

Rule 980NY(e)(4) currently provides that each Market Maker with an appointment in the relevant option

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange may determine, on a class by class basis, which Electronic Complex Orders are eligible for a COA based on marketability (defined as a number of ticks from the current market), size, and Complex Order origin type. *See* Rule 980NY(e)(1).

[5] RFR messages identify the component series, size and side of the market of the order and any contingencies. *See* Rule 980NY(e)(2).

[6] *See* Rule 980NY(e)(3) (stating, in part,''[t]he Exchange will determine the length of the Response Time Interval; provided, however, that the duration shall not exceed one (1) second.'').

class, and each ATP Holder acting as agent for orders resting at the top of the Consolidated Book in the relevant options series may submit RFR Responses during an RTI. The Exchange proposed to amend Rule 980NY(e)(4) to provide that any ATP Holder may submit RFR Responses during the RTI. The Exchange believes that the proposed amendment may increase participation in COAs, which would foster greater competition and provide additional price improvement opportunities for COA-eligible orders exposed during the COA. In addition, the Exchange believes the proposed amendment is fair and reasonable and would benefit market participants because it would enable the Exchange to better compete with option exchanges that permit all members to participate in electronic auctions for crossing transactions that are similar to the COA.[7]

As noted above, the duration of a COA is determined by the Exchange, but may not exceed one (1) second. Currently, the Exchange has not established a minimum duration for the RTI. The Exchange believes it is important to establish a minimum duration for the RTI to ensure that orders entered into a COA are exposed for a sufficient time period to allow the opportunity for participating ATP Holders to provide RFR Responses. Accordingly, the Exchange is proposing to establish a minimum of 500 milliseconds as the length of time the Exchange may determine for the RTI, with the maximum length of time continuing to be one (1) second.[8]

The Exchange believes that a minimum of 500 milliseconds is a sufficient time to submit RFR Responses and would encourage competition among participants, thereby enhancing the potential for price improvement for orders in the COA.[9] The proposed 500 millisecond minimum for the RTI is comparable to the response time interval in the Exchange's Customer Best Execution (''CUBE'') Auction for single-leg orders, which disseminates an RFR message for an auction lasting a random period of time of between 500 and 750 milliseconds.[10] In addition, BOX Options Exchange LLC (''BOX'')'s Complex Order Price Improvement Period (''COPIP''), like the Exchange's COA, is designed to offer price improvement to complex orders, and is only 100 milliseconds in length.[11] Although both the CUBE and the COPIP relate to electronic crossing transactions and provide for a guaranteed execution, the Exchange believes the CUBE and COPIP are analogous to the COA as they are designed to attract liquidity and provide opportunities for price improvement.

Amendment To Order Exposure Requirements

In addition, the Exchange proposes to amend Rule 935NY by adding that use of the COA is a means for a User to satisfy the Order Exposure Requirement in Rule 935NY. Exchange Rule 935NY prohibits Users (*i.e.,* ATP Holders) [12] from trading as principal with orders they represent as agent unless the order exposure requirements under the rule are met. The order exposure requirements are designed to enhance opportunities for competition among market participants.[13] Specifically, a User may only trade as principal with an order it represents as agent if:

- The agency order is first exposed on the Exchange for at least one (1) second;
- The User has been bidding or offering on the Exchange for at least one (1) second prior to receiving an agency order that is executable against such bid or offer; or
- The User utilizes the Customer Best Execution Auction (''CUBE Auction'') pursuant to Rule 971.1NY.

The Exchange proposes to amend Rule 935NY to also permit a User who utilizes the COA pursuant to Rule 980NY(e) to submit a principal order during the RTI to trade against an order it represents as agent.[14] As described above, the Exchange is proposing a minimum duration for the RTI of 500 milliseconds. RTIs would thus last for at least 500 milliseconds and no more than one (1) second, as determined by the Exchange.[15]

As stated above, the Exchange believes that a COA with an RTI of at least 500 milliseconds is a sufficient length of time to permit ATP Holders to respond to a RFR and enhance opportunities for competition among participants, increasing the likelihood for price improvement for the COA-eligible order in the COA. Accordingly, the Exchange proposes to amend Rule 935NY to state that a User may execute as principal an order that the User represents as agent if the User avails itself of COA pursuant to Rule 980NY(e). Thus, an Electronic Complex Order subject to a COA would not be subject to the one-second order exposure requirement of Rule 935NY. This exclusion from the one-second order exposure requirement is consistent with the treatment of orders in the CUBE Auction, which has a minimum duration of 500 milliseconds, as is proposed for COA.[16] This proposed exception is also consistent with the treatment of similar orders entered in the BOX Complex Order Price Improvement Period.[17] Consistent with Rule 935NY Commentary .01, ATP Holders shall only use COA where there is a genuine intention to execute bona fide transactions.

The Exchange also proposes to delete rule text from Rule 980NY(e)(3), which provides that ''[t]he obligations of Rule 935NY, Order Exposure Requirements, are separate from the duration of the Response Time Interval.'' The Exchange is proposing to delete this text because it would no longer be accurate with the

[7] *See, e.g.,* ISE Rule 723(a) (Price Improvement Orders may be entered by all Members for their own account or for the account of a Public Customer in one-cent increments at the same price as the Crossing Transaction or at an improved price for the Agency Order, and for any size up to the size of the Agency Order). The Exchange also notes that it places no restriction on the ATP Holders that may participate in a Customer Best Execution (''CUBE'') Auction for single-legged transactions on the Exchange. *See* Rule 971.1(c)(2)(C). The Exchange believes that although ISE Rule 723(a) and Rule 971.1NY relate to electronic crossing transactions and provide for a guaranteed execution, these electronic auction mechanisms are analogous to the COA as they are designed to attract liquidity to the exchange and provide opportunities for price improvement.

[8] *See* proposed Rule 980NY(e)(3) (providing that ''the that the duration [of the RTI] shall not be less than 500 milliseconds and shall not exceed one (1) second.'').

[9] In May 2015, to determine whether the proposed RTI would provide sufficient time to respond to a COA, the Exchange conducted a survey of ATP Holders to determine whether their firms ''could respond to an auction lasting 100 milliseconds.'' Of the ATP Holders that have electronic access to the Exchange and are able to submit responses to a COA (the ''Relevant ATP Holders''), thirteen (13) responded the survey. Of the thirteen (13) Relevant ATP Holders, ten (10)—or 77%—said that they could respond to an auction lasting 100 milliseconds. Thus, the Exchange believes that the proposed RTI duration of at least 500 milliseconds would provide a meaningful opportunity for participants on the Exchange to respond to a COA while at the same time facilitating the prompt execution of orders.

[10] *See* Rule 971.1NY(c)(2)(B).

[11] *See* Box Rule 7245(f)(1).

[12] A ''User'' is ''any ATP Holder that is authorized to obtain access to the System pursuant to Rule 902.1NY.''

[13] *See* Rule 935NY Commentary .01 (''Rule 935NY prevents a User from executing agency orders to increase its economic gain from trading against the order without first giving other trading interest on the Exchange an opportunity to either trade with the agency order or to trade at the execution price when the User was already bidding or offering on the book.'')

[14] *See* proposed Rule 935NY(iv). The Exchange also proposes to add semi-colons to separate the subparts of Rule 935NY, in lieu of ''or'', which the Exchange believes would simplify the rule.

[15] *See* proposed Rule 980NY(e)(3).

[16] *See* Rule 935NY(iii). *See also supra* n. 10.

[17] *See* BOX IM–7140–2; *see also* Box Rule 7245(f)(1).

proposed changes to Rule 935NY described above.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b)(5) of the Securities Exchange Act of 1934 (the ''Act''),[18] which requires the rules of an exchange to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change to amend Rule 980NY(e)(4) to provide that any ATP Holder may submit an RFR Response during an RTI would remove impediments to and perfect the mechanism of a free and open market and a national market system because it could result in increased participation in the COA process, which should increase competition within a COA, potentially offering greater price improvement opportunities to the COA-eligible order. The Exchange notes that at least two other options exchanges allow all members to participate in electronic auctions similar to the COA.[19]

The Exchange believes the proposed minimum of 500 milliseconds for a RTI within a COA promotes just and equitable principles of trade and removes impediments to a free and open market because it allow [sic] sufficient time for ATP Holders participating in a COA to submit RFR Responses and would encourage competition among participants, thereby enhancing the potential for price improvement for orders in the COA to the benefit of investors and public interest. The Exchange believes the proposed rule change is not unfairly discriminatory because it establishes a minimum exposure period applicable to COA-eligible orders, which would be the same for all ATP Holders participating in a COA. In addition, the proposed minimum of 500 millisecond [sic] is consistent with CUBE and is comparable to BOX's Complex Order Price Improvement Period, which similar to the Exchange's COA, is designed to offer price improvement to complex orders, and is only 100 milliseconds in length.[20]

The Exchange believes the proposal to allow Users who utilize the COA to enter an order as principal to potentially execute against an order it represents as agent promotes just and equitable principles of trade because the proposed minimum of 500 milliseconds for the RTI would provide ample time for participants in the COA to respond and would encourage competition and opportunities for price improvement, to the benefit of investors and the public interest. In addition, exempting Electronic Complex Orders subject to a COA from the one-second order exposure requirement of Rule 935NY is consistent with the treatment of orders in the CUBE Auction as well as the treatment of similar orders entered in the BOX Complex Order Price Improvement Period.[21] Additionally, the Exchange believes the proposed exemption from Rule 935NY would reduce market risk for ATP Holders responding to COA-eligible orders by providing timely executions of these orders.

Accordingly, for foregoing reasons, the Exchange believes the proposed change is consistent with the Act.

(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 purposes of the Act. The Exchange believes the proposal to allow all OTP Holders to participate in the COA process should increase the level of competition within COAs, which will increase opportunities to trade for all participants on the Exchange and may increase opportunities for COA-eligible orders to receive price improvement. The Exchange also believes that this proposed expansion would enable the Exchange to better compete with other options exchanges that already offer all participants the ability to participate in electronic auctions.[22] The Exchange believes the proposed 500 millisecond minimum for a RTI is pro-competitive as it would afford ATP Holders sufficient time to respond to a COA and enhance opportunities for price improvement while encouraging timely executions. The Exchange believes that the proposed limited exception to Rule 935NY would enable the Exchange to better compete with other options exchanges that already exempt market participants from the one-second order exposure requirements when utilizing certain price improvement and auction mechanisms.[23] Accordingly, the proposed rule change would also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2015–41 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2015–41. 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

[18] 15 U.S.C. 78f(b).

[19] *See supra* n. 7.

[20] *See supra* nn. 10, 11.

[21] *See supra* nn. 16, 17.

[22] *See supra* n. 7.

[23] *See supra* nn. 16, 17.

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2015–41 and should be submitted on or before June 29, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–13870 Filed 6–5–15; 8:45 am]

BILLING CODE 8011–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Reallocation of Unused Fiscal Year 2015 Tariff-Rate Quota Volume for Raw Cane Sugar

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice of country-by-country reallocations of the FY 2015 in-quota quantity of the World Trade Organization (WTO) tariff-rate quota (TRQ) for imported raw cane sugar.

DATES: June 8, 2015.

ADDRESSES: Inquiries may be mailed or delivered to Ronald Baumgarten, Director of Agricultural Affairs, Office of Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Ronald Baumgarten, Office of the United States Trade Representative, Office of Agricultural Affairs, telephone: 202–395–9583 or facsimile: 202–395–4579.

SUPPLEMENTARY INFORMATION: Pursuant to Additional U.S. Note 5 to Chapter 17 of the Harmonized Tariff Schedule of the United States (HTS), the United States maintains WTO TRQs for imports of raw cane and refined sugar.

Section 404(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(3)) authorizes the President to allocate the in-quota quantity of a TRQ for any agricultural product among supplying countries or customs areas. The President delegated this authority to the United States Trade Representative under Presidential Proclamation 6763 (60 FR 1007).

On September 2, 2014, the Secretary of Agriculture established the FY 2015 TRQ for imported raw cane sugar at the minimum to which the United States is committed pursuant to the World Trade Organization (WTO) Uruguay Round Agreements (1,117,195 metric tons raw value (MTRV)). On September 9, 2014, USTR provided notice of country-by-country allocations of the FY 2015 in-quota quantity of the WTO TRQ for imported raw cane sugar. Based on consultation with quota holders, USTR has determined to reallocate 157,937 MTRV of the original TRQ quantity from those countries that are unable to fill their FY 2015 allocated raw cane sugar quantities. USTR is allocating the 157,937 MTRV to the following countries in the amounts specified below:

Country	FY 2015 Reallocation
Argentina	11,263
Australia	21,739
Barbados	1,834
Belize	2,881
Brazil	37,978
Colombia	6,286
Costa Rica	3,929
Ecuador	2,881
El Salvador	6,810
Fiji	2,357
Guatemala	12,572
Guyana	3,143
Honduras	2,619
India	2,095
Jamaica	2,881
Mozambique	3,405
Nicaragua	5,500
Peru	10,739
South Africa	6,024
Swaziland	4,191
Thailand	3,667
Zimbabwe	3,143

These allocations are based on the countries' historical shipments to the United States. The allocations of the raw cane sugar WTO TRQ to countries that are net importers of sugar are conditioned on receipt of the appropriate verifications of origin. Certificates of quota eligibility must accompany imports from any country for which an allocation has been provided.

Conversion factor: 1 metric ton = 1.10231125 short tons.

Michael B.G. Froman,

United States Trade Representative.

[FR Doc. 2015–13887 Filed 6–5–15; 8:45 am]

BILLING CODE 3190–F5–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. FAA–2015–35]

Petition for Exemption; Summary of Petition Received; International Council of Air Shows (ICAS); Experimental Aircraft Association (EAA) Warbirds of America

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 29, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–0809 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to

[24] 17 CFR 200.30–3(a)(12).

http://www.regulations.gov, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Brent Hart (202) 267–4034, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 1, 2015.

Brenda D. Courtney,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–0809.

Petitioner: International Council of Air Shows (ICAS); Experimental Aircraft Association (EAA) Warbirds of America.

Section(s) of 14 CFR Affected: § 91.319(c).

Description of Relief Sought: The International Council of Air Shows (ICAS) and the Experimental Aircraft Association (EAA) Warbirds of America seeks limited relief, on behalf of its members, from the requirements of § 91.319(c) to permit over flights of stadiums and sporting events by its members in certain aircraft certified in the experimental, exhibition categories or aircraft with similar Special Flight Authorizations (SFAs).

[FR Doc. 2015–13893 Filed 6–5–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. FAA–2015–34]

Petition for Exemption; Summary of Petition Received; Those Amazing Performers LLC DBA Team AeroDynamix

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 29, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–0798 using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Brent Hart (202) 267–4034, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 1, 2015.

Brenda D. Courtney,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–0798.

Petitioner: Those Amazing Performers LLC DBA Team AeroDynamix.

Section(s) of 14 CFR Affected: § 91.319(c).

Description of Relief Sought: Those Amazing Performers LLC DBA Team AeroDynamix seeks limited relief from the requirements of § 91.319(c) to permit over flights of stadiums, sporting events, and other large public events in certain aircraft certified in the experimental, amateur built category aircraft.

[FR Doc. 2015–13892 Filed 6–5–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Thirty-Third Meeting: RTCA Special Committee 224, Airport Security Access Control Systems

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Meeting notice of RTCA Special Committee 224, Airport Security Access Control Systems.

SUMMARY: The FAA is issuing this notice to advise the public of the thirty-third meeting of the RTCA Special Committee 224, Airport Security Access Control Systems.

DATES: The meeting will be held on June 25, 2015 from 10:00 a.m.–3:00 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 224. The agenda will include the following:

- Welcome/Introductions/Administrative Remarks.
- Review/Approve Previous Meeting Summary.
- Report from the TSA.
- Report on Safe Skies on Document Distribution.
- Program Management Committee/TOR Report.
- Review of the Credentialing Section.
- Review of Other DO–230E Sections.
- Action Items for Next Meeting.
- Time and Place of Next Meeting.

- Any Other Business.
- Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on June 2, 2015.

Victoria Frazier,

Branch Manager, NextGen, Program Oversight and Administration, Federal Aviation Administration.

[FR Doc. 2015–13972 Filed 6–5–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–36]

Petition for Exemption; Summary of Petition Received; California Shock Trauma Air Rescue

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before June 29, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–1868 using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on June 2, 2015.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–1868.

Petitioner: California Shock Trauma Air Rescue.

Section(s) of 14 CFR Affected: § 135.611.

Description of Relief Sought: California Shock Trauma Air Rescue seeks relief to perform instrument flight rules (IFR) departures and IFR instrument approach procedures (IAP) at airports and/or heliports that do not have an approved weather reporting source, without airborne radar or thunderstorm detection equipment installed on its aircraft.

[FR Doc. 2015–13882 Filed 6–5–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Colorado Springs Airport, Colorado Springs, Colorado

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release airport property.

SUMMARY: The FAA proposes to rule and invite public comment on the release of land at the Colorado Springs Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21), now 49 U.S.C. 47107(h)(2).

DATES: Comments must be received on or before July 8, 2015.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Mr. John P. Bauer, Manager, Federal Aviation Administration, Northwest Mountain Region, Airports Division, Denver Airports District Office, 26805 E. 68th Avenue, Suite 224, Denver, Colorado 80249–6361.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Troy Stover, Colorado Springs Airport, Colorado Springs, Colorado, at the following address: Mr. Troy Stover, Colorado Springs Airport, 7770 Milton E. Proby Parkway, Suite 50, Colorado Springs, Colorado 80916.

FOR FURTHER INFORMATION CONTACT: Mr. Marc Miller, Colorado Engineer/Compliance Specialist, Federal Aviation Administration, Northwest Mountain Region, Denver Airports District Office, 26805 E. 68th Avenue, Suite 224, Denver, Colorado 80249–6361.

The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release property at the Colorado Springs Airport under the provisions of the AIR 21 (49 U.S.C. 47107(h)(2)).

On June 2, 2015, the FAA determined that the request to release property at the Colorado Springs Airport submitted by the Colorado Springs Airport meets the procedural requirements of the Federal Aviation Administration.

The following is a brief overview of the request:

The Colorado Springs Airport is proposing the release from the terms, conditions, reservations, and restrictions on approximately 9.5 acres of federally obligated land at the Colorado Springs Airport. The proposed release would allow for improvements to be made to the Marksheffel Road corridor adjacent to the east side of the airport. Marksheffel Road is currently a two-lane rural arterial road with unimproved shoulders and roadside ditches. For the majority of the corridor there is an inadequate roadway cross-

section, including areas with no shoulders and a lack of turn lanes, as well as inadequate roadway and intersection capacity, lack of pedestrian/bicycle facilities and sharp curves. These deficiencies contribute to roadway crash incidences along the Marksheffel Road corridor. The proposed airport property is undeveloped and is not needed for present or future aviation purposes. The property will be sold at fair market value and the sponsor will reinvest the revenue into the airport. The property release conveyance will include appropriate continuing right of flight and continuing restriction clauses that will prohibit any activity on the land that would interfere with or be a hazard to the flight of aircraft over the land or to and from the airport, or that interferes with air navigation and communications facilities serving the airport.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon appointment and request, inspect the application, notice and other documents germane to the application in person at the Colorado Springs Airport.

Issued in Denver, Colorado, on June 2, 2015.

John P. Bauer,

Manager, Denver Airports District Office.

[FR Doc. 2015–13971 Filed 6–5–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2015–0036]

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 February 27, 2015, the Union Pacific Railroad Company (UPRR) 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 part 232—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment. Specifically, UPRR requests to extend the mileage limits specified for certain designated extended haul trains. See 49 CFR 232.213—Extended haul trains. FRA assigned the petition docket number FRA–2015–0036.

In its petition, UPRR requests relief allowing for the moderate extended movement of trains to operate beyond the 1,500 mile limit specified in section 232.213 (a list of the proposed extended haul trains is posted to the docket at FRA–2015–0036–0001 in Appendix A to UPRR's petition). UPRR states that the requested relief will ensure they continue to meet customer and national expectation for deliveries of coal, grain, intermodal and other commodities while safely allowing for improved fluidity with increased velocity. UPRR notes that similar relief was granted to BNSF Railway in docket number FRA–2006–24812. UPRR further states that its proposal will result in a moderate mileage increase of between 21 and 180 additional miles beyond the present 1,500 mile limit, which would involve less than 2 percent of UPRR daily train originations.

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 23, 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 June 1, 2015.

Ron Hynes,

Director of Technical Oversight.

[FR Doc. 2015–13848 Filed 6–5–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. EP 682 (Sub-No. 6)]

2014 Tax Information for Use in the Revenue Shortfall Allocation Method

AGENCY: Surface Transportation Board.

ACTION: Notice.

SUMMARY: The Board is publishing, and providing the public an opportunity to comment on, the 2014 weighted average state tax rates for each Class I railroad, as calculated by the Association of American Railroads (AAR), for use in the Revenue Shortfall Allocation Method (RSAM).

DATES: Comments are due by July 8, 2015. If any comment opposing AAR's calculation is filed, AAR's reply will be due by July 28, 2015. If no comments are filed by the due date, AAR's calculation of the 2014 weighted average state tax rates will be automatically adopted by the Board, effective July 9, 2015.

ADDRESSES: Comments may be submitted either via the Board's e-filing format or in traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E-FILING link on the Board's Web site at *http://www.stb.dot.gov.* Any person submitting a filing in the traditional paper format should send an original and 10 copies referring to Docket No. EP 682 (Sub-No. 6) to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Jonathon Binet, (202) 245–0368. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The RSAM figure is one of three benchmarks that together are used to determine the reasonableness of a challenged rate under the Board's *Simplified Standards for Rail Rate Cases,* EP 646 (Sub-No. 1) (STB served Sept. 5, 2007),[1] as further revised in *Simplified Standards for Rail Rate Cases—Taxes in Revenue Shortfall Allocation Method,* EP 646 (Sub-No. 2) (STB served Nov. 21, 2008). RSAM is intended to measure the average markup that the railroad would need to collect from all of its ''potentially captive traffic'' (traffic with a revenue-to-variable-cost ratio above 180%) to earn adequate revenues as measured by the Board under 49 U.S.C. 10704(a)(2) (*i.e.,* earn a return on investment equal to the railroad industry cost of capital). *Simplified Standards—Taxes in RSAM,* slip op. at 1. In *Simplified Standards—Taxes in RSAM,* slip op. at 3, 5, the Board modified its RSAM formula to account for taxes, as the prior formula mistakenly compared pre-tax and after-tax revenues. In that decision, the Board stated that it would institute a separate proceeding in which Class I railroads would be required to submit the annual tax information necessary for the Board's annual RSAM calculation. *Id.* at 5–6.

In *Annual Submission of Tax Information for Use in the Revenue Shortfall Allocation Method,* EP 682 (STB served Feb. 26, 2010), the Board adopted rules to require AAR—a national trade association—to annually calculate and submit to the Board the weighted average state tax rate for each Class I railroad. *See* 49 CFR 1135.2(a). On May 29, 2015, AAR filed its calculation of the weighted average state tax rates for 2014, listed below for each Class I railroad:

WEIGHTED AVERAGE STATE TAX RATES

[In percent]

Railroad	2014	2013	% Change
BNSF Railway Company	5.478	5.510	−0.032
CSX Transportation, Inc	5.398	5.486	−0.088
Grand Trunk Corporation	8.058	8.066	−0.008
The Kansas City Southern Railway	5.746	5.762	−0.016
Norfolk Southern Combined	5.713	5.821	−0.108
Soo Line Corporation	8.092	7.289	0.803
Union Pacific Railroad Company	5.885	5.929	−0.044

Any party wishing to comment on AAR's calculation of the 2014 weighted average state tax rates should file a comment by July 8, 2015. *See* 49 CFR 1135.2(c). If any comments opposing AAR's calculations are filed, AAR's reply will be due by July 28, 2015. *Id.* If any comments are filed, the Board will review AAR's submission, together with the comments, and serve a decision within 60 days of the close of the record that either accepts, rejects, or modifies AAR's railroad-specific tax information. *Id.* If no comments are filed by July 8, 2015, AAR's submitted weighted average state tax rates will be automatically adopted by the Board, effective July 9, 2015. *Id.*

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: June 3, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2015–13905 Filed 6–5–15; 8:45 am]

BILLING CODE 4915–01–P

[1] *Aff'd sub nom. CSX Transp., Inc.* v. *STB,* 568 F.3d 236 (D.C. Cir. 2009), *and vacated in part on reh'g, CSX Transp., Inc.* v. *STB,* 584 F.3d 1076 (D.C. Cir. 2009).

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Disposition of Treasury Securities Belonging to a Decedent's Estate Being Settled Without Administration

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the ''Disposition of Treasury Securities Belonging To A Decedent's Estate Being Settled Without Administration.''

DATES: Written comments should be received on or before August 7, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for further information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Ron Lewis; 200 Third Street Room 515, Parkersburg, WV 26106–1328, or *ron.lewis@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Titles: Disposition of Treasury Securities Belonging To A Decedent's Estate Being Settled Without Administration.

OMB Number: 1530–0055 (Previously approved as 1535–0118 as a collection conducted by Department of the Treasury/Bureau of the Public Debt.)

Transfer of OMB Control Number: The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

Form Number: FS Form 5336.

Abstract: The information is collected from a voluntary representative of a decedent's estate to support a request for disposition of United States Treasury

Securities and/or related payments in the event that the estate is not being administered.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 25,350.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 12,675.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 2, 2015.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2015–13950 Filed 6–5–15; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Creditor's Request for Payment of Treasury Securities Belonging to a Decedent's Estate Being Settled Without Administration

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the ''Creditor's Request For Payment of Treasury Securities Belonging To A Decedent's Estate Being Settled Without Administration.''

DATES: Written comments should be received on or before August 7, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for further information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Ron Lewis; 200 Third Street, Room 515, Parkersburg, WV 26106–1328, or *ron.lewis@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Titles: Creditor's Request For Payment of Treasury Securities Belonging To A Decedent's Estate Being Settled Without Administration.

OMB Number: 1530–0027 (Previously approved as 1535–0055 as a collection conducted by Department of the Treasury/Bureau of the Public Debt.) Transfer of OMB Control Number: The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

Form Number: FS Form 1050.

Abstract: The information is requested to obtain a creditor's consent to dispose of savings bonds/notes in settlement of a deceased owner's estate without administration.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 1,500.

Estimated Time per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 150.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: June 2, 2015.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2015–13951 Filed 6–5–15; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of three individuals and one entity whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act) (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The identification of one entity and the designation of three individuals by the Director of OFAC identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on June 1, 2015.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory

framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, that are owned or controlled of persons who have been identified by the President as significant foreign narcotics traffickers. In addition, the Act separately provides that the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, and the Secretary of State, may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking. The authority to identify, designate, and block the property and interests in property of persons under the Kingpin Act is delegated to the Director of OFAC pursuant to 31 CFR 598.803.

On June 1, 2015, the Acting Director of OFAC designated the following three individuals whose property and interests in property are blocked pursuant to sections 805(b)(2) and (3) of the Kingpin Act.

1. FLORES HALA, Florindo Eleuterio (a.k.a. ''COMRADE ARTEMIO''); DOB 08 Sep 1961; POB San Juan de Siguas, Arequipa, Peru; citizen Peru (individual) [SDNTK].

2. QUISPE PALOMINO, Victor (a.k.a. ''COMRADE JOSE''); DOB 01 Aug 1960; POB Ayacucho, Peru; citizen Peru (individual) [SDNTK].

3. QUISPE PALOMINO, Jorge (a.k.a. ''COMRADE RAUL''); DOB 02 Nov 1958; POB Ayacucho, Peru; citizen Peru (individual) [SDNTK].

In addition, on June 1, 2015, the Acting Director of OFAC identified the following entity, which was previously designated pursuant to Executive Order 13224, as a significant foreign narcotics trafficker purusant to section 804(b) of the Kingpin Act:

4. SHINING PATH (a.k.a. COMMUNIST PARTY OF PERU; a.k.a. COMMUNIST PARTY OF PERU ON THE SHINING PATH OF JOSE CARLOS MARIATEGUI; a.k.a. EGP; a.k.a. EJERCITO GUERRILLERO POPULAR; a.k.a. EJERCITO POPULAR DE LIBERACION; a.k.a. PARTIDO COMUNISTA DEL PERU (COMMUNIST PARTY OF PERU); a.k.a. PARTIDO COMUNISTA DEL PERU EN EL SENDERO LUMINOSO DE JOSE CARLOS MARIATEGUI (COMMUNIST PARTY OF PERU ON THE SHINING PATH OF JOSE CARLOS MARIATEGUI); a.k.a. PEOPLE'S AID OF PERU; a.k.a. PEOPLE'S GUERRILLA ARMY; a.k.a. PEOPLE'S LIBERATION ARMY; a.k.a. SENDERO LUMINOSO; a.k.a. SOCORRO POPULAR DEL PERU; a.k.a. SPP; a.k.a. ''EPL''; a.k.a. ''PCP''; a.k.a. ''SL'') [SDNTK] [FTO] [SDGT].

Dated: June 1, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–13910 Filed 6–5–15; 8:45 am]

BILLING CODE 4810–ALP

DEPARTMENT OF THE TREASURY

Public Meeting of the President's Advisory Council on Financial Capability for Young Americans

AGENCY: Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: The President's Advisory Council on Financial Capability for Young Americans (Council) will convene for a public meeting on June 17, 2015 at 3:00 p.m. Eastern Time via teleconference. The teleconference will be open to the public. Details about how to access the teleconference are posted on the Council's Web site at *http://www.treasury.gov/pacfcya.*

DATES: The meeting will be held on June 17, 2015, at 3:00 p.m. Eastern Time.

Submission of Written Statements: The public is invited to submit written statements to the Council. Written statements should be sent by any one of the following methods:

Electronic Statements

Email: *pacfcya@treasury.gov;* or

Paper Statements

Send paper statements to the Department of the Treasury, Office of Consumer Policy, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

In general, the Department will make all statements available in their original format, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers, for public inspection and photocopying in the Department's library located at Treasury Department Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220. The library is open on official business days between the hours of 10:00 a.m. and 5:00 p.m. You can make an appointment to inspect statements by calling (202) 622–0990. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Louisa Quittman, Director, Financial Education, Office of Consumer Policy, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, at (202) 622–5770 or *pacfcya@treasury.gov.*

SUPPLEMENTARY INFORMATION: On June 25, 2013, the President signed Executive Order 13646, creating the Council to help build the financial capability of young people at an early age, in schools, communities and the workplace. Having a basic understanding of money management at an early age will make our young people better equipped to tackle more complex financial decisions in their transition to adulthood, when critical decisions about financing higher education and saving for retirement can have lasting consequences for financial security. Strengthening the financial capability of our young people is an investment in our nation's economic prosperity. The Council is composed of three *ex officio* federal officials as well as 22 non-governmental members appointed by the President with relevant backgrounds, such as financial services and education. The role of the Council is to advise the President and the Secretary of the Treasury on means to promote and enhance the financial capability of young Americans. In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2 and the regulations thereunder, Louisa Quittman, Designated Federal Officer of the Council, has ordered publication of this notice that the Council will convene its fourth meeting on June 17, 2015 via teleconference beginning at 3:00 p.m. Eastern Time. Members of the public can access this teleconference through Treasury's Office of Consumer Policy Web site at *http://www.treasury.gov/pacfcya.* Documents that will be discussed during the meeting will be posted on the Council's Web site at *http://www.treasury.gov/pacfcya* on the day of the meeting. During this meeting, the Council will (i) vote on the final recommendations of the Council, and (ii) make announcements. Due to the

significant logistical difficulties of scheduling the PACFCYA meeting, this meeting has been scheduled with less than 15 days' notice, (see 41 CFR 102–3.150(b)).

David G. Clunie,

Executive Secretary, Department of the Treasury.

[FR Doc. 2015–13913 Filed 6–5–15; 8:45 am]

BILLING CODE 4810–25–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing June 15, 2015—Washington, DC.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission.

Name: William A. Reinsch, Chairman of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on 6/15/2015, on ''Commercial Cyber Espionage and Barriers to Digital Trade in China.''

Background: This is the seventh public hearing the Commission will hold during its 2015 report cycle to collect input from academic, industry, and government experts on national security implications of the U.S. bilateral trade and economic relationship with China. The hearing will be on Commercial Cyber Espionage and Barriers to Digital Trade in China. The hearing will be co-chaired by Commissioners Carte Goodwin and Dennis Shea. Any interested party may file a written statement by June 15, 2015, by mailing to the contact below. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Location, Date and Time: Room: Dirksen Senate Office Building Room 608. Monday, June 15, 2015, 9:00 a.m.–12:30 p.m. A detailed agenda for the hearing will be posted to the Commission's Web site at *www.uscc.gov.* Also, please check our Web site for possible changes to the hearing schedule. *Reservations are not required to attend the hearing.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Reed Eckhold, 444 North Capitol Street NW., Suite 602, Washington, DC 20001; phone: 202–624–1496, or via email at *reckhold@uscc.gov. Reservations are not required to attend the hearing.*

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: June 2, 2015.

Kathleen Wilson,

Finance and Operations Director, U.S.-China Economic and Security, Review Commission.

[FR Doc. 2015–13836 Filed 6–5–15; 8:45 am]

BILLING CODE 1137–00–P

Reader Aids

Federal Register

Vol. 80, No. 109

Monday, June 8, 2015

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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.

2 CFR

600 31299

3 CFR

Proclamations:
9288 31821
9289 31823
9290 31825
9291 31827
9292 31829

5 CFR

Ch. IV 32244
Proposed Rules:
531 30955
532 32042

7 CFR

930 30919
3550 31971
Proposed Rules:
319 30959
925 32043

8 CFR

217 32267
1003 31461

10 CFR

72 30924
430 31971
Proposed Rules:
429 ..... 30962, 31324, 31487
430 ..... 30962, 31324, 31487, 31646

12 CFR

4 31463
5 31463
7 31463
14 31463
24 31463
32 31463
34 31463
100 31463
116 31463
143 31463
144 31463
145 31463
146 31463
150 31463
152 31463
159 31463
160 31463
161 31463
162 31463
163 31463
174 31463
192 31463
193 31463
600 32294
Proposed Rules:
Ch. I 32046
Ch. II 32046
Ch. III 32046

14 CFR

39 ..... 30928, 32294
95 31988
97 ..... 32297, 32299
400 31831
401 31831
Proposed Rules:
39 ..... 30963, 31325, 32055, 32058, 32061, 32063, 32066, 32069, 32072, 32315, 32316
71 32074

15 CFR

744 31834
Proposed Rules:
734 31505
740 31505
750 31505
764 31505
772 31505

17 CFR

200 31836
230 31836
232 31836
239 31836
240 31836
249 31836
260 31836
Proposed Rules:
32 31326

20 CFR

404 31990
416 31990

21 CFR

73 ..... 31466, 32303
514 31708
558 31708
870 32307
876 30931
895 31299
Proposed Rules:
558 31520
1308 31521

22 CFR

135 31299
145 31299
Proposed Rules:
120 31525
123 31525
125 31525
127 31525

23 CFR

Proposed Rules:
625 31327

24 CFR

Proposed Rules:
91.....31538
576.....31538
888.....31332

25 CFR

502.....31991
513.....31991
514.....31991
516.....31991
522.....31991
531.....31991
533.....31991
535.....31991
556.....31991
559.....31991
571.....31991
573.....31991
575.....31991
580.....31991

26 CFR

1 .....31837, 31995, 31996

28 CFR

0.....31998
552.....32000

30 CFR

Proposed Rules:
250.....31560

31 CFR

Proposed Rules:
1.....31336

32 CFR

706.....32002

33 CFR

117 .....30934, 31300, 31466, 31467, 32312
165 .....30934, 30935, 30936, 31300, 31467, 31843, 32312, 32313

Proposed Rules:
165.....32318, 32321

34 CFR

Subtitle A 32210

39 CFR

601.....31844
955.....31303

40 CFR

9.....32003
52 .....30939, 30941, 31305, 31844, 32017, 32019, 32026
63.....31470
180 .....31481, 32029, 32034
721.....32003

Proposed Rules:
52 .....30965, 30974, 30984, 31338, 31867, 32078, 32324
80.....31870
97.....30988
271.....31338
435.....31342
745.....31871

41 CFR

51–6.....32038

42 CFR

413.....31485

Proposed Rules:
88.....32333
431.....31098
433.....31098
438.....31098
440.....31098
457.....31098
495.....31098

43 CFR

Proposed Rules:
3100.....31560

44 CFR

64.....31847

Proposed Rules:
67 .....32334, 32335, 32336, 32337

48 CFR

225.....31309

Proposed Rules:
2.....31561
5.....31561
7.....31561
8.....31561
10.....31561
12.....31561
15.....31561
16.....31561
19.....31561
52.....31561

49 CFR

10.....32039
1510.....31850

50 CFR

218.....31310
300.....32313
622.....30947
635.....32040
648.....31864
660.....31486, 31858
665.....31863

Proposed Rules:
17.....30990, 31875
218.....31738
622.....31880
648.....31343, 31347
660.....31884

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 5, 2015

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.