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DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 293

[DHS Docket No. ICEB–2013–0002]

RIN 1653–AA66

Change to Existing Regulation Concerning the Interest Rate Paid on Cash Deposited To Secure Immigration Bonds

AGENCY: U.S. Immigration and Customs Enforcement, DHS.

ACTION: Final rule.

SUMMARY: The Department of Homeland Security is amending its regulations addressing the payment of interest on cash bond deposits to explicitly provide that the Department of the Treasury (Treasury) will set the interest rate. Treasury will notify the public of its interest rate determinations by publishing the rates on the Treasury Web site or via another mechanism. Under the existing regulation, the current rate of interest paid on deposits securing cash bonds is 3 percent per annum. 8 U.S.C. 1363(a); 8 CFR 293.2. This final rulemaking is consistent with the requirement of 8 U.S.C. 1363(a) that interest payments shall be ''at a rate determined by the Secretary of the Treasury, except that in no case shall the interest rate exceed 3 per centum per annum.''

DATES: This rule is effective August 17, 2015.

ADDRESSES: Comments and related materials received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket ICEB–2013–0002 and are available online by going to *http://www.regulations.gov,* inserting ICEB–2013–0002 in the ''Search'' box, and then clicking ''Search.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Don Benoit, Bonds Branch Supervisor, Burlington Finance Center, P.O. Box 5000, Williston, VT 05495–5000. Telephone: (802) 288–7630, email: *Donald.R.Benoit@ice.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Regulatory History and Information

On October 28, 2013, DHS published a notice of proposed rulemaking (NPRM) in the **Federal Register**, entitled *Change to Existing Regulation Concerning the Interest Rate Paid on Cash Deposited to Secure Immigration Bonds.* 78 FR 64183. We received two comments on the proposed rule. No public meeting was requested, and none was held.

II. Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
ICE U.S. Immigration and Customs Enforcement
INA Immigration and Nationality Act of 1952, as amended
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
§ Section symbol
U.S.C. United States Code

III. Basis and Purpose

A. Immigration Bonds Secured by Cash

U.S. Immigration and Customs Enforcement (ICE) may release certain aliens from detention during removal proceedings after a custody determination has been made pursuant to 8 CFR 236.1(c). As a condition of his/her release from custody, an alien may be required to post an immigration bond. Currently, about 91 percent of the immigration bonds issued each year is secured by cash (cash bonds). (Fiscal Year 2013 Total, Cash Bonds and Surety Bonds—on file with the Bonds Branch, ICE Financial Operations—Burlington). The other 9 percent of the immigration bonds are issued by surety companies (surety bonds) certified by the Department of the Treasury to post bonds on behalf of the Federal government pursuant to 31 U.S.C. 9304–9308 and 31 CFR part 223. ICE deposits cash pledged as security on cash bonds in a fund maintained by Treasury known as the Immigration Bond Deposit Account. These funds are held ''in trust'' for the obligor and currently earn simple interest at the rate of 3 percent per annum. 8 U.S.C. 1363(a); 8 CFR part 293. Immigration bonds are not in effect for a set period of time. They remain in effect until they are breached or canceled. On average, a cash bond is in effect for about 34 months. (Data on file with ICE Financial Operations—Burlington).

B. Payment of Interest on Cash Bond Deposits

In 1970, Congress added section 293 of the Immigration and Nationality Act (INA), as amended, to pay interest at a rate determined by the Secretary of the Treasury, not to exceed 3 per centum per annum, on cash received as security for immigration bonds. Public Law 91–313 (July 10, 1970) (codified at 8 U.S.C. 1363). Effective on the date of its publication in the **Federal Register**, July 23, 1971, the interest rate set by Treasury—3 per centum per annum—has been paid on cash bond deposits received after April 27, 1966. 36 FR 13677 (8 CFR part 293). Thus, since 1971, the Government has paid simple interest at the rate of 3 percent per year on cash deposited by bond obligors to secure immigration bonds. Interest is earned on a cash bond from the date the bond is issued until it is breached or canceled. The amount of interest earned varies depending on the face amount of the bond and the length of time it remains in effect. For example, a $5,000 cash bond in effect for 3 years would earn $450 in interest with a 3 percent per annum interest rate.

In the NPRM published on October 28, 2013, DHS proposed to modify the current 8 CFR 293.2, which states that ''effective from date of deposit occurring after April 27, 1966, the interest rate shall be 3 per centum per annum.'' DHS proposed to revise this provision to explicitly state that Treasury will set the interest rate directly. Thus, DHS proposed to utilize the rate set by Treasury in issuing interest payments, with DHS having no role in setting the rate. 78 FR 64183.

IV. Discussion of Comments and the Final Rule

The October 2013 NPRM provided for a public comment period of 60 days, which ended on December 27, 2013. During that time period, DHS received two public comments. One of the comments recommended the interest rate be set at the flat rate of one-half of one percent. DHS considered the comment and decided not to adopt it. As discussed above, Treasury possesses

the statutory authority to set the interest rate on cash received as security for immigration bonds. Public Law 91–313 (July 10, 1970) (codified at 8 U.S.C. 1363). DHS does not possess the statutory authority to set the rate in the manner suggested by the commenter.

The second comment, submitted by a bonding agency, opposed the rule because the rule did not specify that any change in the interest rate would only apply to cash bonds posted after Treasury issues a new interest rate. The commenter proposed keeping the current 3 percent interest rate for all bonds posted prior to the effective date of an interest rate change until the bond was breached or canceled. For bonds posted after the effective date of the rule, the commenter proposed applying the interest rate in effect at the time the bond was posted throughout the life of the bond.

DHS has decided against adopting this proposal. DHS understands that Treasury may set a fluctuating, market-based rate that will not exceed the statutory 3 percent ceiling. Assuming that Treasury sets such a rate, DHS will apply the new rate to all cash bond deposits as of the rate's effective date. Unless Treasury's published rate requires otherwise, DHS will adjust any Treasury-determined rate each time the rate changes. Consistent with 8 U.S.C. 1363, bond deposits will continue to receive the 3 percent rate until the new Treasury rate goes into effect. After the effective date of a new rate, DHS will apply the new Treasury rate to all bond deposits.

After considering different options for how to finalize this regulation, including the method proposed in the second comment, DHS has determined that unless Treasury's published rate requires otherwise, it will apply any new Treasury rate to all bond deposits regardless of when the bond was posted. DHS made this decision for a number of reasons. If DHS adopted the second comment and assigned a fixed interest rate based on the date the bond was posted, DHS would not be able to effectuate a determination by Treasury that a fluctuating rate be applied to cash bond deposits. Under 8 U.S.C. 1363(a), cash received as security on an immigration bond ''shall bear interest at a rate determined by the Secretary of the Treasury.'' The second comment's proposal—that DHS require multiple interest rates to be paid on bonds depending on the date the bond was posted—is inconsistent with the statutory language.

DHS's approach also has the advantage of applying any new interest rate uniformly to cash bond deposits. All deposits will continue to receive the 3 percent rate until a new interest rate goes into effect. As of the effective date of the new rate, the new rate will be applied to all of the deposits and, as the rate changes, each succeeding new rate will be applied to all of the deposits. This approach recognizes Treasury's broad discretion under statute to set an appropriate rate. This approach has the further advantage of allowing any new interest rate's budget impact to be monitored.

DHS has carefully considered how the new rule impacts the ability of an alien to secure a cash bond and expects that any effects will be negligible. For a variety of reasons, DHS believes that cash bond obligors are generally insensitive to changes in the bond interest rate. For instance, in DHS's experience, the vast majority of cash bond obligors are the alien's family members or friends who post bonds for the primary purpose of releasing the alien from custody. The interest earned on the cash deposits for these obligors is incidental to effectuating the alien's release. Moreover, if any cash bond obligors are so sensitive to a change in the bond's interest rate that they want to terminate their obligations under the bond, a process exists that allows the possible early surrender of the bonded alien. Any obligor may ask the DHS office that posted the bond to authorize surrender of the alien before being required to do so by DHS. Such a request may be granted at the discretion of the office where the bond was posted. If the request is granted, the bond would be canceled once the obligor effectuates surrender of the alien, and the cash deposit would be refunded.

Finally, the second commenter noted the possibility of unfair surprise if the interest rate were to change during the life of the bond, because ''the depositing party was advised of, and relied upon, the 3% interest rate at the time the cash deposit was made.'' While Treasury's initial determination of a 3 percent interest rate was published in a 1971 regulation, 8 CFR 293.2, DHS notes that, since 1970, it has been Treasury's statutory prerogative to determine the interest rate. The bond agreement between DHS and the bond obligor does not contain an interest rate as one of its terms and does not guarantee that the interest rate originally determined by Treasury would be in effect for the life of the bond. ICE Form I–352. Instead, by statute, Treasury is authorized to determine the interest rate, and DHS calculates the amount of interest earned based on the rate set by Treasury, the face amount of the bond, and the number of days that the bond was in effect. Even assuming a future change in the interest rate frustrates the expectations of an obligor who was aware of the 3 percent rate, ICE may nonetheless apply a new rate to a bond deposit after the new rate goes into effect because ICE will not be attaching new legal consequences to completed, past conduct. Instead, ICE will be applying the new rate to an open cash bond—an agreement whose fulfillment is still a work in progress. Until Treasury sets a new interest rate, cash deposits currently securing bonds will continue to receive the 3 percent interest rate. As described above, following implementation of a new interest rate, deposits could begin receiving a different rate. This approach will therefore have an exclusively future effect.

V. Statutory and Regulatory Requirements

DHS developed this rule after considering numerous statutes and executive orders related to rulemaking. The below sections summarize our analyses based on a number of these statutes and executive orders.

A. Executive Orders 12866 and 13563: Regulatory Planning and Review

Executive Orders 12866 and 13563 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. The Office of Management and Budget (OMB) has not designated this rule a ''significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, OMB did not review the proposed rule and has not reviewed the final rule.

The proposed and final rules explicitly state that Treasury is authorized by statute to set the interest rate paid on cash deposited to secure immigration bonds, provided that the rate cannot exceed 3 percent per year and cannot be less than 0. In deciding to propose this rule, DHS considered whether DHS would implement any possible future changes to the current fixed interest rate of 3 percent per annum that may be made by Treasury, through informal rulemaking or other means. DHS rejected this alternative. Because Congress authorized the Secretary of the Treasury to set the rate

directly, the approach that DHS proposed and adopts here is a more efficient and cost-effective process.

The proposed and final rules further do not make any changes to the current interest rate paid to cash bond obligors; under current law, a change to the current interest rate paid cannot be made except under Treasury's sole authority. As this rulemaking does not make any changes to the current fixed 3 percent per annum interest rate, this rule does not impose any costs on bond obligors.

As noted above, under current law, Treasury has the sole authority to set the interest rate that DHS uses to determine the amount of interest paid for cash immigration bonds. The rule provides that Treasury will set the interest rate directly and will publish the interest rate on the Treasury Web site or through another mechanism. This will save DHS resources by removing the intermediate step for DHS to implement Treasury's decision by informal rulemaking.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, we have considered whether this 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.

This rule does not impose any direct costs on small entities. Consequently, DHS certifies this final rule would not impose a significant economic impact on a substantial number of small entities. DHS received no public comments challenging this certification.

C. The Small Business Regulatory Enforcement Fairness Act of 1996

This final rule is not a major rule as defined by 5 U.S.C. 804, for purposes of congressional review of agency rulemaking under the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104–121. This rule would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic or export markets.

D. Paperwork Reduction Act of 1995

All Departments are required to submit to OMB for review and approval, any reporting or recordkeeping requirements inherent in a rule under the Paperwork Reduction Act of 1995, Pub. L. 104–13, 109 Stat. 163 (1995), 44 U.S.C. 3501–3520. This rule does not change or require a collection of information.

E. 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 the Order and have determined that it does not have implications for federalism.

F. 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. This rule will not result in such an expenditure.

G. Private Property

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

H. Civil Justice Reform

This rule meets applicable standards in section 3(a) and 3(b)(2) of Executive Order 12988, *Civil Justice Reform,* to minimize litigation, eliminate ambiguity, and reduce burden. DHS has determined that this rule meets the requirements of E.O. 12988 because it does not involve any retroactive effects, preemptive effects, or any other matters addressed in E.O. 12988.

I. Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and will not have a significant adverse effect on the supply, distribution, or use of energy.

J. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

K. National Environmental Policy Act

U.S. Department of Homeland Security Management Directive (MD) 023–01 establishes procedures that the Department and its components use to comply with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321–4375, and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, 40 CFR parts 1500–1508. CEQ regulations allow federal agencies to establish categories of actions which do not individually or cumulatively have a significant effect on the human environment and, therefore, do not require an Environmental Assessment or Environmental Impact Statement. 40 CFR 1508.4. DHS MD 023–01 lists the Categorical Exclusions that the Department has found to have no such effect. MD 023–01 app. A tbl.1.

This final rule amends 8 CFR part 293 to change the interest rate for immigration bonds secured by cash from a fixed rate of 3 percent per year to a rate determined by the Secretary of the Treasury, provided that the rate does not exceed 3 percent per year and is not less than 0. DHS has analyzed this rule under MD 023–01. ICE has determined that this action is one of a category of actions which does not individually or cumulatively have a significant effect on the human environment. This rule clearly fits within the two Categorical Exclusions found in MD 023–01, Appendix A, Table 1: A3(a): ''Promulgation of rules . . . of a strictly administrative and procedural nature''; and A3(d): ''Promulgation of rules . . . that interpret or amend an existing regulation without changing its environmental effect.'' This rule is not part of a larger action. This rule presents

no extraordinary circumstances creating the potential for significant environmental effects. Therefore, this rule is categorically excluded from further NEPA review.

List of Subjects in 8 CFR Part 293

Administrative practice and procedure, Aliens, Bonds, Immigration, Interest rate.

Amendments to the Regulations

For the reasons discussed in the preamble, DHS amends 8 CFR part 293 as follows:

PART 293—DEPOSIT OF AND INTEREST ON CASH RECEIVED TO SECURE IMMIGRATION BONDS

■ 1. Revise the authority citation for part 293 to read as follows:

Authority: 8 U.S.C. 1363.

■ 2. Revise § 293.1 to read as follows:

§ 293.1 Computation of interest.

The Secretary of the Treasury determines the rate at which an immigration bond secured by cash shall bear interest, consistent with 8 CFR 293.2. Interest shall be computed from the deposit date to and including the refund date or breach date of the immigration bond. For purposes of this part, the deposit date shall be the date shown on the receipt for the cash received as security on an immigration bond. The refund date shall be the date upon which the interest is certified to the Treasury Department for payment. The breach date shall be the date the immigration bond was breached as shown on Form I–323—''Notice—Immigration Bond Breached.'' In counting the number of days for which interest shall be computed, the day on which the cash was deposited shall not be counted; however, the refund date or the breach date shall be counted.

■ 3. Revise § 293.2 to read as follows:

§ 293.2 Interest rate.

Interest on cash deposited to secure immigration bonds will be at the rate as determined by the Secretary of the Treasury, but in no case will exceed 3 per centum per annum or be less than zero. The rate will be published by Treasury on the Treasury Web site or through another mechanism.

■ 4. Revise § 293.3 to read as follows:

§ 293.3 Time of payment.

Interest shall be paid only at time of disposition of principal cash when the immigration bond has been cancelled or declared breached.

§ 293.4 [Removed]

■ 5. Remove § 293.4.

Jeh Charles Johnson,

Secretary of Homeland Security.

[FR Doc. 2015–14675 Filed 6–15–15; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. FAA–2015–0722; Special Conditions No. 23–265–SC]

Special Conditions: Honda Aircraft Company, Model HA–420; Fire Extinguishing for Overwing Pylon Mounted Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Honda Aircraft Company model HA–420 airplane. This airplane will have a novel or unusual design feature associated with mounting the engines on the wings in close proximity to the aft fuselage. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is June 16, 2015.

We must receive your comments by July 16, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–0722 using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Jeff Pretz, Federal Aviation Administration, Aircraft Certification Service, Small Airplane Directorate, ACE–111, 901 Locust, Kansas City, Missouri 64106; 816–329–3239, fax 816–329–4090, email *jeff.pretz@faa.gov*.

SUPPLEMENTARY INFORMATION: The FAA has determined, in accordance with 5 U.S.C. 553(b)(3)(B) and (d)(3), that notice and opportunity for prior public comment hereon are unnecessary because the substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Special condition No.	Company/Airplane Model
23–210–SC	Adam Aircraft Model A700.
23–245–SC	Cirrus Design Corporation Model SF50.
23–221–SC	Embraer S.A. Model EMB–500.

Comments Invited

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

We will consider all comments we receive on or before the closing date for comments. We will consider comments

filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

On October 11, 2006, Honda Aircraft Company applied for a type certificate for their new model HA–420. On October 10, 2013, Honda Aircraft Company requested an extension with an effective application date of October 1, 2013. This extension changed the type certification basis to amendment 23–62.

The HA–420 is a four to five passenger (depending on configuration), two crew, lightweight business jet with a 43,000-foot service ceiling and a maximum takeoff weight of 9963 pounds. The airplane is powered by two GE-Honda Aero Engines (GHAE) HF–120 turbofan engines.

The turbofan engines are mounted on a single pylon on each wing near the aft fuselage. These types of aft mounted engine installations, along with the need to protect such installed engines from fires, were not envisioned in the development of the part 23 normal category regulations. The performance of the airplane is such that a pilot may not be able to locate a suitable landing site and safely land the airplane prior to a fire escaping the fire containment capabilities of the engine fire zone.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Honda Aircraft Company must show that the model HA–420 meets the applicable provisions of part 23, as amended by Amendment 23–1 through Amendment 23–62 thereto.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 23) do not contain adequate or appropriate safety standards for the model HA–420 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

In addition to the applicable airworthiness regulations and special conditions, the model HA–420 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36. In addition, the FAA must issue a finding of regulatory adequacy under section 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

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

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

Novel or Unusual Design Features

The model HA–420 will incorporate the following novel or unusual design features: Turbofan engines are mounted on a single pylon on each wing near the aft fuselage not in the pilot's line of sight.

This type of configuration was not envisioned in the development of part 23 normal category airplanes. Therefore, a special condition for the engine fire extinguishing system on the model HA–420 is required.

As the extinguishing agent is subject to change during the service life of the airplane, the certification basis must include SC 23.1195, SC 23.1197, SC 23.1199, and SC 23.1201 in their entirety.

Discussion

Part 23 has historically addressed fire protection through prevention, identification, and containment. Prevention has been accomplished by minimizing the potential for ignition of flammable fluids and vapors. Identification has traditionally been achieved by the location of the engines within the pilot's primary field of view and/or with the incorporation of fire detection systems. This philosophy has provided for both the rapid detection of a fire and confirmation when it has been extinguished. Containment has been provided through the isolation of designated fire zones through flammable fluid shutoff valves and firewalls. The containment philosophy also ensures components of the engine control system will function effectively to permit a safe shutdown of the engine. However, containment has only been required to be demonstrated for 15 minutes. In the event of a fire in a traditional part 23 airplane, the corrective action is to land as soon as possible. For a small, simple aircraft originally envisioned by part 23, it is possible to descend the aircraft to a suitable landing site within 15 minutes. Thus, if the isolation means do not extinguish the fire, the occupants can safely exit the aircraft prior to breaching the firewall. These simple and traditional aircraft normally have the engine located away from critical flight control systems and primary structure. This has ensured that throughout the fire event the pilot can maintain control and continue safe flight. It has also made predicting the effects of a fire relatively easy. Other design features of these simple and traditional aircraft, such as low stall speeds and short landing distances, ensure that even in the event of an off field landing the potential for a catastrophic outcome has been minimized.

Amendment 23–62 applies to the model HA–420 and addresses the concerns above by requiring engine fire extinguishing for engines embedded in the fuselage or in pylons on the aft fuselage, but do not address engines mounted in pylons over the wing as used on the model HA–420. The engine fire concerns for engines mounted in overwing pylons near the aft fuselage are the same as those associated with engines mounted in pylons on the aft fuselage; therefore, the engine fire extinguishing requirements included in part 23, amendments 23–1 through 23–62 apply.

Applicability

As discussed above, these special conditions are applicable to the model HA–420. Should Honda Airplane Company apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of airplanes. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances, identified above, and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, notice and opportunity for prior public comment hereon are unnecessary and the FAA finds good cause, in accordance with 5 U.S.C. 553(b)(3)(B) and (d)(3), making these special conditions effective upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.17; and 14 CFR 11.38 and 11.19.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Honda Airplane Company model HA–420 airplanes.

1. Fire Extinguishing for Overwing Pylon Mounted Engines

SC 23.1195 Fire Extinguishing Systems

(a) Fire extinguishing systems must be installed and compliance shown with the following:

(1) Except for combustor, turbine, and tailpipe sections of turbine-engine installations that contain lines or components carrying flammable fluids or gases for which a fire originating in these sections is shown to be controllable, a fire extinguisher system must serve each engine compartment.

(2) The fire extinguishing system, the quantity of the extinguishing agent, the rate of discharge, and the discharge distribution must be adequate to extinguish fires. An individual ''one-shot'' system may be used except for embedded engines where a ''two shot'' system must be used.

(3) The fire extinguishing system for a nacelle must be able to simultaneously protect each compartment of the nacelle for which protection is provided.

(b) If an auxiliary power unit is installed in any airplane certificated to this part, that auxiliary power unit compartment must be served by a fire extinguishing system meeting the requirements of paragraph (a)(2) of this section.

SC 23.1197 Fire Extinguishing Agents

The following applies:

(a) Fire extinguishing agents must—

(1) Be capable of extinguishing flames emanating from any burning of fluids or other combustible materials in the area protected by the fire extinguishing system; and

(2) Have thermal stability over the temperature range likely to be experienced in the compartment in which they are stored.

(b) If any toxic extinguishing agent is used, provisions must be made to prevent harmful concentrations of fluid or fluid vapors (from leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight) from entering any personnel compartment, even though a defect may exist in the extinguishing system. This must be shown by test except for built-in carbon dioxide fuselage compartment fire extinguishing systems for which—

(1) Five pounds or less of carbon dioxide will be discharged, under established fire control procedures, into any fuselage compartment; or

(2) Protective breathing equipment is available for each flight member on flight deck duty.

SC 23.1199 Extinguishing Agent Containers

The following applies:

(a) Each extinguishing agent container must have a pressure relief valve to prevent bursting of the container by excessive internal pressures.

(b) The discharge end of each discharge line from a pressure relief connection must be located so that discharge of the fire-extinguishing agent would not damage the airplane. The line must also be located or protected to prevent clogging caused by ice or other foreign matter.

(c) A means must be provided for each fire extinguishing agent container to indicate that the container has discharged or that the charging pressure is below the established minimum necessary for proper functioning.

(d) The temperature of each container must be maintained under intended operating conditions, to prevent the pressure in the container from—

(1) Falling below that necessary to provide an adequate rate of discharge; or

(2) Rising high enough to cause premature discharge.

(e) If a pyrotechnic capsule is used to discharge the extinguishing agent, each container must be installed so that temperature conditions will not cause hazardous deterioration of the pyrotechnic capsule.

SC 23.1201 Fire Extinguishing System Materials

The following apply:

(a) No material in any fire extinguishing system may react chemically with any extinguishing agent so as to create a hazard.

(b) Each system component in an engine compartment must be fireproof.

Issued in Kansas City, Missouri, on June 9, 2015.

Earl Lawrence,

Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14816 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0575; Directorate Identifier 2014–NM–086–AD; Amendment 39–18181; AD 2015–12–07]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 747–8F and 747–8 series airplanes. This AD was prompted by reports of delamination damage to leading edge (LE) variable camber krueger (VCK) flaps. This AD requires repetitive inspections to detect delamination damage of the lightning strike applique (LSA) on certain LE VCK flaps, and corrective actions if necessary. We are issuing this AD to detect and correct delamination damage to certain LE VCK flaps, which can reduce the lightning strike protection capability on certain LE VCK flaps and result in an uncommanded motion of the trailing edge flap system; such uncommanded flap motion, without shutdown of the trailing edge or leading edge flaps, could cause unexpected changes in lift, potentially resulting in asymmetric lift and loss of control of the airplane.

DATES: This AD is effective July 21, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 21, 2015.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA 2014–0575.

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–2014–0575; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket 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: Kelly McGuckin, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6490; fax: 425–917–6590; email: *kelly.mcguckin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 747–8F and 747–8 series airplanes. The NPRM published in the **Federal Register** on August 26, 2014 (79 FR 50875). The NPRM was prompted by reports of delamination damage to LE VCK flaps. The NPRM proposed to require repetitive inspections to detect delamination damage of the LSA on the LE VCK flaps at positions 6 through 9 (left wing) and 18 through 21 (right wing), and corrective actions if necessary. We are issuing this AD to detect and correct delamination damage to certain LE VCK flaps, which can reduce the lightning strike protection capability on the LE VCK flaps and result in an uncommanded motion of the trailing edge flap system. Such uncommanded flap motion, without shutdown of the trailing edge or leading edge flaps, could cause unexpected changes in lift, potentially resulting in asymmetric lift and loss of control of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 50875, August 26, 2014) and the FAA's response to each comment.

Request To Revise Component Description

Boeing requested that we revise the NPRM (79 FR 50875, August 26, 2014) to describe the affected LE flaps with lightning strike applique installed as the LE VCK flaps at positions 6 through 9 (left wing) and 18 through 21 (right wing). Boeing pointed out that only the affected flaps should be specified, instead of all LE VCK flaps.

We agree with the commenter's request. Not all LE VCK flaps are affected by the identified unsafe condition. We have revised the **SUMMARY** section of this final rule and paragraph (e) of this AD to specify ''certain'' LE VCK flaps. We have also revised the **DISCUSSION** section of this final rule and paragraph (g) of this AD to specify LE VCK flaps at position 6 through 9 (left wing) and 18 through 21 (right wing).

Request To Correct Typographical Errors

Boeing requested that we revise the service bulletin title in the ''Differences Between this Proposed AD and the Service Information'' section and paragraphs (g) and (h) of the NPRM (79 FR 50875, August 26, 2014) from Boeing Alert Service Bulletin 747–57–2338, dated January 14, 2014; to Boeing Special Attention Service Bulletin 747–57–2338, dated January 14, 2014.

Boeing also requested that we revise ''Original issue'' in paragraph (h) of the NPRM (79 FR 50875, August 26, 2014) to ''Original Issue.''

We agree with the commenter's request to correct the identified typographical errors. We have revised paragraphs (g) and (h) of this AD accordingly. However, because the ''Differences Between this Proposed AD and the Service Information'' section is not repeated in the final rule, no change is necessary in this regard.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 50875, August 26, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 50875, August 26, 2014).

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Special Attention Service Bulletin 747–57–2338, dated January 14, 2014. The service information describes procedures for inspections to detect delamination damage of the LSA on the LE VCK flaps and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 6 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	8 work-hours × $85 per hour = $680 per inspection cycle.	$0	$680 per inspection cycle	$4,080 per inspection cycle

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this AD.

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–12–07 The Boeing Company: Amendment 39–18181; Docket No. FAA–2014–0575; Directorate Identifier 2014–NM–086–AD.

(a) Effective Date

This AD is effective July 21, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 747–8F and 747–8 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of delamination damage to leading edge (LE) variable camber krueger (VCK) flaps. We are issuing this AD to detect and correct delamination damage to certain LE VCK flaps, which can reduce the lightning strike protection capability on certain LE VCK flaps and result in an uncommanded motion of the trailing edge flap system. Such uncommanded flap motion, without shutdown of the trailing edge or leading edge flaps, may cause unexpected changes in lift, potentially resulting in asymmetric lift and loss of control of the airplane.

(f) Compliance

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

(g) Inspections and Corrective Actions

Except as specified in paragraph (h) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 747–57–2338, dated January 14, 2014: Do a general visual inspection to detect delamination damage of the lightning strike applique (LSA) on the LE VCK flaps at positions 6 through 9 (left wing) and 18 through 21 (right wing); and do all applicable corrective actions before further flight; in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 747–57–2338, dated January 14, 2014. Repeat the inspection of the LSA on the LE VCK flaps at positions 6 through 9 (left wing) and 18 through 21 (right wing) thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 747–57–2338, dated January 14, 2014.

(h) Exception to Service Information

Where Paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 747–57–2338, dated January 14, 2014, specifies a compliance time ''after the Original Issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane.

(j) Related Information

For more information about this AD, contact Kelly McGuckin, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6490; fax: 425–917–6590; email: *kelly.mcguckin@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Boeing Special Attention Service Bulletin 747–57–2338, dated January 14, 2014.

(ii) Reserved.

(3) For Boeing service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington on June 3, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14397 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2119; Directorate Identifier 2015–SW–005–AD; Amendment 39–18179; AD 2015–05–51]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. (Agusta) Helicopters

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; request for comments.

SUMMARY: We are publishing a new airworthiness directive (AD) for Agusta Model A109A and A109A II helicopters, which was sent previously to all known U.S. owners and operators of these helicopters. This AD requires replacing a certain part-numbered blade with an approved part-numbered blade. This AD is prompted by an error in the Illustrated Parts Catalog (IPC) that incorrectly allows installation of a certain part-numbered blade on the affected helicopters. These actions are intended to prevent blade failure and subsequent loss of control of the helicopter.

DATES: This AD becomes effective July 1, 2015 to all persons except those persons to whom it was made immediately effective by Emergency AD 2015–05–51, issued on March 3, 2015, which contained the requirements of this AD.

We must receive comments on this AD by August 17, 2015.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* 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 AD, the European Aviation Safety Agency (EASA) AD, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this AD, contact AgustaWestland, Product Support Engineering, Via del Gregge, 100, 21015 Lonate Pozzolo (VA) Italy, ATTN: Maurizio D'Angelo; telephone 39–0331–664757; fax 39–0331–664680; or at *http://www.agustawestland.com/technical-bulletins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: Martin Crane, Aviation Safety Engineer, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222 5110; email *Martin.R.Crane@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

On March 3, 2015, we issued Emergency AD 2015–05–51 to correct an unsafe condition for Agusta Model A109A helicopters, serial numbers 7154 through 7255, and for all Model A109A II helicopters. Emergency AD 2015–05–51 requires replacing blade part number (P/N) 109–0103–01–7 with blade P/N 109–0103–01–9 or 109–0103–01–115. The emergency AD was sent previously to all known U.S. owners and operators of these helicopters. This action was prompted by an error in the IPC that allows installing blade P/N 109–0103–01–7 on certain serial-numbered Model A109A helicopters and on Model A109A II helicopters.

Emergency AD 2015–05–51 was prompted by Emergency AD No. 2015–0025–E, dated February 18, 2015, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for certain serial-numbered Agusta Model A109A and all Model A109A II helicopters. EASA advises of the installation of blade P/N 109–0103–01–7 on Model A109A II helicopters. In a subsequent investigation, it was determined that blade P/N 109–0103–01–7 is only eligible for installation on Model A109A helicopters up to serial number (S/N) 7153. EASA states that for Model A109A and A109A II helicopters, the current IPC incorrectly allows installing blade P/N 109–0103–01–7 on all helicopters. The EASA AD requires identifying each blade P/N 109–0103–01–7 and replacing it with P/N 109–0103–01–9 or P/N 109–0103–01–115. The EASA AD also prohibits installing blade P/N 109–0103–01–7 on Model A109A helicopters from S/N 7154 through 7255 inclusive and on all Model A109A II helicopters.

FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in the EASA EAD. 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.

Related Service Information

AgustaWestland Alert Bollettino Tecnico No. 109–142, dated February 17, 2015, specifies determining whether the affected part-numbered blade is installed and, if installed, replacing it with blade P/N 109–0103–01–9 or P/N 109–0103–01–115. Also, the service information states that AgustaWestland has updated the A109A/AII IPC to give the correct information about the applicable configuration.

AD Requirements

This AD requires, before further flight, replacing blade P/N 109–0103–01–7 with blade P/N 109–0103–01–9 or 109–0103–01–115.

Costs of Compliance

We estimate that this AD will affect 34 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per hour. We estimate 1 work hour to replace a blade and $143,000 for required parts, for a total cost of $143,085 per blade.

FAA's Justification and Determination of the Effective Date

Providing an opportunity for public comments prior to adopting these AD requirements would delay implementing the safety actions needed to correct this known unsafe condition. Therefore, we found and continue to find that the risk to the flying public justifies waiving notice and comment prior to the adoption of this rule because the previously described unsafe condition can adversely affect the controllability of the helicopter and the required action must be accomplished before further flight.

Since an unsafe condition exists that requires the immediate adoption of this AD, we determined that notice and opportunity for public comment before issuing this AD are impracticable and contrary to the public interest and that good cause existed for making the AD effective immediately by Emergency AD 2015–05–51, issued on March 3, 2015, to all known U.S. owners and operators of these helicopters. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, 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.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–05–51 Agusta S.p.A.: Amendment 39–18179; Docket No. FAA–2015–2119; Directorate Identifier 2015–SW–005–AD.

(a) Applicability

This AD applies to Model A109A helicopters, serial numbers (S/N) 7154 through 7255, and all Model A109A II helicopters, with a main rotor blade (blade) part number (P/N) 109–0103–01–7 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as the installation of a blade that does not meet type design. This condition could result in blade failure and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective July 1, 2015 to all persons except those persons to whom it was made immediately effective by EAD 2015–05–51, issued on March 3, 2015, which contained the requirements of this AD.

(d) 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.

(e) Required Actions

Before further flight, replace each blade with blade P/N 109–0103–01–9 or 109–0103–01–115.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Martin Crane, Aviation Safety Engineer, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222 5110; email *Martin.R.Crane@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.

(g) Additional Information

(1) AgustaWestland Alert Bollettino Tecnico No. 109–142, dated February 17, 2015, which is not incorporated by reference, contains additional information about the subject of this AD. For a copy of the service information referenced in this AD, contact: AgustaWestland, Product Support Engineering, Via del Gregge, 100, 21015 Lonate Pozzolo (VA) Italy, ATTN: Maurizio D'Angelo; telephone 39–0331–664757; fax 39–0331–664680; or at *http://www.agustawestland.com/technical-bulletins.* You may review the referenced 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) Emergency AD No. 2015–0025–E, dated February 18, 2015. You may view the EASA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2015–2119.

(h) Subject

Joint Aircraft System Component (JASC) Code: 6210 Main Rotor Blades.

Issued in Fort Worth, Texas, on June 2, 2015.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–14415 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0618; Directorate Identifier 2012–NM–171–AD; Amendment 39–18178; AD 2015–12–05]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2008–06–18 for all Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A300 series airplanes. AD 2008–06–18 required repetitive inspections for any cracking of the wing lower skin panel and associated internal support structure, and if necessary, corrective actions such as modifying the lower panel inboard of rib 9 aft of the rear spar and repairing cracks. This new AD continues to require actions required by AD 2008–06–18, and reduces certain compliance times. This AD was prompted by a report that information from an analysis and a fleet survey shows a need for reduced compliance times and intervals. We are issuing this AD to detect and correct cracking, which could lead to reduced structural integrity of the airplane.

DATES: This AD becomes effective July 21, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 21, 2015.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of April 23, 2008 (73 FR 14670, March 19, 2008).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0618;* or in person at the Docket 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.

For service information identified in this AD, contact Airbus SAS Airworthiness Office– EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0618.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2008–06–18, Amendment 39–15430 (73 FR 14670, March 19, 2008). AD 2008–06–18 applied to all Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A300 series airplanes. The NPRM published in the **Federal Register** on September 3, 2014 (79 FR 52263). The NPRM proposed to continue to require repetitive inspections for any cracking of the wing lower skin panel and associated internal support structure, and if necessary, corrective actions such as modifying the lower panel inboard of rib 9 aft of the rear spar and repairing cracks. The NPRM also proposed to reduce some compliance times.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2012–0203, dated October 1, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on all Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A300 series airplanes. The MCAI states:

> During routine maintenance, cracks were found in the wing bottom skin and in the associated internal support structure on an A300 aeroplane aft of the rear spar and inboard of rib 9. Initially, cracks were found in the skin only, starting from a fastener close to the forward outboard corner of access panel 575FB/675FB. Subsequently, cases were reported of cracks being found in the skin support strap and the stiffener.
>
> This condition, if not detected and corrected, could affect the structural integrity of the aeroplane.
>
> To address this unsafe condition, EASA issued AD 2006–0282 [*http://ad.easa.europa.eu/ad/2006-0282*] [which corresponds with FAA AD 2008–06–18, Amendment 39–15430 (73 FR 14670, March 19, 2008)] to require repetitive inspections of the wing lower skin panel and associated internal support structure aft of the rear spar and inboard of rib 9.
>
> Since that [EASA] AD was issued, the results of a fleet survey and updated Fatigue and Damage Tolerance analysis, which were performed in order to substantiate the second A300 and A300–600 Extended Service Goal (ESG2) exercise, revealed that the inspection threshold and interval had to be reduced to allow timely detection of cracks and the accomplishment of an applicable corrective action.
>
> Prompted by these findings, Airbus issued Revision 05 of Airbus Service Bulletin (SB) A300–57–0177 and Revision 07 of Airbus SB A300–57–6029.
>
> For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2006–0282, which is superseded, but requires the accomplishment of those actions within reduced thresholds and intervals.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0618-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comment received on the NPRM (79 FR 52263, September 3, 2014) and the FAA's response to each comment.

Request To Revise Method Used To Determine Compliance Times

United Parcel Service (UPS) requested that the proposed compliance times be revised to be less complex. UPS stated that the proposed compliance times contain a method known as ''Average Flight Time'' (AFT) which results in a variable flight hour limit and adds an unnecessary complexity to the threshold table and subsequent inspection actions. UPS added that use of the AFT method, along with a lack of standard procedures for implementing the AFT method would create uncertainty for operators

and inspectors trying to determine the correct compliance time. UPS stated that in review of prior FAA ADs, including AD 98–18–02, that the FAA does not concur with the AFT compliance time methodology as ''. . . such adjustments may not address the unsafe condition in a timely manner'' and ''. . . they (AFT compliance times) do not fit into the AD tracking process for operators or for Principle Maintenance Inspectors (PMIs) attempting to ascertain compliance with ADs.'' UPS compiled a table of fixed compliance times that it suggested would be simpler to use instead of the proposed AFT-based compliance times.

We disagree with the commenter's request to revise the compliance times in this AD. In AD 98–18–02, Amendment 39–10718 (63 FR 45689, August 27, 1998), and certain other ADs, the required actions referred to service information that contained inspection thresholds and intervals based on airplane flight cycles only. Therefore, the FAA did not agree with the use of the ''average flight time'' (AFT) method to adjust the inspection thresholds and intervals, which were based only on flight cycles. However, for this AD the compliance times in Airbus Service Bulletin A300–57–0177, Revision 05, dated March 23, 2007, and Airbus Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013, have been determined for a combination of flight cycles and flight hours for which the AFT methodology is appropriate.

We acknowledge that a fixed compliance time for a fleet could be easier for operators to schedule and record compliance. Therefore, under the provisions of paragraph (j)(1) of this AD, we will consider requests for approval of an alternative method of compliance (AMOC) if a proposal is submitted that is supported by technical data that includes fatigue and damage tolerance analysis We have not changed this AD in this regard.

Conclusion

We reviewed the available data, including the comment received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (79 FR 52263, September 3, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 52263, September 3, 2014).

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013. The service information describes procedures for inspecting the wing lower skin panel and associated internal support structure aft of the rear spar and inboard of rib 9 and applying applicable corrective measures. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 162 airplanes of U.S. registry.

The actions that were required by AD 2008–06–18, Amendment 39–15430 (73 FR 14670, March 19, 2008), and retained in this AD take about 2 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2008–06–18 is $170 per product.

We also estimate that it will take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $27,540, or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 12 work-hours and require parts costing $10,000, for a cost of $11,020 per product. We have no way of determining the number of aircraft that might need these actions.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591, ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0618;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

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) 2008–06–18, Amendment 39–15430 (73 FR 14670, March 19, 2008), and adding the following new AD:

2015–12–05 Airbus: Amendment 39–18178. Docket No. FAA–2014–0618; Directorate Identifier 2012–NM–171–AD.

(a) Effective Date

This AD becomes effective July 21, 2015.

(b) Affected ADs

This AD replaces AD 2008–06–18, Amendment 39–15430 (73 FR 14670, March 19, 2008).

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) through (c)(5) of this AD, certificated in any category, all certified models, all serial numbers.

(1) Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(3) Airbus Model A300 B4–605R and B4–622R airplanes.

(4) Airbus Model A300 F4–605R and F4–622R airplanes.

(5) Airbus Model A300 C4–605R Variant F airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a report that information from an analysis and a fleet survey shows a need for reduced compliance times and intervals. We are issuing this AD to detect and correct cracking, which could lead to reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Actions and Compliance Times, with Revised Service Information

This paragraph restates the requirements of paragraph (f) of AD 2008–06–18, Amendment 39–15430 (73 FR 14670, March 19, 2008), with revised service information. Unless already done, do the following actions.

(1) Except as provided by paragraphs (g)(1)(i), (g)(1)(ii), (g)(1)(iii), (g)(1)(iv), and (h) of this AD: At the threshold specified in paragraph 1.E.(2), ''Accomplishment Timescale,'' of Airbus Service Bulletin A300–57–0177, Revision 05, dated March 23, 2007 (for Model A300 series airplanes); Airbus Service Bulletin A300–57–6029, Revision 06, dated March 23, 2007 (for Model A300–600 series airplanes); or Airbus Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013 (for Model A300–600 series airplanes); as applicable; perform the inspection of the wing lower skin panel and associated internal support structure aft of the rear spar and inboard of rib 9 and apply applicable corrective measures in accordance with Airbus Service Bulletin A300–57–0177, Revision 05, dated March 23, 2007 (for Model A300 series airplanes); Airbus Service Bulletin A300–57–6029, Revision 06, dated March 23, 2007 (for Model A300–600 series airplanes); or Airbus Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013 (for Model A300–600 series airplanes); as applicable. All applicable corrective measures must be done at the applicable times specified in paragraph 1.E.(2) and the Accomplishment Instructions of Airbus Service Bulletin A300–57–0177, Revision 05, dated March 23, 2007 (for Model A300 series airplanes); Airbus Service Bulletin A300–57–6029, Revision 06, dated March 23, 2007 (for Model A300–600 series airplanes); or Airbus Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013 (for Model A300–600 series airplanes); as applicable. Accomplishing the requirements of paragraph (h) of this AD terminates the requirements of this paragraph for Model A300–600 airplanes.

(i) Where the tables in paragraph 1.E.(2), ''Accomplishment Timescale,'' of Airbus Service Bulletin A300–57–0177, Revision 05, dated March 23, 2007; and Airbus Service Bulletin A300–57–6029, Revision 06, dated March 23, 2007; specify a grace period for doing the actions, this AD requires that the actions be done within the specified grace period relative to April 23, 2008 (the effective date of AD 2008–06–18, Amendment 39–15430 (73 FR 14670, March 19, 2008)).

(ii) Where the tables in paragraph 1.E.(2)(e), ''Config 04,'' of Airbus Service Bulletin A300–57–0177, Revision 05, dated March 23, 2007, specify an inspection interval but not an initial threshold, this AD requires that the actions be done within the specified interval after inspecting in accordance with Table 1A or 1B, as applicable, for Configuration 01 airplanes described in the Airbus Service Bulletin A300–57–0177, Revision 05, dated March 23, 2007, and thereafter at the inspection interval specified in the tables in paragraph 1.E.(2)(e), ''Config 04,'' of Airbus Service Bulletin A300–57–0177, Revision 05, dated March 23, 2007.

(iii) Where the tables in paragraph 1.E.(2)(f), ''Config 05,'' of Airbus Service Bulletin A300–57–6029, Revision 06, dated March 23, 2007, specify an inspection interval but not an initial threshold, this AD requires that the actions be done within the specified interval after inspecting in accordance with Table 1A, or 1B, as applicable, for Configuration 01 airplanes described in Airbus Service Bulletin A300–57–6029, Revision 06, dated March 23, 2007, and thereafter at the inspection interval specified in the tables in paragraph 1.E.(2)(f), ''Config 05,'' of Airbus Service Bulletin A300–57–6029, Revision 06, dated March 23, 2007.

(iv) All crack lengths specified in Airbus Service Bulletin A300–57–0177, Revision 05, dated March 23, 2007; and Airbus Service Bulletin A300–57–6029, Revision 06, dated March 23, 2007, are considered ''not to exceed'' lengths.

(2) Repeat the inspection at the intervals in, and according to the instructions defined in, Airbus Service Bulletin A300–57–0177, Revision 05, dated March 23, 2007 (for Model A300 series airplanes); Airbus Service Bulletin A300–57–6029, Revision 06, dated March 23, 2007 (for Model A300–600 series airplanes); or Airbus Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013 (for Model A300–600 series airplanes); as applicable; except where Airbus Service Bulletin A300–57–0177, Revision 05, dated March 23, 2007, specifies repetitive inspections for cracking if Airbus Service Bulletin A300–57–022 has not been embodied, this AD requires doing repetitive inspections for cracking if Airbus Service Bulletin A300–57–0222 (modification 11178H5410) has not been embodied.

(3) Report to Airbus the first inspection results, whatever they may be, at the applicable time specified in paragraph (g)(3)(i) or (g)(3)(ii) of this AD.

(i) If the inspection was done after April 23, 2008 (the effective date of AD 2008–06–18, Amendment 39–15430 (73 FR 14670, March 19, 2008)), submit the report within 30 days after the inspection.

(ii) If the inspection was accomplished prior to April 23, 2008 (the effective date of AD 2008–06–18, Amendment 39–15430 (73 FR 14670, March 19, 2008)), submit the report within 30 days after April 23, 2008.

(h) New Requirement of This AD: New Compliance Times for Model A300–600 Series Airplanes

For Model A300–600 series airplanes, do the actions specified in paragraphs (h)(1) through (h)(3) of this AD at the applicable times specified in those paragraphs.

(1) Except as provided by paragraphs (h)(1)(i) and (h)(1)(ii) of this AD: Within the compliance times specified in Airbus Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013, perform the inspection of the wing lower skin panels and associated internal support structures aft of the rear spar and inboard of rib 9, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013. Thereafter, repeat these inspections at intervals specified in Airbus Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013. Accomplishment of the actions required by this paragraph terminates

the requirements of paragraph (g) of this AD for Model A300–600 airplanes.

(i) Where the tables in paragraph 1.E.(2), ''Accomplishment Timescale,'' of Airbus Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013, specify a grace period for doing the actions for airplanes that have exceeded the thresholds, this AD requires, for all airplanes, that the actions be done within the specified grace period after the effective date of this AD or before the specified thresholds, whichever occurs later.

(ii) Where Airbus Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013, specifies to ''contact Airbus'' before further flight, this AD requires repairing using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA); and accomplishing those actions before further flight. If approved by the DOA, the approval must include the DOA-authorized signature.

(2) If, during any inspection as required by paragraph (h)(1) of this AD, discrepancies are detected, before next flight, accomplish the applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013.

(3) Corrective actions, as required by paragraph (h)(2) of this AD, do not constitute terminating action for the repetitive inspection requirements of paragraph (h)(1) of this AD.

(i) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before April 23, 2008 (the effective date of AD 2008–06–18, Amendment 39–15430 (73 FR 14670, March 19, 2008)), using the applicable service information identified in paragraphs (i)(1)(i) through (i)(1)(iv) of this AD, which are not incorporated by reference by this AD.

(i) Airbus Service Bulletin A300–57–0177, Revision 03, dated May 29, 2006 (for Model A300 series airplanes).

(ii) Airbus Service Bulletin A300–57–0177, Revision 04, dated January 5, 2007 (for Model A300 series airplanes).

(iii) Airbus Service Bulletin A300–57–6029, Revision 04, dated May 29, 2006 (for Model A300–600 series airplanes).

(iv) Airbus Service Bulletin A300–57–6029, Revision 05, dated October 23, 2006 (for Model A300–600 series airplanes).

(2) This paragraph provides credit for actions required by paragraph (g) or (h) of this AD, if those actions were performed before the effective date of this AD, using Airbus Service Bulletin A300–57–6029, Revision 07, dated June 6, 2011 (for Model A300–600 series airplanes), which is not incorporated by reference by this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.*

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(ii) AMOCs approved previously for AD 2008–06–18, Amendment 39–15430 (73 FR 14670, March 19, 2008), are approved as AMOCs for the corresponding requirements of this AD.

(2) *Contacting the Manufacturer:* As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Reporting Requirements:* A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2012–0203, dated October 1, 2012, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0618.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(5) and (l)(6) of this AD.

(l) 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 this AD specifies otherwise.

(3) The following service information was approved for IBR on July 21, 2015.

(i) Airbus Service Bulletin A300–57–6029, Revision 08, dated April 25, 2013.

(ii) Reserved.

(4) The following service information was approved for IBR on April 23, 2008 (73 FR 14670, March 19, 2008).

(i) Airbus Service Bulletin A300–57–0177, Revision 05, dated March 23, 2007.

(ii) Airbus Service Bulletin A300–57–6029, Revision 06, dated March 23, 2007.

(5) For service information identified in this AD, contact Airbus SAS Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.*

(6) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

(7) 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 Renton, Washington, on June 3, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14283 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0485; Directorate Identifier 2014–NM–093–AD; Amendment 39–18176; AD 2015–12–03]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2007–13–05 for all The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes. AD 2007–13–05 required repetitive measurements of the freeplay of the right and left elevators, rudder, and rudder tab, and related

investigative and corrective actions if necessary. This new AD requires repetitive freeplay inspections and lubrication of the right and left elevators, rudder, and rudder tab, and related investigative and corrective actions if necessary. This AD was prompted by the manufacturer's determination that the procedure for the rudder freeplay inspection does not properly detect excessive freeplay in the rudder control load loop. We are issuing this AD to detect and correct excessive wear in the load loop components of the control surfaces, which could lead to excessive freeplay of the control surfaces, flutter, and consequent loss of control of the airplane.

DATES: This AD is effective July 21, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 21, 2015.

ADDRESSES: For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0485.

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–2014–0485; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket 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: Haytham Alaidy, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6573; fax: 425–917–6590; email: *Haytham.Alaidy@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007). AD 2007–13–05 applied to all The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes. The NPRM published in the **Federal Register** on July 29, 2014 (79 FR 43981). The NPRM was prompted by a determination by the manufacturer that, after AD 2007–13–05 was issued, the procedure for the rudder freeplay inspection did not properly detect excessive freeplay in the rudder control load loop. The NPRM proposed to continue to require repetitive freeplay inspections and lubrication of the right and left elevators, rudder, and rudder tab; and related investigative and corrective actions if necessary. We are issuing this AD to detect and correct excessive wear in the load loop components of the control surfaces, which could lead to excessive freeplay of the control surfaces, flutter, and consequent loss of control of the airplane.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 43981, July 29, 2014) and the FAA's response to each comment.

A4A, on behalf of American Airlines (AA), stated that AA is already in compliance with the requirements proposed in the NPRM (79 FR 43981, July 29, 2014).

Request To Exclude Certain Airplanes

Boeing requested that the airplanes referenced in the **SUMMARY** section and Discussion paragraph of the NPRM (79 FR 43981, July 29, 2014) be changed from ''all The Boeing Company Model 777 airplanes'' to ''most of The Boeing Company Model 777 airplanes.'' Boeing stated that Model 777–200F airplanes are not affected by the NPRM.

We agree to change the phrase ''all The Boeing Company Model 777 airplanes'' for clarity. This final rule supersedes AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007), which was applicable to all Boeing Model 777–200, –200LR, –300, and –300ER series airplanes. At the time AD 2007–13–05 was published, all Model 777–200, –200LR, –300, and –300ER series airplanes were referred to as ''all The Boeing Company Model 777 airplanes.'' Since then, Model 777F has been added to the U.S. type certificate data sheet. We have revised the **SUMMARY** section of this final rule to specify all The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes. The Discussion paragraph of the NPRM (79 FR 43981, July 29, 2014) is not restated in this final rule.

Request To Clarify the Unsafe Condition

Boeing requested that we clarify the unsafe condition specified in the **SUMMARY** section, Discussion paragraph, and paragraph (e) of the NPRM. Boeing stated that the repetitive freeplay inspections of the right and left elevators, rudder, and rudder tab proposed in the NPRM (79 FR 43981, July 29, 2014) would not prevent, detect, or correct flutter; the proposed freeplay inspections would detect excessive wear in the load loop components of the control surfaces. Boeing pointed out that excessive wear could lead to excessive freeplay of the control surfaces, which could cause unacceptable airframe vibration during flight.

Based on the explanation provided by the commenter, we agree to clarify the unsafe condition that is the basis for issuing this final rule. However, we will not replace the word ''flutter'' with ''unacceptable airframe vibration'' because the unsafe condition is flutter, not vibration. We have revised the unsafe condition statement as follows, ''We are issuing this AD to detect and correct excessive wear in the load loop components of the control surfaces, which could lead to excessive freeplay of the control surfaces, flutter, and consequent loss of control of the airplane.'' This revision appears in the **SUMMARY** section and Discussion paragraph of the **SUPPLEMENTARY INFORMATION** section of this final rule, as well as paragraph (e) of this AD.

Request To Clarify the Requirements of Paragraph (g) of the Proposed AD (79 FR 43981, July 29, 2014)

Boeing requested that we revise paragraph (g) of the proposed AD (79 FR 43981, July 29, 2014) by deleting ''rudder'' from the following sentence: ''If during any inspection required by this paragraph, the rudder freeplay exceeds any applicable measurement . . . .'' Boeing explained that this statement is incorrect because it is not just the rudder freeplay, but if any elevator, rudder, or rudder tab freeplay exceeds any applicable measurement specified in the service information, the

applicable corrective actions need to be accomplished before further flight.

We agree to revise the specified sentence in paragraph (g) of this AD, because corrective actions before further flight are needed for any elevator, rudder, or rudder tab freeplay that exceeds any applicable measurement specified in Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014.

Requests To Correct Errors in the Service Information

Japan Airlines (JAL) and United Airlines noted that there are typographical errors in Appendix B and Appendix C of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014. JAL requested that the FAA issue an AD to mandate the incorporation of the next revision (Revision 3) of Boeing Special Attention Service Bulletin 777–27–0062, or provide an exception to these typographical errors in this AD. United Airlines requested that the FAA issue a global alternative method of compliance (AMOC) to correct the errors identified in Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014.

We agree that Appendix B and Appendix C of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, contain typographical errors. However, we do not consider that delaying this action until after the release of the manufacturer's planned service bulletin revision is warranted. Because some of these typographical errors affect the procedures for correctly measuring the freeplay of the rudder tab surface, we have provided the corrections for those errors in paragraph (i) of this AD instead of issuing an AMOC. Paragraph (i) of the proposed AD (79 FR 43981, July 29, 2014) has been redesignated as paragraph (i)(1) in this AD, and new paragraphs (i)(2), (i)(3), and (i)(4) have been added to this AD. We have also revised paragraph (g) of this AD to refer to paragraphs (i)(1) through (i)(4) of this AD.

Additional Changes to This Final Rule

Paragraph (k)(4) of the NPRM (79 FR 43981, July 29, 2014) stated that AMOCs approved previously for AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007), are not approved as AMOCS for the requirements of this AD. We have now determined that AMOCs for certain actions required by AD 2007–13–05 are acceptable for the corresponding requirements of this AD. We have revised paragraph (k)(4) of this AD and added new paragraphs (k)(5) and (k)(6) to this AD to include this information.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 43981, July 29, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 43981, July 29, 2014).

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014. The service information describes procedures for repetitive freeplay inspections and lubrication of the right and left elevators, rudder, and rudder tab, and related investigative and corrective actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 142 airplanes of U.S. registry. The new actions of this AD would add no additional economic burden to that imposed by AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007). The current costs for this AD are repeated for the convenience of affected operators, as follows:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Measurement (inspection), elevator.	4 work-hours × $85 per hour = $340 per measurement (inspection) cycle.	$0	$340 per measurement (inspection) cycle.	$48,280 per measurement (inspection) cycle.
Lubrication, elevator	17 work-hours × $85 per hour = $1,445 per lubrication cycle.	0	$1,445 per lubrication cycle	$205,190 per lubrication cycle.
Measurement (inspection), rudder.	4 work-hours × $85 per hour = $340 per measurement (inspection) cycle.	0	$340 per measurement (inspection) cycle.	$48,280 per measurement (inspection) cycle.
Lubrication, rudder	7 work-hours × $85 per hour = $595 per lubrication cycle.	0	$595 per lubrication cycle	$84,490 per lubrication cycle.
Measurement (inspection), rudder tab.	3 work-hours × $85 per hour = $255 per measurement (inspection) cycle.	0	$255 per measurement (inspection) cycle.	$36,210 per measurement (inspection) cycle.
Lubrication, rudder tab	5 work-hours × $85 per hour = $425 per lubrication cycle.	0	$425 per lubrication cycle	$60,350 per lubrication cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition corrective actions specified in this AD.

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, 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) 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007), and adding the following new AD:

2015–12–03 The Boeing Company: Amendment 39–18176 ; Docket No. FAA–2014–0485; Directorate Identifier 2014–NM–093–AD.

(a) Effective Date

This AD is effective July 21, 2015.

(b) Affected ADs

This AD replaces AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007).

(c) Applicability

This AD applies to The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes, certificated in any category, as identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Airplanes having a Variable Number identified in paragraph 1.A., ''Effectivity,'' of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014.

(2) Airplanes having a date of issuance of the original airworthiness certificate or date of issuance of the original export certificate of airworthiness on or after January 27, 2014.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by the manufacturer's determination that the procedure for the rudder freeplay inspection does not properly detect excessive freeplay in the rudder control load loop. We are issuing this AD to detect and correct excessive wear in the load loop components of the control surfaces, which could lead to excessive freeplay of the control surfaces, flutter, and consequent loss of control of the airplane.

(f) Compliance

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

(g) Repetitive Inspections of Elevators, Rudder, and Rudder Tab

At the applicable times specified in tables 1, 2, and 3 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, except as provided by paragraph (i)(1) of this AD: Inspect the freeplay of the right and left elevators, rudder, and rudder tab by accomplishing all of the actions specified in Parts 1, 3, and 5 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, except as provided by paragraphs (i)(2) through (i)(4) of this AD. Repeat the inspections thereafter at the intervals specified in tables 1, 2, and 3 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014. If, during any inspection required by this paragraph, the freeplay exceeds any applicable measurement specified in Part 1, 3, and 5, as applicable, of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, before further flight, do the applicable corrective actions in accordance with Part 1, 3, and 5 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014.

(h) Repetitive Lubrication

At the applicable times specified in tables 1, 2, and 3 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, except as provided by paragraph (i)(1) of this AD: Lubricate the elevator components, rudder components, and rudder tab components, by accomplishing all of the actions specified in Parts 2, 4, and 6 of the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, as applicable. Repeat the lubrication thereafter at the interval specified in tables 1, 2, and 3 of paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, as applicable.

(i) Exception to Service Information Specifications

(1) Where Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, specifies a compliance time ''after the original issue date on this service bulletin,'' this AD requires compliance within the specified compliance time after July 25, 2007 (the effective date of AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007)).

(2) Where Appendix B, paragraph 1.f., ''Freeplay Inspection,'' step (8), of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, specifies that the center of the pad must be within 1.0 inch (13 millimeters) of the center line of the rib rivets in the rudder tab, this AD requires that the center of the tab must be within 1.0 inch (25 millimeters) of the center line of the rib rivets in the rudder tab.

(3) Where Appendix C, paragraph 1.e., ''Rudder Tab Surface Freeplay—Inspection,'' step (2) and step (6), of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, specify that the placement of the force gage and pad should be within one inch of the centerline line of the middle rudder PCU rib and at 12 +/−1 inch (305 +/−72 millimeters) forward of the rudder tab trailing edge, this AD requires placement of the force gage and pad within one inch of the centerline line of the middle rudder PCU rib and at 12 +/−1 inch (305 +/−25 millimeters) forward of the rudder tab trailing edge.

(4) Where Appendix C, paragraph 1.e., ''Rudder Tab Surface Freeplay—Inspection,'' step (3), of Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014, specifies to apply a 30 +/−pound (133 +/−14 newton) force, this AD requires applying a 30 +/−3 pound force (133 +/−14 newton) force.

(j) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraph (j)(1) or (j)(2) of this AD.

(1) Boeing Special Attention Service Bulletin 777–27–0062, dated July 18, 2006, which was incorporated by reference in AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007).

(2) Boeing Special Attention Service Bulletin 777–27–0062, Revision 1, dated October 1, 2009, which is not incorporated by reference in this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved previously for the freeplay measurements of the right and left elevators and rudder tab required by paragraph (f) of AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007), are approved as AMOCs for the corresponding requirements of this AD.

(5) AMOCs approved previously for the freeplay measurements of the rudder required by paragraph (f) of AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007), are not approved as AMOCs for the corresponding requirements of this AD. We are not aware of any such AMOCs.

(6) AMOCs approved previously for the repetitive lubrications required by paragraph (g) of AD 2007–13–05, Amendment 39–15109 (72 FR 33856, June 20, 2007), are approved as AMOCs for the corresponding requirements of this AD.

(l) Related Information

(1) For more information about this AD, contact Haytham Alaidy, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6573; fax: 425–917–6590; email: *Haytham.Alaidy@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(3) and (m)(4) of this AD.

(m) Material Incorporated by Reference

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

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

(i) Boeing Special Attention Service Bulletin 777–27–0062, Revision 2, dated January 27, 2014.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on June 3, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14174 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2191; Directorate Identifier 2015–CE–019–AD; Amendment 39–18183; AD 2015–10–51]

RIN 2120–AA64

Airworthiness Directives; Avidyne Corporation Integrated Flight Displays

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Avidyne Corporation (Avidyne) Integrated Flight Displays (IFDs) part number (P/N) 700–00083–() loaded with software release 9.3.1.0 or earlier release (referred to as Model R9—10 inch), P/N 700–00171–() loaded with software release 9.2.5.0 or earlier release (referred to as Model R9—12 inch), and P/N 700–00182–() loaded with software release 10.0.3.0 or earlier release (referred to as Model IFD540). This emergency AD was sent previously to all known U.S. owners and operators of all aircraft that incorporate the above referenced Avidyne IFDs. This AD requires incorporating an operational limitation into the Limitations section of the airplane flight manual (AFM) or airplane flight manual supplement (AFMS). This AD was prompted by reports of Avidyne IFDs displaying incorrect course deviation indication information during GPS approaches (incorrect display of lateral deviations). We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective July 1, 2015 to all persons except those persons to whom it was made immediately effective by Emergency AD 2015–10–51, issued on May 18, 2015, which contained the requirements of this amendment.

We must receive comments on this AD by July 31, 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.

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–2015–2191; 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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations 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: Anthony Pigott, Aerospace Engineer, Boston Aircraft Certification Office, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238–7158; fax: (781) 238–7199; email: *anthony.pigott@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On May 18, 2015, we issued Emergency AD 2015–10–51, which requires incorporating an operational limitation into the Limitations section of

the airplane flight manual (AFM) or airplane flight manual supplement (AFMS). This emergency AD was sent previously to all known U.S. owners and operators of all aircraft that incorporate Avidyne Corporation (Avidyne) Integrated Flight Displays (IFDs) part number (P/N) 700–00083-() loaded with software release 9.3.1.0 or earlier release (referred to as Model R9—10 inch), P/N 700–00171-() loaded with software release 9.2.5.0 or earlier release (referred to as Model R9—12 inch), and P/N 700–00182-() loaded with software release 10.0.3.0 or earlier release (referred to as Model IFD540).

This action was prompted by reports of Avidyne IFDs displaying incorrect course deviation indication information during GPS approaches (incorrect display of lateral deviations). This condition occurs when the airplane is flying in certain approaches, the leg to the Final Approach Fix (FAF) is active, and the leg to the FAF is not aligned with the final approach course (*i.e.,* an angled entry to the FAF). The software of the Avidyne IFDs as referenced above will produce lateral deviations to the final approach course as soon as the leg to the FAF becomes active. Therefore, when the leg does not align with the final approach course, the course deviation indicator (CDI) will show a deviation when, in fact, the aircraft is on the proper course for the active leg. This could result in the pilot making flight decisions that put the aircraft in unsafe flight conditions, flying into airspace that was, by the GPS approach design, to be avoided (terrain, obstacle, traffic, restricted).

FAA's Determination

We are issuing this AD 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.

AD Requirements

This AD requires incorporating an operational limitation into the Limitations section of the airplane flight manual (AFM) or airplane flight manual supplement (AFMS). The operational limitation will contain the following:

- Flying a full procedure (non Vector-to-Final) GPS approach, with a course change at the Final Approach Fix (FAF), is prohibited.''
- ''Flying a GPS approach, with a Direct-To or with an Omni-Bearing Selector (OBS) leg to the FAF, is prohibited.''

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because of the Avidyne IFDs displaying incorrect course deviation indication information during GPS approaches (incorrect display of lateral deviations), which could result in the pilot making flight decisions that put the aircraft in unsafe flight conditions, flying into airspace that was, by the GPS approach design, to be avoided (terrain, obstacle, traffic, restricted). Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include Docket Number FAA–2015–2191 and Directorate Identifier 2015–CE–015–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD affects 324 products installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Incorporate operational limitations into the Limitations section of the airplane flight manual (AFM) or airplane flight manual supplement.	.5 work-hour × $85 per hour = $42.50.	Not applicable	$42.50	$13,770

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–10–51 Avidyne Corporation: Amendment 39–18183; Docket No. FAA–2015–2191; Directorate Identifier 2015–CE–015–AD.

(a) Effective Date

This AD is effective July 1, 2015 to all persons except those persons to whom it was made immediately effective by Emergency AD 2015–10–51, issued on May 18, 2015, which contained the requirements of this amendment.

(b) Affected ADs

None.

(c) Applicability

Avidyne Corporation (Avidyne) Integrated Flight Displays (IFDs) part number (P/N) 700–00083–() loaded with software release 9.3.1.0 or earlier release (referred to as Model R9—10 inch), P/N 700–00171–() loaded with software release 9.2.5.0 or earlier release (referred to as Model R9—12 inch), and P/N 700–00182–() loaded with software release 10.0.3.0 or earlier release (referred to as Model IFD540). These IFDs are installed on, but not limited to, airplanes that are certificated in any category and are identified in the following:

(1) *For Model R9—10 inch:* AML STC SA00282BO. This document can be found at: *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/24d8d8ba6cb57e4f86257d1d0055dec4/$FILE/SA00282BO_AML.pdf.*

(2) *For Model R9—12 inch:* Korea Aerospace Industries KC–100 (currently being type validated by the FAA).

(3) *For Model IFD540:* STC SAA00343BO. This document can be found at: *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/5084676a444f3b2b86257d20005d08ab/$FILE/SA00343BO_AML.pdf.*

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code: 34, Navigation.

(e) Unsafe Condition

This AD was prompted by reports of Avidyne IFDs displaying incorrect course deviation indication information during GPS approaches (incorrect display of lateral deviations). This condition occurs when the airplane is flying in certain approaches, the leg to the Final Approach Fix (FAF) is active, and the leg to the FAF is not aligned with the final approach course (*i.e.,* an angled entry to the FAF). The software of the Avidyne IFDs as referenced above in the Applicability section, paragraph (c) of this AD, will produce lateral deviations to the final approach course as soon as the leg to the FAF becomes active. Therefore, when the leg does not align with the final approach course, the course deviation indicator (CDI) will show a deviation when, in fact, the aircraft is on the proper course for the active leg. We are issuing this AD to prevent such incorrect display of lateral deviations, which could result in the pilot making flight decisions that put the aircraft in unsafe flight conditions, flying into airspace that was, by the GPS approach design, to be avoided (terrain, obstacle, traffic, restricted).

(f) Compliance

Unless already done, comply with paragraphs (g)(1) through (g)(4) of this AD, including all subparagraphs.

(g) Airplane Flight Manual (AFM) or Airplane Flight Manual Supplement (AFMS) Limitation

(1) Before further flight after July 1, 2015 to all persons except those persons to whom it was made immediately effective by Emergency AD 2015–10–51, issued on May 18, 2015, which contained the requirements of this amendment, incorporate the operational limitations listed in paragraphs (g)(1)(i) and (g)(1)(ii) of this AD into the Limitations section of the AFM or AFMS, as applicable. This can be done by inserting a copy of this AD into the Limitations section of the AFM or AFMS.

(i) ''Flying a full procedure (non Vector-to-Final) GPS approach, with a course change at the Final Approach Fix (FAF), is prohibited.''

(ii) ''Flying a GPS approach, with a Direct-To or with an Omni-Bearing Selector (OBS) leg to the FAF, is prohibited.''

(2) This action may be done by an owner/operator (pilot) holding at least a private pilot certificate and must be entered into the airplane records showing compliance with this AD in accordance with 14 CFR 43.9(a)(1)(4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.173 or 135.439.

(3) Paragraphs (g)(3)(i) and (g)(3)(ii) of this AD provides examples of prohibited and allowed GPS approach per paragraph (g)(1)(i) of this AD:

(i) An example of a prohibited GPS approach per paragraph (g)(1)(i) of this AD can be found at: *http://aeronav.faa.gov/d-tpp/1505/05597r25.pdf.*

(ii) An example of an allowed GPS approach per paragraph (g)(1)(i) of this AD can be found at: *http://aeronav.faa.gov/d-tpp/1505/00626rz29.pdf.*

(4) This AD is no longer applicable if software is installed that is different than that referenced in paragraph (c) Applicability of this AD.

(h) Special Flight Permit

Under 14 CFR 39.23, special flight permits are prohibited for this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (j) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Related Information

For further information about this AD, contact Anthony Pigott, Aerospace Engineer, Boston ACO, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: (781) 238–7158; fax: (781) 238–7199; email: *anthony.pigott@faa.gov.*

Issued in Kansas City, Missouri, on June 8, 2015.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14645 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0249; Directorate Identifier 2012–NM–211–AD; Amendment 39–18180; AD 2015–12–06]

RIN 2120–AA64

Airworthiness Directives; Learjet Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Learjet Inc. Model 45 airplanes. This AD was prompted by reports of non-conforming windshield supports (coupe rails). This AD requires a general visual inspection of the coupe rails to detect gouging and scratches, and to determine if a radius has been removed; an ultrasound inspection to measure the dimensions of the lower coupe rails; an eddy current inspection to detect cracks of the lower coupe rails; replacement of

the lower coupe rails if necessary; and revision of the maintenance or inspection program, as applicable. We are issuing this AD to detect and correct non-conforming windshield supports, which could result in uncontrolled cabin depressurization and compromise of the capability of the windshield to withstand a bird strike.

DATES: This AD is effective July 21, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of July 21, 2015.

ADDRESSES: For service information identified in this AD, contact Learjet, Inc., One Learjet Way, Wichita, KS 67209–2942; telephone 316–946–2000; fax 316–946–2220; email *ac.ict@aero.bombardier.com*; Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0249.

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–2014–0249; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket 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: Paul Chapman, Aerospace Engineer, Airframe Branch, ACE–118W, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, KS 67209; phone: 316–946–4152; fax: 316–946–4107; email: *paul.chapman@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Learjet Inc. Model 45 airplanes. The NPRM published in the **Federal Register** on April 16, 2014 (79 FR 21416). The NPRM was prompted by reports of non-conforming windshield supports (coupe rails). The NPRM proposed to require a general visual inspection to detect gouging and scratches and to determine if a radius has been removed; an ultrasound inspection to measure the dimensions of the lower coupe rails; an eddy current inspection to detect cracks of the lower coupe rails; replacement of the lower coupe rails if necessary; and revision of the maintenance or inspection program, as applicable. We are issuing this AD to detect and correct non-conforming windshield supports, which could result in uncontrolled cabin depressurization. Non-conforming windshield supports could also compromise the capability of the windshield to withstand a bird strike.

Explanation of Changes Made to Paragraph (h) of This AD

We revised paragraph (h) of this AD to state that incorporation of certain tasks into the maintenance or inspection program, as applicable, must be done in accordance with a method approved by the Manager, Wichita Aircraft Certification Office (ACO), ACE–115W, FAA. For informational purposes, we have added new Notes 1 and 2 to paragraph (h) of this AD to refer to the latest maintenance manuals as guidance material for revising the maintenance or inspection program. (Earlier revisions were referenced previously in table 1 to paragraph (h) of the NPRM (79 FR 21416, April 16, 2014)). The change to this AD should allow operators to obtain appropriate versions of maintenance manuals in order to facilitate compliance.

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 21416, April 16, 2014), and the FAA's response to each comment.

Request for Credit for Previous Actions

Learjet Inc. requested that we revise the NPRM (79 FR 21416, April 16, 2014) to clarify whether actions accomplished using Bombardier Recommended Service Bulletin 40–56–03, dated April 30, 2012; or Bombardier Recommended Service Bulletin 45–56–3, dated April 30, 2012; is acceptable for compliance with the actions required by paragraph (g) of the NPRM. Learjet Inc. reasoned that many operators have already done those actions using this service information.

We agree to clarify. Actions required by paragraph (g) of this AD, if performed before the effective date of this AD using Bombardier Recommended Service Bulletin 40–56–03, dated April 30, 2012; or Bombardier Recommended Service Bulletin 45–56–3, dated April 30, 2012; as applicable; are acceptable for compliance with the requirements of paragraph (g) of this AD. We have added a new paragraph (j) to this AD to provide credit for these actions. We have redesignated subsequent paragraphs accordingly.

Request To Incorporate Updated Inspection Reference Number (IRN)

Learjet Inc. requested that we revise table 1 to paragraph (h) of the NPRM (79 FR 21416, April 16, 2014) to allow the incorporation of IRN V5323168, as specified in Bombardier Learjet 45 Maintenance Manual (MM) MM–104, Revision 62; and Bombardier Learjet 40 Maintenance Manual MM–105 Revision 30; both dated June 2, 2014. Learjet Inc. explained that IRN U5323168 was revised to V5323168 in Bombardier Learjet 45 Maintenance Manual MM–104, Revision 62; and Bombardier Learjet 40 Maintenance Manual MM–105, Revision 30; both dated June 2, 2014. Learjet Inc. stated that there were no actual changes to the content of the IRN in Chapter 4 of the MMs, but the ''U'' was revised to a ''V'' to coincide with changes to the verbiage in the same IRN in Chapter 5 of those MMs.

As discussed previously, we added new Notes 1 and 2 to paragraph (h) of this AD to refer to the latest revisions of the maintenance manuals, which include references to the appropriate IRNs referenced by the commenter. No additional change to this AD is necessary.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 21416, April 16, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 21416, April 16, 2014).

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

Related Service Information Under 1 CFR Part 51

We reviewed Bombardier Recommended Service Bulletin 40–56–03, Revision 1, dated October 15, 2012; and Bombardier Recommended Service Bulletin 45–56–3, Revision 1, dated October 15, 2012. The service information describes procedures for a general visual inspection of the coupe rails to detect gouging and scratches, and to determine if a radius has been removed; an ultrasound inspection to measure the dimensions of the lower coupe rails; an eddy current inspection to detect cracks of the lower coupe rails; and replacement of the lower coupe rails if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 351 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	40 work-hours × $85 per hour = $3,400 per inspection cycle.	$77	$3,477 per inspection cycle.	$1,220,427 per inspection cycle.
Maintenance or inspection program revision.	1 work hour × $85 per hour = $85.	None	$85	$29,835.

We estimate the following costs to do any necessary replacement that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	500 work-hours (to replace both coupe rails) × $85 per hour = $42,500.	$15,000 (to replace both coupe rails).	$57,500 (to replace both coupe rails).

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

Authority for This Rulemaking

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

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

Regulatory Findings

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, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–12–06 Learjet Inc.: Amendment 39–18180; Docket No. FAA–2014–0249; Directorate Identifier 2012–NM–211–AD.

(a) Effective Date

This AD is effective July 21, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Learjet Inc. Model 45 airplanes, certificated in any category, as identified in Bombardier Recommended Service Bulletin 40–56–03, Revision 1, dated October 15, 2012 (for airplanes having serial numbers (S/Ns) 45–2000 through 45–2120 inclusive, and S/Ns 45–2122 through 45–2130 inclusive); and Bombardier Recommended Service Bulletin 45–56–3, Revision 1, dated October 15, 2012 (for airplanes having S/Ns 45–005 through 45–427 inclusive).

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by reports of non-conforming windshield supports (coupe rails). We are issuing this AD to detect and correct non-conforming windshield supports, which could result in uncontrolled cabin depressurization, and compromise of the capability of the windshield to withstand a bird strike.

(f) Compliance

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

(g) Inspections and Corrective Actions

Within 600 flight hours or 36 months after the effective date of this AD, whichever occurs first: Do the inspections specified in paragraphs (g)(1) through (g)(3) of this AD. Do all inspections and corrective actions specified in paragraphs (g)(1) through (g)(3) of this AD, in accordance with the Accomplishment Instructions of Bombardier Recommended Service Bulletin 40–56–03, Revision 1, dated October 15, 2012 (for airplanes having S/Ns 45–2000 through 45–2120 inclusive, and 45–2122 through 45–2130 inclusive); or Bombardier Recommended Service Bulletin 45–56–3, Revision 1, dated October 15, 2012 (for airplanes having S/Ns 45–005 through 45–427 inclusive).

(1) Do a general visual inspection of the coupe rails to detect gouging and scratches and to determine whether a radius has been removed or damaged.

(i) If gouging or scratches are found, before further flight, burnish or blend the gouges and scratches.

(ii) If the radius has been removed or damaged, before further flight, restore the radius.

(2) Do an ultrasound inspection to measure the dimensions of the lower coupe rails.

(i) If the coupe rail has an ''X'' dimension of 0.246 (6.248 millimeters (mm)) or greater, and a ''Y'' dimension of 0.148 (3.759 mm) or greater: Before further flight, identify the coupe rail, in accordance with table 1 of Bombardier Recommended Service Bulletin 40–56–03, Revision 1, dated October 15, 2012 (for airplanes having S/Ns 45–2000 through 45–2120 inclusive, and S/Ns 45- 2122 through 45–2130 inclusive); or Bombardier Recommended Service Bulletin 45–56–3, Revision 1, dated October 15, 2012 (for airplanes having S/Ns 45–005 through 45–427 inclusive).

(ii) If the coupe rail has an ''X'' dimension between 0.246 (6.248 mm) and 0.166 (4.216 mm) or a ''Y'' dimension between 0.148 (3.759 mm) and 0.134 (3.403 mm): Before further flight, identify the coupe rail, in accordance with table 2 of Bombardier Recommended Service Bulletin 40–56–03, Revision 1, dated October 15, 2012 (for airplanes having S/Ns 45–2000 through 45–2120 inclusive, and S/Ns 45- 2122 through 45–2130 inclusive); or Bombardier Recommended Service Bulletin 45–56–3, Revision 1, dated October 15, 2012 (for airplanes having S/Ns 45–005 through 45–427 inclusive).

(iii) If any coupe rail ''X'' dimension is below 0.166 (4.216 mm) or ''Y'' dimension is below 0.134 (3.403 mm): Before further flight, replace that coupe rail with a new coupe rail.

(3) Do a flange and radius eddy current inspection for cracks of the left-hand and right-hand lower coupe rails.

(i) If no crack is found, before further flight, mark the new data plate.

(ii) If any crack is found, before further flight, replace the coupe rail with a new coupe rail.

(h) Maintenance/Inspection Program Revision

Within 30 days after the effective date of this AD: Revise the maintenance or inspection program (as applicable) to incorporate tasks for inspections of the lower coupe rail radius/windscreen retainer attach and replacement of the coupe rails, in accordance with a method approved by the Manager, Wichita Aircraft Certification Office (ACO), ACE–115W, FAA.

Note 1 to paragraph (h) of this AD: For Model 40 airplanes, the instructions provided in Bombardier Learjet 40 Maintenance Manual MM–105, Revision 30, dated June 2, 2014, provide guidance for revising the maintenance or inspection program to include replacements of the coupe rails and maintenance requirements/structure checks of the lower coupe rail radius/windscreen retainer attach. This service information is not incorporated by reference in this AD.

Note 2 to paragraph (h) of this AD: For Model 45 airplanes, the instructions provided in Bombardier Learjet 45 Maintenance Manual MM–104, Revision 62, dated June 2, 2014, provide guidance for revising the maintenance or inspection program to include replacements of the coupe rails and maintenance requirements/structure checks of the lower coupe rail radius/windscreen retainer attach. This service information is not incorporated by reference in this AD.

(i) No Alternative Actions or Intervals

After accomplishing the revision required by paragraph (h) of this AD, no alternative IRN task or interval may be used unless the IRN task or interval is approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k) of this AD.

(j) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Recommended Service Bulletin 40–56–03, dated April 30, 2012 (for airplanes having S/Ns 45–2000 through 45–2120 inclusive, and 45–2122 through 45–2130 inclusive); or Bombardier Recommended Service Bulletin 45–56–3, dated April 30, 2012 (for airplanes having S/Ns 45–005 through 45–427 inclusive); which are not incorporated by reference in this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita ACO, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(l) Related Information

(1) For more information about this AD, contact Paul Chapman, Aerospace Engineer, Airframe Branch, ACE–118W, FAA, Wichita ACO, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, KS 67209; phone: 316–946–4152; fax: 316–946–4107; email: *paul.chapman@faa.gov*.

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (m)(3) and (m)(4) of this AD.

(m) Material Incorporated by Reference

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

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

(i) Bombardier Recommended Service Bulletin 40–56–03, Revision 1, dated October 15, 2012.

(ii) Bombardier Recommended Service Bulletin 45–56–3, Revision 1, dated October 15, 2012.

(3) For service information identified in this AD, contact Learjet, Inc., One Learjet Way, Wichita, KS 67209–2942; telephone 316–946–2000; fax 316–946–2220; email *ac.ict@aero.bombardier.com;* Internet *http://www.bombardier.com*.

(4) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on June 3, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14396 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0585; Directorate Identifier 2013–NM–248–AD; Amendment 39–18182; AD 2015–12–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A318, A319, A320, and A321 series airplanes. This AD was prompted by a report of corrosion found during the manufacturing process for some oxygen pipe assemblies that are used to supply oxygen to the flightcrew. This AD requires an inspection to determine the batch number or installation date of the oxygen pipe assembly that is installed at the end of the right-hand crew distribution line, and, if necessary, replacement of the pipe. We are issuing this AD to detect and correct corrosion, which could lead to blocked or reduced oxygen supply to a flightcrew member during a decompression event or a smoke/fire event in the cockpit. Under certain conditions, corrosion particles could increase the risk of fire in the cockpit.

DATES: This AD becomes effective July 21, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 21, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA–2014–0585* or in person at the Docket 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.

For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0585.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A318, A319, A320, and A321 series airplanes. The NPRM published in the **Federal Register** on August 26, 2014 (79 FR 50872).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2013–0278, dated November 26, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on all Airbus Model A318, A319, A320, and A321 series airplanes. The MCAI states:

> Some oxygen pipe assemblies, Part Number (P/N) D3511032000640, have been found corroded during manufacturing at supplier level. The affected pipe assembly is installed at the end of the right hand (RH) crew distribution line, just upstream of the First Officer and RH Observer oxygen mask boxes.
>
> The investigation showed that the affected pipes had been heat treated just 4 weeks before the summer factory closure and were only cleaned after re-opening of the factory. During this interruption, corrosion developed in these pipes.
>
> This condition, if not detected and corrected, could lead to blocked or reduced oxygen supply to one flight crew member in case of decompression or smoke/fire in the cockpit. In addition, the presence of particles in oxygen lines, under certain conditions, increases the risk of fire in the cockpit.
>
> The parts manufacturer identified the batch numbers of the potentially affected pipes that were manufactured in a specific period in 2011. Based on that information, Airbus has identified the aeroplanes on which those pipes have been installed on the production line and has issued Service Bulletin (SB) A320–35–1069, containing instructions to remove the affected pipes from service.
>
> For the reasons described above, this [EASA] AD requires the identification of the affected oxygen pipes P/N D3511032000640, and for those included in the affected batches, replacement of the oxygen pipe. This [EASA] AD also prohibits installation of any of the affected pipes on other aeroplanes.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0585-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. We have considered the comments received. The following presents the comments received on the NPRM (79 FR 50872, August 26, 2014) and the FAA's response to each comment.

United Airlines stated that, while they appreciated the opportunity to comment, they had no comments on the NPRM (79 FR 50872, August 26, 2014).

Request To Revise Language Allowing Use of a Records Check

Delta Air Lines (DAL) requested that the second sentence in paragraph (h) of the NPRM (79 FR 50872, August 26, 2014) be revised to add a provision for when an operator can show compliance if the ''review conclusively determined that the suspect part number and batch number was never installed on the aircraft.'' DAL contended that the additional provision would allow an operator with an airplane that was not identified in Airbus Service Bulletin A320–35–1069, dated April 26, 2013, and on which the originally installed pipe was never replaced, to be in compliance with the proposed AD without knowing the part number (P/N) and installation date.

We agree that if operators can conclusively determine that the crew oxygen pipes having P/N D3511032000640 have never been installed on an airplane after June 2011, then AD compliance can be demonstrated for paragraph (h) of this AD. However, we do not agree to revise paragraph (h) of this AD as the current language requires operators to either do the inspection for the part or verify that the part is not installed by reviewing their maintenance records. If an operator can verify through review of maintenance records that no crew oxygen pipe having P/N D3511032000640 was installed after June 2011, then compliance with paragraph (h) of this AD can be demonstrated. We have not changed this AD in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this AD as proposed except for minor editorial changes. We have determined that these minor changes:

• Are consistent with the intent that was proposed in the NPRM (79 FR 50872, August 26, 2014) for correcting the unsafe condition; and

• Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 50872, August 26, 2014).

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–35–1069, dated April 26, 2013. The service information describes procedures for inspecting the crew oxygen pipe to determine the batch number of the pipe, and replacing the crew oxygen pipe, as applicable. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this AD.

Costs of Compliance

We estimate that this AD affects 2 airplanes of U.S. registry.

We also estimate that it will take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $340, or $170 per product.

In addition, we estimate that any necessary follow-on actions will take about 5 work-hours, for a cost of $425 per product. We have no way of determining the number of aircraft that might need this action.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;

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

3. Will not affect intrastate aviation in Alaska; and

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0585;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–12–08 Airbus: Amendment 39–18182. Docket No. FAA–2014–0585; Directorate Identifier 2013–NM–248–AD.

(a) Effective Date

This AD becomes effective July 21, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Reason

This AD was prompted by a report of corrosion found during the manufacturing process for some oxygen pipe assemblies that are used to supply oxygen to the flightcrew. We are issuing this AD to detect and correct corrosion, which could lead to blocked or reduced oxygen supply to a flightcrew member during a decompression event or a smoke/fire event in the cockpit. Under certain conditions, corrosion particles could increase the risk of fire in the cockpit.

(f) Compliance

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

(g) Inspection for Batch Numbers and Replacement

For airplanes identified in paragraph 1.A. of Airbus Service Bulletin A320–35–1069, dated April 26, 2013: Within 7,500 flight hours or 26 months after the effective date of this AD, whichever occurs first, inspect the crew oxygen pipe, having part number (P/N) D3511032000640, to determine the batch number of that pipe, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–35–1069, dated April 26, 2013. A review of airplane maintenance records is acceptable in lieu of this inspection if the batch number of the pipe can be conclusively determined from that review. If the batch number of the oxygen pipe is 19356252, 40008586, 40076689, 40187414, 40292749, 40405164, 40649383, 40724994, 40820410, or 40911832: Within 7,500 flight hours or 26 months after the effective date of this AD, whichever occurs first, replace the oxygen pipe with a serviceable part, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–35–1069, dated April 26, 2013.

(h) Inspection for Part Number and Installation Date of Crew Oxygen Pipe

For airplanes not identified in paragraph 1.A. of Airbus Service Bulletin A320–35–1069, dated April 26, 2013: Within 7,500 flight hours or 26 months after the effective date of this AD, whichever occurs first, inspect the crew oxygen pipe to determine whether P/N D3511032000640 was installed after June 2011. A review of airplane

maintenance records is acceptable in lieu of this inspection if the part number and installation date of the pipe can be conclusively determined from that review. If the pipe was installed after June 2011, or the date cannot be conclusively determined, before further flight, do the actions required in paragraph (g) of this AD.

(i) Parts Installation Prohibition

As of the effective date of this AD, do not install, on any airplane, a crew oxygen pipe P/N D3511032000640, that is identified as belonging to batch number 19356252, 40008586, 40076689, 40187414, 40292749, 40405164, 40649383, 40724994, 40820410, or 40911832.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

(k) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0278, dated November 26, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0585-0002.*

(l) 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 this AD specifies otherwise.

(i) Airbus Service Bulletin A320–35–1069, dated April 26, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on June 3, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14395 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2014–0902; Airspace Docket No. 14–ASW–8]

Establishment of Class E Airspace; Tucumcari, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at the Tucumcari VHF Omni-Directional Radio Range Tactical Air Navigation Aid (VORTAC), Tucumcari, NM, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Albuquerque Air Route Traffic Control Center (ARTCC). This action enhances the safety and efficiency of aircraft operations within the National Airspace System (NAS).

DATES: *Effective date:* 0901 UTC, August 20, 2015. The Director of the Federal Register approves this incorporation by reference action under 1 Code of Federal Regulations, Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed on line at *http://www.faa.gov/airtraffic/publications/.* The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and ATC Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 29591; telephone: 202–267–8783.

FOR FURTHER INFORMATION CONTACT: Raul Garza, Jr., Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone 817–321–7654.

SUPPLEMENTARY INFORMATION:

History

On December 9, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace for the Tucumcari, NM area, creating controlled airspace at the Tucumcari VORTAC within Albuquerque ARTCC boundaries (79 FR 72998) Docket No. FAA–2014–0902. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One positive comment was received from the National Business Aviation Association.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9Y dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.9Y, airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014. FAA Order 7400.9Y is publicly available as listed in the **ADDRESSES** section of this final rule. FAA Order 7400.9Y lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) Part 71 by

establishing Class E airspace extending upward from 1,200 feet above the surface at the Tucumcari VORTAC navigation aid, Tucumcari, NM, to contain aircraft while in IFR conditions under control of Albuquerque ARTCC by safely vectoring aircraft from en route airspace to terminal areas. Controlled airspace is needed for the safety and management of IFR operations within the confines of Albuquerque ARTCC airspace.

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

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9Y, Airspace Designations and Reporting Points, dated August 6, 2014, and effective September 15, 2014, is amended as follows:

Paragraph 6006 Enroute Domestic Airspace Areas.

* * * * *

ASW NM E6 Tucumcari, NM [New]

Tucumcari VORTAC, NM

Lat. 35°10′56″ N., long. 103°35′55″ W.

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 37°30′00″ N., long. 102°33′00″ W.; to lat. 36°30′00″ N., long. 101°45′00″ W.; to lat. 36°23′50″ N., long. 101°28′20″ W.; 35°12′30″ N., long. 105°28′30″ W.; to lat. 36°43′00″ N., long. 105°20′30″ W.; to lat. 36°43′00″ N., long. 105°00′00″ W.; thence to the point of beginning.

Issued in Fort Worth, TX, on June 2, 2015.

Walter Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2015–14322 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2015–1862; Airspace Docket No. 15–ASO–6]

RIN 2120–AA66

Amendment to the Titles of Restricted Areas R–5301, R–5302A, R–5302B, and R–5302C; North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by making an editorial change to the location names listed in the titles of restricted areas R–5301, R–5302A, R–5302B, and R–5302C in North Carolina. There are no changes to the boundaries; designated altitudes; time of designation, activities conducted within the restricted areas or the actual physical locations of the restricted areas.

DATES: *Effective date:* 0901 UTC, August 20, 2015.

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it updates the locations named in the titles of restricted areas R–5301, R–5302A, R–5302B, and R–5302C in North Carolina.

Background

A discrepancy has been identified in the location names listed in the titles of restricted areas R–5301, R–5302A, R–5302B, and R–5302C, in North Carolina. Currently, the location in the title of R–5301 reads ''Albemarle Sound, NC'' and the location in the titles of R–5302A, B, and C reads ''Harvey Point, NC.'' A review of aeronautical charts reveals that the location names should be reversed. R–5301 lies physically over Harvey Point. NC; while R–5302A, B, and C are situated above Albemarle Sound.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by making an editorial change to the location names listed in the titles of restricted areas R–5301, R–5302A, R–

5302B, and R–5302C in North Carolina. As noted above, the locations currently listed in the restricted area descriptions are inaccurate. The title that reads ''R–5301 Albemarle Sound, NC'' is changed to read ''R–5301 Harvey Point, NC.'' The titles for restricted areas R–5302A, R–5302B, and R–5302C, which currently read ''Harvey Point, NC,'' are changed to read ''Albemarle Sound, NC.'' This is an editorial change to update the locations in the titles of restricted areas R–5301, R–5302A, R–5302B, and R–5302C in North Carolina. The areas are correctly depicted on aeronautical charts. This change does not affect the boundaries, designated altitudes, activities conducted within the restricted areas or the actual physical location of the airspace; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311d. This action is an administrative change to the titles in the descriptions of the affected restricted areas to reflect the correct locations. It does not alter the dimensions, altitudes, times of designation or actual physical locations of the airspace; therefore, it is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

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

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

§ 73.53 [Amended]

■ 2. Section 73.53 is amended as follows:

* * * * *

R–5301 Albemarle Sound, NC [Remove]

R–5302A Harvey Point, NC [Remove]

R–5302B Harvey Point, NC [Remove]

R–5302B Harvey Point, NC [Remove]

R–5301 Harvey Point, NC [New]

Boundaries. Beginning at lat. 36°04′56″ N., long. 76°16′47″ W.; to lat. 36°04′23″ N., long. 76°20′59″ W.; to lat. 36°06′58″ N., long. 76°20′58″ W.; thence clockwise via a 3 nautical mile arc centered at lat. 36°04′01″ N., long. 76°20′19″ W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility, Virginia Capes (FACSFAC VACAPES), Virginia Beach, VA.

R–5302A Albemarle Sound, NC [New]

Boundaries. Beginning at lat. 36°01′21″ N., long. 76°14′29″ W.; to lat. 36°02′19″ N., long. 76°07′14″ W.; to lat. 36°00′01″ N., long. 76°07′14″ W.; to lat. 36°00′01″ N., long. 76°14′29″ W.; to the point of beginning.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility, Virginia Capes (FACSFAC VACAPES), Virginia Beach, VA.

R–5302B Albemarle Sound, NC [New]

Boundaries. Beginning at lat. 36°04′59″ N., long. 76°16′29″ W.; to lat. 36°04′01″ N., long. 76°05′59″ W.; to lat. 36°00′01″ N., long. 76°05′59″ W.; to lat. 36°00′01″ N., long. 76°12′59″ W.; to lat. 36°00′04″ N., long. 76°24′17″ W.; thence clockwise via a 4 nautical mile arc centeredat lat. 36°02′01″ N., long. 76°19′59″ W.; to lat. 36°03′56″ N., long. 76°24′18″ W.; to the point of beginning.

Designated altitudes. 100 feet AGL to 14,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility, Virginia Capes (FACSFAC VACAPES), Virginia Beach, VA.

R–5302C Albemarle Sound, NC [New]

Boundaries. Beginning at lat. 36°00′01″ N., long. 76°12′59″ W.; to lat. 35°58′50″ N., long. 76°16′58″ W.; thence clockwise via a 4 nautical mile arc centered at lat. 36°02′01″ N., long. 76°19′59″ W.; to lat. 36°00′04″ N., long. 76°24′17″ W.; to the point of beginning.

Designated altitudes. 100 feet AGL to 3,000 feet MSL.

Time of designation. By NOTAM at least 24 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Fleet Area Control and Surveillance Facility, Virginia Capes (FACSFAC VACAPES), Virginia Beach, VA.

Issued in Washington, DC on June 10, 2015.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2015–14798 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 740, 742, 752 and 774

[Docket No. 141229999–4999–01]

RIN 0694–AG45

Implementation of the Australia Group (AG) November 2013 Intersessional Decisions

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) publishes this final rule to amend the Export Administration Regulations (EAR) to implement the recommendations presented at the November 2013 Australia Group (AG) intersessional implementation meeting and later adopted pursuant to the AG silent approval procedure. Specifically, this rule amends the Commerce Control List (CCL) entry in the EAR that controls

certain human and zoonotic pathogens and toxins, and removes the CCL entry that controls certain animal pathogens to reflect the merger of two AG common control lists based on recommendations presented at the AG intersessional implementation meeting. As a result of these recommendations, the AG ''List of Animal Pathogens for Export Control'' was merged with the AG ''List of Biological Agents for Export Control,'' creating a single AG common control list for these items (*i.e.,* the AG ''List of Human and Animal Pathogens and Toxins for Export Control''). The scope of the controls on these human and animal pathogens and toxins was not affected by the merger of the two lists into a single AG common control list. This rule also makes conforming amendments to other provisions in the EAR to reflect these changes.

In addition, this rule amends the CCL entry that controls chemical manufacturing facilities and equipment to reflect changes to the AG ''Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology and Software,'' based on the November 2013 AG intersessional recommendation to revise controls on certain valves, casings (valve bodies) designed for such valves, and preformed casing liners designed for such valves. This rule also amends this CCL entry to add a Technical Note clarifying how the terms ''multi-seal'' and ''seal-less'' are used with respect to the controls on pumps. In a change unrelated to any revisions to the AG common control lists or guidelines, this rule also amends this CCL entry to authorize the use of License Exception LVS for specified shipments.

This rule does not contain changes based on the understandings reached at the June 2014 AG Plenary meeting, because no amendments to the EAR were required as a result of these understandings.

DATES: This rule is effective June 16, 2015.

ADDRESSES: Send comments regarding this collection of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov,* or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, 14th Street & Pennsylvania Avenue NW., Room 2705, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Richard P. Duncan, Ph.D., Director, Chemical and Biological Controls Division, Office of Nonproliferation and Treaty Compliance, Bureau of Industry and Security, Telephone: (202) 482–3343, Email: *Richard.Duncan@bis.doc.gov*.

SUPPLEMENTARY INFORMATION: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to implement the recommendations presented at the Australia Group (AG) Intersessional meeting held in Budapest, Hungary, on November 18–22, 2013, and adopted pursuant to the AG silent approval procedure in January/February 2014. The AG is a multilateral forum consisting of 41 participating countries that maintain export controls on a list of chemicals, biological agents, and related equipment and technology that could be used in a chemical or biological weapons program. The AG periodically reviews items on its control list to enhance the effectiveness of participating governments' national controls and to achieve greater harmonization among these controls.

Merger of ECCN 1C352 With ECCN 1C351 (Human and Animal Pathogens and ''Toxins'')

The AG intersessional recommendations adopted in January 2014 addressed the merger of the AG ''List of Animal Pathogens for Export Control'' with the AG ''List of Biological Agents for Export Control'' to create a single AG common control list for all of these pathogens and toxins (*i.e.,* the AG ''List of Human and Animal Pathogens and Toxins for Export Control'').

This final rule amends the EAR to reflect the merger of these two AG common control lists by removing ECCN 1C352 (animal pathogens) from the CCL and adding the pathogens previously controlled under ECCN 1C352 to ECCN 1C351 (human and zoonotic pathogens and ''toxins''). The latter ECCN is renamed to indicate that it now controls both human and animal pathogens and ''toxins.'' This rule also renumbers the items in ECCN 1C351.a, and certain items in ECCN 1C351.c to accommodate the addition to ECCN 1C351 of those items that were controlled under ECCN 1C352 prior to the publication of this rule. The following table lists the viruses that are controlled under ECCN 1C351.a, as a result of the removal of ECCN 1C352 and the aforementioned amendments to ECCN 1C351, and indicates the previous and current CCL designations for each item.

AG-Controlled viruses	Previous CCL designation	Current CCL designation
African horse sickness virus	ECCN 1C352.a.17	ECCN 1C351.a.1.
African swine fever virus	ECCN 1C352.a.1	ECCN 1C351.a.2.
Andes virus	ECCN 1C351.a.1	ECCN 1C351.a.3.
Avian influenza virus	ECCN 1C352.a.2	ECCN 1C351.a.4.
Bluetongue virus	ECCN 1C352.a.3	ECCN 1C351.a.5.
Chapare virus	ECCN 1C351.a.2	ECCN 1C351.a.6.
Chikungunya virus	ECCN 1C351.a.3	ECCN 1C351.a.7.
Choclo virus	ECCN 1C351.a.4	ECCN 1C351.a.8.
Congo-Crimean haemorrhagic fever virus	ECCN 1C351.a.5	ECCN 1C351.a.9.
Dengue fever virus	ECCN 1C351.a.6	ECCN 1C351.a.10.
Dobrava-Belgrade virus	ECCN 1C351.a.7	ECCN 1C351.a.11.
Eastern equine encephalitis virus	ECCN 1C351.a.8	ECCN 1C351.a.12.
Ebola virus	ECCN 1C351.a.9	ECCN 1C351.a.13.
Foot and mouth disease virus	ECCN 1C352.a.4	ECCN 1C351.a.14.
Goat pox virus	ECCN 1C352.a.5	ECCN 1C351.a.15.
Guanarito virus	ECCN 1C351.a.10	ECCN 1C351.a.16.
Hantaan virus	ECCN 1C351.a.11	ECCN 1C351.a.17.
Hendra virus (Equine morbillivirus)	ECCN 1C351.a.12	ECCN 1C351.a.18.
Herpes virus (Aujeszky's disease)	ECCN 1C352.a.6	ECCN 1C351.a.19.
Hog cholera virus (syn.: swine fever virus)	ECCN 1C352.a.7	ECCN 1C351.a.20.
Japanese encephalitis virus	ECCN 1C351.a.13	ECCN 1C351.a.21.
Junin virus	ECCN 1C351.a.14	ECCN 1C351.a.22.
Kyasanur Forest virus	ECCN 1C351.a.15	ECCN 1C351.a.23.

AG-Controlled viruses	Previous CCL designation	Current CCL designation
Laguna Negra virus	ECCN 1C351.a.16	ECCN 1C351.a.24.
Lassa fever virus	ECCN 1C351.a.17	ECCN 1C351.a.25.
Louping ill virus	ECCN 1C351.a.18	ECCN 1C351.a.26.
Lujo virus	ECCN 1C351.a.19	ECCN 1C351.a.27.
Lumpy skin disease virus	ECCN 1C352.a.16	ECCN 1C351.a.28.
Lymphocytic choriomeningitis virus	ECCN 1C351.a.20	ECCN 1C351.a.29.
Machupo virus	ECCN 1C351.a.21	ECCN 1C351.a.30.
Marburg virus	ECCN 1C351.a.22	ECCN 1C351.a.31.
Monkey pox virus	ECCN 1C351.a.23	ECCN 1C351.a.32.
Murray Valley encephalitis virus	ECCN 1C351.a.24	ECCN 1C351.a.33.
Newcastle disease virus	ECCN 1C352.a.9	ECCN 1C351.a.34.
Nipah virus	ECCN 1C351.a.25	ECCN 1C351.a.35.
Omsk haemorrhagic fever virus	ECCN 1C351.a.26	ECCN 1C351.a.36.
Oropouche virus	ECCN 1C351.a.27	ECCN 1C351.a.37.
Peste des petits ruminants virus	ECCN 1C352.a.10	ECCN 1C351.a.38.
Porcine enterovirus type 9 (syn.: swine vesicular disease virus)	ECCN 1C352.a.11	ECCN 1C351.a.39.
Powassan virus	ECCN 1C351.a.28	ECCN 1C351.a.40.
Rabies virus and other members of the Lyssavirus genus	ECCN 1C352.a.8	ECCN 1C351.a.41.
Rift Valley fever virus	ECCN 1C351.a.29	ECCN 1C351.a.42.
Rinderpest virus	ECCN 1C352.a.12	ECCN 1C351.a.43.
Rocio virus	ECCN 1C351.a.30	ECCN 1C351.a.44.
Sabia virus	ECCN 1C351.a.31	ECCN 1C351.a.45.
Seoul virus	ECCN 1C351.a.32	ECCN 1C351.a.46.
Sheep pox virus	ECCN 1C352.a.13	ECCN 1C351.a.47.
Sin nombre virus	ECCN 1C351.a.33	ECCN 1C351.a.48.
St. Louis encephalitis virus	ECCN 1C351.a.34	ECCN 1C351.a.49.
Teschen disease virus	ECCN 1C352.a.14	ECCN 1C351.a.50.
Tick-borne encephalitis virus (Russian Spring-Summer encephalitis virus)	ECCN 1C351.a.35	ECCN 1C351.a.51.
Variola virus	ECCN 1C351.a.36	ECCN 1C351.a.52.
Venezuelan equine encephalitis virus	ECCN 1C351.a.37	ECCN 1C351.a.53.
Vesicular stomatitis virus	ECCN 1C352.a.15	ECCN 1C351.a.54.
Western equine encephalitis virus	ECCN 1C351.a.38	ECCN 1C351.a.55.
Yellow fever virus	ECCN 1C351.a.39	ECCN 1C351.a.56.

The redesignations of, and additions to, the bacteria controlled under ECCN 1C351.c are indicated in the following table. The designations of the bacteria listed in ECCN 1C351.c.1 through .c.14 were not affected by the amendments to ECCN 1C351 and the removal of ECCN 1C352.

AG-Controlled bacteria	Previous CCL designation	Current CCL designation
Mycoplasma capricolum subspecies capripneumoniae (“strain F38”)	ECCN 1C352.b.1.b	ECCN 1C351.c.15.
Mycoplasma mycoides subspecies mycoides SC (small colony) (a.k.a. contagious bovine pleuropneumonia).	ECCN 1C352.b.1.a	ECCN 1C351.c.16.
Rickettsia prowazekii	ECCN 1C351.c.15	ECCN 1C351.c.17.
Salmonella typhi	ECCN 1C351.c.16	ECCN 1C351.c.18.
Shiga toxin producing Escherichia coli (STEC)	ECCN 1C351.c.17	ECCN 1C351.c.19.
Shigella dysenteriae	ECCN 1C351.c.18	ECCN 1C351.c.20.
Vibrio cholerae	ECCN 1C351.c.19	ECCN 1C351.c.21.
Yersinia pestis	ECCN 1C351.c.20	ECCN 1C351.c.22.

Conforming Amendments

This rule also makes a number of conforming amendments to other EAR provisions to reflect the removal of ECCN 1C352 and the merger of the animal pathogens previously controlled under this ECCN with the human pathogens and toxins controlled under ECCN 1C351.

Specifically, this rule amends Section 740.20 (License Exception Strategic Trade Authorization (STA)) by removing two references to ECCN 1C352 from paragraph (b)(2)(v), which excludes from STA eligibility certain items on the CCL that are subject to chemical/biological (CB) license requirements to destinations indicated under CB Column 1 on the Commerce Country Chart (Supplement No. 1 to part 738 of the EAR). This rule also removes the reference to ECCN 1C352 from Section 742.2(a)(1)(i), which identifies the items on the CCL that require a license for CB reasons to destinations indicated under CB Column 1 on the Commerce Country Chart.

In addition, this rule amends Supplement No. 1 to part 742 (Non-proliferation of Chemical and Biological Weapons) to remove references to ECCN 1C352 from paragraph (3), paragraphs (9)(ii) and (9)(iii), and paragraph (12). This rule also amends Section 752.3 to remove the reference to ECCN 1C352 from paragraph (a)(2), which identifies items controlled for CB reasons that are excluded from eligibility for Special Comprehensive Licenses. None of these changes affect the application of the aforementioned EAR provisions to the items previously controlled under ECCN 1C352, because all of these items are now controlled under ECCN 1C351, which continues to be referenced by each of these EAR provisions.

This rule also makes conforming amendments to ECCNs 1C353, 1C991, 1E001, and 1E351 to reflect the removal of ECCN 1C352 and the merger of the animal pathogens previously controlled under this ECCN with the human

pathogens and toxins controlled under ECCN 1C351. Specifically, this rule amends the List of Items controlled section in ECCN 1C353 to remove references to ECCN 1C352 from: (1) The Related Controls paragraph; (2) paragraphs .a.1 and .b.1 of the ''Items'' paragraph; and (3) the introductory text and paragraph .b of Technical Note 3 to ECCN 1C353. ECCN 1C991 is amended to remove the reference to ECCN 1C352 from paragraph .a of the ''Items'' paragraph under the List of Items Controlled section. The License Requirements section of ECCN 1E001 is amended by removing the reference to ECCN 1C352 from the ''Control(s)'' language for ''Country Chart—CB Column 1.'' In addition, this rule amends ECCN 1E351 to remove references to ECCN 1C352 from the ECCN heading and from the ''Control(s)'' language for ''Country Chart—CB Column 1'' in the License Requirements section of the ECCN. None of these changes affect the controls in ECCNs 1C353, 1C991, 1E001, and 1E351 on items related to former ECCN 1C352, because each of these ECCNs continues to control items related to ECCN 1C351, which now includes all of the items that were controlled under ECCN 1C352 prior to the publication of this rule.

Amendments to ECCN 2B350 (Dual-Use Chemical Manufacturing Facilities and Equipment)

The AG intersessional recommendations adopted in February 2014 made changes to the AG ''Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology and Software.'' This rule amends Export Control Classification Number (ECCN) 2B350 to reflect the AG intersessional changes to this AG common control list. Specifically, ECCN 2B350 (Chemical Manufacturing Facilities and Equipment) is amended by revising the controls in 2B350.g on valves, casings (valve bodies) designed for such valves, and preformed casing liners designed for such valves. Prior to the publication of this final rule, 2B350.g controlled valves with nominal sizes greater than 1.0 cm (⅜ in.), and casings (valve bodies) or preformed casing liners designed for such valves, in which all surfaces that come in direct contact with the chemical(s) being produced, processed, or contained are made from specified materials. These valves, casings, and preformed casing liners continue to be controlled under 2B350.g, but the controls have been expanded, to control valves, in addition to those described above, that have all of the following characteristics: (1) A nominal size equal to or greater than 2.54 cm (1 inch) and equal to or less than 10.16 cm (4 inches); (2) casings (valve bodies) or preformed casing liners in which all surfaces that come in direct contact with the chemical(s) being produced, processed, or contained are made from specified materials; and (3) a closure element designed to be interchangeable. These two categories of valves are now controlled under 2B350.g.1 and .g.2, respectively, while the casings (valve bodies) or preformed casing liners designed for such valves are controlled under 2B350.g.3.

In addition, this rule adds a new Technical Note 1 to 2B350.g to indicate that all surfaces of the valves controlled by 2B350g.1, and the casings (valve bodies) and preformed casing liners controlled by 2B350.g.3, that come in direct contact with the chemical(s) being produced, processed, or contained are controlled by 2B350.g if they are made from any of the following materials:

a. Alloys with more than 25% nickel and 20% chromium by weight;

b. Nickel or alloys with more than 40% nickel by weight;

c. Fluoropolymers (polymeric or elastomeric materials with more than 35% fluorine by weight);

d. Glass (including vitrified or enameled coating or glass lining);

e. Tantalum or tantalum alloys;

f. Titanium or titanium alloys;

g. Zirconium or zirconium alloys;

h. Niobium (columbium) or niobium alloys; or

i. Ceramic materials, as follows:

i.1. Silicon carbide with a purity of 80% or more by weight;

i.2. Aluminum oxide (alumina) with a purity of 99.9% or more by weight; or

i.3. Zirconium oxide (zirconia).

The materials specified in new Technical Note 1 to 2B350.g are identical to those identified, prior to the publication of this rule, in ECCN 2B350.g.1 through g.9. The Technical Note to 2B350.g that defined ''nominal size,'' for purposes of 2B350.g, is now designated as Technical Note 2 to 2B350.g.

The overall impact of the AG intersessional changes on ECCN 2B350.g was the addition of another category of valves under 2B350.g.2, together with casings (valve bodies) and preformed casing liners designed for such valves having the characteristics described in 2B350.g.3. Although the casings (valve bodies) and preformed casing liners for valves described in 2B350.g.2 are controlled separately, under 2B350.g.3, the presence of these components in valves not controlled under 2B350.g.1 that have a nominal size equal to or greater than 2.54 cm (1 inch) and equal to or less than 10.16 cm (4 inches), and a closure element that is designed to be interchangeable, makes such valves subject to control under 2B350.g.2.

This rule also amends ECCN 2B350 to reflect the adoption by the AG of the November 2013 intersessional recommendation concerning pumps described on the AG ''Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology and Software.'' Specifically, this rule adds a new Technical Note to ECCN 2B350.i to clarify how the terms ''multi-seal'' and ''seal-less'' are used with respect to the controls on pumps described in this ECCN. The new Technical Note explains that the term seals, as used in the ECCN 2B350.i controls on pumps, refers to seals that come into direct contact with the chemical(s) being processed (or that are designed to do so) and that provide a sealing function where a rotary or reciprocating drive shaft passes through the pump body.

Conforming Change to ECCN 1C350 (Precursor Chemicals)

In addition to the AG intersessional changes described above, this rule amends ECCN 1C350 (Precursor chemicals) by adding a Technical Note 3 at the end of the License Requirements section of this ECCN. This new Technical Note is intended to provide guidance, consistent with the AG ''List of Chemical Weapons Precursors,'' in determining whether a particular precursor chemical or mixture is controlled under ECCN 1C350. Technical Note 3 states that the CAS numbers indicated in ECCN 1C350 are intended to assist in identifying whether a particular precursor chemical or mixture is controlled under this ECCN, irrespective of nomenclature. However, this Technical Note also cautions that precursor chemicals of the same structural formula (*e.g.,* hydrates) are controlled by ECCN 1C350, regardless of name or CAS number, and that CAS numbers cannot be used as unique identifiers in all situations because some forms of the listed precursor chemical have different CAS numbers, and mixtures containing a precursor chemical listed in ECCN 1C350 may also have different CAS numbers.

License Exception LVS Authorized for ECCN 2B350 Items

In a change unrelated to any revisions to the AG common control lists or guidelines, this rule also amends ECCN 2B350 (Chemical Manufacturing Facilities and Equipment) to authorize

the use of License Exception LVS (shipments of limited value) for single shipments of $2,000 or less. This change is consistent with the requirements of Section 740.3 of the EAR, except that eligible destinations for ECCN 2B350 items under License Exception LVS are limited to those Country Group B destinations indicated in Supplement No. 1 to part 740 of the EAR that are not also included in Country Group D:3 (Chemical & Biological).

Clarification of License Exception RPL Requirements

BIS has received a number of inquiries concerning the requirements of the License Exception RPL (servicing and replacement of parts and equipment) ''one-for-one replacement'' provisions with respect to commodities controlled under ECCN 2B350 on the CCL. In particular, exporters have requested clarification concerning the requirement in Section 740.10(a)(2)(iii) of the EAR that ''the parts, components, accessories, or attachments to be replaced must either be destroyed abroad or returned promptly to the person who supplied the replacements, or to a foreign firm that is under the effective control of that person.'' The major concern expressed, in this regard, is whether an item (*i.e.,* a commodity in ECCN 2B350) would be considered to be ''destroyed,'' for purposes of this requirement, if that item were not repairable.

BIS considers a commodity (*e.g.,* a commodity controlled under ECCN 2B350) to be ''destroyed,'' for purposes of the RPL requirement in Section 740.10(a)(2)(iii) of the EAR, if that commodity is: (1) No longer capable of functioning for the purpose for which it was designed (*i.e.,* due to normal wear and tear, a defect, or damage); and (2) not capable of being repaired to function for the purpose for which it was designed. In addition, a commodity that is identified on the CCL will be considered to be ''destroyed'' only if that commodity no longer possesses the characteristics that made it subject to control by the ECCN under which it was classified prior to its being ''destroyed'' (*i.e.,* the classification of the commodity must change and the resulting commodity may be designated as EAR99, provided that it is not enumerated or otherwise described in another ECCN on the CCL).

This interpretation by BIS is consistent with, but broader in scope than, the treatment of certain ''scrap'' described in Interpretation #7 under Section 770.2 of the EAR, which applies to specified items that are no longer capable of functioning for the purpose for which they were designed, or of being repaired to function for that purpose, because the items have been damaged (*e.g.,* by means of mangling, crushing, or cutting) to such a degree that they have been rendered useless (*i.e.,* beyond the possibility of restoration to their original identity and condition). The difference is that Interpretation #7 addresses only a single method by which items can be ''destroyed'' (*i.e.,* damage to the item), while BIS's interpretation of the term ''destroyed,'' as used in RPL, also refers to the inability of an item to function (*i.e.,* for the purpose for which it was designed,) as a result of normal wear and tear to the item or because of a defect in the item, coupled with the inability to repair the item to restore its functionality. In short, turning an item into ''scrap'' is only one means of ''destroying'' its functionality, for purposes of the EAR.

BIS intends to publish a separate rule that will propose amendments to License Exception RPL and Interpretation #7 (see Section 770.2 of the EAR) in order to provide additional clarification concerning what is meant in the EAR when items are referred to as having been ''destroyed.''

June 2014 AG Plenary Understandings

This rule does not contain any changes based on the understandings reached at the June 2014 AG Plenary meeting, because no amendments to the EAR were required as a result of these understandings.

Effect of This Rule on the Scope of the CB Controls in the EAR

The changes made by this rule only marginally affect the scope of the EAR controls on human and animal pathogens/toxins and chemical manufacturing facilities/equipment.

Although the ECCN 2B350.g controls on valves, casings (valve bodies) designed for such valves, and preformed casing liners designed for such valves were expanded, the expanded controls apply only to a relatively small percentage of items not controlled under 2B350.g prior to the publication of this rule. Consequently, any increase in the number of license applications resulting from this change is not expected to be significant, when considered as a percentage of all such items. Furthermore, any increase in the number of license applications submitted to BIS, as a result of the amendments to ECCN 2B350.g, is expected to be offset by the amendment to ECCN 2B350 that authorizes the use of License Exception LVS for all items controlled by this ECCN, subject to the requirements described in Section 740.3 of the EAR and the specific limitations indicated in the LVS paragraph of this ECCN.

In addition, the scope of the CCL-based CB controls on human and animal pathogens and toxins was not affected by the merger of the animal pathogens previously controlled under ECCN 1C352 with the human pathogens and toxins in ECCN 1C351 (*i.e.,* no pathogens or toxins were either added to, or removed from, the CCL, nor were there any changes in the scope of the CB license requirements for any of these pathogens or toxins). Therefore, these changes are not expected to have a significant impact on the number of license applications that will have to be submitted for such items.

The conforming amendments to Section 740.20(b)(2)(v), Section 742.2(a)(1)(i), Supplement No. 1 to part 742 (*i.e.,* paragraphs (3), (9)(ii), (9)(iii), and (12) of the Supplement) and Section 752.3(a)(2), as described above, did not have any effect on the application of these provisions to the items that were controlled under ECCN 1C352 prior to the publication of this rule. Although these EAR provisions no longer contain references to ECCN 1C352, they continue to reference ECCN 1C351, which now includes the animal pathogens previously controlled under ECCN 1C352.

The conforming amendments to ECCNs 1C353, 1C991, 1E001, and 1E351, as described above, also did not have any effect on the scope of the CCL-based CB controls on items related to human and animal pathogens and toxins (*e.g.,* genetic elements, vaccines, and technology related to such pathogens and toxins). Although ECCNs 1C353, 1C991, 1E001, and 1E351 no longer contain references to ECCN 1C352, they continue to reference ECCN 1C351, which now includes the animal pathogens that were controlled under ECCN 1C352 prior to the publication of this rule. For this reason, the removal of ECCN 1C352 by this rule did not affect either the scope of the items controlled under ECCN 1C353, 1C991, 1E001, or 1E351 for CB reasons or the level of CB controls applicable to such items. Therefore, these conforming changes are not expected to have a significant impact on the number of license applications that will have to be submitted for such items.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013),

and as extended by the Notice of August 7, 2014, 79 FR 46959 (August 11, 2014), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant regulatory action,'' although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule contains a collection of information subject to the requirements of the PRA. This collection has been approved by OMB under Control Number 0694–0088 (Multi-Purpose Application), which carries a burden hour estimate of 58 minutes to prepare and submit form BIS–748. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Jasmeet Seehra, Office of Management and Budget (OMB), and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, as indicated in the **ADDRESSES** section of this rule.

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

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (See 5 U.S.C. 553(a)(1)). Immediate implementation of these amendments is non-discretionary and fulfills the United States' international obligation to the Australia Group (AG). The AG contributes to international security and regional stability through the harmonization of export controls and seeks to ensure that exports do not contribute to the development of chemical and biological weapons. The AG consists of 41 member countries that act on a consensus basis and the amendments set forth in this rule implement changes made to the AG common control lists (as a result of the adoption of the recommendations made at the November 2013 AG intersessional meeting) and other changes that are necessary to ensure consistency with the controls maintained by the AG. Since the United States is a significant exporter of the items in this rule, immediate implementation of this provision is necessary for the AG to achieve its purpose. Any delay in implementation will create a disruption in the movement of affected items globally because of disharmony between export control measures implemented by AG members, resulting in tension between member countries. Export controls work best when all countries implement the same export controls in a timely and coordinated manner.

Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form.

List of Subjects

15 CFR Parts 740 and 752

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 742

Administrative practice and procedure, Chemicals, Exports, Foreign trade, Reporting and recordkeeping requirements.

15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, parts 740, 742, 752 and 774 of the Export Administration Regulations (15 CFR parts 730–774) are amended as follows:

PART 740—[AMENDED]

■ 1. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 7201 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2014, 79 FR 46959 (August 11, 2014).

§ 740.20 [Amended]

■ 2. In § 740.20:

■ a. Remove ''1C352,'' where it appears, twice, in paragraph (b)(2)(v); and

■ b. Remove ''1C353, or'' and add in its place ''1C353 or'' in the parenthetical in paragraph (b)(2)(v).

PART 742—[AMENDED]

■ 3. The authority citation for 15 CFR part 742 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 7, 2014, 79 FR 46959 (August 11, 2014); Notice of November 7, 2014, 79 FR 67035 (November 12, 2014).

§ 742.2 [Amended]

■ 4. In § 742.2, remove ''1C352,'' where it appears in paragraph (a)(1)(i).

Supplement No. 1 to Part 742—[Amended]

■ 5. In Supplement No. 1 to part 742, remove ''1C352,'' where it appears in paragraph (3), in paragraphs (9)(ii) and (9)(iii), and in paragraph (12).

PART 752—[AMENDED]

■ 6. The authority citation for 15 CFR part 752 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2014, 79 FR 46959 (August 11, 2014).

§ 752.3 [Amended]

■ 7. In § 752.3, remove ''1C352,'' where it appears in paragraph (a)(2).

PART 774—[AMENDED]

■ 8. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2014, 79 FR 46959 (August 11, 2014).

■ 9. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1C350 is amended by adding a new Technical Note 3 at the end of the License Requirements section to read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

* * * * *

1C350 Chemicals that may be used as precursors for toxic chemical agents (see List of Items Controlled).

License Requirements

* * * * *

Technical Notes: 1. * * *

2. * * *

3. Precursor chemicals in ECCN 1C350 are listed by name, Chemical Abstract Service (CAS) number and CWC Schedule (where applicable). Precursor chemicals of the same structural formula (e.g., hydrates) are controlled by ECCN 1C350, regardless of name or CAS number. CAS numbers are shown to assist in identifying whether a particular precursor chemical or mixture is controlled under ECCN 1C350, irrespective of nomenclature. However, CAS numbers cannot be used as unique identifiers in all situations because some forms of the listed precursor chemical have different CAS numbers, and mixtures containing a precursor chemical listed in ECCN 1C350 may also have different CAS numbers.

* * * * *

■ 10. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1C351 is revised to read as follows:

1C351 Human and animal pathogens and ''toxins'', as follows (see List of Items Controlled).

License Requirements

Reason for Control: CB, CW, AT

Control(s)	*Country chart (See Supp. No. 1 to part 738)*
CB applies to entire entry.	CB Column 1.

CW applies to 1C351.d.11 and d.12 and a license is required for CW reasons for all destinations, including Canada, as follows: CW applies to 1C351.d.11 for ricin in the form of (1) Ricinus Communis Agglutinin$_{II}$ (RCA$_{II}$), also known as ricin D or Ricinus Communis Lectin$_{III}$ (RCL$_{III}$) and (2) Ricinus Communis Lectin$_{IV}$ (RCL$_{IV}$), also known as ricin E. CW applies to 1C351.d.12 for saxitoxin identified by C.A.S. #35523–89–8. See § 742.18 of the EAR for licensing information pertaining to chemicals subject to restriction pursuant to the Chemical Weapons Convention (CWC). The Commerce Country Chart is not designed to determine licensing requirements for items controlled for CW reasons.

Control(s)	*Country chart (See Supp. No. 1 to part 738)*
AT applies to entire entry.	AT Column 1.

License Requirement Notes: 1. All vaccines and ''immunotoxins'' are excluded from the scope of this entry. Certain medical products and diagnostic and food testing kits that contain biological toxins controlled under paragraph (d) of this entry, with the exception of toxins controlled for CW reasons under d.11 and d.12, are excluded from the scope of this entry. Vaccines, ''immunotoxins'', certain medical products, and diagnostic and food testing kits excluded from the scope of this entry are controlled under ECCN 1C991.

2. For the purposes of this entry, only saxitoxin is controlled under paragraph d.12; other members of the paralytic shellfish poison family (*e.g.,* neosaxitoxin) are designated EAR99.

3. Clostridium perfringens strains, other than the epsilon toxin-producing strains of Clostridium perfringens described in c.12, are excluded from the scope of this entry, since they may be used as positive control cultures for food testing and quality control.

4. Unless specified elsewhere in this ECCN 1C351 (*e.g.,* in License Requirement Notes 1–3), this ECCN controls all biological agents and ''toxins,'' regardless of quantity or attenuation, that are identified in the List of Items Controlled for this ECCN, including small quantities or attenuated strains of select biological agents or ''toxins'' that are excluded from the lists of select biological agents or ''toxins'' by the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, or the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services, in accordance with their regulations in 9 CFR part 121 and 42 CFR part 73, respectively.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

Special Conditions for STA

STA: (1) Paragraph (c)(1) of License Exception STA (§ 740.20(c)(1)) may be used for items in 1C351.d.1 through 1C351.d.10 and 1C351.d.13 through 1C351.d.19. See § 740.20(b)(2)(vi) for restrictions on the quantity of any one toxin that may be exported in a single shipment and the number of shipments that may be made to any one end user in a single calendar year. Also see the Automated Export System (AES) requirements in § 758.1(b)(4) of the EAR. (2) Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any items in 1C351.

List of Items Controlled

Related Controls: (1) Certain forms of ricin and saxitoxin in 1C351.d.11. and d.12 are CWC Schedule 1 chemicals (see § 742.18 of the EAR). The U.S. Government must provide advance notification and annual reports to the OPCW of all exports of Schedule 1 chemicals. See § 745.1 of the EAR for notification procedures. See 22 CFR part 121, Category XIV and § 121.7 for CWC Schedule 1 chemicals that are ''subject to the ITAR.'' (2) The Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, and the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services, maintain controls on the possession, use, and transfer within the United States of certain items controlled by this ECCN (for APHIS, see 7 CFR 331.3(b), 9 CFR 121.3(b), and 9 CFR 121.4(b); for CDC, see 42 CFR 73.3(b) and 42 CFR 73.4(b)). (3) See 22 CFR part 121, Category XIV(b), for modified biological agents and biologically derived substances that are ''subject to the ITAR.''

Related Definitions: (1) For the purposes of this entry ''immunotoxin'' is defined as an antibody-toxin conjugate intended to destroy specific target cells (*e.g.,* tumor cells) that bear antigens homologous to the antibody. (2) For the purposes of this entry ''subunit'' is defined as a portion of the ''toxin''.

Items:

a. Viruses identified on the Australia Group (AG) ''List of Human and Animal Pathogens and Toxins for Export Control,'' as follows:

a.1. African horse sickness virus;

a.2. African swine fever virus;

a.3. Andes virus;

a.4. Avian influenza (AI) viruses identified as having high pathogenicity (HP), as follows:

a.4.a. AI viruses that have an intravenous pathogenicity index (IVPI) in 6-week-old chickens greater than 1.2; *or*

a.4.b. AI viruses that cause at least 75% mortality in 4- to 8-week-old chickens infected intravenously.

Note: Avian influenza (AI) viruses of the H5 or H7 subtype that do not have either of the characteristics described in 1C352.a.4 (specifically, 1C352.a.4.a or a.4.b) should be sequenced to determine whether multiple basic amino acids are present at the cleavage site of the haemagglutinin molecule (HA0). If

the amino acid motif is similar to that observed for other HPAI isolates, then the isolate being tested should be considered as HPAI and the virus is controlled under 1C352.a.4.

a.5. Bluetongue virus;
a.6. Chapare virus;
a.7. Chikungunya virus;
a.8. Choclo virus;
a.9. Congo-Crimean haemorrhagic fever virus (a.k.a. Crimean-Congo haemorrhagic fever virus);
a.10. Dengue fever virus;
a.11. Dobrava-Belgrade virus;
a.12. Eastern equine encephalitis virus;
a.13. Ebola virus;
a.14. Foot and mouth disease virus;
a.15. Goat pox virus;
a.16. Guanarito virus;
a.17. Hantaan virus;
a.18. Hendra virus (Equine morbillivirus);
a.19. Herpes virus (Aujeszky's disease);
a.20. Hog cholera virus (Swine fever virus);
a.21. Japanese encephalitis virus;
a.22. Junin virus;
a.23. Kyasanur Forest virus;
a.24. Laguna Negra virus;
a.25. Lassa fever virus;
a.26. Louping ill virus;
a.27. Lujo virus;
a.28. Lumpy skin disease virus;
a.29. Lymphocytic choriomeningitis virus;
a.30. Machupo virus;
a.31. Marburg virus;
a.32. Monkey pox virus;
a.33. Murray Valley encephalitis virus;
a.34. Newcastle disease virus;
a.35. Nipah virus;
a.36. Omsk haemorrhagic fever virus;
a.37. Oropouche virus;
a.38. Peste des petits ruminants virus;
a.39. Porcine enterovirus type 9 (swine vesicular disease virus);
a.40. Powassan virus;
a.41. Rabies virus and all other members of the Lyssavirus genus;
a.42. Rift Valley fever virus;
a.43. Rinderpest virus;
a.44. Rocio virus;
a.45. Sabia virus;
a.46. Seoul virus;
a.47. Sheep pox virus;
a.48. Sin nombre virus;
a.49. St. Louis encephalitis virus;
a.50. Teschen disease virus;
a.51. Tick-borne encephalitis virus (Far Eastern subtype, formerly known as Russian Spring-Summer encephalitis virus—see 1C351.b.3 for Siberian subtype);
a.52. Variola virus;
a.53. Venezuelan equine encephalitis virus;
a.54. Vesicular stomatitis virus;
a.55. Western equine encephalitis virus; *or*
a.56. Yellow fever virus.

b. Viruses identified on the APHIS/CDC ''select agents'' lists (see Related Controls paragraph #2 for this ECCN), but not identified on the Australia Group (AG) ''List of Human and Animal Pathogens and Toxins for Export Control,'' as follows:

b.1. Reconstructed replication competent forms of the 1918 pandemic influenza virus containing any portion of the coding regions of all eight gene segments;
b.2. SARS-associated coronavirus (SARS-CoV); *or*
b.3. Tick-borne encephalitis virus (Siberian subtype, formerly West Siberian virus—see 1C351.a.51 for Far Eastern subtype).

c. Bacteria identified on the Australia Group (AG) ''List of Human and Animal Pathogens and Toxins for Export Control,'' as follows:

c.1. Bacillus anthracis;
c.2. Brucella abortus;
c.3. Brucella melitensis;
c.4. Brucella suis;
c.5. Burkholderia mallei (Pseudomonas mallei);
c.6. Burkholderia pseudomallei (Pseudomonas pseudomallei);
c.7. Chlamydophila psittaci (formerly known as Chlamydia psittaci);
c.8. Clostriduim argentinense (formerly known as Clostridium botulinum Type G), botulinum neurotoxin producing strains;
c.9. Clostridium baratii, botulinum neurotoxin producing strains;
c.10. Clostridium botulinum;
c.11. Clostridium butyricum, botulinum neurotoxin producing strains;
c.12. Clostridium perfringens, epsilon toxin producing types;
c.13. Coxiella burnetii;
c.14. Francisella tularensis;
c.15. Mycoplasma capricolum subspecies capripneumoniae (''strain F38'');
c.16. Mycoplasma mycoides subspecies mycoides SC (small colony) (a.k.a. contagious bovine pleuropneumonia);
c.17. Rickettsia prowazekii;
c.18. Salmonella typhi;
c.19. Shiga toxin producing Escherichia coli (STEC) of serogroups O26, O45, O103, O104, O111, O121, O145, O157, and other shiga toxin producing serogroups;

Note: Shiga toxin producing Escherichia coli (STEC) is also known as enterohaemorrhagic E. coli (EHEC) or verocytotoxin producing E. coli (VTEC).

c.20. Shigella dysenteriae;
c.21. Vibrio cholerae; *or*
c.22. Yersinia pestis.

d. ''Toxins'' identified on the Australia Group (AG) ''List of Human and Animal Pathogens and Toxins for Export Control,'' as follows, and ''subunits'' thereof:

d.1. Abrin;
d.2. Aflatoxins;
d.3. Botulinum toxins;
d.4. Cholera toxin;
d.5. Clostridium perfringens alpha, beta 1, beta 2, epsilon and iota toxins;
d.6. Conotoxin;
d.7. Diacetoxyscirpenol toxin;
d.8. HT–2 toxin;
d.9. Microcystin (Cyanginosin);
d.10. Modeccin toxin;
d.11. Ricin;
d.12. Saxitoxin;
d.13. Shiga toxin;
d.14. Staphylococcus aureus enterotoxins, hemolysin alpha toxin, and toxic shock syndrome toxin (formerly known as Staphylococcus enterotoxin F);
d.15. T–2 toxin;
d.16. Tetrodotoxin;
d.17. Verotoxin and other Shiga-like ribosome inactivating proteins;
d.18. Viscum Album Lectin 1 (Viscumin); *or*
d.19. Volkensin toxin.

e. ''Fungi'', as follows:
e.1. Coccidioides immitis; *or*
e.2. Coccidioides posadasii.

■ 11. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1C352 is removed.

■ 12. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1C353 is amended under the List of Items Controlled section:

■ a. By removing the phrase ''ECCN 1C351, 1C352, or 1C354'' and adding in its place the phrase ''ECCN 1C351 or 1C354'' in the first sentence of the ''Related Controls'' paragraph;

■ b. By removing the phrase ''1C351.a to .c, 1C352, or 1C354'' and adding in its place the phrase ''1C351.a to .c or 1C354'' in paragraph a.1 of the ''Items'' paragraph;

■ c. By removing the phrase ''1C351.a to .c, 1C352,'' and adding in its place the phrase ''1C351.a to .c or 1C354;'' in paragraph b.1 of the ''Items'' paragraph; and

■ d. By removing the phrase ''1C351.a to .c 1C352, or 1C354'' and adding in its place the phrase ''1C351.a to .c or 1C354'' in the introductory text of Technical Note 3 and in paragraph b. of Technical Note 3.

■ 13. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1C991 is amended, under the ''List of Items Controlled'' section, by removing the phrase ''ECCN 1C351, 1C352, 1C353 or 1C354'' and adding in its place the phrase ''ECCN 1C351, 1C353 or 1C354'' in paragraph a. of the ''Items'' paragraph.

■ 14. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1E001 is amended by revising the entry for ''Country Chart—CB Column 1'' in the License Requirements section to read as follows:

1E001 ''Technology'' according to the General Technology Note for the ''development'' or ''production'' of items controlled by 1A001.b, 1A001.c, 1A002, 1A003, 1A004, 1A005, 1A006.b, 1A007, 1A008 1A101, 1B (except 1B608, 1B613 or 1B999), or 1C (except 1C355, 1C608, 1C980 to 1C984, 1C988, 1C990, 1C991, 1C995 to 1C999).

License Requirements

Reason for Control: NS, MT, NP, CB, RS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
* * * * *	
CB applies to ''technology'' for items controlled by 1C351, 1C353, or 1C354.	CB Column 1.
* * * * *	

* * * * *

■ 15. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' ECCN 1E351 is amended by revising the ECCN heading and by revising the entry for ''Country Chart—CB Column 1'' in the License Requirements section to read as follows:

1E351 ''Technology'' according to the General Technology Note for the disposal of chemicals or microbiological materials controlled by 1C350, 1C351, 1C353, or 1C354.

License Requirements

Reason for Control: NS, MT, NP, CB, RS, AT

Control(s)	*Country chart (see Supp. No. 1 to part 738)*
CB applies to ''technology'' for items controlled by 1C351, 1C353, or 1C354.	CB Column 1.
* * * * *	

* * * * *

■ 16. In Supplement No. 1 to Part 774 (the Commerce Control List), Category 2—Materials Processing, ECCN 2B350 is amended by revising the ''LVS'' paragraph in the List Based License Exceptions section and also, under the List of Items Controlled section, by revising paragraph g. in the ''Items'' paragraph, by redesignating the Technical Note to 2B350.g as Technical Note 2 to 2B350.g, by adding a Technical Note 1 to 2B350.g immediately preceding Technical Note 2, and by adding a Technical Note to 2B350.i immediately following 2B350.i.11, to read as follows:

2B350 Chemical manufacturing facilities and equipment, except valves controlled by 2A226 or 2A292, as follows (see List of Items Controlled).

* * * * *

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: $2,000 for all Country Group B destinations, *except* those also listed under Country Group D:3 (see Supplement No. 1 to part 740 of the EAR).

GBS: * * *

CIV: * * *

List of Items Controlled

Related Controls: * * *

Related Definition: * * *

Items:

* * * * *

g. Valves, as follows:

g.1. Valves having both of the following characteristics:

g.1.a. A nominal size greater than 1.0 cm (⅜ in.); *and*

g.1.b. All surfaces that come in direct contact with the chemical(s) being produced, processed, or contained are made from materials identified in Technical Note 1 to 2B350.g.

g.2. Valves, except for valves controlled by 2B350.g.1, having all of the following characteristics:

g.2.a. A nominal size equal to or greater than 2.54 cm (1 inch) and equal to or less than 10.16 cm (4 inches);

g.2.b. Casings (valve bodies) or preformed casing liners controlled by 2B350.g.3, in which all surfaces that come in direct contact with the chemical(s) being produced, processed, or contained are made from materials identified in Technical Note 1 to 2B350.g; *and*

g.2.c. A closure element designed to be interchangeable.

g.3. Casings (valve bodies) and preformed casing liners having both of the following characteristics:

g.3.a. Designed for valves in 2B350.g.1 or .g.2; *and*

g.3.b. All surfaces that come in direct contact with the chemical(s) being produced, processed, or contained are made from materials identified in Technical Note 1 to 2B350.g.

Technical Note 1 to 2B350.g: All surfaces of the valves controlled by 2B350.g.1, and the casings (valve bodies) and preformed casing liners controlled by 2B350.g.3, that come in direct contact with the chemical(s) being produced, processed, or contained are made from the following materials:

a. Alloys with more than 25% nickel and 20% chromium by weight;

b. Nickel or alloys with more than 40% nickel by weight;

c. Fluoropolymers (polymeric or elastomeric materials with more than 35% fluorine by weight);

d. Glass (including vitrified or enameled coating or glass lining);

e. Tantalum or tantalum alloys;

f. Titanium or titanium alloys;

g. Zirconium or zirconium alloys;

h. Niobium (columbium) or niobium alloys; *or*

i. Ceramic materials, as follows:

i.1. Silicon carbide with a purity of 80% or more by weight;

i.2. Aluminum oxide (alumina) with a purity of 99.9% or more by weight; *or*

i.3. Zirconium oxide (zirconia).

* * * * *

i. * * *

Technical Note to 2B350.i: The seals referred to in 2B350.i come into direct contact with the chemical(s) being processed (or are designed to do so), and provide a sealing function where a rotary or reciprocating drive shaft passes through a pump body.

* * * * *

Dated: June 9, 2015.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2015–14471 Filed 6–15–15; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. FDA–2014–F–0364]

Food Additives Permitted for Direct Addition to Food for Human Consumption; TBHQ

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA or we) is amending the food additive regulations by removing the upper bound of the melting point range in the regulation for the antioxidant tertiary butylhydroquinone (TBHQ) and adding a purity acceptance criterion. This action is in response to a petition submitted by Eastman Chemical Company.

DATES: This rule is effective June 16, 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 16, 2015. The Director of the Federal Register approves the incorporation by reference of certain publications listed in the rule as of June 16, 2015.

ADDRESSES: You may submit either electronic or written objections and requests for a hearing identified by Docket No. FDA–2014–F–0364, 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–F–0364 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 number, 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, 240–402–1309.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the **Federal Register** on April 8, 2014 (79 FR 19301), we announced that we filed a food additive petition (FAP 4A4803) submitted by Eastman Chemical Company, c/o Keller and Heckman LLP, 1001 G St. NW., Suite 500 West, Washington, DC 20001 (petitioner). The petition proposed to amend the food additive regulations in § 172.185 (21 CFR 172.185) *TBHQ* by removing the upper bound of the specified melting point range (126.5 °C to 128.5 °C) and by adding an acceptance criterion to measure purity of the additive. Specifically, the petition proposed to allow the use of TBHQ with a melting point that is 126.5 °C or higher. In addition to this change in melting point specification, the petition also proposed to add an acceptance criterion for purity of not less than 99.0 percent TBHQ, as tested by the titration assay specified in the most current edition of the Food Chemicals Codex (FCC).

TBHQ is the chemical 2-(1,1-dimethylethyl)-1,4-benzenediol (Chemical Abstracts Service Registry Number 1948–33–0). In the **Federal Register** of November 30, 1972 (37 FR 25356), we issued a final rule that was codified in 21 CFR 121.1244 to provide for the safe use of TBHQ in food under certain conditions, including a melting point range for TBHQ of 126.5 °C–128.5 °C. An amendment to § 121.1244 was issued in the **Federal Register** of December 10, 1976 (41 FR 53981) to recognize the name ''TBHQ'' as the common name for tertiary butylhydroquinone, and to add the Chemical Abstracts Service Registry Number and nomenclature in the introductory text of § 121.1244. In the **Federal Register** of March 15, 1977 (42 FR 14302 at 14495), TBHQ was recodified from § 121.1244 to § 172.185. No amendments to the TBHQ regulation have been made since then.

II. Evaluation of Petition

The melting point range of 126.5 °C–128.5 °C was originally included by FDA in the regulation for TBHQ as part of the chemical identity of the additive and to ensure purity. The melting point range describes the initial and final temperatures at which the substance melts. Data provided in the subject petition show that TBHQ with an initial melting point of 126.5 °C has a purity of not less than 99 percent, which is consistent with the petitioner's proposed acceptance criterion specification. However, according to the petitioner, analytical and manufacturing variability can result in batches of TBHQ that have a final melting point greater than 128.5 °C, but are of suitably high purity. Using the titration assay for TBHQ in the FCC 9th Edition (the most current edition), the petitioner analyzed multiple samples of TBHQ with a final melting point above 128.5 °C. All samples had a purity of at least 99 percent. Based on their analysis of these data, the petitioner concluded that, while melting point has utility in identifying TBHQ, a maximum melting point specification limit is unnecessary in the regulation to ensure purity. We agree with the petitioner and have concluded that the data provided support their request to remove the upper bound of the melting point range specified in § 172.185(a), and add a purity acceptance criterion of not less than 99 percent determined using the titration assay for TBHQ in the FCC 9th Edition or an equivalent method (Ref. 1).

The petitioner did not propose any modifications to the use or intended technical effect of TBHQ as currently permitted in § 172.185. As such, the petitioner's proposed amendments will have no impact on dietary exposure of TBHQ. Therefore, we did not reevaluate the dietary exposure to TBHQ (Ref. 1). The petitioner also stated that there are no changes to the manufacturing process and therefore no new components will be introduced into the diet.

No new toxicology studies were submitted in support of the safety of the petition request. The petitioner referenced the toxicological data that had been previously submitted and evaluated when the regulation for TBHQ was first issued (37 FR 25356). As part of the safety evaluation for this petition, we conducted an updated literature search for new toxicological studies related to the safety of TBHQ. Our literature search did not reveal any new safety issues with the regulated use of TBHQ or any safety concerns regarding TBHQ with a final melting point in excess of 128.5 °C (Ref. 2).

III. Incorporation by Reference

FDA is incorporating by reference the monograph for TBHQ in the FCC 9th edition (the most current edition), which was approved by the Office of the Federal Register. You may purchase a copy of the material from the United States Pharmacopeial Convention, 12601 Twinbrook Pkwy., Rockville, MD 20852, 1–800–227–8772, *http://www.usp.org/*.

The FCC is a compendium of internationally recognized standards for the purity and identity of food ingredients. The FCC monograph for TBHQ contains a description of a titration assay, which is an analytical method used to determine the purity of TBHQ.

IV. Conclusion

Based on the data and information in the petition and other relevant material, we conclude that the proposed amendments to remove the upper bound of the melting point range in the regulation for TBHQ and to add a purity acceptance criterion are safe and appropriate. Therefore, we are amending the regulations in 21 CFR part 172 as set forth in this document.

V. Public Disclosure

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that we considered and relied upon in reaching our decision to approve the petition will be made available for public disclosure (see **FOR FURTHER INFORMATION CONTACT**). As provided in § 171.1(h), we will delete from the documents any materials that are not available for public disclosure.

VI. Environmental Impact

We have considered the environmental effects of this rule. As stated in the April 8, 2014, **Federal Register** notice of petition for FAP 4A4803 (79 FR 19301), we have determined, under 21 CFR 25.30(i), 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 that determination.

VII. 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.

VIII. 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*.

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

Our review of this petition was limited to section 409 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 348). This final rule is not a statement regarding compliance with other sections of the FD&C Act. For example, the Food and Drug Administration Amendments Act of 2007, which was signed into law on September 27, 2007, amended the FD&C Act to, among other things, add section 301(*ll*) of the FD&C Act (21 U.S.C. 331(*ll*)). Section 301(*ll*) of the FD&C Act 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 this petition, 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 food additive final rules and therefore should not be construed to be a statement of the likelihood that section 301(*ll*) of the FD&C Act applies.

X. 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, to E. Anderson, June 18, 2014.
2. FDA Memorandum from A. Khan to E. Anderson, August 6, 2014.

List of Subjects in 21 CFR Part 172

Food additives, Incorporation by reference, Reporting and recordkeeping requirements.

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 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

■ 1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

■ 2. Amend § 172.185 as follows:

■ a. Revise paragraph (a);

■ b. Redesignate paragraphs (b) and (c) as paragraphs (c) and (d), respectively; and

■ c. Add new paragraph (b).

The revision and addition read as follows:

§ 172.185 TBHQ.

* * * * *

(a) The food additive has a melting point of not less than 126.5 °C.

(b) The percentage of TBHQ in the food additive is not less than 99.0 percent when tested by the assay described in the Food Chemicals Codex, 9th ed. (2014), pp. 1192–1194, which is incorporated by reference, or an equivalent method. The Director of the Office of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies from the United States Pharmacopeial Convention, 12601 Twinbrook Pkwy., Rockville, MD 20852 (Internet address: *http://www.usp.org*). Copies may be examined at the Food and Drug Administration's Main Library, 10903 New Hampshire Ave., Bldg. 2, Third Floor, Silver Spring, MD 20993, 301–796–2039, or 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*.

* * * * *

Dated: June 9, 2015.

Susan Bernard,

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

[FR Doc. 2015–14704 Filed 6–15–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, 526, and 528

[Docket No. FDA–2015–N–0002]

New Animal Drugs; Approval of New Animal Drug Applications; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect application-related actions for new animal drug applications (NADAs) and

abbreviated new animal drug applications (ANADAs) during March and April 2015. FDA is also informing the public of the availability of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to reflect several nonsubstantive changes. These technical amendments are being made to improve the accuracy of the regulations.

DATES: This rule is effective June 16, 2015.

FOR FURTHER INFORMATION CONTACT: George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5689, *george.haibel@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is amending the animal drug regulations to reflect approval actions for NADAs and ANADAs during March and April 2015, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday. Persons with access to the Internet may obtain these documents at the CVM FOIA Electronic Reading Room: *http://www.fda.gov/AboutFDA/CentersOffices/OfficeofFoods/CVM/CVMFOIAElectronicReadingRoom/default.htm.* Marketing exclusivity and patent information may be accessed in FDA's publication, Approved Animal Drug Products Online (Green Book) at: *http://www.fda.gov/AnimalVeterinary/Products/ApprovedAnimalDrugProducts/default.htm.*

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAS AND ANADAS APPROVED DURING MARCH AND APRIL 2015

NADA/ ANADA	Sponsor	New animal drug product name	Action	21 CFR sections	FOIA summary	NEPA review
200–557	Putney, Inc., One Monument Sq., suite 400, Portland, ME 04101.	Tiletamine-Zolazepam Injectable Solution (tiletamine HCl and zolazepam HCl).	Original approval as a generic copy of NADA 106–111.	522.2470	yes ..	CE[1] [2].
200–578	Belcher Pharmaceuticals, LLC, 6911 Bryan Dairy Rd., Largo, FL 33777.	Carprofen Flavored Tablets (carprofen).	Original approval as a generic copy of NADA 141–053.	520.304	yes ..	CE[1] [2].
200–579	Ceva Santé Animale, 10 Avenue de la Ballastière, 33500 Libourne, France.	Altrenogest Solution (altrenogest)	Original approval as a generic copy of NADA 141–222.	520.48	yes ..	CE[1] [2].
141–238	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	SPECTRAMAST LC (ceftiofur intramammary suspension) Sterile Suspension.	Supplemental approval for treatment of diagnosed subclinical mastitis associated with coagulase-negative staphylococci and *Streptococcus dysgalactiae* in lactating dairy cattle.	526.313	yes ..	CE[1] [3].
200–134	Intervet, Inc., 2 Giralda Farms, Madison, NJ 07940.	FERTAGYL (gonadorelin) Sterile Solution.	Supplemental approval under section 512(b)(1) of the FD&C Act for use with cloprostenol injection to synchronize estrous cycles to allow for fixed time artificial insemination (FTAI) in lactating dairy cows.	522.1077	yes ..	EA/FONSI[4].

[1] The Agency has determined that this action is categorically excluded (CE) from the requirement to submit an environmental assessment or an environmental impact statement because it is of a type that does not have a significant effect on the human environment.
[2] CE granted under 21 CFR 25.33(a)(1).
[3] CE granted under 21 CFR 25.33(d)(5).
[4] The Agency has carefully considered an environmental assessment (EA) of the potential environmental impact of this action and has made a finding of no significant impact (FONSI).

In addition during March and April 2015, ownership of, and all rights and interest in, the following approved applications have been transferred as follows:

NADA/ ANADA	Previous sponsor	New animal drug product name	New sponsor	21 CFR section
140–883	Bayer HealthCare LLC, Animal Health Division, P.O. Box 390, Shawnee, Mission, KS 66201.	LEGEND (hyaluronate sodium) Injectable Solution.	Merial, Inc., 3239 Satellite Blvd., Bldg. 500, Duluth, GA 30096.	522.1145
141–188	Bayer HealthCare LLC, Animal Health Division, P.O. Box 390, Shawnee, Mission, KS 66201.	MARQUIS (ponazuril) Antiprotozoal Oral Paste.	Merial, Inc., 3239 Satellite Blvd., Bldg. 500, Duluth, GA 30096.	520.1855
141–294	rEVO Biologics, 175 Crossing Blvd., Framingham, MA 01702.	Bc6 rDNA construct in GTC 155–92 goats.	LFB USA, Inc., 175 Crossing Blvd., Framingham, MA 01702.	528.1070

At this time, the regulations are being amended to reflect these changes of sponsorship.

Following these changes of sponsorship, LFB USA, Inc., is now the sponsor of an approved application.

Accordingly, § 510.600 (21 CFR 510.600) is being amended to add this

firm to the list of sponsors of approved applications.

The animal drug regulations are also being amended to reflect several non-substantive changes. These technical amendments are being made to improve the accuracy of the regulations.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, 526, and 528

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510, 520, 522, 526, and 528 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600, in the table in paragraph (c)(1), remove the entry for ''Abbott Laboratories'' and add in alphabetical order an entry for ''LFB USA, Inc.''; and in the table in paragraph (c)(2), remove the entry for 000044 and add in numerical order an entry for ''086047'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
LFB USA, Inc., 175 Crossing Blvd., Framingham, MA 01702	086047
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
086047	LFB USA, Inc., 175 Crossing Blvd., Framingham, MA 01702
* * * * *	

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 4. In § 520.48, revise paragraph (b) to read as follows:

§ 520.48 Altrenogest.

* * * * *

(b) *Sponsors.* See Nos. 000061 and 013744 in § 510.600(c) of this chapter.

* * * * *

§ 520.88g [Amended]

■ 5. In § 520.88g, in paragraph (c)(2)(i), remove ''(1 milliliter)''.

■ 6. In § 520.154a:

■ a. Revise the section heading;

■ b. In paragraphs (d)(1)(ii), (d)(2)(i)(A), (d)(2)(ii)(A), and (d)(4)(ii), remove ''bacitracin methylene disalicylate'' and in its place add ''bacitracin methylenedisalicylate''; and

■ c. In paragraph (d)(3)(ii), remove ''*Treponema hyodysenteriae''* and in its place add ''*Brachyspira hyodysenteriae''*.

The revision reads as follows:

§ 520.154a Bacitracin methylenedisalicylate.

* * * * *

§ 520.304 [Amended]

■ 7. In § 520.304, in paragraph (b)(3), remove ''No. 026637'' and in its place add ''Nos. 026637 and 062250''.

§ 520.804 [Amended]

■ 8. In § 520.804, redesignate paragraphs (c)(i), (c)(ii), and (c)(iii), as paragraphs (c)(1), (c)(2), and (c)(3).

■ 9. In § 520.1660d, revise paragraph (a)(4) to read as follows:

§ 520.1660d Oxytetracycline powder.

(a) * * *

(4) Each 2.73 grams of powder contains 1 gram of OTC HCl (packets: 2.46 and 9.87 oz, 3.09 and 3.91 lb; pail: 3.09 lb).

* * * * *

§ 520.1855 [Amended]

■ 10. In § 520.1855, in paragraph (b), remove ''000859'' and in its place add ''050604''.

■ 11. In § 520.2218, revise paragraphs (d)(1)(i)(A) and (B), and paragraphs (d)(2)(i)(A) and (B) to read as follows:

§ 520.2218 Sulfamerazine, sulfamethazine, and sulfaquinoxaline powder.

* * * * *

(d) * * *

(1) * * *

(i) * * *

(A) As an aid in the control of coccidiosis caused by *Eimeria tenella* and *E. necatrix* susceptible to sulfamerazine, sulfamethazine, and sulfaquinoxaline: Provide medicated water (0.04 percent solution) for 2 to 3 days, then plain water for 3 days, then medicated water (0.025 percent solution) for 2 days. If bloody droppings appear, repeat at 0.025 percent level for 2 more days. Do not change litter.

(B) As an aid in the control of acute fowl cholera caused by *Pasteurella multocida* susceptible to sulfamerazine, sulfamethazine, and sulfaquinoxaline: Provide medicated water (0.04 percent solution) for 2 to 3 days. If disease recurs, repeat treatment.

* * * * *

(2) * * *

(i) * * *

(A) As an aid in the control of coccidiosis caused by *Eimeria meleagrimitis* and *E. adenoeides* susceptible to sulfamerazine, sulfamethazine, and sulfaquinoxaline: Provide medicated water (0.025 percent solution) for 2 days, then plain water for 3 days, then medicated water (0.025 percent solution) for 2 days, then plain water for 3 days, then medicated water (0.025 percent solution) for 2 days. Repeat if necessary. Do not change litter.

(B) As an aid in the control of acute fowl cholera caused by *Pasteurella multocida* susceptible to sulfamerazine, sulfamethazine, and sulfaquinoxaline: Provide medicated water (0.04 percent solution) for 2 to 3 days. If disease recurs, repeat treatment.

* * * * *

§ 520.2640 [Amended]

■ 12. In § 520.2640, in paragraphs (e)(2)(iii) and (e)(3)(iii), remove the first sentence.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 13. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§§ 522.1073 and 522.1075 [Removed]

■ 14. Remove §§ 522.1073 and 522.1075.

■ 15. Revise § 522.1077 to read as follows:

§ 522.1077 Gonadorelin.

(a) *Specifications.* Each milliliter (mL) of solution contains:

(1) 43 micrograms (µg) of gonadorelin as gonadorelin acetate;

(2) 100 µg of gonadorelin as gonadorelin acetate;

(3) 50 µg of gonadorelin as gonadorelin diacetate tetrahydrate; or

(4) 50 µg of gonadorelin as gonadorelin hydrochloride.

(b) *Sponsors.* See sponsor numbers in § 510.600(c) of this chapter.

(1) No. 000061 for use of the 43-µg/mL product described in paragraph (a)(1) as in paragraphs (d)(1)(i), (d)(1)(iv), and (d)(2) of this section.

(2) No. 068504 for use of the 100-µg/mL product described in paragraph (a)(2) as in paragraphs (d)(1)(ii), (d)(1)(v), and (d)(2) of this section.

(3) Nos. 000859 and 050604 for use of the 50-µg/mL product described in paragraph (a)(3) as in paragraphs (d)(1)(ii) and (d)(2) of this section.

(4) No. 054771 for use of the 50-µg/mL product described in paragraph (a)(4) as in paragraphs (d)(1)(iii), (d)(1)(vi), and (d)(2) of this section.

(c) *Special considerations.* Concurrent luteolytic drug use is approved as follows:

(1) Cloprostenol injection for use as in paragraph (d)(1)(iv) of this section as provided by No. 000061 in § 510.600(c) of this chapter.

(2) Cloprostenol injection for use as in paragraph (d)(1)(v) of this section as provided by No. 000061 or No. 068504 in § 510.600(c) of this chapter.

(3) Dinoprost injection for use as in paragraph (d)(1)(vi) of this section as provided by No. 054771 in § 510.600(c) of this chapter.

(d) *Conditions of use in cattle*—(1) *Indications for use and amounts*—(i) For the treatment of ovarian follicular cysts in dairy cattle: Administer 86 µg gonadorelin by intramuscular or intravenous injection.

(ii) For the treatment of ovarian follicular cysts in dairy cattle: Administer 100 µg gonadorelin by intramuscular or intravenous injection.

(iii) For the treatment of ovarian follicular cysts in cattle: Administer 100 µg gonadorelin by intramuscular injection.

(iv) For use with cloprostenol injection to synchronize estrous cycles to allow for fixed-time artificial insemination (FTAI) in lactating dairy cows: Administer to each cow 86 µg gonadorelin by intramuscular injection, followed 6 to 8 days later by 500 µg cloprostenol by intramuscular injection, followed 30 to 72 hours later by 86 µg gonadorelin by intramuscular injection.

(v) For use with cloprostenol injection to synchronize estrous cycles to allow for fixed-time artificial insemination (FTAI) in lactating dairy cows and beef cows: Administer to each cow 100 µg gonadorelin by intramuscular injection, followed 6 to 8 days later by 500 µg cloprostenol by intramuscular injection, followed 30 to 72 hours later by 100 µg gonadorelin by intramuscular injection.

(vi) For use with dinoprost injection to synchronize estrous cycles to allow fixed-time artificial insemination (FTAI) in lactating dairy cows: Administer to each cow 100 to 200 µg gonadorelin by intramuscular injection, followed 6 to 8 days later by 25 mg dinoprost by intramuscular injection, followed 30 to 72 hours later by 100 to 200 µg gonadorelin by intramuscular injection.

(2) *Limitations.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 522.1145 [Amended]

■ 16. In § 520.1145, in paragraph (e)(2)(i), remove ''000859'' and in its place add ''050604''.

■ 17. In § 522.2470, revise paragraph (b) to read as follows:

§ 522.2470 Tiletamine and zolazepam for injection.

* * * * *

(b) *Sponsors.* See Nos. 026637 and 054771 in § 510.600(c) of this chapter.

* * * * *

■ 18. In § 522.2483, revise paragraph (b) to read as follows:

§ 522.2483 Triamcinolone.

* * * * *

(b) *Sponsors.* See Nos. 000010 and 054628 in § 510.600(c) of this chapter.

* * * * *

PART 526—INTRAMAMMARY DOSAGE FORM NEW ANIMAL DRUGS

■ 19. The authority citation for 21 CFR part 526 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 20. In § 526.313, revise paragraph (d)(1)(ii) to read as follows:

§ 526.313 Ceftiofur.

* * * * *

(d) * * *

(1) * * *

(ii) *Indications for use.* For use in lactating dairy cattle:

(A) For the treatment of clinical mastitis associated with coagulase-negative staphylococci, *Streptococcus dysgalactiae,* and *Escherichia coli;* and

(B) For the treatment of diagnosed subclinical mastitis associated with coagulase-negative staphylococci and *S. dysgalactiae.*

* * * * *

PART 528—NEW ANIMAL DRUGS IN GENETICALLY ENGINEERED ANIMALS

■ 21. The authority citation for 21 CFR part 528 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 528.1070 [Amended]

■ 22. In § 528.1070, in paragraph (b), remove ''042976'' and in its place add ''086047''.

Dated: June 11, 2015.

Bernadette Dunham,

Director, Center for Veterinary Medicine.

[FR Doc. 2015–14734 Filed 6–15–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 20, 25, and 602

[TD 9725]

RIN 1545–BK74

Portability of a Deceased Spousal Unused Exclusion Amount

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations that provide guidance under sections 2010 and 2505 of the Internal Revenue Code on the estate and gift tax applicable exclusion amount, in general, as well as on the applicable requirements for electing portability of a deceased spousal unused exclusion (DSUE) amount to the surviving spouse and on the applicable rules for the surviving spouse's use of this DSUE amount. The statutory provisions underlying the portability rules were enacted as part of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and these provisions were made permanent by the American Taxpayer Relief Act of 2012. The portability rules affect the estates of married decedents dying on or after January 1, 2011, and the surviving spouses of those decedents.

DATES:

Effective Date. These regulations are effective on June 12, 2015.

Applicability Dates: For specific dates of applicability of the final regulations,

see §§ 20.2001–2(b), 20.2010–1(e), 20.2010–2(e), 20.2010–3(f), 25.2505–1(e), and 25.2505–2(g).

FOR FURTHER INFORMATION CONTACT: Karlene Lesho (202) 317–6859 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collections of information contained in these regulations have been reviewed and approved by the Office of Management and Budget under control number 1545–0015. The collections of information are in §§ 20.2010–2(a), 20.2010–2(a)(1), 20.2010–2(a)(3)(i), 20.2010–2(a)(7)(ii)(B), and 20.2010–2(b). Responses to each collection of information are voluntary to obtain the benefit of being able to elect portability or to take advantage of the special reporting requirements applicable to certain assets, and, for certain estates, to opt out of a deemed portability election. The likely respondents are executors of estates of decedents survived by a spouse.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number.

Books and records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Background

This document amends the Estate Tax Regulations (26 CFR part 20) under sections 2001 and 2010 of the Internal Revenue Code (Code) and the Gift Tax Regulations (26 CFR part 25) under section 2505 of the Code. On December 17, 2010, in section 303 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, Public Law 111–312 (124 Stat. 3296, 3302) (TRUIRJCA), Congress amended section 2010(c) of the Code to allow portability of the applicable exclusion amount between spouses and made conforming amendments to sections 2505(a), 2631(c), and 6018(a)(1) of the Code. The changes made by TRUIRJCA to sections 2010(c), 2505(a), 2631(c), and 6018(a)(1) of the Code were scheduled to expire after December 31, 2012, pursuant to section 304 of TRUIRJCA. However, on January 2, 2013, Congress enacted the American Taxpayer Relief Act of 2012, Public Law 112–240 (126 Stat. 2313) (ATRA), which made portability permanent. In section 101(c)(2) of ATRA, Congress made a technical correction to section 2010(c)(4)(B) of the Code, retroactive to the original date of enactment of section 303 of TRUIRJCA, by amending clause (i) to replace ''basic exclusion amount'' with ''applicable exclusion amount.''

On June 18, 2012, temporary regulations relating to this topic (TD 9593, 77 FR 36150) (''2012 temporary regulations'') and a notice of proposed rulemaking cross-referencing the temporary regulations (REG–141832–11, 77 FR 36229) (''NPRM'') were published in the **Federal Register**. No requests to speak at the scheduled public hearing were received, and the hearing was canceled. Comments responding to the NPRM were received and are available for public inspection and copying at *http://www.regulations.gov* or upon request. After consideration of all the comments, the proposed rules in the NPRM are adopted as amended by this Treasury decision. The public comments and revisions are discussed in this preamble.

Summary of Comments and Explanation of Revisions

1. Availability of Extension of Time To Elect Portability

Section 2010(c) of the Code allows the estate of a decedent who is survived by a spouse to make a portability election, which generally allows the surviving spouse to apply the decedent's deceased spousal unused exclusion (DSUE) amount to the surviving spouse's own transfers during life and at death. Under section 2010(c)(5)(A), a portability election is effective only if made on an estate tax return filed by the executor of the decedent's estate within the time prescribed by law for filing such return. Section 20.2010–2T(a)(1) of the 2012 temporary regulations requires every estate electing portability of a decedent's DSUE amount to file an estate tax return within nine months of the decedent's date of death, unless an extension of time for filing has been granted.

A commenter requested that the final regulations address the availability of an extension of time under §§ 301.9100–2 and 301.9100–3 of the Procedure and Administration Regulations to elect portability under section 2010(c)(5)(A) of the Code. Section 301.9100–2(b) provides an automatic six-month extension of time for making certain statutory and regulatory elections if the return is timely filed. Because the portability election is deemed to be made by the timely filing of a complete and properly prepared estate tax return, this relief provision will not be helpful with regard to the portability election unless the return that was timely filed was not complete or properly prepared and that insufficiency is corrected within six months from the unextended due date of the return.

Section 301.9100–3 allows the grant of an extension of time for making regulatory elections that do not meet the requirements for an automatic extension of time under § 301.9100–2. An extension under § 301.9100–3 to elect portability is not available to estates that are required to file an estate tax return based on the applicable amount in section 6018(a) because, in such a case, the due date for the portability election is prescribed by statute and § 301.9100–3 applies only to an election whose due date is prescribed by regulation. See sections 2010(c)(5)(A), 6075(a), and 6018(a); § 301.9100–1(b). However, an extension of time under § 301.9100–3 to elect portability may be available to estates that are under the value threshold described in section 6018 for being required to file an estate tax return. In such a case, the due date for the portability election is prescribed by regulation, not by statute. See Rev. Proc. 2014–18, 2014–7 IRB 513, section 2.03.

The Treasury Department and the IRS believe that clarifying the availability of an extension of time under § 301.9100–3 to elect portability will assist taxpayers in understanding and meeting their tax responsibilities. Accordingly, the final regulations provide that an extension of time to elect portability will not be granted under § 301.9100–3 to any estate that is required to file an estate tax return because the value of the gross estate equals or exceeds the threshold amount described in section 6018, but may be granted under the rules set forth in § 301.9100–3 to estates with a gross estate value below that threshold amount and thus not otherwise required to file an estate tax return.

As transitional relief in the wake of TRUIRJCA and ATRA, the Treasury Department and the IRS have published guidance regarding the availability of an automatic extension of time for executors of certain estates under the filing threshold of section 6018(a) to file an estate tax return to elect portability of an unused exclusion amount. See Notice 2012–21, 2012–10 IRB 450; Rev. Proc. 2014–18. The Treasury Department and the IRS continue to receive, and are continuing to consider, requests for permanent extensions of this type of relief. However, such relief is not included in the final regulations.

2. Effect of Portability Election Where DSUE Amount Is Uncertain

Section 20.2010–2T(a)(2) of the 2012 temporary regulations provides that upon the timely filing of a complete and properly prepared estate tax return, an executor of the estate of a decedent survived by a spouse will have elected portability of the decedent's DSUE amount, unless the executor validly opts out of making the portability election. The inclusion of a computation of the DSUE amount is an essential requirement of a complete and properly prepared estate tax return intended to make the portability election. See section 2010(c)(5)(A) and § 20.2010–2T(b)(1). Section 20.2010–3T(c) provides that the portability election applies (and generally is available to the surviving spouse) upon the decedent's death, but, to the extent the DSUE amount subsequently is reduced or cannot be substantiated, the DSUE amount will not be available to the surviving spouse.

A commenter requested that the final regulations address whether an estate can make a ''protective'' election if a DSUE amount is not reflected on an otherwise complete and properly prepared estate tax return at the time of its timely filing, but subsequent adjustments to amounts on the estate tax return would result in unused exclusion of that decedent. The following example illustrates such a scenario. An executor files a complete and properly prepared estate tax return that shows a DSUE amount equal to zero at the time of the return's timely filing and does not follow the instructions set forth in the instructions for opting out of portability. At the same time, the executor also files a protective claim for refund attributable to a claim against the estate. Subsequently, the estate becomes entitled to a deduction under section 2053 for a payment made in satisfaction of the claim against the estate which reduces the estate tax and results in unused exemption.

In this example, the Treasury Department and the IRS believe that the executor has elected portability in accordance with § 20.2010–2T(a)(2) and that the recomputed DSUE amount will be available to the decedent's surviving spouse. The final regulations clarify this intended result by providing in § 20.2010–2(b) that the computation requirement in section 2010(c)(5)(A) will be satisfied if the estate tax return is prepared in accordance with the requirements of § 20.2010–2(a)(7). Accordingly, there is no need for a protective election.

3. Persons Permitted To Make the Election

Several commenters requested that the final regulations allow a surviving spouse who is not an executor as defined in section 2203 of the Code to file an estate tax return and make the portability election in several different circumstances. A few of the circumstances described include those in which the spouse is given the right to file the estate tax return in a prenuptial or marital agreement, or the spouse has petitioned the appropriate local court for the spouse's appointment as an executor solely for the limited purpose of filing the estate tax return and the executor does not make the portability election. The Treasury Department and the IRS recognize the possibility that an executor may exercise the executor's discretion to not make the portability election, thus causing the estate to forfeit the opportunity to elect portability, but note that section 2010(c)(5) of the Code permits only the executor of the decedent's estate to file the estate tax return and make the portability election. The 2012 temporary regulations address the circumstances in which an appointed executor or a non-appointed executor may file the estate tax return and decide whether or not to elect portability. The Treasury Department and the IRS believe that any consideration of what, if any, state law action might bring the surviving spouse within the definition of executor under section 2203 is outside of the scope of this regulation. Accordingly, the final regulations adopt the applicable rules in the 2012 temporary regulations without change.

4. Requirement of a ''Complete and Properly Prepared'' Estate Tax Return

Section 20.2010–2T(a)(2) provides that the estate of a decedent survived by a spouse makes the portability election by timely filing a complete and properly prepared estate tax return for the decedent's estate. Section 20.2010–2T(a)(7)(i) provides that an estate tax return prepared in accordance with all applicable requirements is considered a ''complete and properly prepared'' estate tax return. Section 20.2010–2T(a)(7)(ii)(A), however, provides a special rule applicable to estates that are not otherwise required to file an estate tax return under section 6018. For these estates, the executor does not need to report the value of certain property that qualifies for the marital or charitable deduction. The 2012 temporary regulations also included exceptions to the application of the special rule by providing specific circumstances under which the special rule will not apply.

A commenter suggested that the final regulations elaborate on the circumstances under which a timely filed estate tax return may be considered so deficient as to render the estate tax return incomplete for purposes of electing portability. The Treasury Department and the IRS acknowledge that, as with all tax returns, some errors or omissions made with respect to an estate tax return will be considered minor and correctible. However, the Treasury Department and the IRS consider the issue of whether an estate tax return is complete and properly prepared to be determined most appropriately on a case-by-case basis by applying standards as prescribed in current law. Therefore, this suggestion has not been adopted.

A commenter recommended that the final regulations modify the special rule in § 20.2010–2T(a)(7)(ii)(A) to narrow the exceptions to the application of the special rule, thus allowing more estates to avoid the expense of a potentially-complicated appraisal to value assets includible in the gross estate. Specifically, the commenter recommended that the special rule in § 20.2010–2T(a)(7)(ii)(A) should apply to certain property, the value of which qualifies for the marital deduction or charitable deduction (marital deduction property or charitable deduction property), when: (i) The marital deduction property or charitable deduction property is a stated number of shares of stock and a stated number of shares of the same stock are includible in the gross estate but are not marital deduction property or charitable deduction property; (ii) the property represents the balance of the value of shares remaining after a non-marital or non-charitable bequest of shares based on a specific value; and (iii) the property represents the marital or charitable portion of a fractional division of property, whether by bequest, spousal election, or disclaimer. In the first two instances, the value of the marital deduction property or charitable deduction property may be relevant to assessing the accuracy of the valuation of the nondeductible interest and whether any valuation premium or discount is warranted. In the last instance, because any beneficiary's share of the estate usually can be satisfied in a manner other than with that beneficiary's proportional share of each individual asset, it will be necessary to know the total value in order to verify the non-deductible portion of the estate. Therefore, the Treasury Department and the IRS

continue to believe that § 20.2010–2T(a)(7)(ii)(A) appropriately excludes the described circumstances from application of the special rule. While the final regulations do not adopt the commenter's suggestion to narrow the exceptions to the application of the special rule, the final regulations provide flexibility to refine the rules in subregulatory guidance at any time in the future when the IRS may determine that additional guidance would be appropriate with regard to the application of the special rule to particular types of transfers.

The same commenter suggested that the exception in § 20.2010–2T(a)(7)(ii)(A)(*2*) is made unnecessarily broad by its reference to ''another provision of the Code.'' The commenter was concerned that, because the fair market value of a bequeathed asset determines the basis of that asset in the hands of the legatee, the value of all estate assets would have an impact on section 1014, and, thus, all assets would have to be valued. In referring to value needed to determine an estate's eligibility under other Code sections such as sections 2032 and 2032A, the Treasury Department and the IRS did not intend to include a basis determination under section 1014. Accordingly, the language of § 20.2010–2T(a)(7)(ii)(A)(*2*) has been clarified.

Finally, a commenter repeated a suggestion (first made in response to a request for comments in Notice 2011–82, 2011–42 IRB 516) that the IRS prepare a shorter version of the estate tax return to be used by estates that are not otherwise required to file an estate tax return but do so only to elect portability. The Treasury Department and the IRS have reconsidered this suggestion, taking into account several factors including: The information needed by the IRS to compute and verify the DSUE amount; how such an abbreviated return would differ from a return qualifying for the special rule regarding valuations under § 20.2010–2(a)(7)(ii); the past experience of the IRS regarding the accuracy of abbreviated returns; the administrative issues in creating and maintaining alternate return forms; and the reasons provided by commenters. The Treasury Department and the IRS have concluded that, on balance, a timely filed, complete, and properly prepared estate tax return affords the most efficient and administrable method of obtaining the information necessary to compute and verify the DSUE amount, and the alleged benefits to taxpayers from an abbreviated form is far outweighed by the anticipated administrative difficulties in administering the estate tax. In addition, the ''Technical Explanation of the Revenue Provisions Contained in the 'Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010' Scheduled for Consideration by the United States Senate,'' J. Comm. on Tax'n, 111th Cong., JCX–55–10 (December 10, 2010), suggests that estates electing portability that are not otherwise required to file an estate tax return under section 6018(a) are intended to be subject to the same filing requirements applicable to estates required to file an estate tax return under section 6018(a). For these reasons, this suggestion is not adopted.

5. Special Rules for Qualified Domestic Trusts

The preamble to the 2012 regulations discussed comments and proposals the Treasury Department and the IRS had received on the proper application of the portability rules to qualified domestic trusts (QDOTs) created for spouses who are not U.S. citizens. The preamble noted that each of the proposals raised issues of fairness, complexity, and administrability.

The QDOT rules in the 2012 temporary regulations provide that the executor of a decedent's estate claiming a marital deduction for property passing to a QDOT shall compute the decedent's DSUE amount on the decedent's estate tax return for the purpose of electing portability in the same way the DSUE amount is computed for any other decedent. However, because the estate tax payments made from the QDOT after the decedent's death are part of the decedent's estate tax liability, the decedent's DSUE amount must be redetermined upon the final distribution or other taxable event on which estate tax under section 2056A is imposed (generally, this occurs upon the termination of all QDOTs created by or funded with assets passing from the decedent or upon the death of the surviving spouse). See § 20.2010–2T(c)(4). The QDOT rules in the 2012 temporary regulations further provide that the earliest date such a decedent's DSUE amount may be included in determining the applicable exclusion amount available to the surviving spouse or the surviving spouse's estate is the date of the event that triggers the final estate tax liability of the decedent under section 2056A. See § 20.2010–3T(c)(2). The preamble to the 2012 temporary regulations requested further comments on the QDOT issue.

A commenter challenged this delay in the surviving spouse's ability to use the decedent's DSUE amount if the surviving spouse becomes a United States citizen after the decedent's estate tax return is filed and after property passes to a QDOT for the benefit of that surviving spouse.

Under section 2056A(b)(12), the estate tax imposed under section 2056A(b)(1) will cease to apply to property held in a QDOT if the surviving spouse becomes a United States citizen (a fact to be certified to the IRS under § 20.2056A–10(a)(2)) and either of the following requirements are met: (A) the spouse was a resident of the United States at all times after the death of the decedent and before the spouse becomes a citizen of the United States, or (B) no tax was imposed by section 2056A(b)(1)(A) with respect to any distribution before the spouse becomes a citizen. If the spouse becomes a U.S. citizen, but does not satisfy either of these two requirements, section 2056A(b)(12)(C) provides that the section 2056A(b)(1) estate tax will cease to apply to the QDOT if the spouse elects (i) to treat any distribution on which tax was imposed by section 2056A(b)(1)(A) as a taxable gift made by the spouse during the year in which the spouse becomes a U.S. citizen or in any subsequent year, and thereby including each such distribution in the spouse's own adjusted taxable gifts for both estate and gift tax purposes, and (ii) to treat any reduction in the tax imposed by section 2056A(b)(1)(A) by reason of the credit allowable under section 2010 with respect to the decedent as a credit allowable to such surviving spouse under section 2505 for purposes of determining the amount of the credit allowable under section 2505 with respect to taxable gifts made by the surviving spouse during the year in which the spouse becomes a U.S. citizen or any subsequent year.

The Treasury Department and the IRS conclude that, if the surviving spouse of the decedent becomes a citizen of the United States and the requirements under section 2056A(b)(12) and the corresponding regulations are satisfied so that the tax imposed by section 2056A(b)(1) no longer applies, then the decedent's DSUE amount is no longer subject to adjustment and will become available for transfers by the surviving spouse as of the date the surviving spouse becomes a citizen of the United States. Accordingly, the final regulations make clarifying changes in §§ 20.2010–2(c)(4), 20.2010–3(c)(3), and 25.2505–2(d)(3).

A commenter also requested clarification of the rules in §§ 20.2010–3T(b), 25.2505–2T(b) and 25.2505–2T(c) as they apply to a QDOT. Section 25.2505–2T(b) provides that, in the case of a surviving spouse making a gift, the surviving spouse will be considered to

apply any available DSUE amount to the taxable gift before the surviving spouse's own basic exclusion amount. Sections 20.2010–3T(b) and 25.2505–2T(c) address how to compute the DSUE amount included in the applicable exclusion amount of a surviving spouse who previously has applied a DSUE amount of one or more deceased spouses. These rules are applicable to all surviving spouses but can be applied only after the surviving spouse determines the spouse's available DSUE amount, if any. Sections 20.2010–3T(c)(2) and 25.2505–2T(d)(2) provide rules governing the date DSUE can be taken into consideration by the surviving spouse or the surviving spouse's estate when property passes from a decedent for the benefit of a surviving spouse in one or more QDOTs and the decedent elects portability. The Treasury Department and the IRS believe that the impact of these rules in the context of QDOTs is sufficiently clear. Thus, the final regulations adopt these rules without change, except that the rule in § 25.2505–2T(d)(2) is now provided in § 25.2505–2(d)(3).

6. Issues Related to Examination of Returns To Determine DSUE Amount

Section 2010(c)(5)(B) grants the IRS the authority to examine returns of each deceased spouse of the surviving spouse to determine the DSUE amount allowed to be included in the applicable exclusion amount of the surviving spouse, even if the period of limitations under section 6501 has expired for assessing gift or estate tax with respect to the returns of the deceased spouse. The Treasury Department and the IRS received several comments and recommendations related to this examination authority.

First, a commenter requested that the final regulations provide that, during an examination to determine the allowable DSUE amount, the examination authority of the IRS be limited to issues of the reporting and valuation of assets, and not extend to other legal issues that may impact the availability of the DSUE amount to the surviving spouse. The Treasury Department and the IRS note that section 2010(c)(5)(B) grants broad statutory authority to the IRS to examine the correctness of any return, without regard to the period of limitations on assessment, ''to make determinations with respect to [the allowable DSUE] amount for purposes of carrying out [section 2010(c) of the Code].'' Thus, the Treasury Department and the IRS conclude that limiting such authority is inconsistent with the statute. Accordingly, this suggestion is not adopted.

Second, a commenter requested confirmation that, in the examination of a return for the purpose of determining the allowable DSUE amount that takes place after the expiration of the period of limitations on assessment of tax, the valuation of assets may be adjusted upward or downward with a possible result that the allowable DSUE amount may decrease or increase. The accurate valuation of assets reported on an estate or gift tax return, regardless of whether the valuation is higher or lower than the reported value, is fundamental to the examination of such a return and fundamental to the accurate determination of the DSUE amount available to the surviving spouse. The Treasury Department and the IRS accordingly conclude no clarifying change is necessary on this issue.

Third, a commenter suggested the final regulations consider whether, in the examination of a return for the purpose of determining the allowable DSUE amount that takes place after the expiration of the period of limitations on assessment of tax, an adjustment to the value of an asset reported on the return affects the basis of that asset under section 1014. Section 1014 generally provides that the basis of property acquired from a decedent is the fair market value of such property on the decedent's date of death. The Treasury Department and the IRS believe that a change to the date-of-death value of an asset included in the estate of a decedent survived by a spouse, made pursuant to an examination of a return of that decedent after the expiration of the period of limitations on the assessment of tax on that return, does not necessarily result in a change to the basis of that asset under section 1014. Rather, the basis of property acquired from a decedent is determined in accordance with the existing principles of section 1014. The Treasury Department and the IRS conclude that the scope of the examination authority granted in section 2010(c)(5)(B) is sufficiently clear and, therefore, make no change in the final regulations.

Fourth, a commenter suggested that the final regulations clarify the deductibility of administrative expenses associated with the examination to determine the allowable DSUE amount. The Treasury Department and the IRS conclude that any expenses associated with an examination to determine the DSUE amount to be included in the applicable exclusion amount of the surviving spouse should be treated as any other expense associated with the preparation of the surviving spouse's return. Thus, in the case of an examination arising with respect to a gift tax return of the surviving spouse, such expenses are not deductible and, in the case of an examination arising with respect to an estate tax return of the surviving spouse, such expenses may be deductible if such expenses meet all of the applicable requirements for deductibility under section 2053. The Treasury Department and the IRS believe that the standards for deducting expenses for estate and gift tax purposes are sufficiently clear so that no change to the 2012 temporary regulations is necessary.

Finally, a commenter suggested clarifying who may participate in the examination to determine the DSUE amount to be included in the applicable exclusion amount of the surviving spouse. In general, pursuant to the current rules, each taxpayer has the authority to participate in the resolution of the issues raised in the audit of his or her return. However, the Treasury Department and the IRS believe addressing this issue is outside the scope of this final regulation and, therefore, make no change in the final regulation.

7. Availability of DSUE Amount by Surviving Spouse Who Becomes a Citizen of the United States

A commenter requested further guidance on the rules in §§ 20.2010–3T(e) and 25.2505–2T(f), which prohibit a noncitizen, nonresident surviving spouse, or the estate of such a surviving spouse, from taking into account the DSUE amount of any deceased spouse except to the extent allowed under any treaty obligation of the United States. First, the commenter suggested the final regulations clarify the specificity a treaty must employ in referencing portability or the DSUE amount for the exception to apply. The Treasury Department and the IRS consider this question regarding the interpretation of treaty language to be outside the scope of these final regulations and, thus, decline to make this change.

Next, the commenter requested that the final regulations allow a surviving spouse who becomes a U.S. citizen after the death of the deceased spouse to take into account the DSUE amount of such deceased spouse. Because a surviving spouse who becomes a U.S. citizen is subject to the estate and gift tax rules of chapter 11 and 12 that apply to U.S. citizens and residents, the Treasury Department and the IRS believe it is appropriate that such a surviving spouse be permitted to take into account the DSUE amount available from any deceased spouse as of the date such surviving spouse becomes a U.S. citizen,

provided the deceased spouse's executor has made the portability election. Accordingly, the final regulations include such a rule in §§ 20.2010–3 and 25.2505–2.

8. Effect of Portability Election on Application of Rev. Proc. 2001–38

Multiple commenters have requested guidance on the application of Rev. Proc. 2001–38, 2001–24 IRB 1335, when an estate makes a portability election under section 2010(c)(5)(A) as well as an election under section 2056(b)(7) to treat qualified terminable interest property (QTIP) as passing to the surviving spouse for purposes of the marital deduction.

Rev. Proc. 2001–38 provides a procedure by which the IRS will disregard and treat as a nullity for Federal estate, gift, and generation-skipping transfer tax purposes a QTIP election made under section 2056(b)(7) in cases where the election was not necessary to reduce the estate tax liability to zero. The commenter notes that, with the introduction of portability of a deceased spouse's unused exclusion amount, an executor may purposefully elect both portability and QTIP treatment and the rationale for the rule voiding the election in Rev. Proc. 2001–38 (that the election was of no benefit to the taxpayer) is no longer applicable. The Treasury Department and the IRS intend to provide guidance, by publication in the Internal Revenue Bulletin, to clarify whether a QTIP election made under section 2056(b)(7) may be disregarded and treated as null and void when an executor has elected portability of the DSUE amount under section 2010(c)(5)(A).

9. Incorrect Basic Exclusion Amount in Examples

A commenter noted that §§ 20.2010–3T and 25.2505–2T include an incorrect basic exclusion amount for the applicable year in the examples. The final regulations correct this mistake.

10. Order of Credits

The NPRM requested comments on, and reserved § 20.2010–2(c)(3) to provide guidance on, the impact of the credits in sections 2012 through 2015 on computing the DSUE amount. One comment was received, and advocated for a rule in computing the DSUE amount that the tentative tax is equal to the net estate tax after the application of all available credits. The commenter stated that a deceased spouse's applicable credit amount should not be applied to the extent one or more of the estate tax credits are available to reduce the decedent's estate tax.

The amount of the allowable credit in sections 2012 through 2015 can be determined only after subtracting from the tax imposed by section 2001 the applicable credit amount determined under section 2010. Accordingly, to the extent the applicable credit amount is applied to reduce the tax imposed by section 2001 to zero, the credits in sections 2012 through 2015 are not available. The rule in section 2010(c)(4) for computing the DSUE amount does not take into account any unused credits arising under sections 2012 through 2015. Based on these considerations, the Treasury Department and the IRS conclude that no adjustment to the computation of the DSUE amount to account for any unused credits is warranted. Accordingly, § 20.2010–2(c)(3) of the final regulations clarifies that eligibility for credits against the tax imposed by section 2001 does not factor into the computation of the DSUE amount.

Special Analyses

It has been determined that these final regulations are not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory flexibility assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these final regulations. It is hereby certified that the collection of information contained in this regulation will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these regulations primarily affect estates of a decedent which generally are not small entities under the Act. Thus, we do not expect a substantial number of small entities to be affected. Therefore, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) is not required. Pursuant to section 7805(f) of the Code, the 2012 temporary regulations, as well as the cross-referencing notice of proposed rulemaking preceding these final regulations, were submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small entities, and no comments were received.

Statement of Availability for Documents Published in the Internal Revenue Bulletin

For copies of recently issued revenue procedures, revenue rulings, notices, and other guidance published in the Internal Revenue Bulletin or Cumulative Bulletin, please visit the IRS Web site at *http://www.irs.gov.*

Drafting Information

The principal author of these final regulations is Karlene Lesho, Office of the Associate Chief Counsel (Passthroughs and Special Industries). Other personnel from the IRS and the Treasury Department participated in their development.

List of Subjects

26 CFR Part 20

Estate taxes, Reporting and recordkeeping requirements.

26 CFR Part 25

Gift taxes, Reporting and recordkeeping requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 20, 25, and 602 are amended as follows:

PART 20—ESTATE TAX; ESTATE OF DECEDENTS DYING AFTER AUGUST 16, 1954

■ **Paragraph 1.** The authority citation for part 20 is amended by removing the entries for §§ 20.2010–0T, 20.2010–1T, 20.2010–2T, and 20.2010–3T and adding entries in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805.

Section 20.2010–0 also issued under 26 U.S.C. 2010(c)(6).

Section 20.2010–1 also issued under 26 U.S.C. 2010(c)(6).

Section 20.2010–2 also issued under 26 U.S.C. 2010(c)(6).

Section 20.2010–3 also issued under 26 U.S.C. 2010(c)(6).

* * * * *

■ **Par. 2.** Section 20.2001–2 is added to read as follows:

§ 20.2001–2 Valuation of adjusted taxable gifts for purposes of determining the deceased spousal unused exclusion amount of last deceased spouse.

(a) *General rule.* Notwithstanding § 20.2001–1(b), §§ 20.2010–2(d) and 20.2010–3(d) provide additional rules regarding the authority of the Internal Revenue Service to examine any gift or other tax return(s), even if the time within which a tax may be assessed under section 6501 has expired, for the purpose of determining the deceased spousal unused exclusion amount available under section 2010(c) of the Internal Revenue Code.

(b) *Effective/applicability date.* Paragraph (a) of this section applies to the estates of decedents dying on or after June 12, 2015. See 26 CFR 20.2001–2T(a), as contained in 26 CFR part 20, revised as of April 1, 2015, for the rules applicable to estates of decedents dying on or after January 1, 2011, and before June 12, 2015.

§ 20.2001–2T [Removed]

■ **Par. 3.** Section 20.2001–2T is removed.

■ **Par. 4.** Section 20.2010–0 is added to read as follows:

§ 20.2010–0 Table of contents.

This section lists the table of contents for §§ 20.2010–1 through 20.2010–3.

§ 20.2010–1 Unified credit against estate tax; in general.

(a) General rule.
(b) Special rule in case of certain gifts made before 1977.
(c) Credit limitation.
(d) Explanation of terms.
(1) Applicable credit amount.
(2) Applicable exclusion amount.
(3) Basic exclusion amount.
(4) Deceased spousal unused exclusion (DSUE) amount.
(5) Last deceased spouse.
(e) Effective/applicability date.

§ 20.2010–2 Portability provisions applicable to estate of a decedent survived by a spouse.

(a) Election required for portability.
(1) Timely filing required.
(2) Portability election upon filing of estate tax return.
(3) Portability election not made; requirements for election not to apply.
(4) Election irrevocable.
(5) Estates eligible to make the election.
(6) Persons permitted to make the election.
(7) Requirements of return.
(b) Requirement for DSUE computation on estate tax return.
(c) Computation of the DSUE amount.
(1) General rule.
(2) Special rule to consider gift taxes paid by decedent.
(3) Impact of applicable credits.
(4) Special rule in case of property passing to qualified domestic trust.
(5) Examples.
(d) Authority to examine returns of decedent.
(e) Effective/applicability date.

§ 20.2010–3 Portability provisions applicable to the surviving spouse's estate.

(a) Surviving spouse's estate limited to DSUE amount of last deceased spouse.
(1) In general.
(2) No DSUE amount available from last deceased spouse.
(3) Identity of last deceased spouse unchanged by subsequent marriage or divorce.
(b) Special rule in case of multiple deceased spouses and previously-applied DSUE amount.
(1) In general.
(2) Example.
(c) Date DSUE amount taken into consideration by surviving spouse's estate.
(1) General rule.
(2) Exception when surviving spouse not a U.S. citizen on date of deceased spouse's death.
(3) Special rule when property passes to surviving spouse in a qualified domestic trust.
(d) Authority to examine returns of deceased spouses.
(e) Availability of DSUE amount for estates of nonresidents who are not citizens.
(f) Effective/applicability date.

§ 20.2010–0T [Removed]

■ **Par. 5.** Section 20.2010–0T is removed.

■ **Par. 6.** Section 20.2010–1 is added to read as follows:

§ 20.2010–1 Unified credit against estate tax; in general.

(a) *General rule.* Section 2010(a) allows the estate of every decedent a credit against the estate tax imposed by section 2001. The allowable credit is the applicable credit amount. See paragraph (d)(1) of this section for an explanation of the term *applicable credit amount.*

(b) *Special rule in case of certain gifts made before 1977.* The applicable credit amount allowable under paragraph (a) of this section must be reduced by an amount equal to 20 percent of the aggregate amount allowed as a specific exemption under section 2521 (as in effect before its repeal by the Tax Reform Act of 1976) for gifts made by the decedent after September 8, 1976, and before January 1, 1977.

(c) *Credit limitation.* The applicable credit amount allowed under paragraph (a) of this section cannot exceed the amount of the estate tax imposed by section 2001.

(d) *Explanation of terms.* The explanation of terms in this section applies to this section and to §§ 20.2010–2 and 20.2010–3.

(1) *Applicable credit amount.* The term *applicable credit amount* refers to the allowable credit against estate tax imposed by section 2001 and gift tax imposed by section 2501. The applicable credit amount equals the amount of the tentative tax that would be determined under section 2001(c) if the amount on which such tentative tax is to be computed were equal to the applicable exclusion amount. The applicable credit amount is determined by applying the unified rate schedule in section 2001(c) to the applicable exclusion amount.

(2) *Applicable exclusion amount.* The *applicable exclusion amount* equals the sum of the basic exclusion amount and, in the case of a surviving spouse, the deceased spousal unused exclusion (DSUE) amount.

(3) *Basic exclusion amount.* The *basic exclusion amount* is the sum of—

(i) For any decedent dying in calendar year 2011, $5,000,000; and

(ii) For any decedent dying after calendar year 2011, $5,000,000 multiplied by the cost-of-living adjustment determined under section 1(f)(3) for that calendar year by substituting ''calendar year 2010'' for ''calendar year 1992'' in section 1(f)(3)(B) and by rounding to the nearest multiple of $10,000.

(4) *Deceased spousal unused exclusion (DSUE) amount.* The term *DSUE amount* refers, generally, to the unused portion of a decedent's applicable exclusion amount to the extent this amount does not exceed the basic exclusion amount in effect in the year of the decedent's death. For the rules on computing the DSUE amount, see §§ 20.2010–2(c) and 20.2010–3(b).

(5) *Last deceased spouse.* The term *last deceased spouse* means the most recently deceased individual who, at that individual's death after December 31, 2010, was married to the surviving spouse. See §§ 20.2010–3(a) and 25.2505–2(a) for additional rules pertaining to the identity of the last deceased spouse for purposes of determining the applicable exclusion amount of the surviving spouse.

(e) *Effective/applicability date.* This section applies to the estates of decedents dying on or after June 12, 2015. See 26 CFR 20.2010–1T, as contained in 26 CFR part 20, revised as of April 1, 2015, for the rules applicable to estates of decedents dying on or after January 1, 2011, and before June 12, 2015.

§ 20.2010–1T [Removed]

■ **Par. 7.** Section 20.2010–1T is removed.

■ **Par. 8.** Section 20.2010–2 is added to read as follows:

§ 20.2010–2 Portability provisions applicable to estate of a decedent survived by a spouse.

(a) *Election required for portability.* To allow a decedent's surviving spouse

to take into account that decedent's deceased spousal unused exclusion (DSUE) amount, the executor of the decedent's estate must elect portability of the DSUE amount on a timely filed Form 706, ''United States Estate (and Generation-Skipping Transfer) Tax Return'' (estate tax return). This election is referred to in this section and in § 20.2010–3 as the portability election.

(1) *Timely filing required.* An estate that elects portability will be considered, for purposes of subtitle B and subtitle F of the Internal Revenue Code (Code), to be required to file a return under section 6018(a). Accordingly, the due date of an estate tax return required to elect portability is nine months after the decedent's date of death or the last day of the period covered by an extension (if an extension of time for filing has been obtained). See §§ 20.6075–1 and 20.6081–1 for additional rules relating to the time for filing estate tax returns. An extension of time to elect portability under this paragraph (a) will not be granted under § 301.9100–3 of this chapter to an estate that is required to file an estate tax return under section 6018(a), as determined without regard to this paragraph (a). Such an extension, however, may be available under the procedures applicable under §§ 301.9100–1 and 301.9100–3 of this chapter to an estate that is not required to file a return under section 6018(a), as determined without regard to this paragraph (a).

(2) *Portability election upon filing of estate tax return.* Upon the timely filing of a complete and properly prepared estate tax return, an executor of an estate of a decedent survived by a spouse will have elected portability of the decedent's DSUE amount unless the executor chooses not to elect portability and satisfies the requirement in paragraph (a)(3)(i) of this section. See paragraph (a)(7) of this section for the return requirements related to the portability election.

(3) *Portability election not made; requirements for election not to apply.* The executor of the estate of a decedent survived by a spouse will not make or be considered to make the portability election if either of the following applies:

(i) The executor states affirmatively on a timely filed estate tax return, or in an attachment to that estate tax return, that the estate is not electing portability under section 2010(c)(5). The manner in which the executor may make this affirmative statement on the estate tax return is as set forth in the instructions issued with respect to such form (''Instructions for Form 706'').

(ii) The executor does not timely file an estate tax return in accordance with paragraph (a)(1) of this section.

(4) *Election irrevocable.* An executor of the estate of a decedent survived by a spouse who timely files an estate tax return may make or may supersede a portability election previously made, provided that the estate tax return reporting the election or the superseding election is filed on or before the due date of the return, including extensions actually granted. However, see paragraph (a)(6) of this section when contrary elections are made by more than one person permitted to make the election. The portability election, once made, becomes irrevocable once the due date of the estate tax return, including extensions actually granted, has passed.

(5) *Estates eligible to make the election.* An executor may elect portability on behalf of the estate of a decedent survived by a spouse if the decedent dies on or after January 1, 2011. However, an executor of the estate of a nonresident decedent who was not a citizen of the United States at the time of death may not elect portability on behalf of that decedent, and the timely filing of such a decedent's estate tax return will not constitute the making of a portability election.

(6) *Persons permitted to make the election*—(i) *Appointed executor.* An executor or administrator of the estate of a decedent survived by a spouse that is appointed, qualified, and acting within the United States, within the meaning of section 2203 (an appointed executor), may timely file the estate tax return on behalf of the estate of the decedent and, in so doing, elect portability of the decedent's DSUE amount. An appointed executor also may elect not to have portability apply pursuant to paragraph (a)(3) of this section.

(ii) *Non-appointed executor.* If there is no appointed executor, any person in actual or constructive possession of any property of the decedent (a non-appointed executor) may timely file the estate tax return on behalf of the estate of the decedent and, in so doing, elect portability of the decedent's DSUE amount, or, by complying with paragraph (a)(3) of this section, may elect not to have portability apply. A portability election made by a non-appointed executor when there is no appointed executor for that decedent's estate can be superseded by a subsequent contrary election made by an appointed executor of that same decedent's estate on an estate tax return filed on or before the due date of the return, including extensions actually granted. An election to allow portability made by a non-appointed executor cannot be superseded by a contrary election to have portability not apply made by another non-appointed executor of that same decedent's estate (unless such other non-appointed executor is the successor of the non-appointed executor who made the election). See § 20.6018–2 for additional rules relating to persons permitted to file the estate tax return.

(7) *Requirements of return*—(i) *General rule.* An estate tax return will be considered complete and properly prepared for purposes of this section if it is prepared in accordance with the instructions issued for the estate tax return (Instructions for Form 706) and if the requirements of §§ 20.6018–2, 20.6018–3, and 20.6018–4 are satisfied. However, see paragraph (a)(7)(ii) of this section for reduced requirements applicable to certain property of certain estates.

(ii) *Reporting of value not required for certain property*—(A) *In general.* A special rule applies with respect to certain property of estates in which the executor is not required to file an estate tax return under section 6018(a), as determined without regard to paragraph (a)(1) of this section. With respect to such an estate, for bequests, devises, or transfers of property included in the gross estate, the value of which is deductible under section 2056 or 2056A (marital deduction property) or under section 2055(a) (charitable deduction property), an executor is not required to report a value for such property on the estate tax return (except to the extent provided in this paragraph (a)(7)(ii)(A)) and will be required to report only the description, ownership, and/or beneficiary of such property, along with all other information necessary to establish the right of the estate to the deduction in accordance with §§ 20.2056(a)–1(b)(i) through (iii) and 20.2055–1(c), as applicable. However, this rule does not apply in certain circumstances as provided in this paragraph (a) and as may be further described in guidance issued from time to time by publication in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)(*b*) of this chapter). In particular, this rule does not apply to marital deduction property or charitable deduction property if—

(*1*) The value of such property relates to, affects, or is needed to determine, the value passing from the decedent to a recipient other than the recipient of the marital or charitable deduction property;

(*2*) The value of such property is needed to determine the estate's eligibility for the provisions of sections 2032, 2032A, or another estate or

generation-skipping transfer tax provision of the Code for which the value of such property or the value of the gross estate or adjusted gross estate must be known (not including section 1014 of the Code);

(*3*) Less than the entire value of an interest in property includible in the decedent's gross estate is marital deduction property or charitable deduction property; or

(*4*) A partial disclaimer or partial qualified terminable interest property (QTIP) election is made with respect to a bequest, devise, or transfer of property includible in the gross estate, part of which is marital deduction property or charitable deduction property.

(B) *Return requirements when reporting of value not required for certain property.* Paragraph (a)(7)(ii)(A) of this section applies only if the executor exercises due diligence to estimate the fair market value of the gross estate, including the property described in paragraph (a)(7)(ii)(A) of this section. Using the executor's best estimate of the value of properties to which paragraph (a)(7)(ii)(A) of this section applies, the executor must report on the estate tax return, under penalties of perjury, the amount corresponding to the particular range within which falls the executor's best estimate of the total gross estate, in accordance with the Instructions for Form 706.

(C) *Examples.* The following examples illustrate the application of paragraph (a)(7)(ii) of this section. In each example, assume that Husband (H) dies in 2015, survived by his wife (W), that both H and W are U.S. citizens, that H's gross estate does not exceed the excess of the applicable exclusion amount for the year of his death over the total amount of H's adjusted taxable gifts and any specific exemption under section 2521, and that H's executor (E) timely files Form 706 solely to make the portability election.

Example 1. (i) *Facts.* The assets includible in H's gross estate consist of a parcel of real property and bank accounts held jointly with W with rights of survivorship, a life insurance policy payable to W, and a survivor annuity payable to W for her life. H made no taxable gifts during his lifetime.

(ii) *Application.* E files an estate tax return on which these assets are identified on the proper schedule, but E provides no information on the return with regard to the date of death value of these assets in accordance with paragraph (a)(7)(ii)(A) of this section. To establish the estate's entitlement to the marital deduction in accordance with § 20.2056(a)–1(b) (except with regard to establishing the value of the property) and the instructions for the estate tax return, E includes with the estate tax return evidence to verify the title of each jointly held asset, to confirm that W is the sole beneficiary of both the life insurance policy and the survivor annuity, and to verify that the annuity is exclusively for W's life. Finally, E reports on the estate return E's best estimate, determined by exercising due diligence, of the fair market value of the gross estate in accordance with paragraph (a)(7)(ii)(B) of this section. The estate tax return is considered complete and properly prepared and E has elected portability.

Example 2. (i) *Facts.* H's will, duly admitted to probate and not subject to any proceeding to challenge its validity, provides that H's entire estate is to be distributed outright to W. The non-probate assets includible in H's gross estate consist of a life insurance policy payable to H's children from a prior marriage, and H's individual retirement account (IRA) payable to W. H made no taxable gifts during his lifetime.

(ii) *Application.* E files an estate tax return on which all of the assets includible in the gross estate are identified on the proper schedule. In the case of the probate assets and the IRA, no information is provided with regard to date of death value in accordance with paragraph (a)(7)(ii)(A) of this section. However, E attaches a copy of H's will and describes each such asset and its ownership to establish the estate's entitlement to the marital deduction in accordance with the instructions for the estate tax return and § 20.2056(a)–1(b) (except with regard to establishing the value of the property). In the case of the life insurance policy payable to H's children, all of the regular return requirements, including reporting and establishing the fair market value of such asset, apply. Finally, E reports on the estate return E's best estimate, determined by exercising due diligence, of the fair market value of the gross estate in accordance with paragraph (a)(7)(ii)(B) of this section. The estate tax return is considered complete and properly prepared and E has elected portability.

Example 3. (i) *Facts.* H's will, duly admitted to probate and not subject to any proceeding to challenge its validity, provides that 50 percent of the property passing under the terms of H's will is to be paid to a marital trust for W and 50 percent is to be paid to a trust for W and their descendants.

(ii) *Application.* The amount passing to the non-marital trust cannot be verified without knowledge of the full value of the property passing under the will. Therefore, the value of the property of the marital trust relates to or affects the value passing to the trust for W and the descendants of H and W. Accordingly, the general return requirements apply to all of the property includible in the gross estate and the provisions of paragraph (a)(7)(ii) of this section do not apply.

(b) *Requirement for DSUE computation on estate tax return.* Section 2010(c)(5)(A) requires an executor of a decedent's estate to include a computation of the DSUE amount on the estate tax return to elect portability and thereby allow the decedent's surviving spouse to take into account that decedent's DSUE amount. This requirement is satisfied by the timely filing of a complete and properly prepared estate tax return, as long as the executor has not elected out of portability as described in paragraph (a)(3)(i) of this section. See paragraph (a)(7) of this section for the requirements for a return to be considered complete and properly prepared.

(c) *Computation of the DSUE amount*—(1) *General rule.* Subject to paragraphs (c)(2) through (4) of this section, the DSUE amount of a decedent with a surviving spouse is the lesser of the following amounts—

(i) The basic exclusion amount in effect in the year of the death of the decedent; or

(ii) The excess of—

(A) The decedent's applicable exclusion amount; over

(B) The sum of the amount of the taxable estate and the amount of the adjusted taxable gifts of the decedent, which together is the amount on which the tentative tax on the decedent's estate is determined under section 2001(b)(1).

(2) *Special rule to consider gift taxes paid by decedent.* Solely for purposes of computing the decedent's DSUE amount, the amount of the adjusted taxable gifts of the decedent referred to in paragraph (c)(1)(ii)(B) of this section is reduced by the amount, if any, on which gift taxes were paid for the calendar year of the gift(s).

(3) *Impact of applicable credits.* An estate's eligibility under sections 2012 through 2015 for credits against the tax imposed by section 2001 does not impact the computation of the DSUE amount.

(4) *Special rule in case of property passing to qualified domestic trust*—(i) *In general.* When property passes for the benefit of a surviving spouse in a qualified domestic trust (QDOT) as defined in section 2056A(a), the DSUE amount of the decedent is computed on the decedent's estate tax return for the purpose of electing portability in the same manner as this amount is computed under paragraph (c)(1) of this section, but this DSUE amount is subject to subsequent adjustments. The DSUE amount of the decedent must be redetermined upon the occurrence of the final distribution or other event (generally, the termination of all QDOTs created by or funded with assets passing from the decedent or the death of the surviving spouse) on which estate tax is imposed under section 2056A. See § 20.2056A–6 for the rules on determining the estate tax under section 2056A. See § 20.2010–3(c)(3) regarding the timing of the availability of the

decedent's DSUE amount to the surviving spouse.

(ii) *Surviving spouse becomes a U.S. citizen.* If the surviving spouse becomes a U.S. citizen and if the requirements of section 2056A(b)(12) and the corresponding regulations are satisfied, the estate tax imposed under section 2056A(b)(1) ceases to apply. Accordingly, no estate tax will be imposed under section 2056A either on subsequent QDOT distributions or on the property remaining in the QDOT on the surviving spouse's death and the decedent's DSUE amount is no longer subject to adjustment.

(5) *Examples.* The following examples illustrate the application of this paragraph (c):

Example 1. Computation of DSUE amount. (i) *Facts.* In 2002, having made no prior taxable gift, Husband (H) makes a taxable gift valued at $1,000,000 and reports the gift on a timely filed gift tax return. Because the amount of the gift is equal to the applicable exclusion amount for that year ($1,000,000), $345,800 is allowed as a credit against the tax, reducing the gift tax liability to zero. H dies in 2015, survived by Wife (W). H and W are U.S. citizens and neither has any prior marriage. H's taxable estate is $1,000,000. The executor of H's estate timely files H's estate tax return and elects portability, thereby allowing W to benefit from H's DSUE amount.

(ii) *Application.* The executor of H's estate computes H's DSUE amount to be $3,430,000 (the lesser of the $5,430,000 basic exclusion amount in 2015, or the excess of H's $5,430,000 applicable exclusion amount over the sum of the $1,000,000 taxable estate and the $1,000,000 amount of adjusted taxable gifts).

Example 2. Computation of DSUE amount when gift tax paid. (i) *Facts.* The facts are the same as in *Example 1* of this paragraph (c)(5) except that the value of H's taxable gift in 2002 is $2,000,000. After application of the applicable credit amount, H owes gift tax on $1,000,000, the amount of the gift in excess of the applicable exclusion amount for that year. H pays the gift tax owed on the 2002 transfer.

(ii) *Application.* On H's death, the executor of H's estate computes the DSUE amount to be $3,430,000 (the lesser of the $5,430,000 basic exclusion amount in 2015, or the excess of H's $5,430,000 applicable exclusion amount over the sum of the $1,000,000 taxable estate and $1,000,000 of adjusted taxable gifts sheltered from tax by H's applicable credit amount). H's adjusted taxable gifts of $2,000,000 were reduced for purposes of this computation by $1,000,000, the amount of taxable gifts on which gift taxes were paid.

Example 3. Computation of DSUE amount when QDOT created. (i) *Facts.* Husband (H), a U.S. citizen, makes his first taxable gift in 2002, valued at $1,000,000, and reports the gift on a timely filed gift tax return. No gift tax is due because the applicable exclusion amount for that year ($1,000,000) equals the fair market value of the gift. H dies in 2015 with a gross estate of $2,000,000. H's surviving spouse (W) is a resident, but not a citizen, of the United States and, under H's will, a pecuniary bequest of $1,500,000 passes to a QDOT for the benefit of W. H's executor timely files an estate tax return and makes the QDOT election for the property passing to the QDOT, and H's estate is allowed a marital deduction of $1,500,000 under section 2056(d) for the value of that property. H's taxable estate is $500,000. On H's estate tax return, H's executor computes H's preliminary DSUE amount to be $3,930,000 (the lesser of the $5,430,000 basic exclusion amount in 2015, or the excess of H's $5,430,000 applicable exclusion amount over the sum of the $500,000 taxable estate and the $1,000,000 adjusted taxable gifts). No taxable events within the meaning of section 2056A occur during W's lifetime with respect to the QDOT, and W makes no taxable gifts. At all times since H's death, W has been a U.S. resident. In 2017, W dies and the value of the assets of the QDOT is $1,800,000.

(ii) *Application.* H's DSUE amount is redetermined to be $2,130,000 (the lesser of the $5,430,000 basic exclusion amount in 2015, or the excess of H's $5,430,000 applicable exclusion amount over $3,300,000 (the sum of the $500,000 taxable estate augmented by the $1,800,000 of QDOT assets and the $1,000,000 adjusted taxable gifts)).

Example 4. Computation of DSUE amount when surviving spouse with QDOT becomes a U.S. citizen. (i) *Facts.* The facts are the same as in *Example 3* of this paragraph (c)(5) except that W becomes a U.S. citizen in 2016 and dies in 2018. The U.S. Trustee of the QDOT notifies the IRS that W has become a U.S. citizen by timely filing a final estate tax return (Form 706–QDT). Pursuant to section 2056A(b)(12), the estate tax under section 2056A no longer applies to the QDOT property.

(ii) *Application.* Because H's DSUE amount no longer is subject to adjustment once W becomes a citizen of the United States, H's DSUE amount is $3,930,000, as it was preliminarily determined as of H's death. Upon W's death in 2018, the value of the QDOT property is includible in W's gross estate.

(d) *Authority to examine returns of decedent.* The IRS may examine returns of a decedent in determining the decedent's DSUE amount, regardless of whether the period of limitations on assessment has expired for that return. See § 20.2010–3(d) for additional rules relating to the IRS's authority to examine returns. See also section 7602 for the IRS's authority, when ascertaining the correctness of any return, to examine any returns that may be relevant or material to such inquiry.

(e) *Effective/applicability date.* This section applies to the estates of decedents dying on or after June 12, 2015. See 26 CFR 20.2010–2T, as contained in 26 CFR part 20, revised as of April 1, 2015, for the rule applicable to estates of decedents dying on or after January 1, 2011, and before June 12, 2015.

§ 20.2010–2T [Removed]

■ **Par. 9.** Section 20.2010–2T is removed.

■ **Par. 10.** Section 20.2010–3 is added to read as follows:

§ 20.2010–3 Portability provisions applicable to the surviving spouse's estate.

(a) *Surviving spouse's estate limited to DSUE amount of last deceased spouse*—(1) *In general.* The deceased spousal unused exclusion (DSUE) amount of a decedent, computed under § 20.2010–2(c), is included in determining the surviving spouse's applicable exclusion amount under section 2010(c)(2), provided—

(i) Such decedent is the last deceased spouse of such surviving spouse within the meaning of § 20.2010–1(d)(5) on the date of the death of the surviving spouse; and

(ii) The executor of the decedent's estate elected portability (see § 20.2010–2(a) and (b) for applicable requirements).

(2) *No DSUE amount available from last deceased spouse.* If the last deceased spouse of such surviving spouse had no DSUE amount, or if the executor of such a decedent's estate did not make a portability election, the surviving spouse's estate has no DSUE amount (except as provided in paragraph (b)(1)(ii) of this section) to be included in determining the applicable exclusion amount, even if the surviving spouse previously had a DSUE amount available from another decedent who, prior to the death of the last deceased spouse, was the last deceased spouse of such surviving spouse. See paragraph (b) of this section for a special rule in the case of multiple deceased spouses and a previously applied DSUE amount.

(3) *Identity of last deceased spouse unchanged by subsequent marriage or divorce.* A decedent is the last deceased spouse (as defined in § 20.2010–1(d)(5)) of a surviving spouse even if, on the date of the death of the surviving spouse, the surviving spouse is married to another (then-living) individual. If a surviving spouse marries again and that marriage ends in divorce or an annulment, the subsequent death of the divorced spouse does not end the status of the prior deceased spouse as the last deceased spouse of the surviving spouse. The divorced spouse, not being married to the surviving spouse at death, is not the last deceased spouse as that term is defined in § 20.2010–1(d)(5).

(b) *Special rule in case of multiple deceased spouses and previously-applied DSUE amount*—(1) *In general.* A special rule applies to compute the

DSUE amount included in the applicable exclusion amount of a surviving spouse who previously has applied the DSUE amount of one or more deceased spouses to taxable gifts in accordance with § 25.2505–2(b) and (c). If a surviving spouse has applied the DSUE amount of one or more (successive) last deceased spouses to the surviving spouse's transfers during life, and if any of those last deceased spouses is different from the surviving spouse's last deceased spouse as defined in § 20.2010–1(d)(5) at the time of the surviving spouse's death, then the DSUE amount to be included in determining the applicable exclusion amount of the surviving spouse at the time of the surviving spouse's death is the sum of—

(i) The DSUE amount of the surviving spouse's last deceased spouse as described in paragraph (a)(1) of this section; and

(ii) The DSUE amount of each other deceased spouse of the surviving spouse, to the extent that such amount was applied to one or more taxable gifts of the surviving spouse.

(2) *Example.* The following example, in which all described individuals are U.S. citizens, illustrates the application of this paragraph (b):

Example. (i) *Facts.* Husband 1 (H1) dies in 2011, survived by Wife (W). Neither has made any taxable gifts during H1's lifetime. H1's executor elects portability of H1's DSUE amount. The DSUE amount of H1 as computed on the estate tax return filed on behalf of H1's estate is $5,000,000. In 2012, W makes taxable gifts to her children valued at $2,000,000. W reports the gifts on a timely filed gift tax return. W is considered to have applied $2,000,000 of H1's DSUE amount to the amount of taxable gifts, in accordance with § 25.2505–2(c), and, therefore, W owes no gift tax. W has an applicable exclusion amount remaining in the amount of $8,120,000 ($3,000,000 of H1's remaining DSUE amount plus W's own $5,120,000 basic exclusion amount). W marries Husband 2 (H2) in 2013. H2 dies in 2014. H2's executor elects portability of H2's DSUE amount, which is properly computed on H2's estate tax return to be $2,000,000. W dies in 2015.

(ii) *Application.* The DSUE amount to be included in determining the applicable exclusion amount available to W's estate is $4,000,000, determined by adding the $2,000,000 DSUE amount of H2 and the $2,000,000 DSUE amount of H1 that was applied by W to W's 2012 taxable gifts. The $4,000,000 DSUE amount added to W's $5,430,000 basic exclusion amount (for 2015), causes W's applicable exclusion amount to be $9,430,000.

(c) *Date DSUE amount taken into consideration by surviving spouse's estate*—(1) *General rule.* A portability election made by an executor of a decedent's estate (see § 20.2010–2(a) and (b) for applicable requirements) generally applies as of the date of the decedent's death. Thus, such decedent's DSUE amount is included in the applicable exclusion amount of the decedent's surviving spouse under section 2010(c)(2) and will be applicable to transfers made by the surviving spouse after the decedent's death (subject to the limitations in paragraph (a) of this section). However, such decedent's DSUE amount will not be included in the applicable exclusion amount of the surviving spouse, even if the surviving spouse had made a transfer in reliance on the availability or computation of the decedent's DSUE amount:

(i) If the executor of the decedent's estate supersedes the portability election by filing a subsequent estate tax return in accordance with § 20.2010–2(a)(4);

(ii) To the extent that the DSUE amount subsequently is reduced by a valuation adjustment or the correction of an error in calculation; or

(iii) To the extent that the surviving spouse cannot substantiate the DSUE amount claimed on the surviving spouse's return.

(2) *Exception when surviving spouse not a U.S. citizen on date of deceased spouse's death.* If a surviving spouse becomes a citizen of the United States after the death of the surviving spouse's last deceased spouse, the DSUE amount of the surviving spouse's last deceased spouse becomes available to the surviving spouse on the date the surviving spouse becomes a citizen of the United States (subject to the limitations in paragraph (a) of this section). However, when the special rule regarding qualified domestic trusts in paragraph (c)(3) of this section applies, the earliest date on which a decedent's DSUE amount may be included in the applicable exclusion amount of such decedent's surviving spouse who becomes a U.S. citizen is as provided in paragraph (c)(3) of this section.

(3) *Special rule when property passes to surviving spouse in a qualified domestic trust*—(i) *In general.* When property passes from a decedent for the benefit of the decedent's surviving spouse in one or more qualified domestic trusts (QDOT) as defined in section 2056A(a) and the decedent's executor elects portability, the DSUE amount available to be included in the applicable exclusion amount of the surviving spouse under section 2010(c)(2) is the DSUE amount of the decedent as redetermined in accordance with § 20.2010–2(c)(4) (subject to the limitations in paragraph (a) of this section). The earliest date on which such decedent's DSUE amount may be included in the applicable exclusion amount of the surviving spouse under section 2010(c)(2) is the date of the occurrence of the final QDOT distribution or final other event (generally, the termination of all QDOTs created by or funded with assets passing from the decedent or the death of the surviving spouse) on which tax under section 2056A is imposed. However, the decedent's DSUE amount as redetermined in accordance with § 20.2010–2(c)(4) may be applied to certain taxable gifts of the surviving spouse. See § 25.2505–2(d)(3)(i).

(ii) *Surviving spouse becomes a U.S. citizen.* If a surviving spouse for whom property has passed from a decedent in one or more QDOTs becomes a citizen of the United States and the requirements in section 2056A(b)(12) and the corresponding regulations are satisfied, then the date on which such decedent's DSUE amount may be included in the applicable exclusion amount of the surviving spouse under section 2010(c)(2) (subject the limitations in paragraph (a) of this section) is the date on which the surviving spouse becomes a citizen of the United States. See § 20.2010–2(c)(4) for the rules for computing the decedent's DSUE amount in the case of a qualified domestic trust.

(d) *Authority to examine returns of deceased spouses.* For the purpose of determining the DSUE amount to be included in the applicable exclusion amount of a surviving spouse, the Internal Revenue Service (IRS) may examine returns of each of the surviving spouse's deceased spouses whose DSUE amount is claimed to be included in the surviving spouse's applicable exclusion amount, regardless of whether the period of limitations on assessment has expired for any such return. The IRS's authority to examine returns of a deceased spouse applies with respect to each transfer by the surviving spouse to which a DSUE amount is or has been applied. Upon examination, the IRS may adjust or eliminate the DSUE amount reported on such a return of a deceased spouse; however, the IRS may assess additional tax on that return only if that tax is assessed within the period of limitations on assessment under section 6501 applicable to the tax shown on that return. See also section 7602 for the IRS's authority, when ascertaining the correctness of any return, to examine any returns that may be relevant or material to such inquiry. For purposes of these examinations to determine the DSUE amount, the surviving spouse is considered to have

a material interest that is affected by the return information of the deceased spouse within the meaning of section 6103(e)(3).

(e) *Availability of DSUE amount for estates of nonresidents who are not citizens.* The estate of a nonresident surviving spouse who is not a citizen of the United States at the time of such surviving spouse's death shall not take into account the DSUE amount of any deceased spouse of such surviving spouse within the meaning of § 20.2010–1(d)(5) except to the extent allowed under any applicable treaty obligation of the United States. See section 2102(b)(3).

(f) *Effective/applicability date.* This section applies to the estates of decedents dying on or after June 12, 2015. See 26 CFR 20.2010–3T, as contained in 26 CFR part 20, revised as of April 1, 2015, for the rules applicable to estates of decedents dying on or after January 1, 2011, and before June 12, 2015.

§ 20.2010–3T [Removed]

■ **Par. 11.** Section 20.2010–3T is removed.

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

■ **Par. 12.** The authority citation for part 25 is amended by removing the entry for § 25.2505–2T and adding an entry in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805.

Section 25.2505–2 also issued under 26 U.S.C. 2010(c)(6).

* * * * *

■ **Par. 13.** Section 25.2505–0 is added to read as follows:

§ 25.2505–0 Table of contents.

This section lists the table of contents for §§ 25.2505–1 and 25.2505–2.

§ 25.2505–1 Unified credit against gift tax; in general.

(a) General rule.
(b) Applicable rate of tax.
(c) Special rule in case of certain gifts made before 1977.
(d) Credit limitation.
(e) Effective/applicability date.

§ 25.2505–2 Gifts made by a surviving spouse having a DSUE amount available.

(a) Donor who is surviving spouse is limited to DSUE amount of last deceased spouse.
(1) In general.
(2) No DSUE amount available from last deceased spouse.
(3) Identity of last deceased spouse unchanged by subsequent marriage or divorce.
(b) Manner in which DSUE amount is applied.
(c) Special rule in case of multiple deceased spouses and previously-applied DSUE amount.
(1) In general.
(2) Example.
(d) Date DSUE amount taken into consideration by donor who is a surviving spouse.
(1) General rule.
(2) Exception when surviving spouse not a U.S. citizen on date of deceased spouse's death.
(3) Special rule when property passes to surviving spouse in a qualified domestic trust.
(e) Authority to examine returns of deceased spouses.
(f) Availability of DSUE amount for nonresidents who are not citizens.
(g) Effective/applicability date.

§ 25.2505–0T [Removed]

■ **Par. 14.** Section 25.2505–0T is removed.

■ **Par. 15.** Section 25.2505–1 is added to read as follows:

§ 25.2505–1 Unified credit against gift tax; in general.

(a) *General rule.* Section 2505(a) allows a citizen or resident of the United States a credit against the tax imposed by section 2501 for each calendar year. The allowable credit is the applicable credit amount in effect under section 2010(c) that would apply if the donor died as of the end of the calendar year, reduced by the sum of the amounts allowable as a credit against the gift tax due for all preceding calendar periods. See §§ 25.2505–2, 20.2010–1, and 20.2010–2 for additional rules and definitions related to determining the applicable credit amount in effect under section 2010(c).

(b) *Applicable rate of tax.* In determining the amounts allowable as a credit against the gift tax due for all preceding calendar periods, the unified rate schedule under section 2001(c) in effect for such calendar year applies instead of the rates of tax actually in effect for preceding calendar periods. See sections 2505(a) and 2502(a)(2).

(c) *Special rule in case of certain gifts made before 1977.* The applicable credit amount allowable under paragraph (a) of this section must be reduced by an amount equal to 20 percent of the aggregate amount allowed as a specific exemption under section 2521 (as in effect before its repeal by the Tax Reform Act of 1976) for gifts made by the decedent after September 8, 1976, and before January 1, 1977.

(d) *Credit limitation.* The applicable credit amount allowed under paragraph (a) of this section for any calendar year shall not exceed the amount of the tax imposed by section 2501 for such calendar year.

(e) *Effective/applicability date.* This section applies to gifts made on or after June 12, 2015. See 26 CFR 25.2505–1T, as contained in 26 CFR part 25, revised as of April 1, 2015, for the rules applicable to gifts made on or after January 1, 2011, and before June 12, 2015.

§ 25.2505–1T [Removed]

■ **Par. 16.** Section 25.2505–1T is removed.

■ **Par. 17.** Section 25.2505–2 is added to read as follows:

§ 25.2505–2 Gifts made by a surviving spouse having a DSUE amount available.

(a) *Donor who is surviving spouse is limited to DSUE amount of last deceased spouse*—(1) *In general.* In computing a surviving spouse's gift tax liability with regard to a transfer subject to the tax imposed by section 2501 (taxable gift), a deceased spousal unused exclusion (DSUE) amount of a decedent, computed under § 20.2010–2(c), is included in determining the surviving spouse's applicable exclusion amount under section 2010(c)(2), provided:

(i) Such decedent is the last deceased spouse of such surviving spouse within the meaning of § 20.2010–1(d)(5) at the time of the surviving spouse's taxable gift; and

(ii) The executor of the decedent's estate elected portability (see § 20.2010–2(a) and (b) for applicable requirements).

(2) *No DSUE amount available from last deceased spouse.* If on the date of the surviving spouse's taxable gift the last deceased spouse of such surviving spouse had no DSUE amount or if the executor of the estate of such last deceased spouse did not elect portability, the surviving spouse has no DSUE amount (except as and to the extent provided in paragraph (c)(1)(ii) of this section) to be included in determining his or her applicable exclusion amount, even if the surviving spouse previously had a DSUE amount available from another decedent who, prior to the death of the last deceased spouse, was the last deceased spouse of such surviving spouse. See paragraph (c) of this section for a special rule in the case of multiple deceased spouses.

(3) *Identity of last deceased spouse unchanged by subsequent marriage or divorce.* A decedent is the last deceased spouse (as defined in § 20.2010–1(d)(5)) of a surviving spouse even if, on the date of the surviving spouse's taxable gift, the surviving spouse is married to

another (then-living) individual. If a surviving spouse marries again and that marriage ends in divorce or an annulment, the subsequent death of the divorced spouse does not end the status of the prior deceased spouse as the last deceased spouse of the surviving spouse. The divorced spouse, not being married to the surviving spouse at death, is not the last deceased spouse as that term is defined in § 20.2010–1(d)(5).

(b) *Manner in which DSUE amount is applied.* If a donor who is a surviving spouse makes a taxable gift and a DSUE amount is included in determining the surviving spouse's applicable exclusion amount under section 2010(c)(2), such surviving spouse will be considered to apply such DSUE amount to the taxable gift before the surviving spouse's own basic exclusion amount.

(c) *Special rule in case of multiple deceased spouses and previously-applied DSUE amount*—(1) *In general.* A special rule applies to compute the DSUE amount included in the applicable exclusion amount of a surviving spouse who previously has applied the DSUE amount of one or more deceased spouses. If a surviving spouse applied the DSUE amount of one or more (successive) last deceased spouses to the surviving spouse's previous lifetime transfers, and if any of those last deceased spouses is different from the surviving spouse's last deceased spouse as defined in § 20.2010–1(d)(5) at the time of the current taxable gift by the surviving spouse, then the DSUE amount to be included in determining the applicable exclusion amount of the surviving spouse that will be applicable at the time of the current taxable gift is the sum of—

(i) The DSUE amount of the surviving spouse's last deceased spouse as described in paragraph (a)(1) of this section; and

(ii) The DSUE amount of each other deceased spouse of the surviving spouse to the extent that such amount was applied to one or more previous taxable gifts of the surviving spouse.

(2) *Example.* The following example, in which all described individuals are U.S. citizens, illustrates the application of this paragraph (c):

Example. (i) *Facts.* Husband 1 (H1) dies in 2011, survived by Wife (W). Neither has made any taxable gifts during H1's lifetime. H1's executor elects portability of H1's deceased spousal unused exclusion (DSUE) amount. The DSUE amount of H1 as computed on the estate tax return filed on behalf of H1's estate is $5,000,000. In 2012, W makes taxable gifts to her children valued at $2,000,000. W reports the gifts on a timely filed gift tax return. W is considered to have applied $2,000,000 of H1's DSUE amount to the 2012 taxable gifts, in accordance with paragraph (b) of this section, and, therefore, W owes no gift tax. W is considered to have an applicable exclusion amount remaining in the amount of $8,120,000 ($3,000,000 of H1's remaining DSUE amount plus W's own $5,120,000 basic exclusion amount). In 2013, W marries Husband 2 (H2). H2 dies on June 30, 2015. H2's executor elects portability of H2's DSUE amount, which is properly computed on H2's estate tax return to be $2,000,000.

(ii) *Application.* The DSUE amount to be included in determining the applicable exclusion amount available to W for gifts during the second half of 2015 is $4,000,000, determined by adding the $2,000,000 DSUE amount of H2 and the $2,000,000 DSUE amount of H1 that was applied by W to W's 2012 taxable gifts. Thus, W's applicable exclusion amount during the balance of 2015 is $9,430,000 ($4,000,000 DSUE plus $5,430,000 basic exclusion amount for 2015).

(d) *Date DSUE amount taken into consideration by donor who is a surviving spouse*—(1) *General rule.* A portability election made by an executor of a decedent's estate (see § 20.2010–2(a) and (b) for applicable requirements) generally applies as of the date of such decedent's death. Thus, the decedent's DSUE amount is included in the applicable exclusion amount of the decedent's surviving spouse under section 2010(c)(2) and will be applicable to transfers made by the surviving spouse after the decedent's death (subject to the limitations in paragraph (a) of this section). However, such decedent's DSUE amount will not be included in the applicable exclusion amount of the surviving spouse, even if the surviving spouse had made a taxable gift in reliance on the availability or computation of the decedent's DSUE amount:

(i) If the executor of the decedent's estate supersedes the portability election by filing a subsequent estate tax return in accordance with § 20.2010–2(a)(4);

(ii) To the extent that the DSUE amount subsequently is reduced by a valuation adjustment or the correction of an error in calculation; or

(iii) To the extent that the DSUE amount claimed on the decedent's return cannot be determined.

(2) *Exception when surviving spouse not a U.S. citizen on date of deceased spouse's death.* If a surviving spouse becomes a citizen of the United States after the death of the surviving spouse's last deceased spouse, the DSUE amount of the surviving spouse's last deceased spouse becomes available to the surviving spouse on the date the surviving spouse becomes a citizen of the United States (subject to the limitations in paragraph (a) of this section). However, when the special rule regarding qualified domestic trusts in paragraph (d)(3) of this section applies, the earliest date on which a decedent's DSUE amount may be included in the applicable exclusion amount of such decedent's surviving spouse who becomes a U.S. citizen is as provided in paragraph (d)(3) of this section.

(3) *Special rule when property passes to surviving spouse in a qualified domestic trust*—(i) *In general.* When property passes from a decedent for the benefit of the decedent's surviving spouse in one or more qualified domestic trusts (QDOT) as defined in section 2056A(a) and the decedent's executor elects portability, the DSUE amount available to be included in the applicable exclusion amount of the surviving spouse under section 2010(c)(2) is the DSUE amount of the decedent as redetermined in accordance with § 20.2010–2(c)(4) (subject to the limitations in paragraph (a) of this section). The earliest date on which such decedent's DSUE amount may be included in the applicable exclusion amount of the surviving spouse under section 2010(c)(2) is the date of the occurrence of the final QDOT distribution or final other event (generally, the termination of all QDOTs created by or funded with assets passing from the decedent or the death of the surviving spouse) on which tax under section 2056A is imposed. However, the decedent's DSUE amount as redetermined in accordance with § 20.2010–2(c)(4) may be applied to the surviving spouse's taxable gifts made in the year of the surviving spouse's death or, if the terminating event occurs prior to the surviving spouse's death, then in the year of that terminating event and/or in any subsequent year during the surviving spouse's life.

(ii) *Surviving spouse becomes a U.S. citizen.* If a surviving spouse for whom property has passed from a decedent in one or more QDOTs becomes a citizen of the United States and the requirements in section 2056A(b)(12) and the corresponding regulations are satisfied, then the date on which such decedent's DSUE amount may be included in the applicable exclusion amount of the surviving spouse under section 2010(c)(2) (subject to the limitations in paragraph (a) of this section) is the date on which the surviving spouse becomes a citizen of the United States. See § 20.2010–2(c)(4) for the rules for computing the decedent's DSUE amount in the case of a qualified domestic trust.

(iii) *Example.* The following example illustrates the application of this paragraph (d)(3):

Example. (i) *Facts.* Husband (H), a U.S. citizen, dies in 2011 having made no taxable gifts during his lifetime. H's gross estate is $3,000,000. H's wife (W) is not a citizen of the United States and, under H's will, a pecuniary bequest of $2,000,000 passes to a QDOT for the benefit of W. H's executor timely files an estate tax return and makes the QDOT election for the property passing to the QDOT, and H's estate is allowed a marital deduction of $2,000,000 under section 2056(d) for the value of that property. H's taxable estate is $1,000,000. On H's estate tax return, H's executor computes H's preliminary DSUE amount to be $4,000,000. No taxable events within the meaning of section 2056A occur during W's lifetime with respect to the QDOT, and W resides in the United States at all times after H's death. W makes a taxable gift of $1,000,000 to X in 2012 and a taxable gift of $1,000,000 to Y in January 2015, in each case from W's own assets rather than from the QDOT. W dies in September 2015, not having married again, when the value of the assets of the QDOT is $2,200,000.

(ii) *Application.* H's DSUE amount is redetermined to be $1,800,000 (the lesser of the $5,000,000 basic exclusion amount for 2011, or the excess of H's $5,000,000 applicable exclusion amount over $3,200,000 (the sum of the $1,000,000 taxable estate augmented by the $2,200,000 of QDOT assets)). On W's gift tax return filed for 2012, W cannot apply any DSUE amount to the gift made to X. However, because W's gift to Y was made in the year that W died, W's executor will apply $1,000,000 of H's redetermined DSUE amount to the gift on W's gift tax return filed for 2015. The remaining $800,000 of H's redetermined DSUE amount is included in W's applicable exclusion amount to be used in computing W's estate tax liability.

(e) *Authority to examine returns of deceased spouses.* For the purpose of determining the DSUE amount to be included in the applicable exclusion amount of a surviving spouse, the Internal Revenue Service (IRS) may examine returns of each of the surviving spouse's deceased spouses whose DSUE amount is claimed to be included in the surviving spouse's applicable exclusion amount, regardless of whether the period of limitations on assessment has expired for any such return. The IRS's authority to examine returns of a deceased spouse applies with respect to each transfer by the surviving spouse to which a DSUE amount is or has been applied. Upon examination, the IRS may adjust or eliminate the DSUE amount reported on such a return of a deceased spouse; however, the IRS may assess additional tax on that return only if that tax is assessed within the period of limitations on assessment under section 6501 applicable to the tax shown on that return. See also section 7602 for the IRS's authority, when ascertaining the correctness of any return, to examine any returns that may be relevant or material to such inquiry.

(f) *Availability of DSUE amount for nonresidents who are not citizens.* A nonresident surviving spouse who was not a citizen of the United States at the time of making a transfer subject to tax under chapter 12 of the Internal Revenue Code shall not take into account the DSUE amount of any deceased spouse except to the extent allowed under any applicable treaty obligation of the United States. See section 2102(b)(3).

(g) *Effective/applicability date.* This section applies to gifts made on or after June 12, 2015. See 26 CFR 25.2505–2T, as contained in 26 CFR part 25, revised as of April 1, 2015, for the rules applicable to gifts made on or after January 1, 2011, and before June 12, 2015.

§ 25.2505–2T [Removed]

■ **Par. 18.** Section 25.2505–2T is removed.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

■ **Par. 19.** The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

■ **Par. 20.** In § 602.101, paragraph (b) is amended by:

■ 1. Removing the entry for 20.2010–2T.

■ 2. Adding in numerical order an entry for 20.2010–2.

The addition reads as follows:

§ 602.101 OMB Control numbers.

* * * * *

(b) * * *

CFR Part or section where identified and described	Current OMB control No.
* * * * *	
20.2010–2	1545–0015
* * * * *	

John M. Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: June 8, 2015.

Mark J. Mazur,

Assistant Secretary of Treasury (Tax Policy).

[FR Doc. 2015–14663 Filed 6–12–15; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 54

[TD–9724]

RIN 1545–BM53

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2590

RIN 1210–AB69

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 147

[CMS–9938–F]

RIN 0938–AS54

Summary of Benefits and Coverage and Uniform Glossary

AGENCY: Internal Revenue Service, Department of the Treasury; Employee Benefits Security Administration, Department of Labor; Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Final rules.

SUMMARY: This document contains final regulations regarding the summary of benefits and coverage (SBC) and the uniform glossary for group health plans and health insurance coverage in the group and individual markets under the Patient Protection and Affordable Care Act. It finalizes changes to the regulations that implement the disclosure requirements under section 2715 of the Public Health Service Act to help plans and individuals better understand their health coverage, as well as to gain a better understanding of other coverage options for comparison.

DATES: *Effective Date:* These final regulations are effective on August 17, 2015.

FOR FURTHER INFORMATION CONTACT: Elizabeth Schumacher or Amber Rivers, Employee Benefits Security Administration, Department of Labor, at (202) 693–8335; Karen Levin, Internal Revenue Service, Department of the Treasury, at (202) 317–5500; Heather Raeburn, Centers for Medicare & Medicaid Services, Department of Health and Human Services, at (301) 492–4224.

Customer Service Information: Individuals interested in obtaining

information from the Department of Labor concerning employment-based health coverage laws may call the EBSA Toll-Free Hotline at 1–866–444–EBSA (3272) or visit the Department of Labor's Web site (*http://www.dol.gov/ebsa*). In addition, information from HHS on private health insurance for consumers can be found on CMS's Web site (*www.cms.gov/cciio*) and information on health reform can be found at *http://www.healthcare.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Patient Protection and Affordable Care Act, Public Law 111–148, was enacted on March 23, 2010; the Health Care and Education Reconciliation Act, Public Law 111–152, was enacted on March 30, 2010. These statutes are collectively known as the Affordable Care Act. The Affordable Care Act reorganizes, amends, and adds to the provisions of part A of title XXVII of the Public Health Service Act (PHS Act) relating to group health plans and health insurance issuers in the group and individual markets. The term ''group health plan'' includes both insured and self-insured group health plans.[1] The Affordable Care Act adds section 715(a)(1) to the Employee Retirement Income Security Act (ERISA) and section 9815(a)(1) to the Internal Revenue Code (the Code) to incorporate the provisions of part A of title XXVII of the PHS Act into ERISA and the Code, and make them applicable to group health plans, and health insurance issuers providing health insurance coverage in connection with group health plans. The PHS Act sections incorporated by this reference are sections 2701 through 2728.

Section 2715 of the PHS Act, as added by the Affordable Care Act, directs the Departments of Labor, Health and Human Services (HHS), and the Treasury (the Departments) [2] to develop standards for use by a group health plan and a health insurance issuer offering group or individual health insurance coverage in compiling and providing a summary of benefits and coverage (SBC) that ''accurately describes the benefits and coverage under the applicable plan or coverage.'' PHS Act section 2715 also calls for the ''development of standards for the definitions of terms used in health insurance coverage.''

In accordance with the statute, the Departments, in developing such standards, consulted with the National Association of Insurance Commissioners (referred to in this document as the ''NAIC''),[3] and the NAIC provided its final recommendations to the Departments regarding the SBC on July 29, 2011. On August 22, 2011, the Departments published proposed regulations (2011 proposed regulations) and an accompanying document soliciting comments on the template, instructions, and related materials for implementing the disclosure provisions under PHS Act section 2715.[4] After consideration of all the comments received on the 2011 proposed regulations and accompanying documents, the Departments published joint final regulations to implement the disclosure requirements under PHS Act section 2715 on February 14, 2012 (2012 final regulations) and an accompanying document with the template, instructions, and related materials.[5]

After the 2012 final regulations were published, the Departments released Frequently Asked Questions (FAQs) regarding implementation of the SBC provisions as part of six issuances. The Departments released FAQs about Affordable Care Act Implementation Parts VII, VIII, IX, X, XIV, and XIX to answer outstanding questions, including questions related to the SBC.[6] These FAQs addressed questions related to compliance with the requirements of the 2012 final regulations, implemented additional safe harbors,[7] and released updated SBC materials.

On December 30, 2014, the Departments issued proposed regulations (December 2014 proposed regulations), as well as a new proposed SBC template, instructions, an updated uniform glossary, and other materials to incorporate some of the feedback the Departments have received and to make some improvements to the template.[8] The draft updated template, instructions, and supplementary materials are available at *http://cciio.cms.gov* and *http://www.dol.gov/ebsa/healthreform/regulations/summaryofbenefits.html.*

On March 30, 2015, the Departments released an FAQ stating that the Departments intend to finalize changes to the regulations in the near future but intend to utilize consumer testing and offer an opportunity for the public, including the NAIC, to provide further input before finalizing revisions to the SBC template and associated documents.[9] The Departments anticipate the new template and associated documents will be finalized by January 2016 and will apply to coverage that would renew or begin on the first day of the first plan year (or, in the individual market, policy year) that begins on or after January 1, 2017 (including open season periods that occur in the Fall of 2016 for coverage beginning on or after January 1, 2017).

After consideration of the comments and feedback received from stakeholders in response to the December 2014 proposed regulations, the Departments are publishing these final regulations. In response to the 2014 proposed regulations, the Departments received comments on the regulations as well as the template and

[1] The term ''group health plan'' is used in title XXVII of the PHS Act, part 7 of ERISA, and chapter 100 of the Code, and is distinct from the term ''health plan,'' as used in other provisions of title I of the Affordable Care Act. The term ''health plan'' does not include self-insured group health plans.

[2] Note, however, that in sections under headings listing only two of the three Departments, the term ''Departments'' generally refers only to the two Departments listed in the heading.

[3] The NAIC convened a working group (NAIC working group) comprised of a diverse group of stakeholders. This working group met frequently for over one year while developing its recommendations. In developing its recommendations, the NAIC considered the results of various consumer testing sponsored by both insurance industry and consumer associations. Throughout the process, NAIC working group draft documents and meeting notes were displayed on the NAIC's Web site for public review, and several interested parties filed formal comments. In addition to participation from the NAIC working group members, conference calls and in-person meetings were open to other interested parties and individuals and provided an opportunity for non-member feedback. See *www.naic.org/committees_b_consumer_information.htm.*

[4] See proposed regulations, published at 76 FR 52442 (August 22, 2011) and guidance document published at 76 FR 52475 (August 22, 2011).

[5] See final regulations, published at 77 FR 8668 (February 14, 2012) and guidance document published at 77 FR 8706 (February 14, 2012).

[6] See Frequently Asked Questions about Affordable Care Act Implementation Part VII (available at *www.dol.gov/ebsa/faqs/faq-aca7.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs7.html*); Part VIII (available at *www.dol.gov/ebsa/faqs/faq-aca8.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs8.html*); Part IX (available at *www.dol.gov/ebsa/faqs/faq-aca9.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs9.html*); Part X (available at *www.dol.gov/ebsa/faqs/faq-aca10.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs10.html*); Part XIV (available at *www.dol.gov/ebsa/faqs/faq-aca14.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs14.html*); and Part XIX (available at *www.dol.gov/ebsa/faqs/faq-aca19.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs19.html*).

[7] As discussed more fully herein, some of the enforcement safe harbors and transitions are being made permanent (several with modifications) by these final regulations.

[8] See proposed regulations published at 79 FR 78577 (December 30, 2014).

[9] See Frequently Asked Questions about Affordable Care Act Implementation Part XXIV, available at *http://www.dol.gov/ebsa/faqs/faq-aca24.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs24.html.*

associated documents. The Departments received many comments on the proposed changes to the template and associated documents but received very few comments relating to the regulations. As stated in the FAQ issued on March 30, 2015, the Departments anticipate the new template and associated documents will be finalized by January 2016, and, therefore, only the comments on the regulations will be addressed in this final rule. Comments relating to the template and associated documents will be addressed when those documents are finalized.

II. Overview of the Final Regulations

A. Requirement To Provide a Summary of Benefits and Coverage

1. Provision of the SBC by an Issuer to a Plan

Under paragraph (a)(1)(i) of the 2012 final regulations, a health insurance issuer offering group health insurance coverage must provide an SBC to a group health plan (or its sponsor) upon an application by the plan for health coverage. The issuer must provide the SBC as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application. The Departments proposed to add language to clarify that, under the 2012 final regulations, a health insurance issuer offering group health insurance coverage (or plan, if applicable, under paragraph (a)(1)(ii), as discussed below) is not required to automatically provide the SBC again if the issuer already provided the SBC before application to any entity or individual, provided there is no change in the information required to be in the SBC.

The comments the Departments received on this clarification generally supported the proposed language and, accordingly, these final regulations finalize the language of the proposed regulations without change. Therefore, these final regulations include language clarifying that, if the issuer provides the SBC upon request before application for coverage, the requirement to provide an SBC upon application is deemed satisfied, and the issuer is not required to automatically provide another SBC upon application to the same entity or individual, provided there is no change to the information required to be in the SBC. However, if there has been a change in the information required to be included in the SBC, a new SBC that includes the changed information must be provided upon application (that is, as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application).

Under paragraph (a)(i)(B) of the 2012 final regulations, if there is any change in the information required to be in the SBC that was provided upon application and before the first day of coverage, the issuer must update and provide a current SBC to the plan (or its sponsor) no later than the first day of coverage. If the information is unchanged, the issuer does not need to provide the SBC again in connection with coverage for that plan year, except upon request. The December 2014 proposed regulations stated that if the plan sponsor is negotiating coverage terms after an application has been filed and the information required to be in the SBC changes, an updated SBC is not required to be provided to the plan or its sponsor (unless an updated SBC is requested) until the first day of coverage. The updated SBC should reflect the final coverage terms under the policy, certificate, or contract of insurance that was purchased.

Some commenters supported the clarification and stated that if there is a change in the information required, a new SBC that includes the changed information must be provided upon application. Other commenters stated that enrollees in both the group and individual markets need to know of pending plan changes during open and special enrollment periods so that they can make informed decisions about their plan options.

These final regulations finalize the language of the proposed regulations without change. Therefore, if the plan sponsor is negotiating coverage terms after an application has been filed and the information required to be in the SBC changes, an updated SBC is not required to be provided to the plan or its sponsor (unless an updated SBC is requested) until the first day of coverage. The updated SBC is required to reflect the final coverage terms under the policy, certificate, or contract of insurance that was purchased.

2. Provision of the SBC by a Plan or Issuer to Participants and Beneficiaries

Under paragraph (a)(1)(ii) of 2012 final regulations, a group health plan (including the plan administrator), and a health insurance issuer offering group health insurance coverage, must provide an SBC to a participant or beneficiary [10] with respect to each benefit package offered by the plan or issuer for which the participant or beneficiary is eligible.[11] The December 2014 proposed regulations clarified that if the plan or issuer provides the SBC prior to application for coverage, the plan or issuer is not required to automatically provide another SBC upon application, if there is no change to the information required to be in the SBC. If there is any change to the information required to be in the SBC by the time the application is filed, the plan or issuer must update and provide a current SBC as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application.

The comments the Departments received on this proposal generally supported adopting the language of the proposed regulations, which incorporates this clarification of the 2012 final regulations. Therefore, these final regulations provide that if an SBC was provided upon request before application, the requirement to provide the SBC upon application is deemed satisfied, provided there is no change to the information required to be in the SBC. However, if there has been a change in the information required to be in the SBC, a new SBC that includes the updated information must be provided as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application.

Under the 2012 final regulations, if there is any change to the information required to be in the SBC that was provided upon application and before the first day of coverage, the plan or issuer must update and provide a current SBC to a participant or beneficiary no later than the first day of coverage. The December 2014 proposed regulations addressed how to satisfy the requirement to provide an SBC when the terms of coverage are not finalized.

[10] ERISA section 3(7) defines a participant as: any employee or former employee of an employer, or any member or former member of an employee organization, who is or may become eligible to receive a benefit of any type from an employee benefit plan which covers employees of such employers or members of such organization, or whose beneficiaries may be eligible to receive any such benefit. ERISA section 3(8) defines a beneficiary as: a person designated by a participant, or by the terms of an employee benefit plan, who is or may become entitled to a benefit thereunder.

[11] With respect to insured group health plan coverage, PHS Act section 2715 generally places the obligation to provide an SBC on both the group health plan and health insurance issuer. As discussed below, under section III.A.1.d., ''Special Rules to Prevent Unnecessary Duplication with Respect to Group Health Coverage'', if either the issuer or the plan provides the SBC, both will have satisfied their obligations. As they do with other notices required of both plans and issuers under part 7 of ERISA, title XXVII of the PHS Act, and Chapter 100 of the Code, the Departments expect plans and issuers to make contractual arrangements for sending SBCs. Accordingly, the remainder of this preamble generally refers to requirements for plans or issuers.

Those proposed regulations proposed that if the plan sponsor is negotiating coverage terms after an application has been filed and the information required to be in the SBC changes, the plan or issuer is not required to provide an updated SBC (unless an updated SBC is requested) until the first day of coverage. The updated SBC would be required to reflect the final coverage terms under the policy, certificate, or contract of insurance that was purchased. The Departments did not receive comments relating to this provision, and, therefore, these final regulations finalize the language of the proposed regulations without change.

Under the 2012 final regulations, the plan or issuer must also provide the SBC to individuals enrolling through a special enrollment period, also called special enrollees.[12] Special enrollees must be provided with an SBC no later than when a summary plan description is required to be provided under the timeframe set forth in ERISA section 104(b)(1)(A) and its implementing regulations, which is 90 days from enrollment.

The December 2014 proposed regulations followed the approach of the 2012 final rules with respect to this requirement and did not include a proposed change. The proposed regulations provided that, to the extent individuals who are eligible for special enrollment would like to receive SBCs earlier than this timeframe, they may request an SBC with respect to any particular plan, policy, or benefit package and the SBC is required to be provided as soon as practicable, but in no event later than seven business days following receipt of the request. The Departments received several comments relating to the timeframe. While some commenters supported the existing requirement, other commenters stated that the Departments should require plans and issuers to provide the SBC to special enrollees upon enrollment or by the first day of coverage. Some commenters stated that rules should require plans and issuers to treat special enrollees the same as applicants for coverage, which would require provision of the SBC as soon as practicable following receipt of an application, but in no event later than seven business days following receipt of the application.

The Departments recognize the importance of special enrollees having information about a plan, policy, or benefit package for which they are eligible; however, special enrollees have the opportunity to obtain this information by requesting the SBC. Accordingly, these regulations retain the provision of the proposed regulations regarding special enrollees without change. To the extent that individuals who are eligible for special enrollment and are contemplating their coverage options would like to receive SBCs earlier, they may always request an SBC with respect to any particular plan, policy, or benefit package, and the SBC is required to be provided as soon as practicable, but in no event later than seven business days following receipt of the request. Therefore, these final regulations continue to provide that the plan or issuer must provide the SBC to individuals enrolling through a special enrollment period, also called special enrollees, no later than when a summary plan description is required to be provided under the timeframe set forth in ERISA section 104(b)(1)(A) and its implementing regulations, which is 90 days from enrollment.

B. Special Rules To Prevent Unnecessary Duplication With Respect to Group Health Coverage

Paragraph (a)(1)(iii) of the 2012 final regulations sets forth three special rules to streamline provision of the SBC and avoid unnecessary duplication with respect to group health coverage. In addition to retaining these three existing special rules, the Departments proposed adding two additional provisions, and codifying an enforcement safe harbor set forth in a previous FAQ,[13] to ensure participants and beneficiaries receive information while preventing unnecessary duplication. The first proposed provision sought to address circumstances where an entity required to provide an SBC with respect to an individual has entered into a binding contract with another party to provide the SBC to the individual. In such a case, the proposed regulations stated that the entity would be considered to satisfy the requirement to provide the SBC with respect to the individual if specified conditions are met:

(1) The entity monitors performance under the contract; [14]

(2) If the entity has knowledge that the SBC is not being provided in a manner that satisfies the requirements of this section and the entity has all information necessary to correct the noncompliance, the entity corrects the noncompliance as soon as practicable; and

(3) If the entity has knowledge the SBC is not being provided in a manner that satisfies the requirements of this section and the entity does not have all information necessary to correct the noncompliance, the entity communicates with participants and beneficiaries who are affected by the noncompliance regarding the noncompliance, and begins taking significant steps as soon as practicable to avoid future violations.

In response to this proposal, some commenters expressed concern that the proposed approach would permit circumstances where a group health plan that contracts with a third party administrator is deemed compliant with the requirements, although certain participants and beneficiaries under the plan have not received an SBC. On the other hand, the Departments received comments recommending the final regulations eliminate the requirement to monitor the performance of contractors, arguing that it is unnecessary and unduly burdensome.

In light of all the comments received, the Departments finalize the proposed approach without change. The approach set forth by the Departments works to achieve the goals of preventing unnecessary duplication for plans and issuers, while incorporating safeguards to ensure that participants and beneficiaries receive the requisite information. The Departments believe that the requirement to monitor the performance under the contract is necessary to ensure that participants and beneficiaries receive the information to which they are entitled. The Departments may provide additional guidance if the Departments become aware of situations where participants and beneficiaries are not being provided SBCs in accordance with these final regulations.

The second provision proposed by the Departments addressed unnecessary duplication with respect to a group health plan that uses two or more

[12] See special enrollment regulations published at 26 CFR 54.9801–6, 29 CFR 2590.701–6, and 45 CFR 146.117.

[13] See Affordable Care Act Implementation FAQs Part IX, question 10, available at *http://www.dol.gov/ebsa/faqs/faq-aca9.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs9.html.*

[14] The selection and monitoring of service providers for a group health plan, including parties assuming responsibility to complete, provide information for, or deliver SBCs, is a fiduciary act subject to prudence and loyalty duties and prohibited transaction provisions of ERISA. No single fiduciary procedure will be appropriate in all cases; the procedure for selecting and monitoring service providers may vary in accordance with the nature of the plan and other facts and circumstances relevant to the choice of the service provider. More general information on hiring and monitoring service providers is contained in the Department of Labor publication ''Understanding Your Fiduciary Responsibilities Under a Group Health Plan,'' which is available at: *www.dol.gov/ebsa/publications/ghpfiduciaryresponsibilities.html.*

insurance products provided by separate issuers to insure benefits under the plan. The Departments recognize that a plan sponsor may purchase an insurance product for certain coverage from a particular issuer and purchase a separate insurance product or self-insure with respect to other coverage (such as outpatient prescription drug coverage). In these circumstances, the first issuer may or may not know of the existence of other coverage, or whether the plan sponsor has arranged the two benefit packages as a single plan or two separate plans.

To address these arrangements, the December 2014 proposed regulations proposed that, with respect to a group health plan that uses two or more insurance products provided by separate issuers, the group health plan administrator is responsible for providing complete SBCs with respect to the plan. The group health plan administrator may contract with one of its issuers (or other service providers) to perform that function. Absent a contract to perform the function, an issuer has no obligation to provide coverage information for benefits that it does not insure. The comments the Departments received on this proposed provision generally supported the approach, and therefore these regulations also finalize this rule without change.

To address concerns regarding unnecessary duplication in situations where plans may have benefits provided by more than one issuer, the Departments set forth an enforcement safe harbor in an FAQ on May 11, 2012,[15] which permitted the provision of multiple partial SBCs if certain conditions were satisfied. The Departments extended this enforcement safe harbor for one year on April 23, 2013,[16] and indefinitely on May 2, 2014.[17] The Departments requested comment on whether to codify this policy in the final regulations.

Some commenters supported the policy in the enforcement safe harbor and either requested the Departments extend the enforcement safe harbor or codify it in regulations. Other commenters requested that the Departments require plan administrators to synthesize the information into a single SBC in order to meet the SBC content requirements when two or more insurance products are provided by separate issuers with respect to a single group health plan.

These final regulations codify this enforcement safe harbor, which permits a group health plan administrator to synthesize the information into a single SBC or provide multiple partial SBCs that, together, provide all the relevant information to meet the SBC content requirements.

C. Provision of the SBC by an Issuer Offering Individual Market Coverage

Paragraph (a)(1)(iv) of the HHS 2012 final regulations sets forth standards applicable to individual health insurance coverage, under which the provision of the SBC by an issuer offering individual market coverage largely parallels the group market requirements described above, with only those changes necessary to reflect the differences between the two markets. The rules provide that a health insurance issuer offering individual health insurance coverage must provide an SBC to an individual or dependent upon receiving an application for any health insurance policy as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application.[18] If there is any change in the information required to be in the SBC that was provided upon application and before the first day of coverage, the issuer must update and provide a current SBC to an individual or dependent no later than the first day of coverage.

The December 2014 proposed regulations proposed to clarify when the issuer must provide the SBC again if the issuer already provided the SBC prior to application. HHS proposed that if the issuer provides the SBC prior to application for coverage, the issuer is not required to automatically provide another SBC upon application, if there is no change to the information required to be in the SBC. If there is any change to the information required to be in the SBC that was provided prior to application for coverage by the time the application is filed, the issuer must update and provide a current SBC to the same individual or dependent as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application.

The comments received on this proposal generally supported adopting the language of the proposed regulation. Therefore, these final regulations provide that if an SBC was provided upon request before application, the requirement to provide the SBC upon application is deemed satisfied, provided there is no change to the information required to be in the SBC. However, if there has been a change in the information that is required to be in the SBC, a new SBC that includes the changed information must be provided as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application.

HHS also proposed to address situations where an issuer offering individual market insurance coverage, consistent with applicable Federal and State law, automatically reenrolls an individual and any dependents into a different plan or product than the plan in which these individuals were previously enrolled. If the issuer automatically re-enrolls an individual covered under a policy, certificate, or contract of insurance (including every dependent) into a policy, certificate, or contract of insurance under a different plan or product, HHS proposed that the issuer would be required to provide an SBC with respect to the coverage in which the individual (including every dependent) will be enrolled, consistent with the timing requirements that apply when the policy is renewed or reissued. The comments received regarding this proposal supported this proposed approach. Therefore, these final regulations finalize the proposed approach without change.

D. Special Rules To Prevent Unnecessary Duplication With Respect to Individual Health Insurance Coverage

Student health insurance coverage is a type of individual health insurance coverage provided pursuant to a written agreement between an institution of higher education and a health insurance issuer to students enrolled in that institution of higher education, and their dependents, that meet certain specified conditions.[19] The December 2014 proposed regulations proposed to extend an anti-duplication rule similar to that provided with respect to group health coverage to student health

[15] Affordable Care Act Implementation FAQs Part IX, question 10, available at *http://www.dol.gov/ebsa/faqs/faq-aca9.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs9.html.*

[16] Affordable Care Act Implementation FAQs Part XIV, question 5, available at *www.dol.gov/ebsa/faqs/faq-aca14.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs14.html.*

[17] Affordable Care Act FAQ Part XIX, question 8, available at *www.dol.gov/ebsa/faqs/faq-aca19.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs19.html.*

[18] We clarify for issuers participating in an Exchange for the individual market, an issuer's obligation to provide the SBC upon ''application'' is triggered by the issuer's receipt of notice from the Exchange of the individual's plan selection, rather than the Exchange's receipt of the individual's eligibility application.

[19] See 45 CFR 147.145, published at 77 FR 16453 (March 21, 2012).

insurance coverage. HHS proposed that the requirement to provide an SBC with respect to an individual would be considered satisfied for an entity (such as an institution of higher education) if another party (such as a health insurance issuer) provides a timely and complete SBC to the individual. HHS solicited comments on whether or not a requirement to monitor the provisioning of the SBC in this circumstance should be added.

The comments received generally supported this proposal. Most of the commenters supported requiring the entity that is contracting the provisioning of the SBC to a different entity to monitor the contract to ensure individuals receive an SBC. However, a few commenters stated that such a requirement would be unnecessary and unduly burdensome.

Considering the comments received, these final regulations adopt an anti-duplication provision with respect to providing SBCs for student health insurance coverage, with the addition of a duty to monitor that parallels the duty to monitor that is being finalized with respect to the anti-duplication rule for group health plans. HHS believes that the requirement to monitor the performance under the contract is necessary to ensure that individuals receive the information to which they are entitled. HHS may provide additional guidance if the Departments become aware of situations where individuals are not being provided SBCs in accordance with these final regulations.

E. Content

PHS Act section 2715(b)(3) generally provides that the SBC must include nine statutory content elements. The 2012 final regulations added three content elements: (1) for plans and issuers that maintain one or more networks of providers, an Internet address (or similar contact information) for obtaining a list of the network providers; (2) for plans and issuers that use a formulary in providing prescription drug coverage, an Internet address (or similar contact information) for obtaining information on prescription drug coverage under the plan or coverage; and (3) an Internet address for obtaining the uniform glossary, as well as a contact phone number to obtain a paper copy of the uniform glossary, and a disclosure that paper copies of the uniform glossary are available.

1. Minimum Essential Coverage and Minimum Value Statement

One of the statutory content elements is a statement of whether the plan or coverage provides minimum essential coverage (MEC) as defined under section 5000A(f) of the Code, and whether the plan's or coverage's share of the total allowed costs of benefits provided under the plan or coverage is not less than 60% of those costs. In April 2013, the Departments issued an updated SBC template (and sample completed SBC) with the addition of statements regarding whether the plan or coverage provides MEC (as defined under section 5000A(f) of the Code) and whether the plan or coverage meets the minimum value (MV) requirements.[20] In Affordable Care Act Implementation FAQs Part XIV, issued contemporaneously with the updated SBC template in April 2013, the Departments stated that this language is required to be included in SBCs provided with respect to coverage beginning on or after January 1, 2014.[21]

The Departments also stated in Affordable Care Act Implementation FAQs Part XIV that if a plan or issuer was unable to modify the SBC template for these disclosures, the Departments would not take any enforcement action against a plan or issuer for using the original template authorized at the time the 2012 final regulations were issued, provided that the SBC was furnished with a cover letter or similar disclosure stating whether the plan or coverage does or does not provide MEC and whether the plan's or coverage's share of the total allowed costs of benefits provided under the plan or coverage does or does not meet the MV standard under the Affordable Care Act.[22] As stated in the FAQ issued on March 30, 2015, the Departments anticipate finalizing the new template and associated documents by January 2016. Therefore, until the new template and associated documents are finalized and applicable, plans and issuers may continue to rely on the flexibility provided in Affordable Care Act Implementation FAQs Part XIV [23] and the Departments will not take enforcement action against a plan or issuer that provides an SBC with a cover letter or similar disclosure with the required MEC and MV statements.[24]

2. QHP and Abortion Services

Under section 1303(b)(3)(A) of the Affordable Care Act and implementing regulations at 45 CFR 156.280(f), a Qualified Health Plan (QHP) issuer that elects to offer a QHP that provides coverage of abortion services for which federal funding is prohibited (non-excepted abortion services) must provide a notice to enrollees, as part of the SBC provided at the time of enrollment, of coverage of such services.

The December 2014 proposed regulations proposed to require issuers of QHPs sold through an individual market Exchange to disclose on the SBC these QHPs whether abortion services are covered or excluded, and whether coverage is limited to services for which federal funding is allowed (excepted abortion services). Several commenters supported this proposal. Some commenters recommended that the requirement to disclose coverage or exclusion of abortion services be expanded to all plans and issuers offering coverage in all markets, not only issuers of QHPs in the individual market. Finally, some commenters recommended limiting the required disclosure to only a QHP issuer that offers a QHP providing coverage of non-excepted abortion services.

After consideration of all the comments regarding this proposal, these final regulations adopt the proposed approach without change. These final regulations require that QHP issuers must disclose on the SBC for QHPs sold through an individual market Exchange whether abortion services are covered or excluded, and whether coverage is limited to excepted abortion services.

[20] *See* Affordable Care Act Implementation FAQs Part XIV, question 1, available at *www.dol.gov/ebsa/faqs/faq-aca14.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs14.html.*

[21] The guidance with respect to statements regarding MEC and MV was originally issued for SBCs provided with respect to coverage beginning on or after January 1, 2014, and before January 1, 2015 (referred to as the ''second year of applicability''). See Affordable Care Act Implementation FAQs Part XIV, question 1, available at *www.dol.gov/ebsa/faqs/faq-aca14.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs14.html.* This guidance was extended to be applicable until further guidance was issued. See Affordable Care Act Implementation FAQs Part XIX, question 7, available at *www.dol.gov/ebsa/faqs/faq-aca19.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs19.html*

[22] *See* Affordable Care Act Implementation FAQs Part XIV, question 2, available at *www.dol.gov/ebsa/faqs/faq-aca14.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs14.html.*

[23] Affordable Care Act Implementation FAQs Part XIV, question 2, available at *www.dol.gov/ebsa/faqs/faq-aca14.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs14.html.*

[24] HHS also notes that until the new template and associated documents are finalized and applicable, it will not take enforcement action against an individual market issuer for omitting such a statement for minimum value, which is not relevant with respect to individual market coverage.

HHS feels that this level of transparency is important to facilitate comparisons across individual market QHPs, and to avoid confusion regarding which abortion services are or are not covered.

The December 2014 proposed regulations were published contemporaneously with proposed updates to the SBC template, instructions, and associated documents. The proposed updates to the SBC template instructions and associated documents included guidance for QHP issuers regarding the wording and placement of the abortion disclosure requirement on the SBC. We received numerous comments regarding the proposed language for the disclosure, as well as the placement of the disclosure on the SBC template. As previously stated, the Departments anticipate finalizing the new template and associated documents, separately from this final rule, by January 2016. HHS will consider and address the comments regarding the wording and placement of the disclosure in finalizing the new template and associated documents. HHS acknowledges that QHP issuers will not have final guidance regarding the specific wording and placement of this disclosure until the template, instructions, and associated documents are finalized. Therefore, until the new template and associated documents are finalized and applicable, individual market QHP issuers may adopt any reasonable wording and placement of the disclosure on the SBC. Individual market QHP issuers may also provide the disclosure in a cover letter or other similar disclosure provided with the SBC. Consistent with the effective dates described in section K of this final rule, this requirement is applicable for individual market QHP issuers for SBCs issued in connection with coverage that begins on or after January 1, 2016.

For Multi-State Plan issuers, the Office of Personnel Management will issue guidance about the wording and placement of the abortion disclosure requirement on the SBC.

3. Contact Information for Questions

The statute provides that the SBC must include ''a contact number for the consumer to call with additional questions and an Internet web address where a copy of the actual individual coverage policy or group certificate of coverage can be reviewed and obtained.'' The 2012 final regulations state that the SBC must include ''contact information for questions and obtaining a copy of the plan document or the insurance policy, certificate, or contract of insurance (such as a telephone number for customer service and an Internet address for obtaining a copy of the plan document or the insurance policy, certificate, or contract of insurance).'' These final regulations clarify that all plans and issuers must include on the SBC contact information for questions.

4. Internet Address To Obtain the Actual Individual Underlying Policy or Group Certificate

Questions have arisen as to whether PHS Act section 2715(b)(3)(i) (which requires that an SBC include ''. . . an Internet web address where a copy of the actual individual coverage policy or group certificate of coverage can be reviewed and obtained'') and associated regulations require that all plans and issuers must post underlying plan documents automatically on an Internet Web site. Some commenters stated that plans and issuers should be required to post actual policy and underlying plan documents as well as direct links to the plan's prescription drug formulary. Other commenters stated that the Departments should permit plan sponsors to decide whether the underlying plan documents are posted online. Others stated that mandating self-insured group health plans to post underlying plan information online is redundant and burdensome.

The statutory language regarding this requirement refers specifically to an ''individual coverage policy'' and ''group certificate of coverage.'' This statutory provision does not reference group health plan coverage that provides benefits on a self-insured basis. While the Departments recognize that such information may be useful to consumers, based on the statutory language, the Departments may only require issuers to post the underlying individual coverage policy or group certificate of coverage to an Internet address. Accordingly, these final regulations provide that issuers must also include an Internet web address where a copy of the actual individual coverage policy or group certificate of coverage can be reviewed and obtained. The Departments note that these final regulations require these documents to be easily available to individuals, plan sponsors, and participants and beneficiaries shopping for coverage prior to submitting an application for coverage. For the group market only, because the actual ''certificate of coverage'' is not available until after the plan sponsor has negotiated the terms of coverage with the issuer, an issuer is permitted to satisfy this requirement with respect to plan sponsors that are shopping for coverage by posting a sample group certificate of coverage for each applicable product. After the actual certificate of coverage is executed, it must be easily available to plan sponsors and participants and beneficiaries via an Internet web address.

The Departments note that nothing in this section prohibits issuers and group health plan sponsors from making additional underlying group health plan or policy documents more readily available to participants and beneficiaries, including by posting them on the internet. HHS encourages issuers to make all relevant policy documents easily accessible to individuals shopping for, and enrolled in, coverage to facilitate comparison of policy options and understanding of benefits available under a particular plan or policy.

The Departments also note that, separate from the SBC requirement, provisions of other applicable laws require disclosure of plan documents and other instruments governing the plan. For example, ERISA section 104 and the Department of Labor's implementing regulations [25] provide that, for plans subject to ERISA, the plan documents and other instruments under which the plan is established or operated must generally be furnished by the plan administrator to plan participants [26] upon request. In addition, the Department of Labor's claims procedure regulations (applicable to ERISA plans), as well as the Departments' claims and appeals regulations under the Affordable Care Act (applicable to all non-grandfathered group health plans and health insurance issuers in the group and individual markets),[27] set forth rules regarding claims and appeals, including the right of claimants (or their authorized representatives) upon appeal of an adverse benefit determination (or a final internal adverse benefit determination) to be provided by the plan or issuer, upon request and free of charge, reasonable access to and copies of all documents, records, and other information relevant to the claimant's

[25] 29 CFR 2520.104b–1.

[26] ERISA section 3(7) defines a ''participant'' to include any employee or former employee who is or may become eligible to receive a benefit of any type from an employee benefit plan or whose beneficiaries may be eligible to receive any such benefit. Accordingly, employees who are not enrolled but are, for example, in a waiting period for coverage, or who are otherwise shopping amongst benefit package options at open season, generally are considered plan participants for this purpose.

[27] 29 CFR 2560.503–1. *See also* 29 CFR 2590.715–2719(b)(2)(i) and 45 CFR 147.136(b)(2)(i), requiring nongrandfathered plans and issuers to incorporate the internal claims and appeals processes set forth in 29 CFR 2560.503–1.

claim for benefits. Plans and issuers must continue to comply with these provisions and any other applicable laws.

F. Appearance

PHS Act section 2715 sets forth standards related to the appearance and language of the SBC. Specifically, the SBC is to be presented in a culturally and linguistically appropriate manner utilizing terminology understandable by the average plan enrollee, in a uniform format that does not exceed four double-sided pages in length, and does not include print smaller than 12-point font. Plans and issuers have informed the Departments that they are concerned about including all of the required information in the SBC while also satisfying the limitation on the length of the document of four double-sided pages. Comments were invited on potential ways to reconcile the statutory page limit with the statutory content, appearance, and format requirements, particularly the need for the summary to present information in an understandable, accurate, and meaningful way that facilitates comparisons of health options, including those that have disparate and comparatively complex features. Specifically, the Departments invited comments on the sorts of plans that have difficulty meeting the statutory limit, and what other sorts of accommodations may be appropriate for those plans.

Some commenters expressed concern regarding the difficulty of complying with the statutory page limit. One commenter stated that it is difficult to provide customers with clear and accurate information while describing the benefits provided under certain complex plan designs. As discussed above, the statute requires that the SBC not exceed four pages, and these final regulations retain the interpretation set forth in the 2012 final regulations that the SBC can be four double-sided pages. The Departments will address specific issues related to completing the four-page template, as well as the issues plans and issuers encounter meeting these requirements with the finalization of the new template and associated documents, separate from this final rule.

G. Form

1. Group Health Plan Coverage

To facilitate faster and less burdensome disclosure of the SBC and to be consistent with PHS Act section 2715(d)(2), which permits disclosure in either paper or electronic form, the 2012 final regulations set forth rules to permit greater use of electronic transmittal of the SBC. For SBCs provided electronically by a plan or issuer to participants and beneficiaries, the 2012 final regulations make a distinction between a participant or beneficiary who is already covered under the group health plan and a participant or beneficiary who is eligible for coverage but not enrolled in a group health plan. For participants and beneficiaries who are already covered under the group health plan, the 2012 final regulations permit provision of the SBC electronically, if the requirements of the Department of Labor's regulations at 29 CFR 2520.104b–1 are met. Paragraph (c) of those regulations includes an electronic disclosure safe harbor.[28] For participants and beneficiaries who are eligible for but not enrolled in coverage, the 2012 final regulations permit the SBC to be provided electronically, if the format is readily accessible [29] and a paper copy is provided free of charge upon request. Additionally, to reduce paper copies that may be unnecessary, if the electronic form is an Internet posting, the plan or issuer must timely advise the individual in paper form (such as a postcard) or email that the documents are available on the Internet, provide the Internet address, and notify the individual that the documents are available in paper form upon request. The Departments note that the rules for participants and beneficiaries who are eligible for but not enrolled in coverage are substantially similar to the requirements for an issuer providing an electronic SBC to a group health plan (or its sponsor) under paragraph (a)(4)(i) of the regulations. Finally, plans, and participants and beneficiaries (both those covered and those eligible but not enrolled), have the right to receive an SBC in paper form, free of charge, upon request.

In Affordable Care Act Implementation FAQs Part IX, question 1, the Departments adopted an additional safe harbor related to electronic delivery of SBCs.[30] In the December 2014 proposed regulations, the Departments proposed to codify this safe harbor through rulemaking. Commenters generally supported permitting electronic delivery of SBCs. Some commenters requested the Departments adopt the safe harbor outlined in the FAQ. Other commenters recommended adopting the safe harbor standard for all individuals receiving the SBC without making any distinction as to whether the individual is already enrolled in the plan.

These final regulations adopt the safe harbor for electronic delivery set forth in the FAQ without expanding the application of the safe harbor to all individuals entitled to receive the SBC. The Departments note that these rules provide a mechanism by which all SBCs may be provided electronically. The Departments believe that the approach set forth in the FAQ achieves an appropriate balance between ensuring participants and beneficiaries receive the necessary information, while allowing plans and issuers to provide such information electronically. Thus, SBCs may be provided electronically to participants and beneficiaries in connection with their online enrollment or online renewal of coverage under the plan. SBCs also may be provided electronically to participants and beneficiaries who request an SBC online. In either case, the individual must have the option to receive a paper copy upon request.

2. Individual Health Insurance Coverage and Self-insured Non-Federal Governmental Plans

The HHS 2012 final regulations established a provision under paragraph (a)(4)(iii)(C) that deems health insurance issuers in the individual market to be in compliance with the requirement to provide the SBC to an individual requesting summary information about a health insurance product prior to submitting an application for coverage if the issuer provides the content required under paragraph (a)(2) of the regulations to the federal health reform Web portal described in 45 CFR 159.120. Issuers must submit all of the content required under paragraph (a)(2), as specified in guidance by the Secretary, to be deemed compliant with the requirement to provide an SBC to an individual requesting summary information prior to submitting an application for coverage. HHS intends to continue to

[28] On April 7, 2011, the Department of Labor published a Request for Information regarding electronic disclosure at 76 FR 19285. In it, the Department of Labor stated that it is reviewing the use of electronic media by employee benefit plans to furnish information to participants and beneficiaries covered by employee benefit plans subject to ERISA. Because these SBC regulations adopt the ERISA electronic disclosure rules by cross-reference, any changes that may be made to 29 CFR 2520.104b–1 in the future would also apply to the SBC.

[29] The Departments note that our use of the phrase ''readily accessible'' in this context is not intended to connote terms of art, such as ''reasonable accommodation,'' ''readily achievable,'' and ''accessible,'' as used in connection with the determination of legal requirements with regard to disability.

[30] See Affordable Care Act Implementation FAQs Part IX, question 4, available at *http://www.dol.gov/ebsa/faqs/faq-aca9.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs9.html.*

facilitate the operation of this deemed compliance option for individual market issuers. An issuer must provide all SBCs other than the ''shopper'' SBC contemplated in the deemed compliance provision as required under the 2012 final regulations (and any future final regulations), including providing the SBC at the time of application and renewal.

The Departments note that, consistent with the 2012 final regulations, an issuer in the individual market must provide the SBC in a manner that can reasonably be expected to provide actual notice regardless of the format. An issuer in the individual market satisfies the form requirements set forth in the 2012 final regulations if it does at least one of the following: (1) Hand-delivers a paper copy of the SBC to the individual or dependent; (2) mails a paper copy of the SBC to the mailing address provided to the issuer by the individual or dependent; (3) provides the SBC by email after obtaining the individual's or dependent's agreement to receive the SBC or other electronic disclosures by email; (4) posts the SBC on the Internet and advises the individual or dependent in paper or electronic form, in a manner compliant with 45 CFR 147.200(a)(4)(iii)(A)(*1*) through (*3*), that the SBC is available on the Internet and includes the applicable Internet address; or (5) provides the SBC by any other method that can reasonably be expected to provide actual notice.

The 2012 final regulations also provide that the obligation to provide an SBC cannot be satisfied electronically in the individual market unless: The format is readily accessible; the SBC is displayed in a location that is prominent and readily accessible; the SBC is provided in an electronic form that can be electronically retained and printed; the SBC is consistent with the appearance, content, and language requirements; and the issuer notifies the individual that a paper SBC is available upon request without charge.[31]

The December 2014 proposed regulations proposed to clarify the form and manner for SBCs provided by a self-insured non-Federal governmental plan. Under the proposal, such SBCs could be provided in paper form. Alternatively, such SBCs could be provided electronically if the plan conforms to either the substance of the provisions applicable to ERISA plans (in paragraph (a)(4)(ii) of the regulations) or to individual health insurance coverage (in paragraph (a)(4)(iii) of the regulations).

The Departments did not receive any comments regarding this proposal. Therefore, the Departments are finalizing the proposal without change, to allow for self-insured non-Federal governmental plans to provide an SBC in either paper form, or electronically if the plan conforms to either the substance of the provisions applicable to ERISA plans (in paragraph (a)(4)(ii) of the regulations) or to individual health insurance coverage (in paragraph (a)(4)(iii) of the regulations).

H. Language

PHS Act section 2715(b)(2) provides that standards shall ensure that the SBC ''is presented in a culturally and linguistically appropriate manner.'' The 2012 final regulations provide that a plan or issuer for this purpose is considered to provide the SBC in a culturally and linguistically appropriate manner if the thresholds and standards of 45 CFR 147.136(e), implementing standards for the form and manner of notices related to internal claims appeals and external review, are met as applied to the SBC.[32]

To help plans and issuers meet the language requirements of paragraph (a)(5) of the 2012 final regulations, as requested by commenters, HHS provided written translations of the SBC template, sample language, and the uniform glossary in Chinese, Navajo, Spanish, and Tagalog (the four languages with populations meeting the thresholds outlined in 45 CFR 147.136(e)).[33] HHS may also make these materials available in other languages to facilitate voluntary distribution of SBCs to other individuals with limited English proficiency. The Departments requested comment on this standard, and on other potential standards that could facilitate consistency across the Departments' programs.

Some commenters requested an additional standard that would require the translation of the SBC into any language spoken by 500 individuals or 5 percent of individuals in the plan's service area or an employer's workforce, whichever is less, and to include taglines in at least 15 languages on all SBCs that indicate the availability of translated SBCs and oral language services. Some commenters were concerned that the 10 percent standard for language and translation services is insufficient to present the SBC in a culturally and linguistically appropriate manner and cited different Federal standards for other disclosures. Other commenters supported the existing requirement from the 2012 final regulations or stated that the prevalence of speakers of a language in a particular state is the best criteria for identifying which language services should be provided.

The Departments believe that it is important to provide SBCs in a culturally and linguistically appropriate manner to ensure that individuals get the important information needed to properly evaluate coverage options. The standard established under the 2012 final regulations addresses the need to provide language services to ensure that consumers receive SBCs in an understandable format while balancing that need with the goal of keeping administrative costs down. Additionally, a rule based on a particular number or percentage of a plan's population, rather than a county's population, may increase administrative costs and make it difficult for plans and issuers to provide SBCs that comply with the page limitations. Therefore, these final rules continue to provide that a plan or issuer is considered to provide the SBC in a culturally and linguistically appropriate manner if the thresholds and standards of 45 CFR 147.136(e), implementing standards for the form and manner of notices related to internal claims appeals and external review, are met as applied to the SBC.[34] [35]

I. Process for Imposition of Fine in the Case of Willful Violation

In general, PHS Act section 2715(f) provides that a group health plan (including its administrator), and a health insurance issuer offering group or individual health insurance coverage, that willfully fails to provide the information required under this section are subject to a fine. In the December 2014 proposed regulations, the Department of Labor proposed that it will use the same process and

[31] We clarify that an issuer's posting of the SBC on its Web site is not sufficient by itself; paragraph (a)(4)(iii) of the 2012 final regulations requires the SBC to be provided in a manner that can reasonably be expected to provide actual notice in paper or electronic form.

[32] *See* 75 FR 43330 (July 23, 2010), as amended by 76 FR 37208 (June 24, 2011). Guidance on the HHS Web site contains a list of the counties that meet this threshold. This information is available at *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/Downloads/2009-13-CLAS-County-Data_12-05-14_clean_508.pdf.*

[33] Translations are available at *http://cciio.cms.gov/programs/consumer/summaryandglossary/index.html.*

[34] See 75 FR 43330 (July 23, 2010), as amended by 76 FR 37208 (June 24, 2011).

[35] Nothing in these regulations should be construed as limiting an individual's rights under other Federal authorities applicable to recipients of Federal financial assistance, such as Section 504 of the Rehabilitation Act of 1973, which includes effective communication requirements for individuals with disabilities, and Title VI of the Civil Rights Act of 1964, which includes language assistance requirements for individuals with limited English proficiency.

procedures for assessment of the civil fine as used for failure to file an annual report under 29 CFR 2560.502c–2 and 29 CFR part 2570, subpart C. In accordance with ERISA section 502(b)(3), 29 U.S.C. 1132(b)(3), the Secretary of Labor is not authorized to assess this fine against a health insurance issuer. Moreover, the IRS proposed to clarify that the IRS will enforce this section using a process and procedure consistent with section 4980D of the Code. The Departments did not receive comments on this proposal to utilize existing processes and procedures under ERISA and the Code and therefore finalize these proposals without change.

J. Applicability

In August 2012, the Departments issued FAQs [36] that provided a temporary nonenforcement policy with respect to group health plans providing Medicare Advantage benefits, which are Medicare benefits financed by the Medicare Trust Funds, for which the benefits are set by Congress and regulated by the Centers for Medicare & Medicaid Services. The December 2014 proposed regulations proposed to add language to codify this temporary relief and exempt from the SBC requirements a group health plan benefit package that provides Medicare Advantage benefits. Medicare Advantage benefits are not health insurance coverage, and Medicare Advantage organizations are not required to provide an SBC with respect to such benefits. Additionally, there are separately required disclosures required to be provided by Medicare Advantage organizations to ensure that enrollees in these plans receive the necessary information about their coverage and benefits.

The Departments did not receive comments opposing the proposal to exempt group health plans providing Medicare Advantage benefits from the SBC requirements. Therefore, these final regulations finalize without change the proposal to codify the relief and exempt from the SBC requirements a group health plan benefit package that provides Medicare Advantage benefits.

In May 2012, the Departments issued FAQs addressing insurance products that are no longer being offered for purchase (''closed blocks of business''). The Departments had provided temporary enforcement relief through an FAQ provided that certain conditions were met: (1) The insurance product is no longer being actively marketed; (2) the health insurance issuer stopped actively marketing the product prior to September 23, 2012, when the requirement to provide an SBC was first applicable to health insurance issuers; and (3) the health insurance issuer has never provided an SBC with respect to such product.[37] The Departments reiterated that relief in the December 2014 proposed regulations, and we do so again in these final regulations. But, we again note that if an insurance product was actively marketed for business on or after September 23, 2012, and is no longer being actively marketed for business, or if the plan or issuer ever provided an SBC in connection with the product, the plan and issuer must provide the SBC with respect to such coverage, as required by PHS Act section 2715 and these final regulations.

K. Applicability Date

The December 2014 proposed regulations proposed that these rules, if finalized, would apply for disclosures with respect to participants and beneficiaries who enroll or re-enroll in group health coverage through an open enrollment period (including re-enrollees and late enrollees) beginning on the first day of the first open enrollment period that begins on or after September 1, 2015. With respect to disclosures to participants and beneficiaries who enroll in group health coverage other than through an open enrollment period (including individuals who are newly eligible for coverage and special enrollees), the requirements were proposed to apply beginning on the first day of the first plan year that begins on or after September 1, 2015. For disclosures to plans, and to individuals and dependents in the individual market, these requirements were proposed to apply to health insurance issuers beginning on September 1, 2015. Comments received generally supported these applicability dates, except that a number of commenters suggested that the requirements apply with respect to the individual market for coverage beginning on or after January 1, 2016. These final regulations adopt the applicability dates as proposed, except that for disclosures to individuals and dependents in the individual market, the requirements apply to health insurance issuers with respect to SBCs issued for coverage that begins on or after January 1, 2016. Until these final regulations become applicable, plans and issuers must continue to comply with the 2012 final regulations, as applicable.

III. Economic Impact and Paperwork Burden

A. Executive Orders 12866 and 13563—Departments of Labor and HHS

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts; and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any one year). As discussed below, the Departments have concluded that these final regulations would not have economic impacts of $100 million or more in any one year or otherwise meet the definition of an ''economically significant rule'' under Executive Order 12866. Nonetheless, consistent with Executive Orders 12866 and 13563, the Departments have provided an assessment of the potential benefits and the costs associated with these final regulations.

These final regulations are expected to have only small benefits and costs as they primarily provide clarifications of the previous 2012 final regulations and also incorporate into regulations previous guidance issued by the Departments that has taken the form of responses to frequently asked questions or enforcement safe harbors.[38] The Departments have not been able to quantify these costs and benefits, but they are qualitatively discussed below.

The clarifications would help lower costs as they establish that duplicate SBCs do not have to be provided upon application if a previous SBC was provided and there have been no changes to the required information. The clarification also prevents

[36] See Affordable Care Act Implementation FAQs Part X, question 1, available at *http://www.dol.gov/ebsa/faqs/faq-aca10.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs10.html.*

[37] See Affordable Care Act Implementation FAQs Part IX, question 12, available at *http://www.dol.gov/ebsa/faqs/faq-aca9.html* and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs9.html.*

[38] See Affordable Care Act Implementation FAQs Part XXIV available at http://www.dol.gov/ebsa/faqs/faq-aca24.html and *http://www.cms.gov/CCIIO/Resources/Fact-Sheets-and-FAQs/aca_implementation_faqs24.html.*

unnecessary duplications for plans and issuers, while incorporating safeguards to ensure that participants and beneficiaries (and covered individuals and dependents) receive the required information. These final regulations also provide flexibility in providing SBCs for the situation where a plan has multiple issuers and also adopt the safe harbor for electronic delivery previously set forth in an FAQ, thereby reducing the cost of delivery.

These final regulations also require an issuer to provide an internet web address where a copy of the actual individual coverage policy or group certificate of coverage can be reviewed and obtained. The costs associated with this requirement are discussed in the Paperwork Reduction Act section below.

B. Paperwork Reduction Act

1. Departments of Labor and the Treasury

These final rules are not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), because these final regulations make no changes to the existing collection of information as defined in 44 U.S.C. 3502(3).

Please note that the proposed regulations included an ICR related to the revision of the SBC template that has been omitted in these final regulations as the Departments intend to utilize consumer testing and offer an opportunity for public comment before finalizing revisions to the SBC template. An analysis under the PRA will be conducted when the SBC template is finalized.

2. Department of Health and Human Services

These final regulations require health insurance issuers offering group and individual health insurance coverage must include in the SBC an Internet web address where a copy of the actual individual coverage policy or group certificate of coverage can be reviewed and obtained. These documents are required to be easily available to individuals, plan sponsors, and participants and beneficiaries shopping for coverage prior to submitting an application for coverage. With respect to group health coverage, because the actual ''certificate of coverage'' is not available until after the plan sponsor has negotiated the terms of coverage with the issuer, an issuer is permitted to satisfy this requirement with respect to plan sponsors that are shopping for coverage by posting a sample group certificate of coverage for each applicable product. After the actual certificate of coverage is executed, it must be easily available to plan sponsors and participants and beneficiaries via an Internet web address.

Some commenters stated that requiring the individual coverage policy documents and group certificates of coverage be made available by posting to an Internet web address would be unduly burdensome because of the requirement to make the documents available to individuals and plan sponsors shopping for coverage, but not yet enrolled in coverage. The December 2014 proposed regulations estimated the burden for this requirement to be de minimis because the documents already exist and issuers already have web addresses where the materials can be made available. Additionally, HHS understands that issuers already frequently make these materials available online to individuals, plan sponsors, and participants and beneficiaries after enrollment in coverage. These final regulations clarify that these documents must be made available online to those shopping for coverage prior to enrollment as well. It is not expected that group health insurance issuers will be providing access to group certificates of coverage prior to execution of the final group certificate of coverage. Instead, HHS anticipates and expects that the sample group certificate of coverage that underlies the product being marketed and sold, and that have been filed with and approved by a state Department of Insurance, are what will be provided prior to the execution of the actual group certificate of coverage. Based on this HHS still believes that the requirement to make these documents available via an Internet web address will result in only a de minimis burden on issuers.

These final regulations make no other revisions to the existing collection of information. The December 2014 proposed regulations included an ICR related to the revision of the SBC template that has been omitted in these final regulations as the Departments intend to utilize consumer testing and offer an opportunity for public comment before finalizing revisions to the SBC template. An analysis under the PRA will be conducted when the SBC template is finalized.

The Department notes that persons are not required to respond to, and generally are not subject to any penalty for failing to comply with, an ICR unless the ICR has a valid OMB control number.

The 2015–2017 paperwork burden estimates are summarized as follows:

Type of Review: Revision.

Agency: Department of Health and Human Services.

Title: Summary of Benefits and Coverage Uniform Glossary

CMS Identifier (OMB Control Number): CMS–10407 (0938–1146).

Affected Public: Private sector.

Total Respondents: 126,500.

Total Responses: 41,153,858.

Frequency of Response: On-going.

Estimated Total Annual Burden Hours (three year average): 322,411 hours.

Estimated Total Annual Cost Burden (three year average): $7,207,361.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) imposes certain requirements with respect to Federal rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) and which are likely to have a significant economic impact on a substantial number of small entities. Unless the head of an agency certifies that a proposed rule is not likely to have a significant economic impact on a substantial number of small entities, section 603 of the RFA requires that the agency present an initial regulatory flexibility analysis (IRFA) describing the rule's impact on small entities and explaining how the agency made its decisions with respect to the application of the rule to small entities.

The RFA generally defines a ''small entity'' as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA) (13 CFR 121.201) pursuant to the Small Business Act (15 U.S.C. 631 *et seq.*), (2) a nonprofit organization that is not dominant in its field, or (3) a small government jurisdiction with a population of less than 50,000. (States and individuals are not included in the definition of ''small entity.'')

There are several different types of small entities affected by these final regulations. For issuers and third party administrators, the Departments use as their measure of significant economic impact on a substantial number of small entities a change in revenues of more than 3 to 5 percent. For plans, the Departments continue to consider a small plan to be an employee benefit plan with fewer than 100 participants.[39]

[39] The basis for this definition is found in section 104(a)(2) of ERISA, which permits the Secretary of Labor to prescribe simplified annual reports for pension plans that cover fewer than 100 participants.

Further, while some large employers may have small plans, in general small employers maintain most small plans. Thus, the Departments believe that assessing the impact of this final rule on small plans is an appropriate substitute for evaluating the effect on small entities. The definition of small entity considered appropriate for this purpose differs, however, from a definition of small business that is based on size standards promulgated by the Small Business Administration (SBA) (13 CFR 121.201) pursuant to the Small Business Act (15 U.S.C. 631 *et seq.*).

The Departments carefully considered the likely impact of these final rules on small entities in connection with their assessment under Executive Order 12866. The incremental changes of these final regulations impose minimal additional costs, but also serve to reduce the costs of compliance by providing help to plans and service providers by providing clarifications. These final regulations also incorporate into regulations previous guidance from the Departments that has taken the form of responses to frequently asked questions or enforcement safe harbors. Accordingly, pursuant to section 605(b) of the RFA, the Departments hereby certify that these final regulations will not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act—Department of Labor and Department of Health and Human Services

Section 202 of the Unfunded Mandates Reform Act (UMRA) of 1995 requires that agencies assess anticipated costs and benefits before issuing any final rule that includes a Federal mandate that could result in expenditure in any one year by State, local or Tribal governments, in the aggregate, or by the private sector, of $100 million in 1995 dollars updated annually for inflation. In 2015, that threshold level is approximately $144 million. These final regulations include no mandates on State, local, or Tribal governments. These final regulations propose requirements regarding standardized consumer disclosures that would affect private sector firms (for example, health insurance issuers offering coverage in the individual and group markets, and third-party administrators providing administrative services to group health plans), but we conclude that these costs would not exceed the $144 million threshold. Thus, the Departments of Labor and HHS conclude that these final regulations would not impose an unfunded mandate on State, local or Tribal governments or the private sector. Regardless, consistent with policy embodied in UMRA, the final requirements described in this notice of final rulemaking has been designed to be the least burdensome alternative for State, local and Tribal governments, and the private sector while achieving the objectives of the Affordable Care Act.

E. Federalism Statement—Department of Labor and Department of Health and Human Services

Executive Order 13132 outlines fundamental principles of federalism, and requires the adherence to specific criteria by Federal agencies in the process of their formulation and implementation of policies that have ''substantial direct effects'' on the States, the relationship between the national government and States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies promulgating regulations that have federalism implications must consult with State and local officials and describe the extent of their consultation and the nature of the concerns of State and local officials in the preamble to the regulation.

In the Departments of Labor's and HHS' view, these final regulations have federalism implications because they would have direct effects on the States, the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government relating to the disclosure of health insurance coverage information to consumers. Under these final regulations, all group health plans and health insurance issuers offering group or individual health insurance coverage, including self-funded non-federal governmental plans as defined in section 2791 of the PHS Act, would be required to follow uniform standards for compiling and providing a summary of benefits and coverage to consumers. Such Federal standards developed under PHS Act section 2715(a) would preempt any related State standards that require a summary of benefits and coverage that provides less information to consumers than that required to be provided under PHS Act section 2715(a).

In general, through section 514, ERISA supersedes State laws to the extent that they relate to any covered employee benefit plan, and preserves State laws that regulate insurance, banking, or securities. While ERISA prohibits States from regulating a plan as an insurance or investment company or bank, the preemption provisions of section 731 of ERISA and section 2724 of the PHS Act (implemented in 29 CFR 2590.731(a) and 45 CFR 146.143(a)) apply so that the requirements in title XXVII of the PHS Act (including those added by the Affordable Care Act) are not to be construed to supersede any provision of State law which establishes, implements, or continues in effect any standard or requirement solely relating to health insurance issuers in connection with individual or group health insurance coverage except to the extent that such standard or requirement prevents the application of a requirement of a Federal standard. The conference report accompanying HIPAA indicates that this is intended to be the ''narrowest'' preemption of State laws (See House Conf. Rep. No. 104–736, at 205, reprinted in 1996 U.S. Code Cong. & Admin. News 2018).

States may continue to apply State law requirements except to the extent that such requirements prevent the application of the Affordable Care Act requirements that are the subject of this rulemaking. Accordingly, States have significant latitude to impose requirements on health insurance issuers that are more restrictive than the Federal law. However, under these final rules, a State would not be allowed to impose a requirement that modifies the summary of benefits and coverage required to be provided under PHS Act section 2715(a), because it would prevent the application of these final rules' uniform disclosure requirements.

In compliance with the requirement of Executive Order 13132 that agencies examine closely any policies that may have federalism implications or limit the policy making discretion of the States, the Departments of Labor and HHS have engaged in efforts to consult with and work cooperatively with affected States, including consulting with, and attending conferences of, the National Association of Insurance Commissioners and consulting with State insurance officials on an individual basis. It is expected that the Departments of Labor and HHS will act in a similar fashion in enforcing the Affordable Care Act, including the provisions of section 2715 of the PHS Act. Throughout the process of developing these final regulations, to the extent feasible within the applicable preemption provisions, the Departments of Labor and HHS have attempted to balance the States' interests in regulating health insurance issuers, and Congress' intent to provide uniform minimum protections to consumers in every State. By doing so, it is the Departments of Labor's and HHS' view

that they have complied with the requirements of Executive Order 13132.

Pursuant to the requirements set forth in section 8(a) of Executive Order 13132, and by the signatures affixed to this final rule, the Departments certify that the Employee Benefits Security Administration and the Centers for Medicare & Medicaid Services have complied with the requirements of Executive Order 13132 for the attached final rules in a meaningful and timely manner.

F. Special Analyses—Department of the Treasury

For purposes of the Department of the Treasury it has been determined that this notice of final rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these final regulations. For a discussion of the impact of this final rule on small entities, please see section V.C. of this preamble. Pursuant to section 7805(f) of the Code, this notice of final rulemaking has been submitted to the Small Business Administration for comment on its impact on small business.

G. Congressional Review Act

These final regulations are subject to the Congressional Review Act provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*), which specifies that before a rule can take effect, the Federal agency promulgating the rule shall submit to each House of the Congress and to the Comptroller General a report containing a copy of the rule along with other specified information, and has been transmitted to Congress and the Comptroller General for review.

IV. Statutory Authority

The Department of the Treasury regulations are adopted pursuant to the authority contained in sections 7805 and 9833 of the Code.

The Department of Labor regulations are adopted pursuant to the authority contained in 29 U.S.C. 1027, 1059, 1135, 1161–1168, 1169, 1181–1183, 1181 note, 1185, 1185a, 1185b, 1185d, 1191, 1191a, 1191b, and 1191c; sec. 101(g), Public Law 104–191, 110 Stat. 1936; sec. 401(b), Public Law 105–200, 112 Stat. 645 (42 U.S.C. 651 note); sec. 512(d), Public Law 110–343, 122 Stat. 3881; sec. 1001, 1201, and 1562(e), Public Law 111–148, 124 Stat. 119, as amended by Public Law 111–152, 124 Stat. 1029; Secretary of Labor's Order 1–2011, 77 FR 1088 (January 9, 2012).

The Department of Health and Human Services regulations are adopted pursuant to the authority contained in sections 2701 through 2763, 2791, and 2792 of the PHS Act (42 U.S.C. 300gg through 300gg–63, 300gg–91, and 300gg–92), as amended.

List of Subjects

26 CFR Part 54

Excise taxes, Health care, Health insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 2590

Continuation coverage, Disclosure, Employee benefit plans, Group health plans, Health care, Health insurance, Medical child support, Reporting and recordkeeping requirements.

45 CFR Part 147

Health care, Health insurance, Reporting and recordkeeping requirements, State regulation of health insurance.

Dated: June 8, 2015.

John Dalrymple,

Deputy Commissioner for Services and Enforcement, Internal Revenue Service.

Approved: June 9, 2015.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

Signed this 5th day of June, 2015.

Phyllis C. Borzi,

Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

Dated: June 2, 2015.

Andrew M. Slavitt,

Acting Administrator, Centers for Medicare & Medicaid Services.

Dated: June 9, 2015.

Sylvia M. Burwell,

Secretary, Department of Health and Human Services.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Chapter 1

Accordingly, 26 CFR part 54 is amended as follows:

PART54 —PENSION EXCISE TAXES

■ **Paragraph 1.** The authority citation for part 54 continues to read in part as follows:

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

Section 54.9815–2715 also issued under 26 U.S.C. 9833;

* * * * *

■ **Par. 2.** Section 54.9815–2715 is revised to read as follows:

§ 54.9815–2715 Summary of benefits and coverage and uniform glossary.

(a) *Summary of benefits and coverage*—(1) *In general.* A group health plan (and its administrator as defined in section 3(16)(A) of ERISA)), and a health insurance issuer offering group health insurance coverage, is required to provide a written summary of benefits and coverage (SBC) for each benefit package without charge to entities and individuals described in this paragraph (a)(1) in accordance with the rules of this section.

(i) *SBC provided by a group health insurance issuer to a group health plan*—(A) *Upon application.* A health insurance issuer offering group health insurance coverage must provide the SBC to a group health plan (or its sponsor) upon application for health coverage, as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application. If an SBC was provided before application pursuant to paragraph (a)(1)(i)(D) of this section (relating to SBCs upon request), this paragraph (a)(1)(i)(A) is deemed satisfied, provided there is no change to the information required to be in the SBC. However, if there has been a change in the information required, a new SBC that includes the changed information must be provided upon application pursuant to this paragraph (a)(1)(i)(A).

(B) *By first day of coverage (if there are changes).* If there is any change in the information required to be in the SBC that was provided upon application and before the first day of coverage, the issuer must update and provide a current SBC to the plan (or its sponsor) no later than the first day of coverage.

(C) *Upon renewal, reissuance, or reenrollment.* If the issuer renews or reissues a policy, certificate, or contract of insurance for a succeeding policy year, or automatically re-enrolls the policyholder or its participants and beneficiaries in coverage, the issuer must provide a new SBC as follows:

(*1*) If written application is required (in either paper or electronic form) for renewal or reissuance, the SBC must be provided no later than the date the written application materials are distributed.

(*2*) If renewal, reissuance, or reenrollment is automatic, the SBC must be provided no later than 30 days prior

to the first day of the new plan or policy year; however, with respect to an insured plan, if the policy, certificate, or contract of insurance has not been issued or renewed before such 30-day period, the SBC must be provided as soon as practicable but in no event later than seven business days after issuance of the new policy, certificate, or contract of insurance, or the receipt of written confirmation of intent to renew, whichever is earlier.

(D) *Upon request.* If a group health plan (or its sponsor) requests an SBC or summary information about a health insurance product from a health insurance issuer offering group health insurance coverage, an SBC must be provided as soon as practicable, but in no event later than seven business days following receipt of the request.

(ii) *SBC provided by a group health insurance issuer and a group health plan to participants and beneficiaries*—(A) *In general.* A group health plan (including its administrator, as defined under section 3(16) of ERISA), and a health insurance issuer offering group health insurance coverage, must provide an SBC to a participant or beneficiary (as defined under sections 3(7) and 3(8) of ERISA), and consistent with the rules of paragraph (a)(1)(iii) of this section, with respect to each benefit package offered by the plan or issuer for which the participant or beneficiary is eligible.

(B) *Upon application.* The SBC must be provided as part of any written application materials that are distributed by the plan or issuer for enrollment. If the plan or issuer does not distribute written application materials for enrollment, the SBC must be provided no later than the first date on which the participant is eligible to enroll in coverage for the participant or any beneficiaries. If an SBC was provided before application pursuant to paragraph (a)(1)(ii)(F) of this section (relating to SBCs upon request), this paragraph (a)(1)(ii)(B) is deemed satisfied, provided there is no change to the information required to be in the SBC. However, if there has been a change in the information that is required to be in the SBC, a new SBC that includes the changed information must be provided upon application pursuant to this paragraph (a)(1)(ii)(B).

(C) *By first day of coverage (if there are changes).* (*1*) If there is any change to the information required to be in the SBC that was provided upon application and before the first day of coverage, the plan or issuer must update and provide a current SBC to a participant or beneficiary no later than the first day of coverage.

(*2*) If the plan sponsor is negotiating coverage terms after an application has been filed and the information required to be in the SBC changes, the plan or issuer is not required to provide an updated SBC (unless an updated SBC is requested) until the first day of coverage.

(D) *Special enrollees.* The plan or issuer must provide the SBC to special enrollees (as described in § 54.9801–6) no later than the date by which a summary plan description is required to be provided under the timeframe set forth in ERISA section 104(b)(1)(A) and its implementing regulations, which is 90 days from enrollment.

(E) *Upon renewal, reissuance, or reenrollment.* If the plan or issuer requires participants or beneficiaries to renew in order to maintain coverage (for example, for a succeeding plan year), or automatically re-enrolls participants and beneficiaries in coverage, the plan or issuer must provide a new SBC, as follows:

(*1*) If written application is required for renewal, reissuance, or reenrollment (in either paper or electronic form), the SBC must be provided no later than the date on which the written application materials are distributed.

(*2*) If renewal, reissuance, or reenrollment is automatic, the SBC must be provided no later than 30 days prior to the first day of the new plan or policy year; however, with respect to an insured plan, if the policy, certificate, or contract of insurance has not been issued or renewed before such 30-day period, the SBC must be provided as soon as practicable but in no event later than seven business days after issuance of the new policy, certificate, or contract of insurance, or the receipt of written confirmation of intent to renew, whichever is earlier.

(F) *Upon request.* A plan or issuer must provide the SBC to participants or beneficiaries upon request for an SBC or summary information about the health coverage, as soon as practicable, but in no event later than seven business days following receipt of the request.

(iii) *Special rules to prevent unnecessary duplication with respect to group health coverage*—(A) An entity required to provide an SBC under this paragraph (a)(1) with respect to an individual satisfies that requirement if another party provides the SBC, but only to the extent that the SBC is timely and complete in accordance with the other rules of this section. Therefore, for example, in the case of a group health plan funded through an insurance policy, the plan satisfies the requirement to provide an SBC with respect to an individual if the issuer provides a timely and complete SBC to the individual. An entity required to provide an SBC under this paragraph (a)(1) with respect to an individual that contracts with another party to provide such SBC is considered to satisfy the requirement to provide such SBC if:

(*1*) The entity monitors performance under the contract;

(*2*) If the entity has knowledge that the SBC is not being provided in a manner that satisfies the requirements of this section and the entity has all information necessary to correct the noncompliance, the entity corrects the noncompliance as soon as practicable; and

(*3*) If the entity has knowledge the SBC is not being provided in a manner that satisfies the requirements of this section and the entity does not have all information necessary to correct the noncompliance, the entity communicates with participants and beneficiaries who are affected by the noncompliance regarding the noncompliance, and begins taking significant steps as soon as practicable to avoid future violations.

(B) If a single SBC is provided to a participant and any beneficiaries at the participant's last known address, then the requirement to provide the SBC to the participant and any beneficiaries is generally satisfied. However, if a beneficiary's last known address is different than the participant's last known address, a separate SBC is required to be provided to the beneficiary at the beneficiary's last known address.

(C) With respect to a group health plan that offers multiple benefit packages, the plan or issuer is required to provide a new SBC automatically to participants and beneficiaries upon renewal or reenrollment only with respect to the benefit package in which a participant or beneficiary is enrolled (or will be automatically re-enrolled under the plan); SBCs are not required to be provided automatically upon renewal or reenrollment with respect to benefit packages in which the participant or beneficiary is not enrolled (or will not automatically be enrolled). However, if a participant or beneficiary requests an SBC with respect to another benefit package (or more than one other benefit package) for which the participant or beneficiary is eligible, the SBC (or SBCs, in the case of a request for SBCs relating to more than one benefit package) must be provided upon request as soon as practicable, but in no event later than seven business days following receipt of the request.

(D) Subject to paragraph (a)(2)(ii) of this section, a plan administrator of a

group health plan that uses two or more insurance products provided by separate health insurance issuers with respect to a single group health plan may synthesize the information into a single SBC or provide multiple partial SBCs provided that all the SBC include the content in paragraph (a)(2)(iii) of this section.

(2) *Content*—(i) *In general.* Subject to paragraph (a)(2)(iii) of this section, the SBC must include the following:

(A) Uniform definitions of standard insurance terms and medical terms so that consumers may compare health coverage and understand the terms of (or exceptions to) their coverage, in accordance with guidance as specified by the Secretary;

(B) A description of the coverage, including cost sharing, for each category of benefits identified by the Secretary in guidance;

(C) The exceptions, reductions, and limitations of the coverage;

(D) The cost-sharing provisions of the coverage, including deductible, coinsurance, and copayment obligations;

(E) The renewability and continuation of coverage provisions;

(F) Coverage examples, in accordance with the rules of paragraph (a)(2)(ii) of this section;

(G) With respect to coverage beginning on or after January 1, 2014, a statement about whether the plan or coverage provides minimum essential coverage as defined under section 5000A(f) and whether the plan's or coverage's share of the total allowed costs of benefits provided under the plan or coverage meets applicable requirements;

(H) A statement that the SBC is only a summary and that the plan document, policy, certificate, or contract of insurance should be consulted to determine the governing contractual provisions of the coverage;

(I) Contact information for questions;

(J) For issuers, an Internet web address where a copy of the actual individual coverage policy or group certificate of coverage can be reviewed and obtained;

(K) For plans and issuers that maintain one or more networks of providers, an Internet address (or similar contact information) for obtaining a list of network providers;

(L) For plans and issuers that use a formulary in providing prescription drug coverage, an Internet address (or similar contact information) for obtaining information on prescription drug coverage; and

(M) An Internet address for obtaining the uniform glossary, as described in paragraph (c) of this section, as well as a contact phone number to obtain a paper copy of the uniform glossary, and a disclosure that paper copies are available.

(ii) *Coverage examples.* The SBC must include coverage examples specified by the Secretary in guidance that illustrate benefits provided under the plan or coverage for common benefits scenarios (including pregnancy and serious or chronic medical conditions) in accordance with this paragraph (a)(2)(ii).

(A) *Number of examples.* The Secretary may identify up to six coverage examples that may be required in an SBC.

(B) *Benefits scenarios.* For purposes of this paragraph (a)(2)(ii), a benefits scenario is a hypothetical situation, consisting of a sample treatment plan for a specified medical condition during a specific period of time, based on recognized clinical practice guidelines as defined by the National Guideline Clearinghouse, Agency for Healthcare Research and Quality. The Secretary will specify, in guidance, the assumptions, including the relevant items and services and reimbursement information, for each claim in the benefits scenario.

(C) *Illustration of benefit provided.* For purposes of this paragraph (a)(2)(ii), to illustrate benefits provided under the plan or coverage for a particular benefits scenario, a plan or issuer simulates claims processing in accordance with guidance issued by the Secretary to generate an estimate of what an individual might expect to pay under the plan, policy, or benefit package. The illustration of benefits provided will take into account any cost sharing, excluded benefits, and other limitations on coverage, as specified by the Secretary in guidance.

(iii) *Coverage provided outside the United States.* In lieu of summarizing coverage for items and services provided outside the United States, a plan or issuer may provide an Internet address (or similar contact information) for obtaining information about benefits and coverage provided outside the United States. In any case, the plan or issuer must provide an SBC in accordance with this section that accurately summarizes benefits and coverage available under the plan or coverage within the United States.

(3) *Appearance.* (i) A group health plan and a health insurance issuer must provide an SBC in the form, and in accordance with the instructions for completing the SBC, that are specified by the Secretary in guidance. The SBC must be presented in a uniform format, use terminology understandable by the average plan enrollee, not exceed four double-sided pages in length, and not include print smaller than 12-point font.

(ii) A group health plan that utilizes two or more benefit packages (such as major medical coverage and a health flexible spending arrangement) may synthesize the information into a single SBC, or provide multiple SBCs.

(4) *Form.* (i) An SBC provided by an issuer offering group health insurance coverage to a plan (or its sponsor), may be provided in paper form. Alternatively, the SBC may be provided electronically (such as by email or an Internet posting) if the following three conditions are satisfied—

(A) The format is readily accessible by the plan (or its sponsor);

(B) The SBC is provided in paper form free of charge upon request; and

(C) If the electronic form is an Internet posting, the issuer timely advises the plan (or its sponsor) in paper form or email that the documents are available on the Internet and provides the Internet address.

(ii) An SBC provided by a group health plan or health insurance issuer to a participant or beneficiary may be provided in paper form. Alternatively, the SBC may be provided electronically (such as by email or an Internet posting) if the requirements of this paragraph (a)(4)(ii) are met.

(A) With respect to participants and beneficiaries covered under the plan or coverage, the SBC may be provided electronically as described in this paragraph (a)(4)(ii)(A). However, in all cases, the plan or issuer must provide the SBC in paper form if paper form is requested.

(*1*) In accordance with the Department of Labor's disclosure regulations at 29 CFR 2520.104b–1;

(*2*) In connection with online enrollment or online renewal of coverage under the plan; or

(*3*) In response to an online request made by a participant or beneficiary for the SBC.

(B) With respect to participants and beneficiaries who are eligible but not enrolled for coverage, the SBC may be provided electronically if:

(*1*) The format is readily accessible;

(*2*) The SBC is provided in paper form free of charge upon request; and

(*3*) In a case in which the electronic form is an Internet posting, the plan or issuer timely notifies the individual in paper form (such as a postcard) or email that the documents are available on the Internet, provides the Internet address, and notifies the individual that the documents are available in paper form upon request.

(5) *Language.* A group health plan or health insurance issuer must provide the SBC in a culturally and linguistically appropriate manner. For purposes of this paragraph (a)(5), a plan or issuer is considered to provide the SBC in a culturally and linguistically appropriate manner if the thresholds and standards of 29 CFR 2590.715–2719(e) are met as applied to the SBC.

(b) *Notice of modification.* If a group health plan, or health insurance issuer offering group health insurance coverage, makes any material modification (as defined under section 102 of ERISA) in any of the terms of the plan or coverage that would affect the content of the SBC, that is not reflected in the most recently provided SBC, and that occurs other than in connection with a renewal or reissuance of coverage, the plan or issuer must provide notice of the modification to enrollees not later than 60 days prior to the date on which the modification will become effective. The notice of modification must be provided in a form that is consistent with the rules of paragraph (a)(4) of this section.

(c) *Uniform glossary*—(1) *In general.* A group health plan, and a health insurance issuer offering group health insurance coverage, must make available to participants and beneficiaries the uniform glossary described in paragraph (c)(2) of this section in accordance with the appearance and form and manner requirements of paragraphs (c)(3) and (4) of this section.

(2) *Health-coverage-related terms and medical terms.* The uniform glossary must provide uniform definitions, specified by the Secretary in guidance, of the following health-coverage-related terms and medical terms:

(i) Allowed amount, appeal, balance billing, co-insurance, complications of pregnancy, co-payment, deductible, durable medical equipment, emergency medical condition, emergency medical transportation, emergency room care, emergency services, excluded services, grievance, habilitation services, health insurance, home health care, hospice services, hospitalization, hospital outpatient care, in-network co-insurance, in-network co-payment, medically necessary, network, non-preferred provider, out-of-network co-insurance, out-of-network co-payment, out-of-pocket limit, physician services, plan, preauthorization, preferred provider, premium, prescription drug coverage, prescription drugs, primary care physician, primary care provider, provider, reconstructive surgery, rehabilitation services, skilled nursing care, specialist, usual customary and reasonable (UCR), and urgent care; and

(ii) Such other terms as the Secretary determines are important to define so that individuals and employers may compare and understand the terms of coverage and medical benefits (including any exceptions to those benefits), as specified in guidance.

(3) *Appearance.* A group health plan, and a health insurance issuer, must provide the uniform glossary with the appearance specified by the Secretary in guidance to ensure the uniform glossary is presented in a uniform format and uses terminology understandable by the average plan enrollee.

(4) *Form and manner.* A plan or issuer must make the uniform glossary described in this paragraph (c) available upon request, in either paper or electronic form (as requested), within seven business days after receipt of the request.

(d) *Preemption.* State laws that conflict with this section (including a state law that requires a health insurance issuer to provide an SBC that supplies less information than required under paragraph (a) of this section) are preempted.

(e) *Failure to provide.* A group health plan that willfully fails to provide information required under this section to a participant or beneficiary is subject to a fine of not more than $1,000 for each such failure. A failure with respect to each participant or beneficiary constitutes a separate offense for purposes of this paragraph (e). The Department will enforce this section using a process and procedure consistent with section 4980D of the Code.

(f) *Applicability to Medicare Advantage benefits.* The requirements of this section do not apply to a group health plan benefit package that provides Medicare Advantage benefits pursuant to or 42 U.S.C. Chapter 7, Subchapter XVIII, Part C.

(g) *Applicability date.* (1) This section is applicable to group health plans and group health insurance issuers in accordance with this paragraph (g). (See 29 CFR 2590.715–1251(d), providing that this section applies to grandfathered health plans.)

(i) For disclosures with respect to participants and beneficiaries who enroll or re-enroll through an open enrollment period (including re-enrollees and late enrollees), this section applies beginning on the first day of the first open enrollment period that begins on or after September 1, 2015; and

(ii) For disclosures with respect to participants and beneficiaries who enroll in coverage other than through an open enrollment period (including individuals who are newly eligible for coverage and special enrollees), this section applies beginning on the first day of the first plan year that begins on or after September 1, 2015.

(2) For disclosures with respect to plans, this section is applicable to health insurance issuers beginning September 1, 2015.

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Chapter XXV

Accordingly, 29 CFR part 2590 is amended as follows:

PART 2590—RULES AND REGULATIONS FOR GROUP HEALTH PLANS

■ 3. The authority citation for part 2590 continues to read as follows:

Authority: 29 U.S.C. 1027, 1059, 1135, 1161–1168, 1169, 1181–1183, 1181 note, 1185, 1185a, 1185b, 1185d, 1191, 1191a, 1191b, and 1191c; sec. 101(g), Pub. L. 104–191, 110 Stat. 1936; sec. 401(b), Pub. L. 105–200, 112 Stat. 645 (42 U.S.C. 651 note); sec. 512(d), Pub. L. 110–343, 122 Stat. 3881; sec. 1001, 1201, and 1562(e), Pub. L. 111–148, 124 Stat. 119, as amended by Pub. L. 111–152, 124 Stat. 1029; Secretary of Labor's Order 1–2011, 77 FR 1088 (January 9, 2012).

■ 4. Section 2590.715–2715 is revised to read as follows:

§ 2590.715–2715 Summary of benefits and coverage and uniform glossary.

(a) *Summary of benefits and coverage*—(1) *In general.* A group health plan (and its administrator as defined in section 3(16)(A) of ERISA)), and a health insurance issuer offering group health insurance coverage, is required to provide a written summary of benefits and coverage (SBC) for each benefit package without charge to entities and individuals described in this paragraph (a)(1) in accordance with the rules of this section.

(i) *SBC provided by a group health insurance issuer to a group health plan*—(A) *Upon application.* A health insurance issuer offering group health insurance coverage must provide the SBC to a group health plan (or its sponsor) upon application for health coverage, as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application. If an SBC was provided before application pursuant to paragraph (a)(1)(i)(D) of this section (relating to SBCs upon request), this

paragraph (a)(1)(i)(A) is deemed satisfied, provided there is no change to the information required to be in the SBC. However, if there has been a change in the information required, a new SBC that includes the changed information must be provided upon application pursuant to this paragraph (a)(1)(i)(A).

(B) *By first day of coverage (if there are changes).* If there is any change in the information required to be in the SBC that was provided upon application and before the first day of coverage, the issuer must update and provide a current SBC to the plan (or its sponsor) no later than the first day of coverage.

(C) *Upon renewal, reissuance, or reenrollment.* If the issuer renews or reissues a policy, certificate, or contract of insurance for a succeeding policy year, or automatically re-enrolls the policyholder or its participants and beneficiaries in coverage, the issuer must provide a new SBC as follows:

(*1*) If written application is required (in either paper or electronic form) for renewal or reissuance, the SBC must be provided no later than the date the written application materials are distributed.

(*2*) If renewal, reissuance, or reenrollment is automatic, the SBC must be provided no later than 30 days prior to the first day of the new plan or policy year; however, with respect to an insured plan, if the policy, certificate, or contract of insurance has not been issued or renewed before such 30-day period, the SBC must be provided as soon as practicable but in no event later than seven business days after issuance of the new policy, certificate, or contract of insurance, or the receipt of written confirmation of intent to renew, whichever is earlier.

(D) *Upon request.* If a group health plan (or its sponsor) requests an SBC or summary information about a health insurance product from a health insurance issuer offering group health insurance coverage, an SBC must be provided as soon as practicable, but in no event later than seven business days following receipt of the request.

(ii) *SBC provided by a group health insurance issuer and a group health plan to participants and beneficiaries*—(A) *In general.* A group health plan (including its administrator, as defined under section 3(16) of ERISA), and a health insurance issuer offering group health insurance coverage, must provide an SBC to a participant or beneficiary (as defined under sections 3(7) and 3(8) of ERISA), and consistent with the rules of paragraph (a)(1)(iii) of this section, with respect to each benefit package offered by the plan or issuer for which the participant or beneficiary is eligible.

(B) *Upon application.* The SBC must be provided as part of any written application materials that are distributed by the plan or issuer for enrollment. If the plan or issuer does not distribute written application materials for enrollment, the SBC must be provided no later than the first date on which the participant is eligible to enroll in coverage for the participant or any beneficiaries. If an SBC was provided before application pursuant to paragraph (a)(1)(ii)(F) of this section (relating to SBCs upon request), this paragraph (a)(1)(ii)(B) is deemed satisfied, provided there is no change to the information required to be in the SBC. However, if there has been a change in the information that is required to be in the SBC, a new SBC that includes the changed information must be provided upon application pursuant to this paragraph (a)(1)(ii)(B).

(C) *By first day of coverage (if there are changes).* (*1*) If there is any change to the information required to be in the SBC that was provided upon application and before the first day of coverage, the plan or issuer must update and provide a current SBC to a participant or beneficiary no later than the first day of coverage.

(*2*) If the plan sponsor is negotiating coverage terms after an application has been filed and the information required to be in the SBC changes, the plan or issuer is not required to provide an updated SBC (unless an updated SBC is requested) until the first day of coverage.

(D) *Special enrollees.* The plan or issuer must provide the SBC to special enrollees (as described in § 2590.701–6) no later than the date by which a summary plan description is required to be provided under the timeframe set forth in ERISA section 104(b)(1)(A) and its implementing regulations, which is 90 days from enrollment.

(E) *Upon renewal, reissuance, or reenrollment.* If the plan or issuer requires participants or beneficiaries to renew in order to maintain coverage (for example, for a succeeding plan year), or automatically re-enrolls participants and beneficiaries in coverage, the plan or issuer must provide a new SBC, as follows:

(*1*) If written application is required for renewal, reissuance, or reenrollment (in either paper or electronic form), the SBC must be provided no later than the date on which the written application materials are distributed.

(*2*) If renewal, reissuance, or reenrollment is automatic, the SBC must be provided no later than 30 days prior to the first day of the new plan or policy year; however, with respect to an insured plan, if the policy, certificate, or contract of insurance has not been issued or renewed before such 30-day period, the SBC must be provided as soon as practicable but in no event later than seven business days after issuance of the new policy, certificate, or contract of insurance, or the receipt of written confirmation of intent to renew, whichever is earlier.

(F) *Upon request.* A plan or issuer must provide the SBC to participants or beneficiaries upon request for an SBC or summary information about the health coverage, as soon as practicable, but in no event later than seven business days following receipt of the request.

(iii) *Special rules to prevent unnecessary duplication with respect to group health coverage*—(A) An entity required to provide an SBC under this paragraph (a)(1) with respect to an individual satisfies that requirement if another party provides the SBC, but only to the extent that the SBC is timely and complete in accordance with the other rules of this section. Therefore, for example, in the case of a group health plan funded through an insurance policy, the plan satisfies the requirement to provide an SBC with respect to an individual if the issuer provides a timely and complete SBC to the individual. An entity required to provide an SBC under this paragraph (a)(1) with respect to an individual that contracts with another party to provide such SBC is considered to satisfy the requirement to provide such SBC if:

(*1*) The entity monitors performance under the contract;

(*2*) If the entity has knowledge that the SBC is not being provided in a manner that satisfies the requirements of this section and the entity has all information necessary to correct the noncompliance, the entity corrects the noncompliance as soon as practicable; and

(*3*) If the entity has knowledge the SBC is not being provided in a manner that satisfies the requirements of this section and the entity does not have all information necessary to correct the noncompliance, the entity communicates with participants and beneficiaries who are affected by the noncompliance regarding the noncompliance, and begins taking significant steps as soon as practicable to avoid future violations.

(B) If a single SBC is provided to a participant and any beneficiaries at the participant's last known address, then the requirement to provide the SBC to the participant and any beneficiaries is generally satisfied. However, if a

beneficiary's last known address is different than the participant's last known address, a separate SBC is required to be provided to the beneficiary at the beneficiary's last known address.

(C) With respect to a group health plan that offers multiple benefit packages, the plan or issuer is required to provide a new SBC automatically to participants and beneficiaries upon renewal or reenrollment only with respect to the benefit package in which a participant or beneficiary is enrolled (or will be automatically re-enrolled under the plan); SBCs are not required to be provided automatically upon renewal or reenrollment with respect to benefit packages in which the participant or beneficiary is not enrolled (or will not automatically be enrolled). However, if a participant or beneficiary requests an SBC with respect to another benefit package (or more than one other benefit package) for which the participant or beneficiary is eligible, the SBC (or SBCs, in the case of a request for SBCs relating to more than one benefit package) must be provided upon request as soon as practicable, but in no event later than seven business days following receipt of the request.

(D) Subject to paragraph (a)(2)(ii) of this section, a plan administrator of a group health plan that uses two or more insurance products provided by separate health insurance issuers with respect to a single group health plan may synthesize the information into a single SBC or provide multiple partial SBCs provided that all the SBC include the content in paragraph (a)(2)(iii) of this section.

(2) *Content*—(i) *In general.* Subject to paragraph (a)(2)(iii) of this section, the SBC must include the following:

(A) Uniform definitions of standard insurance terms and medical terms so that consumers may compare health coverage and understand the terms of (or exceptions to) their coverage, in accordance with guidance as specified by the Secretary;

(B) A description of the coverage, including cost sharing, for each category of benefits identified by the Secretary in guidance;

(C) The exceptions, reductions, and limitations of the coverage;

(D) The cost-sharing provisions of the coverage, including deductible, coinsurance, and copayment obligations;

(E) The renewability and continuation of coverage provisions;

(F) Coverage examples, in accordance with the rules of paragraph (a)(2)(ii) of this section;

(G) With respect to coverage beginning on or after January 1, 2014, a statement about whether the plan or coverage provides minimum essential coverage as defined under section 5000A(f) and whether the plan's or coverage's share of the total allowed costs of benefits provided under the plan or coverage meets applicable requirements;

(H) A statement that the SBC is only a summary and that the plan document, policy, certificate, or contract of insurance should be consulted to determine the governing contractual provisions of the coverage;

(I) Contact information for questions;

(J) For issuers, an Internet web address where a copy of the actual individual coverage policy or group certificate of coverage can be reviewed and obtained;

(K) For plans and issuers that maintain one or more networks of providers, an Internet address (or similar contact information) for obtaining a list of network providers;

(L) For plans and issuers that use a formulary in providing prescription drug coverage, an Internet address (or similar contact information) for obtaining information on prescription drug coverage; and

(M) An Internet address for obtaining the uniform glossary, as described in paragraph (c) of this section, as well as a contact phone number to obtain a paper copy of the uniform glossary, and a disclosure that paper copies are available.

(ii) *Coverage examples.* The SBC must include coverage examples specified by the Secretary in guidance that illustrate benefits provided under the plan or coverage for common benefits scenarios (including pregnancy and serious or chronic medical conditions) in accordance with this paragraph (a)(2)(ii).

(A) *Number of examples.* The Secretary may identify up to six coverage examples that may be required in an SBC.

(B) *Benefits scenarios.* For purposes of this paragraph (a)(2)(ii), a benefits scenario is a hypothetical situation, consisting of a sample treatment plan for a specified medical condition during a specific period of time, based on recognized clinical practice guidelines as defined by the National Guideline Clearinghouse, Agency for Healthcare Research and Quality. The Secretary will specify, in guidance, the assumptions, including the relevant items and services and reimbursement information, for each claim in the benefits scenario.

(C) *Illustration of benefit provided.* For purposes of this paragraph (a)(2)(ii), to illustrate benefits provided under the plan or coverage for a particular benefits scenario, a plan or issuer simulates claims processing in accordance with guidance issued by the Secretary to generate an estimate of what an individual might expect to pay under the plan, policy, or benefit package. The illustration of benefits provided will take into account any cost sharing, excluded benefits, and other limitations on coverage, as specified by the Secretary in guidance.

(iii) *Coverage provided outside the United States.* In lieu of summarizing coverage for items and services provided outside the United States, a plan or issuer may provide an Internet address (or similar contact information) for obtaining information about benefits and coverage provided outside the United States. In any case, the plan or issuer must provide an SBC in accordance with this section that accurately summarizes benefits and coverage available under the plan or coverage within the United States.

(3) *Appearance.* (i) A group health plan and a health insurance issuer must provide an SBC in the form, and in accordance with the instructions for completing the SBC, that are specified by the Secretary in guidance. The SBC must be presented in a uniform format, use terminology understandable by the average plan enrollee, not exceed four double-sided pages in length, and not include print smaller than 12-point font.

(ii) A group health plan that utilizes two or more benefit packages (such as major medical coverage and a health flexible spending arrangement) may synthesize the information into a single SBC, or provide multiple SBCs.

(4) *Form.* (i) An SBC provided by an issuer offering group health insurance coverage to a plan (or its sponsor), may be provided in paper form. Alternatively, the SBC may be provided electronically (such as by email or an Internet posting) if the following three conditions are satisfied—

(A) The format is readily accessible by the plan (or its sponsor);

(B) The SBC is provided in paper form free of charge upon request; and

(C) If the electronic form is an Internet posting, the issuer timely advises the plan (or its sponsor) in paper form or email that the documents are available on the Internet and provides the Internet address.

(ii) An SBC provided by a group health plan or health insurance issuer to a participant or beneficiary may be provided in paper form. Alternatively, the SBC may be provided electronically

(such as by email or an Internet posting) if the requirements of this paragraph (a)(4)(ii) are met.

(A) With respect to participants and beneficiaries covered under the plan or coverage, the SBC may be provided electronically as described in this paragraph (a)(4)(ii)(A). However, in all cases, the plan or issuer must provide the SBC in paper form if paper form is requested.

(*1*) In accordance with the Department of Labor's disclosure regulations at 29 CFR 2520.104b–1;

(*2*) In connection with online enrollment or online renewal of coverage under the plan; or

(*3*) In response to an online request made by a participant or beneficiary for the SBC.

(B) With respect to participants and beneficiaries who are eligible but not enrolled for coverage, the SBC may be provided electronically if:

(*1*) The format is readily accessible;

(*2*) The SBC is provided in paper form free of charge upon request; and

(*3*) In a case in which the electronic form is an Internet posting, the plan or issuer timely notifies the individual in paper form (such as a postcard) or email that the documents are available on the Internet, provides the Internet address, and notifies the individual that the documents are available in paper form upon request.

(5) *Language.* A group health plan or health insurance issuer must provide the SBC in a culturally and linguistically appropriate manner. For purposes of this paragraph (a)(5), a plan or issuer is considered to provide the SBC in a culturally and linguistically appropriate manner if the thresholds and standards of § 2590.715–2719(e) are met as applied to the SBC.

(b) *Notice of modification.* If a group health plan, or health insurance issuer offering group health insurance coverage, makes any material modification (as defined under section 102 of ERISA) in any of the terms of the plan or coverage that would affect the content of the SBC, that is not reflected in the most recently provided SBC, and that occurs other than in connection with a renewal or reissuance of coverage, the plan or issuer must provide notice of the modification to enrollees not later than 60 days prior to the date on which the modification will become effective. The notice of modification must be provided in a form that is consistent with the rules of paragraph (a)(4) of this section.

(c) *Uniform glossary*—(1) *In general.* A group health plan, and a health insurance issuer offering group health insurance coverage, must make available to participants and beneficiaries the uniform glossary described in paragraph (c)(2) of this section in accordance with the appearance and form and manner requirements of paragraphs (c)(3) and (4) of this section.

(2) *Health-coverage-related terms and medical terms.* The uniform glossary must provide uniform definitions, specified by the Secretary in guidance, of the following health-coverage-related terms and medical terms:

(i) Allowed amount, appeal, balance billing, co-insurance, complications of pregnancy, co-payment, deductible, durable medical equipment, emergency medical condition, emergency medical transportation, emergency room care, emergency services, excluded services, grievance, habilitation services, health insurance, home health care, hospice services, hospitalization, hospital outpatient care, in-network co-insurance, in-network co-payment, medically necessary, network, non-preferred provider, out-of-network co-insurance, out-of-network co-payment, out-of-pocket limit, physician services, plan, preauthorization, preferred provider, premium, prescription drug coverage, prescription drugs, primary care physician, primary care provider, provider, reconstructive surgery, rehabilitation services, skilled nursing care, specialist, usual customary and reasonable (UCR), and urgent care; and

(ii) Such other terms as the Secretary determines are important to define so that individuals and employers may compare and understand the terms of coverage and medical benefits (including any exceptions to those benefits), as specified in guidance.

(3) *Appearance.* A group health plan, and a health insurance issuer, must provide the uniform glossary with the appearance specified by the Secretary in guidance to ensure the uniform glossary is presented in a uniform format and uses terminology understandable by the average plan enrollee.

(4) *Form and manner.* A plan or issuer must make the uniform glossary described in this paragraph (c) available upon request, in either paper or electronic form (as requested), within seven business days after receipt of the request.

(d) *Preemption.* See § 2590.731. State laws that conflict with this section (including a state law that requires a health insurance issuer to provide an SBC that supplies less information than required under paragraph (a) of this section) are preempted.

(e) *Failure to provide.* A group health plan that willfully fails to provide information required under this section to a participant or beneficiary is subject to a fine of not more than $1,000 for each such failure. A failure with respect to each participant or beneficiary constitutes a separate offense for purposes of this paragraph (e). The Department will enforce this section using a process and procedure consistent with § 2560.502c–2 of this chapter and 29 CFR part 2570, subpart C.

(f) *Applicability to Medicare Advantage benefits.* The requirements of this section do not apply to a group health plan benefit package that provides Medicare Advantage benefits pursuant to or 42 U.S.C. Chapter 7, Subchapter XVIII, Part C.

(g) *Applicability date.* (1) This section is applicable to group health plans and group health insurance issuers in accordance with this paragraph (g). (See § 2590.715–1251(d), providing that this section applies to grandfathered health plans.)

(i) For disclosures with respect to participants and beneficiaries who enroll or re-enroll through an open enrollment period (including re-enrollees and late enrollees), this section applies beginning on the first day of the first open enrollment period that begins on or after September 1, 2015; and

(ii) For disclosures with respect to participants and beneficiaries who enroll in coverage other than through an open enrollment period (including individuals who are newly eligible for coverage and special enrollees), this section applies beginning on the first day of the first plan year that begins on or after September 1, 2015.

(2) For disclosures with respect to plans, this section is applicable to health insurance issuers beginning September 1, 2015.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Subtitle A

For the reasons stated in the preamble, the Department of Health and Human Services amends 45 CFR part 147 as follows:

PART 147—HEALTH INSURANCE REFORM REQUIREMENTS FOR THE GROUP AND INDIVIDUAL HEALTH INSURANCE MARKETS

■ 5. The authority citation for part 147 continues to read as follows:

Authority: Sections 2701 through 2763, 2791, and 2792 of the Public Health Service Act (42 U.S.C. 300gg through 300gg–63, 300gg–91, and 300gg–92), as amended.

■ 6. Revise § 147.200 to read as follows:

§ 147.200 Summary of benefits and coverage and uniform glossary.

(a) *Summary of benefits and coverage*—(1) *In general.* A group health plan (and its administrator as defined in section 3(16)(A) of ERISA)), and a health insurance issuer offering group or individual health insurance coverage, is required to provide a written summary of benefits and coverage (SBC) for each benefit package without charge to entities and individuals described in this paragraph (a)(1) in accordance with the rules of this section.

(i) *SBC provided by a group health insurance issuer to a group health plan*—(A) *Upon application.* A health insurance issuer offering group health insurance coverage must provide the SBC to a group health plan (or its sponsor) upon application for health coverage, as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application. If an SBC was provided before application pursuant to paragraph (a)(1)(i)(D) of this section (relating to SBCs upon request), this paragraph (a)(1)(i)(A) is deemed satisfied, provided there is no change to the information required to be in the SBC. However, if there has been a change in the information required, a new SBC that includes the changed information must be provided upon application pursuant to this paragraph (a)(1)(i)(A).

(B) *By first day of coverage (if there are changes).* If there is any change in the information required to be in the SBC that was provided upon application and before the first day of coverage, the issuer must update and provide a current SBC to the plan (or its sponsor) no later than the first day of coverage.

(C) *Upon renewal, reissuance, or reenrollment.* If the issuer renews or reissues a policy, certificate, or contract of insurance for a succeeding policy year, or automatically re-enrolls the policyholder or its participants and beneficiaries in coverage, the issuer must provide a new SBC as follows:

(*1*) If written application is required (in either paper or electronic form) for renewal or reissuance, the SBC must be provided no later than the date the written application materials are distributed.

(*2*) If renewal, reissuance, or reenrollment is automatic, the SBC must be provided no later than 30 days prior to the first day of the new plan or policy year; however, with respect to an insured plan, if the policy, certificate, or contract of insurance has not been issued or renewed before such 30-day period, the SBC must be provided as soon as practicable but in no event later than seven business days after issuance of the new policy, certificate, or contract of insurance, or the receipt of written confirmation of intent to renew, whichever is earlier.

(D) *Upon request.* If a group health plan (or its sponsor) requests an SBC or summary information about a health insurance product from a health insurance issuer offering group health insurance coverage, an SBC must be provided as soon as practicable, but in no event later than seven business days following receipt of the request.

(ii) *SBC provided by a group health insurance issuer and a group health plan to participants and beneficiaries*—(A) *In general.* A group health plan (including its administrator, as defined under section 3(16) of ERISA), and a health insurance issuer offering group health insurance coverage, must provide an SBC to a participant or beneficiary (as defined under sections 3(7) and 3(8) of ERISA), and consistent with the rules of paragraph (a)(1)(iii) of this section, with respect to each benefit package offered by the plan or issuer for which the participant or beneficiary is eligible.

(B) *Upon application.* The SBC must be provided as part of any written application materials that are distributed by the plan or issuer for enrollment. If the plan or issuer does not distribute written application materials for enrollment, the SBC must be provided no later than the first date on which the participant is eligible to enroll in coverage for the participant or any beneficiaries. If an SBC was provided before application pursuant to paragraph (a)(1)(ii)(F) of this section (relating to SBCs upon request), this paragraph (a)(1)(ii)(B) is deemed satisfied, provided there is no change to the information required to be in the SBC. However, if there has been a change in the information that is required to be in the SBC, a new SBC that includes the changed information must be provided upon application pursuant to this paragraph (a)(1)(ii)(B).

(C) *By first day of coverage (if there are changes).* (*1*) If there is any change to the information required to be in the SBC that was provided upon application and before the first day of coverage, the plan or issuer must update and provide a current SBC to a participant or beneficiary no later than the first day of coverage.

(*2*) If the plan sponsor is negotiating coverage terms after an application has been filed and the information required to be in the SBC changes, the plan or issuer is not required to provide an updated SBC (unless an updated SBC is requested) until the first day of coverage.

(D) *Special enrollees.* The plan or issuer must provide the SBC to special enrollees (as described in § 146.117 of this subchapter) no later than the date by which a summary plan description is required to be provided under the timeframe set forth in ERISA section 104(b)(1)(A) and its implementing regulations, which is 90 days from enrollment.

(E) *Upon renewal, reissuance, or reenrollment.* If the plan or issuer requires participants or beneficiaries to renew in order to maintain coverage (for example, for a succeeding plan year), or automatically re-enrolls participants and beneficiaries in coverage, the plan or issuer must provide a new SBC, as follows:

(*1*) If written application is required for renewal, reissuance, or reenrollment (in either paper or electronic form), the SBC must be provided no later than the date on which the written application materials are distributed.

(*2*) If renewal, reissuance, or reenrollment is automatic, the SBC must be provided no later than 30 days prior to the first day of the new plan or policy year; however, with respect to an insured plan, if the policy, certificate, or contract of insurance has not been issued or renewed before such 30-day period, the SBC must be provided as soon as practicable but in no event later than seven business days after issuance of the new policy, certificate, or contract of insurance, or the receipt of written confirmation of intent to renew, whichever is earlier.

(F) *Upon request.* A plan or issuer must provide the SBC to participants or beneficiaries upon request for an SBC or summary information about the health coverage, as soon as practicable, but in no event later than seven business days following receipt of the request.

(iii) *Special rules to prevent unnecessary duplication with respect to group health coverage*—(A) An entity required to provide an SBC under this paragraph (a)(1) with respect to an individual satisfies that requirement if another party provides the SBC, but only to the extent that the SBC is timely and complete in accordance with the other rules of this section. Therefore, for example, in the case of a group health plan funded through an insurance policy, the plan satisfies the requirement to provide an SBC with respect to an individual if the issuer provides a timely and complete SBC to the individual. An entity required to provide an SBC under this paragraph (a)(1) with respect to an individual that contracts with another party to provide

such SBC is considered to satisfy the requirement to provide such SBC if:

(*1*) The entity monitors performance under the contract;

(*2*) If the entity has knowledge that the SBC is not being provided in a manner that satisfies the requirements of this section and the entity has all information necessary to correct the noncompliance, the entity corrects the noncompliance as soon as practicable; and

(*3*) If the entity has knowledge the SBC is not being provided in a manner that satisfies the requirements of this section and the entity does not have all information necessary to correct the noncompliance, the entity communicates with participants and beneficiaries who are affected by the noncompliance regarding the noncompliance, and begins taking significant steps as soon as practicable to avoid future violations.

(B) If a single SBC is provided to a participant and any beneficiaries at the participant's last known address, then the requirement to provide the SBC to the participant and any beneficiaries is generally satisfied. However, if a beneficiary's last known address is different than the participant's last known address, a separate SBC is required to be provided to the beneficiary at the beneficiary's last known address.

(C) With respect to a group health plan that offers multiple benefit packages, the plan or issuer is required to provide a new SBC automatically to participants and beneficiaries upon renewal or reenrollment only with respect to the benefit package in which a participant or beneficiary is enrolled (or will be automatically re-enrolled under the plan); SBCs are not required to be provided automatically upon renewal or reenrollment with respect to benefit packages in which the participant or beneficiary is not enrolled (or will not automatically be enrolled). However, if a participant or beneficiary requests an SBC with respect to another benefit package (or more than one other benefit package) for which the participant or beneficiary is eligible, the SBC (or SBCs, in the case of a request for SBCs relating to more than one benefit package) must be provided upon request as soon as practicable, but in no event later than seven business days following receipt of the request.

(D) Subject to paragraph (a)(2)(ii) of this section, a plan administrator of a group health plan that uses two or more insurance products provided by separate health insurance issuers with respect to a single group health plan may synthesize the information into a single SBC or provide multiple partial SBCs provided that all the SBC include the content in paragraph (a)(2)(iii) of this section.

(iv) *SBC provided by a health insurance issuer offering individual health insurance coverage*—(A) *Upon application.* A health insurance issuer offering individual health insurance coverage must provide an SBC to an individual covered under the policy (including every dependent) upon receiving an application for any health insurance policy, as soon as practicable following receipt of the application, but in no event later than seven business days following receipt of the application. If an SBC was provided before application pursuant to paragraph (a)(1)(iv)(D) of this section (relating to SBCs upon request), this paragraph (a)(1)(iv)(A) is deemed satisfied, provided there is no change to the information required to be in the SBC. However, if there has been a change in the information that is required to be in the SBC, a new SBC that includes the changed information must be provided upon application pursuant to this paragraph (a)(1)(iv)(A).

(B) *By first day of coverage (if there are changes).* If there is any change in the information required to be in the SBC that was provided upon application and before the first day of coverage, the issuer must update and provide a current SBC to the individual no later than the first day of coverage.

(C) *Upon renewal, reissuance, or reenrollment.* If the issuer renews or reissues a policy, certificate, or contract of insurance for a succeeding policy year, or automatically re-enrolls an individual (or dependent) covered under a policy, certificate, or contract of insurance into a policy, certificate, or contract of insurance under a different plan or product, the issuer must provide an SBC for the coverage in which the individual (including every dependent) will be enrolled, as follows:

(*1*) If written application is required (in either paper or electronic form) for renewal, reissuance, or reenrollment, the SBC must be provided no later than the date on which the written application materials are distributed.

(*2*) If renewal, reissuance, or reenrollment is automatic, the SBC must be provided no later than 30 days prior to the first day of the new policy year; however, if the policy, certificate, or contract of insurance has not been issued or renewed before such 30 day period, the SBC must be provided as soon as practicable but in no event later than seven business days after issuance of the new policy, certificate, or contract of insurance, or the receipt of written confirmation of intent to renew, whichever is earlier.

(D) *Upon request.* A health insurance issuer offering individual health insurance coverage must provide an SBC to any individual or dependent upon request for an SBC or summary information about a health insurance product as soon as practicable, but in no event later than seven business days following receipt of the request.

(v) *Special rule to prevent unnecessary duplication with respect to individual health insurance coverage*—(A) *In general.* If a single SBC is provided to an individual and any dependents at the individual's last known address, then the requirement to provide the SBC to the individual and any dependents is generally satisfied. However, if a dependent's last known address is different than the individual's last known address, a separate SBC is required to be provided to the dependent at the dependents' last known address.

(B) *Student health insurance coverage.* With respect to student health insurance coverage as defined at § 147.145(a), the requirement to provide an SBC to an individual will be considered satisfied for an entity if another party provides a timely and complete SBC to the individual. An entity required to provide an SBC under this paragraph (a)(1) with respect to an individual that contracts with another party to provide such SBC is considered to satisfy the requirement to provide such SBC if:

(*1*) The entity monitors performance under the contract;

(*2*) If the entity has knowledge that the SBC is not being provided in a manner that satisfies the requirements of this section and the entity has all information necessary to correct the noncompliance, the entity corrects the noncompliance as soon as practicable; and

(*3*) If the entity has knowledge the SBC is not being provided in a manner that satisfies the requirements of this section and the entity does not have all information necessary to correct the noncompliance, the entity communicates with covered individuals and dependents who are affected by the noncompliance regarding the noncompliance, and begins taking significant steps as soon as practicable to avoid future violations.

(2) *Content*—(i) *In general.* Subject to paragraph (a)(2)(iii) of this section, the SBC must include the following:

(A) Uniform definitions of standard insurance terms and medical terms so that consumers may compare health coverage and understand the terms of

(or exceptions to) their coverage, in accordance with guidance as specified by the Secretary;

(B) A description of the coverage, including cost sharing, for each category of benefits identified by the Secretary in guidance;

(C) The exceptions, reductions, and limitations of the coverage;

(D) The cost-sharing provisions of the coverage, including deductible, coinsurance, and copayment obligations;

(E) The renewability and continuation of coverage provisions;

(F) Coverage examples, in accordance with the rules of paragraph (a)(2)(ii) of this section;

(G) With respect to coverage beginning on or after January 1, 2014, a statement about whether the plan or coverage provides minimum essential coverage as defined under section 5000A(f) and whether the plan's or coverage's share of the total allowed costs of benefits provided under the plan or coverage meets applicable requirements;

(H) A statement that the SBC is only a summary and that the plan document, policy, certificate, or contract of insurance should be consulted to determine the governing contractual provisions of the coverage;

(I) Contact information for questions;

(J) For issuers, an Internet web address where a copy of the actual individual coverage policy or group certificate of coverage can be reviewed and obtained;

(K) For plans and issuers that maintain one or more networks of providers, an Internet address (or similar contact information) for obtaining a list of network providers;

(L) For plans and issuers that use a formulary in providing prescription drug coverage, an Internet address (or similar contact information) for obtaining information on prescription drug coverage;

(M) An Internet address for obtaining the uniform glossary, as described in paragraph (c) of this section, as well as a contact phone number to obtain a paper copy of the uniform glossary, and a disclosure that paper copies are available; and

(N) For qualified health plans sold through an individual market Exchange that exclude or provide for coverage of the services described in § 156.280(d)(1) or (2) of this subchapter, a notice of coverage or exclusion of such services.

(ii) *Coverage examples.* The SBC must include coverage examples specified by the Secretary in guidance that illustrate benefits provided under the plan or coverage for common benefits scenarios (including pregnancy and serious or chronic medical conditions) in accordance with this paragraph (a)(2)(ii).

(A) *Number of examples.* The Secretary may identify up to six coverage examples that may be required in an SBC.

(B) *Benefits scenarios.* For purposes of this paragraph (a)(2)(ii), a benefits scenario is a hypothetical situation, consisting of a sample treatment plan for a specified medical condition during a specific period of time, based on recognized clinical practice guidelines as defined by the National Guideline Clearinghouse, Agency for Healthcare Research and Quality. The Secretary will specify, in guidance, the assumptions, including the relevant items and services and reimbursement information, for each claim in the benefits scenario.

(C) *Illustration of benefit provided.* For purposes of this paragraph (a)(2)(ii), to illustrate benefits provided under the plan or coverage for a particular benefits scenario, a plan or issuer simulates claims processing in accordance with guidance issued by the Secretary to generate an estimate of what an individual might expect to pay under the plan, policy, or benefit package. The illustration of benefits provided will take into account any cost sharing, excluded benefits, and other limitations on coverage, as specified by the Secretary in guidance.

(iii) *Coverage provided outside the United States.* In lieu of summarizing coverage for items and services provided outside the United States, a plan or issuer may provide an Internet address (or similar contact information) for obtaining information about benefits and coverage provided outside the United States. In any case, the plan or issuer must provide an SBC in accordance with this section that accurately summarizes benefits and coverage available under the plan or coverage within the United States.

(3) *Appearance.* (i) A group health plan and a health insurance issuer must provide an SBC in the form, and in accordance with the instructions for completing the SBC, that are specified by the Secretary in guidance. The SBC must be presented in a uniform format, use terminology understandable by the average plan enrollee (or, in the case of individual market coverage, the average individual covered under a health insurance policy), not exceed four double-sided pages in length, and not include print smaller than 12-point font. A health insurance issuer offering individual health insurance coverage must provide the SBC as a stand-alone document.

(ii) A group health plan that utilizes two or more benefit packages (such as major medical coverage and a health flexible spending arrangement) may synthesize the information into a single SBC, or provide multiple SBCs.

(4) *Form.* (i) An SBC provided by an issuer offering group health insurance coverage to a plan (or its sponsor), may be provided in paper form. Alternatively, the SBC may be provided electronically (such as by email or an Internet posting) if the following three conditions are satisfied—

(A) The format is readily accessible by the plan (or its sponsor);

(B) The SBC is provided in paper form free of charge upon request; and

(C) If the electronic form is an Internet posting, the issuer timely advises the plan (or its sponsor) in paper form or email that the documents are available on the Internet and provides the Internet address.

(ii) An SBC provided by a group health plan or health insurance issuer to a participant or beneficiary may be provided in paper form. Alternatively, the SBC may be provided electronically (such as by email or an Internet posting) if the requirements of this paragraph (a)(4)(ii) are met.

(A) With respect to participants and beneficiaries covered under the plan or coverage, the SBC may be provided electronically as described in this paragraph (a)(4)(ii)(A). However, in all cases, the plan or issuer must provide the SBC in paper form if paper form is requested.

(*1*) In accordance with the Department of Labor's disclosure regulations at 29 CFR 2520.104b–1;

(*2*) In connection with online enrollment or online renewal of coverage under the plan; or

(*3*) In response to an online request made by a participant or beneficiary for the SBC.

(B) With respect to participants and beneficiaries who are eligible but not enrolled for coverage, the SBC may be provided electronically if:

(*1*) The format is readily accessible;

(*2*) The SBC is provided in paper form free of charge upon request; and

(*3*) In a case in which the electronic form is an Internet posting, the plan or issuer timely notifies the individual in paper form (such as a postcard) or email that the documents are available on the Internet, provides the Internet address, and notifies the individual that the documents are available in paper form upon request.

(iii) An issuer offering individual health insurance coverage must provide

an SBC in a manner that can reasonably be expected to provide actual notice in paper or electronic form.

(A) An issuer satisfies the requirements of this paragraph (a)(4)(iii) if the issuer:

(*1*) Hand-delivers a printed copy of the SBC to the individual or dependent;

(*2*) Mails a printed copy of the SBC to the mailing address provided to the issuer by the individual or dependent;

(*3*) Provides the SBC by email after obtaining the individual's or dependent's agreement to receive the SBC or other electronic disclosures by email;

(*4*) Posts the SBC on the Internet and advises the individual or dependent in paper or electronic form, in a manner compliant with paragraphs (a)(4)(iii)(A)(*1*) through (*3*) of this section, that the SBC is available on the Internet and includes the applicable Internet address; or

(*5*) Provides the SBC by any other method that can reasonably be expected to provide actual notice.

(B) An SBC may not be provided electronically unless:

(*1*) The format is readily accessible;

(*2*) The SBC is placed in a location that is prominent and readily accessible;

(*3*) The SBC is provided in an electronic form which can be electronically retained and printed;

(*4*) The SBC is consistent with the appearance, content, and language requirements of this section;

(*5*) The issuer notifies the individual or dependent that the SBC is available in paper form without charge upon request and provides it upon request.

(C) *Deemed compliance.* A health insurance issuer offering individual health insurance coverage that provides the content required under paragraph (a)(2) of this section, as specified in guidance published by the Secretary, to the federal health reform Web portal described in § 159.120 of this subchapter will be deemed to satisfy the requirements of paragraph (a)(1)(iv)(D) of this section with respect to a request for summary information about a health insurance product made prior to an application for coverage. However, nothing in this paragraph should be construed as otherwise limiting such issuer's obligations under this section.

(iv) An SBC provided by a self-insured non-Federal governmental plan may be provided in paper form. Alternatively, the SBC may be provided electronically if the plan conforms to either the substance of the provisions in paragraph (a)(4)(ii) or (iii) of this section.

(5) *Language.* A group health plan or health insurance issuer must provide the SBC in a culturally and linguistically appropriate manner. For purposes of this paragraph (a)(5), a plan or issuer is considered to provide the SBC in a culturally and linguistically appropriate manner if the thresholds and standards of § 147.136(e) are met as applied to the SBC.

(b) *Notice of modification.* If a group health plan, or health insurance issuer offering group or individual health insurance coverage, makes any material modification (as defined under section 102 of ERISA) in any of the terms of the plan or coverage that would affect the content of the SBC, that is not reflected in the most recently provided SBC, and that occurs other than in connection with a renewal or reissuance of coverage, the plan or issuer must provide notice of the modification to enrollees (or, in the case of individual market coverage, an individual covered under a health insurance policy) not later than 60 days prior to the date on which the modification will become effective. The notice of modification must be provided in a form that is consistent with the rules of paragraph (a)(4) of this section.

(c) *Uniform glossary*—(1) *In general.* A group health plan, and a health insurance issuer offering group health insurance coverage, must make available to participants and beneficiaries, and a health insurance issuer offering individual health insurance coverage must make available to applicants, policyholders, and covered dependents, the uniform glossary described in paragraph (c)(2) of this section in accordance with the appearance and form and manner requirements of paragraphs (c)(3) and (4) of this section.

(2) *Health-coverage-related terms and medical terms.* The uniform glossary must provide uniform definitions, specified by the Secretary in guidance, of the following health-coverage-related terms and medical terms:

(i) Allowed amount, appeal, balance billing, co-insurance, complications of pregnancy, co-payment, deductible, durable medical equipment, emergency medical condition, emergency medical transportation, emergency room care, emergency services, excluded services, grievance, habilitation services, health insurance, home health care, hospice services, hospitalization, hospital outpatient care, in-network co-insurance, in-network co-payment, medically necessary, network, non-preferred provider, out-of-network coinsurance, out-of-network co-payment, out-of-pocket limit, physician services, plan, preauthorization, preferred provider, premium, prescription drug coverage, prescription drugs, primary care physician, primary care provider, provider, reconstructive surgery, rehabilitation services, skilled nursing care, specialist, usual customary and reasonable (UCR), and urgent care; and

(ii) Such other terms as the Secretary determines are important to define so that individuals and employers may compare and understand the terms of coverage and medical benefits (including any exceptions to those benefits), as specified in guidance.

(3) *Appearance.* A group health plan, and a health insurance issuer, must provide the uniform glossary with the appearance specified by the Secretary in guidance to ensure the uniform glossary is presented in a uniform format and uses terminology understandable by the average plan enrollee (or, in the case of individual market coverage, an average individual covered under a health insurance policy).

(4) *Form and manner.* A plan or issuer must make the uniform glossary described in this paragraph (c) available upon request, in either paper or electronic form (as requested), within seven business days after receipt of the request.

(d) *Preemption.* For purposes of this section, the provisions of section 2724 of the PHS Act continue to apply with respect to preemption of State law. State laws that conflict with this section (including a state law that requires a health insurance issuer to provide an SBC that supplies less information than required under paragraph (a) of this section) are preempted.

(e) *Failure to provide.* A health insurance issuer or a non-federal governmental health plan that willfully fails to provide information to a covered individual required under this section is subject to a fine of not more than $1,000 for each such failure. A failure with respect to each covered individual constitutes a separate offense for purposes of this paragraph (e). HHS will enforce these provisions in a manner consistent with §§ 150.101 through 150.465 of this subchapter.

(f) *Applicability to Medicare Advantage benefits.* The requirements of this section do not apply to a group health plan benefit package that provides Medicare Advantage benefits pursuant to or 42 U.S.C. Chapter 7, Subchapter XVIII, Part C.

(g) *Applicability date.* (1) This section is applicable to group health plans and group health insurance issuers in accordance with this paragraph (g). (See § 147.140(d), providing that this section applies to grandfathered health plans.)

(i) For disclosures with respect to participants and beneficiaries who enroll or re-enroll through an open enrollment period (including re-enrollees and late enrollees), this section applies beginning on the first day of the first open enrollment period that begins on or after September 1, 2015; and

(ii) For disclosures with respect to participants and beneficiaries who enroll in coverage other than through an open enrollment period (including individuals who are newly eligible for coverage and special enrollees), this section applies beginning on the first day of the first plan year that begins on or after September 1, 2015.

(2) For disclosures with respect to plans, this section is applicable to health insurance issuers beginning September 1, 2015.

(3) For disclosures with respect individuals and covered dependents in the individual market, this section is applicable to health insurance issuers beginning with respect to SBCs issued for coverage that begins on or after January 1, 2016.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0479]

Drawbridge Operation Regulation; Pearl River, LA/MS

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the operation of the US 90 highway bridge (East Pearl River Bridge), a swing span bridge across the Pearl River, mile 8.8 between Slidell, St. Tammany Parish, Louisiana and Pearlington, Hancock County, Mississippi. The deviation is necessary in order to conduct electrical and structural repairs to the bridge. This deviation will allow the bridge to remain in the closed-to-navigation position for four consecutive days.

DATES: This deviation is effective from 7 a.m. on Monday, July 20, 2015, through 7 p.m. on Friday, July 24, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0479]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2015–0479) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Jim Wetherington, Bridge Administration Branch, Coast Guard; telephone 504–671–2128, email *d8dpball@uscg.mil*. If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: Boh Bros. Construction Company, on behalf of the Louisiana Department of Transportation and Development, requested a temporary deviation from the operating schedule on the US 90 highway bridge (East Pearl River Bridge), a swing span bridge across the Pearl River, mile 8.8 between Slidell, St. Tammany Parish, Louisiana and Pearlington, Hancock County, Mississippi. The bridge has a vertical clearance of 10 feet above mean high water in the closed-to-navigation position and unlimited clearance in the open-to-navigation position.

Navigation at the site of the bridge consists mainly of small tows with barges, some commercial sightseeing boats, and some recreational pleasure craft. Based on prior experience, as well as coordination with waterway users, it has been determined that this closure will not have a significant effect on these vessels. No alternate routes are available.

In accordance with 33 CFR 117.486(b), the draw of the US 90 highway bridge shall open on signal; except that, from 7 p.m. to 7 a.m. the draw shall open on signal if at least four hours notice is given. Vessels that do not require an opening will be allowed to pass at the slowest safe speed. The bridge will be unable to open in the event of an emergency.

The closure is necessary for the replacement of structural and electrical components of the draw span and two submarine cables. These operations will continue until completed and will not allow the normal operation of the bridge. Normal operations of the bridge will commence upon completion of the work. Notices will be published in the Eighth Coast Guard District Local Notice to Mariners and will be broadcast via the Coast Guard Broadcast Notice to Mariners System.

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: June 11, 2015.

David M. Frank,

Bridge Administrator, Eighth Coast Guard District.

[FR Doc. 2015–14715 Filed 6–15–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0534]

Drawbridge Operation Regulation; Bayou Sara, Near Saraland, Mobile County, AL

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulations.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the CSX Railway Company swing span bridge across Bayou Sara, mile 0.1, near Saraland, Mobile County, Alabama. The deviation is necessary to complete scheduled core borings behind the fender system of the bridge. This deviation will allow the bridge to remain in the closed-to-navigation position for 24 consecutive hours.

DATES: This deviation is effective from 6 a.m. on June 29, 2015 until 6 a.m. on June 30, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0534]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2015–0534) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m.,

Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Jim Wetherington, Bridge Administration Branch, Coast Guard; telephone 504–671–2128, email *d8dpball@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The CSX Railway Company has requested a temporary deviation from the operating schedule of the swing span railroad bridge across Bayou Sara, mile 0.1, near Saraland, Mobile County, Alabama. The bridge provides three feet of vertical clearance in the closed-to-navigation position. Due to the core boring operations within the bridge footprint and safety concerns, vessels will not be allowed to pass through the bridge while the work is ongoing. The bridge will be unable to open in the event of an emergency.

In accordance with 33 CFR 117.105, the bridge currently opens on signal for the passage of vessels except that between the hours of 6 p.m. and 10 a.m. daily, it opens on signal if at least eight hours notice is given. This deviation allows the swing span of the bridge to remain in the closed-to-navigation position from 6 a.m. on June 29, 2015 until 6 a.m. on June 30, 2015.

Navigation on the waterway consists of fishing vessels and recreational craft. An alternate route is not available. Based on prior experience of minimal traffic and the current regulation requiring eight hours notice between 6 p.m. and 10 a.m. each day, it has been determined that this closure will not have a significant effect on these vessels.

The closure is necessary for core boring operations within the footprint of the bridge. These operations will continue until completed and will not allow the normal operation of the bridge. Normal operations will commence upon completion of the work. Notices will be published in the Eighth Coast Guard District Local Notice to Mariners and will be broadcast via the Coast Guard Broadcast Notice to Mariners System.

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: June 10, 2015.

David M. Frank,

Bridge Administrator, Eighth Coast Guard District.

[FR Doc. 2015–14660 Filed 6–15–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0317]

RIN 1625–AA00

Safety Zone, Indian River Bay; Millsboro, Delaware

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Indian River Bay adjacent to Millsboro, Delaware. The safety zone will restrict vessel traffic in Indian River Bay within a 200 foot radius of a fireworks barge. This safety zone is necessary to protect the surrounding public and vessels from the hazards associated with a fireworks display.

DATES: This safety zone is effective without actual notice from June 16, 2015, until July 5, 2015. For the purposes of enforcement, actual notice will be used from May 23, 2015 until June 16, 2015. It will be enforced on May 23 and July 4, 2015 with rain dates of May 24 and July 5, respectively, from 8:45 p.m. (EST) to 10:15 p.m. (EST), unless cancelled earlier by the Captain of the Port.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0317]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email. If you have questions on this temporary rule, call or email Lieutenant Brennan Dougherty, U.S. Coast Guard, Sector Delaware Bay, Chief Waterways Management Division, Coast Guard; telephone (215) 271–4851, email *Brennan.P.Dougherty@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. Regulatory History and Information

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

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because a safety zone is in the public interest in that the final details for this event were not received by the Coast Guard until April 20, 2015, and the first event is scheduled for May 23, 2015. Further, allowing this event to go forward without a safety zone in place would expose mariners and the public to unnecessary dangers associated with fireworks displays.

For similar reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

B. 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.

On May 23 and July 4, 2015, with rain dates of May 24 and July 5, 2015, fireworks will be launched from a barge with a fall out zone that covers part of Indian River Bay near Millsboro, Delaware. The purpose of the rule is to promote public and maritime safety during a fireworks display, and to protect mariners transiting the area from the potential hazards associated with a fireworks display, such as accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris.

C. Discussion of the Final Rule

To mitigate the risks associated with a fireworks display, the Captain of the Port, Delaware Bay will establish a temporary safety zone on the Indian River Bay, near Millsboro, Delaware. The safety zone will encompass all waters of Indian River Bay, within a 200 foot radius of the fireworks barge in approximate position 38–36.58 N., 075–09.00 W., adjacent to Millsboro, Delaware. The safety zone will be enforced from 8:45 p.m. to 10:15 p.m. on May 23 and July 4, 2015, unless cancelled earlier by the Captain of the Port. Should inclement weather require cancellation of the fireworks display on the above scheduled dates, the safety zone will be enforced from 8:45 p.m. to 10:15 p.m. on May 24 and July 5, 2015, respectively.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Delaware Bay, or her designated representative. The Captain of the Port, Delaware Bay, or her representative may be contacted via VHF channel 16 or at 215–271–4807.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes 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. Although this regulation will restrict access to the regulated area, the effect of this rule will not be significant because: (i) The Coast Guard will make extensive notification of the Safety Zone to the maritime public via maritime advisories so mariners can alter their plans accordingly; (ii) entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Delaware Bay; (iii) this rule will be enforced for only the duration of the fireworks display, and (iv) the size and duration of the zone are relatively limited in scope.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to anchor or transit along a portion of Indian River Bay, adjacent to Millsboro, Delaware, on May 23 and July 4, 2015, with rain dates of May 24 and July 5, 2015, from 8:45 p.m. to 10:15 p.m., unless cancelled earlier by the Captain of the Port.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reason: The safety zone is limited in size and duration. Sector Delaware Bay will issue maritime advisories widely available to users of the Indian River Bay.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves implementation of regulations within 33 CFR part 165, applicable to safety zones on the navigable waterways. This zone will temporarily restrict vessel traffic from anchoring or transiting a portion of Indian River Bay near Millsboro, Delaware in order to protect the safety of life and property on the waters while a firework display is conducted. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T05–0317, to read as follows:

§ 165.T05–0317 Safety Zone, Indian River Bay; Millsboro, DE.

(a) *Regulated Area.* The following area is a safety zone: All waters of Indian River Bay within a 200 foot radius of a fireworks barge located approximately at position 38–36.58N, 075–09.00W near Millsboro, Delaware.

(b) *Regulations.* The general safety zone regulations found in 33 CFR 165.23 apply to the safety zone created by this section (§ 165.T05–0317).

(1) All persons and vessels are prohibited from entering this zone, except as authorized by the Coast Guard Captain of the Port or her designated representative.

(2) This section applies to all vessels wishing to transit through the safety zone except vessels that are engaged in the following operations:

(i) Enforcing laws;

(ii) Servicing aids to navigation, and

(iii) Emergency response vessels.

(3) No person or vessel may enter or remain in a safety zone without the permission of the Captain of the Port;

(4) Each person and vessel in a safety zone shall obey any direction or order of the Captain of the Port;

(5) No person may board, or take or place any article or thing on board, any vessel in a safety zone without the permission of the Captain of the Port; and

(6) No person may take or place any article or thing upon any waterfront facility in a safety zone without the permission of the Captain of the Port.

(c) Definitions—(1) *Captain of the Port* means the Commander, Coast Guard Sector Delaware Bay, or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on her behalf.

(2) *Designated representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Delaware Bay, to assist in enforcing the safety zone described in paragraph (a) of this section.

(d) *Enforcement.* The U.S. Coast Guard may be assisted by Federal, State, and local agencies in the patrol and enforcement of the zone.

(e) *Enforcement period.* This section will be enforced between 8:45 p.m. to 10:15 p.m. on May 23 and July 4, 2015, unless cancelled earlier by the Captain of the Port. Should inclement weather require cancellation of the fireworks display on the above scheduled dates, the safety zone will be enforced between 8:45 p.m. and 10:15 p.m. on May 24 and July 5, 2015, unless cancelled earlier by the Captain of the Port.

Dated: May 7, 2015.

K. Moore,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2015–14797 Filed 6–15–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 42

[Docket No. PTO–P–2015–0032]

RIN 0651–AD00

Amendments to the Rules of Practice for Trials Before the Patent Trial and Appeal Board

Correction

In rule document 2015–12117 appearing on pages 28561–28566 in the issue of Tuesday, May 19, 2015, make the following correction:

On page 28563, in the third column, third line from the bottom, delete ''*http://www.cruiseamerica.com/rent/ourvehicles/''*.

[FR Doc. C1–2015–12117 Filed 6–15–15; 8:45 am]

BILLING CODE 1505–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900–AN71

Loan Guaranty: Elimination of Redundant Regulations; Technical Correction

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; technical correction.

SUMMARY: On June 15, 2010, the Department of Veterans Affairs (VA) published a document in the **Federal Register** (75 FR 33704), amending its loan guaranty regulations to eliminate redundancies in the regulations that

were a result of a new electronic reporting system. At that time, we failed to update the cross-reference citations within the redesignated sections. On October 22, 2010 (75 FR 65238), Sections 36.4301 through 36.4323(e) were amended to replace the incorrect cross-reference citations with the accurate, updated cross-references. This document corrects the remaining redesignated sections (§ 36.4324 through § 36.4393) to contain the correct and updated cross-reference citations. These nonsubstantive changes are made for clarity and accuracy.

DATES: *Effective* June 16, 2015.

FOR FURTHER INFORMATION CONTACT: Joseph E. Simpson, Senior Attorney, The Office of General Counsel, U.S. Department of Veterans Affairs, 810 Vermont Avenue NW., (021D), Washington, DC 20420, (202) 368–6406.

SUPPLEMENTARY INFORMATION: On June 15, 2010 (75 FR 33704), VA amended 38 CFR part 36. The purpose of the amendments was to eliminate redundant regulations found at 38 CFR 36.4300 through 36.4393 (the ''36.4300 series''). VA redesignated the regulations that had previously been published at 38 CFR 36.4800 through § 36.4893 (the ''36.4800 series'') to replace the 36.4300 series in its entirety. On October 22, 2010 (75 FR 65238), VA amended the redesignated sections of 36.4301 through 36.4323(3) to replace the incorrect internal cross references to the 36.4800 series contained within those sections, with the updated, accurate internal cross references to the 36.4300 series. That final rule technical citation failed to make the remaining necessary corrections.

With this action, VA is amending the remaining 36.4300 series regulations to update the internal cross-references to the 36.4800 series regulations. This action is necessary because the 36.4800 series has been removed from 38 CFR part 36, making the current cross reference citations to the series obsolete. VA is amending each citation by simply replacing the numbers ''48'' with ''43'' (*e.g.,* changing the reference to § 36.4860 to read § 36.4360).

For the convenience of the reader, we have included a redesignation table that shows each affected section, the cross reference that is removed, and the new cross reference that is added in its place.

Administrative Procedure Act

Because this final rule is only a technical correction to the cross-references in certain regulations, prior notice-and-comment is unnecessary. Accordingly, this final rule is exempt from this requirement under 5 U.S.C. 553(b)(B). For the same reason, there is good cause under 5 U.S.C. 553(d)(3) to publish this rule with an immediate effective date.

List of Subjects in 38 CFR Part 36

Condominiums, Housing, Veterans with disabilities, Loan programs—housing and community development, Loan programs—veterans, Grant program—veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

Approved: May 29, 2015.

William F. Russo

Acting Director, Office of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR 36.4324 through 36.4393 are corrected by making the following correction amendments:

PART 36—LOAN GUARANTY

■ 1. The authority citation for part 36 continues to read as follows:

Authority: 38 U.S.C. 501 and as otherwise noted.

§§ 36.4324, 36.4325, 36.4326, 36.4327, 36.4328, 36.4331, 36.4333, 36.4335, 36.4338, 36.4339, 36.4340, 36.4345, 36.4347, 36.4348, 36.4350, 36.4352, 36.4354, 36.4355, 36.4359, 36.4360, 36.4361, 36.4362, 36.4363, 36.4364, 36.4365, 36.4367, 36.4375, 36.4378, 36.4379, 36.4390, 36.4392, and 36.4393 [Amended]

■ 2. In the table below, for each section indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the section, and add the cross-reference indicated in the right column:

REDESIGNATION TABLE

Amended sections	Remove cross-reference citations	Add, in its place, new cross-reference citations
§ 36.4324(a)	§ 36.4815(h)(2)	36.4315(h)(2).
§ 36.4324(a)	§ 36.4815(h)(2)	36.4315(h)(2).
§ 36.4324(a)(2)	§ 36.4814	§ 36.4314.
§ 36.4324(a)(3)(ii)	§ 36.4822(a)	§ 36.4322(a).
§ 36.4324(d)(5)	§ 36.4833	§ 36.4333.
§ 36.4325	§ 36.4820(a)	§ 36.4320(a).
§ 36.4326(e)	§ 36.4845	§ 36.4345.
§ 36.4326(e)(1)	§ 36.4845	§ 36.4345.
§ 36.4326(e)(2)	§ 36.4845	§ 36.4345.
§ 36.4326(i)	§ 36.4809(c)(1)(vii)	§ 36.4309(c)(1)(vii).
§ 36.4326(i)	§ 36.4803(l)(1)(i)	§ 36.4303(l)(1)(i).
§ 36.4326(i)	§ 36.4803(l)(1)(i)	§ 36.4303(l)(1)(i).
§ 36.4326(i)	§ 36.4813(d)(8)	§ 36.4313(d)(8).
§ 36.4327(a)(1)	§ 36.4822	§ 36.4322.
§ 36.4327(d)(2)	§ 36.4817	§ 36.4317.
§ 36.4327(d)(4)	§ 36.4815	§ 36.4315.
§ 36.4328(b)	§ 36.4854(b)	§ 36.4354(b).
§ 36.4328(b)(2)	§ 36.4830	§ 36.4330.
§ 36.4328(b)(3)	§ 36.4829	§ 36.4329.
§ 36.4328(b)(4)	§ 36.4817	§ 36.4317.
§ 36.4328(b)(5)	§ 36.4827	§ 36.4327.
§ 36.4328(b)(6)	§ 36.4831	§ 36.4331.
§ 36.4328(b)(8)	§ 36.4854(b)	§ 36.4354(b).
§ 36.4328(c)	§ 36.4820(a)	§ 36.4320(a).
§ 36.4331	§§ 36.4800 through 36.4880	§§ 36.4300 through 36.4380.
§ 36.4333(a)(2)	§ 36.4819(a)	§ 36.4319(a).
§ 36.4335	§§ 36.4800 to 36.4880	§§ 36.4800 to 36.4880.
§ 36.4335	§ 36.4845	§ 36.4345.

REDESIGNATION TABLE—Continued

Amended sections	Remove cross-reference citations	Add, in its place, new cross-reference citations
§ 36.4335	§§ 36.4800 to 36.4880	§§ 36.4800 to 36.4880.
§ 36.4338(a)	§ 36.4845	§ 36.4345.
§ 36.4338(a)(1)	§ 36.4808(a)	§ 36.4308(a).
§ 36.4338(a)(2)	§ 36.4803(l)	§ 36.4303(l).
§ 36.4338(a)(3)	§ 36.4824(d)(3)	§ 36.4324(d)(3).
§ 36.4338(a)(4)	§ 36.4823(a)	§ 36.4323(a).
§ 36.4338(a)(5)	§ 36.4823(b)	§ 36.4323(b).
§ 36.4338(a)(6)	§ 36.4814(f)(2)	§ 36.4314(f)(2).
§ 36.4338(a)(7)	§ 36.4824(a)(3)	§ 36.4324(a)(3).
§ 36.4338(a)(8)	§ 36.4824(e)	§ 36.4324(e).
§ 36.4339(c)	§ 36.4823	§ 36.4323.
§ 36.4340(h)	§ 36.4839(a)(3)	§ 36.4339(a)(3).
§ 36.4340(k)(3)	§ 36.4840(k)(2)	§ 36.4340(k)(2).
§ 36.4345(c)(2)	§ 36.4823(e)	§ 36.4323(e).
§ 36.4345(c)(2)	§ 36.4838	§ 36.4338.
§ 36.4345(c)(2)	§ 36.4846	§ 36.4346.
§ 36.4347(a)(5)	§ 36.4847(b)	§ 36.4347(b).
§ 36.4347(d)	§ 36.4847(b)	§ 36.4347(b).
§ 36.4347(f)	§ 36.4847(d)	§ 36.4347(d).
§ 36.4348(a)(4)	§ 36.4848(b)	§ 36.4348(b).
§ 36.4348(c)	§ 36.4848(b)	§ 36.4348(b).
§ 36.4348(d)	§ 36.4848(c)	§ 36.4348(c).
§ 36.4350(g)(1)(iv)(A)(1)	§ 36.4815	§ 36.4315.
§ 36.4350(i)(2)	§ 36.4817(c)(10)	§ 36.4317(c)(10).
§ 36.4352(d)(1)	§ 36.4852(b)(5)	§ 36.4352(b)(5).
§ 36.4354(b)(5)(iii)	§ 36.4862(c)	§ 36.4362(c).
§ 36.4355	§ 36.4854(a)	§ 36.4354(a).
§ 36.4359(c)	§ 36.4855	§ 36.4355.
§ 36.4360(a)	§ 36.4857	§ 36.4357.
§ 36.4360(a)	§ 36.4859	§ 36.4359.
§ 36.4360(a)	§ 36.4869	§ 36.4369.
§ 36.4360(b)(2)	§ 36.4801	§ 36.4301.
§ 36.4361(b)	§ 36.4854	§ 36.4354.
§ 36.4361(c)(4)	§ 36.4864(a)(3)	§ 36.4364(a)(3).
§ 36.461(c)(4)	§ 36.4865(b)(6)	§ 36.4365(b)(6).
§ 36.461(d)(2)	§ 36.4864(a)(6)	§ 36.4364(a)(6).
§ 36.4362(b)(4)(iii)	§ 36.4856	§ 36.4356.
§ 36.4362(c)(5)	§ 36.4854(b)(5)(ii)	§ 36.4354(b)(5)(ii).
§ 36.4362(c)(5)	§ 36.4854(b)(5)(iv)	§ 36.4354(b)(5)(iv).
§ 36.4362(c)(6)(ii)	§ 36.4809(e)	§ 36.4309(e).
§ 36.4362(c)(6)(ii)	§ 36.4854(b)(5)(iv)	§ 36.4354(b)(5)(iv).
§ 36.4363(e)	§ 36.4829	§ 36.4329.
§ 36.4364(a)(1)	§ 36.4861(d)(2)	§ 36.4361(d)(2).
§ 36.4364(a)(3)	§ 36.4865(b)(6)	§ 36.4365(b)(6).
§ 36.4364(a)(7)	§ 36.4861(b)	§ 36.4361(b).
§ 36.4364(a)(7)	§ 36.4862(c)(1) and (2)	§ 36.4362(c)(1) and (2).
§ 36.4364(c)	§ 36.4800 series	§ 36.4300 series.
§ 36.4365(b)(5)	§ 36.4865(b)(7)	§ 36.4365(b)(7).
§ 36.4367	§§ 36.4860 through 36.4865	§§ 36.4360 through 36.4365.
§ 36.4375(b)	§ 36.4820	§ 36.4320.
§ 36.4378	§ 36.4820	§ 36.4320.
§ 36.4378	§ 36.4877	§ 36.4377.
§ 36.4378	§ 36.4877(a)	§ 36.4377(a).
§ 36.4379(a)	§ 36.4817	§ 36.4317.
§ 36.4379(a)	§ 36.4850	§ 36.4350.
§ 36.4379(a)	§ 36.4875(b)	§ 36.4375(b).
§ 36.4379(b)	§ 36.4814	§ 36.4314.
§ 36.4390	§§ 36.4890 through 36.4893	§§ 36.4390 through 36.4393.
§ 36.4392	§§ 36.4890 through 36.4893	§§ 36.4390 through 36.4393.
§ 36.4392	§ 36.4891	§ 36.4391.
§ 36.4393(a)	§ 36.4892	§ 36.4392.
§ 36.4393(c)	§ 36.4892	§ 36.4392.
§ 36.4393(d)	§ 36.4892	§ 36.4392.
§ 36.4393(e)	§ 36.4892	§ 36.4392.

[FR Doc. 2015–13456 Filed 6–15–15; 8:45 am]
BILLING CODE 8320–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 4

[ET Docket No. 04–35; FCC 15–39]

Commission Rules Concerning Disruptions to Communications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission resolves several pending matters in the proceeding that established the network outage reporting rules. The Commission declines to adopt a proposal to expand its ''special offices and facilities'' outage reporting requirements to cover general aviation airports and it disposes of seven petitions for reconsideration. Each petition is granted, denied, or dismissed to the extent indicated.

DATES: Effective July 16, 2015.

FOR FURTHER INFORMATION CONTACT: Brenda D. Villanueva, Attorney Advisor, Public Safety and Homeland Security Bureau, (202) 418–7005 or *brenda.villanueva@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Report and Order* and *Order on Reconsideration* in ET Docket No. 04–35, FCC 15–39, adopted March 27, 2015 and released March 30, 2015. The full text of this document, FCC 15–39, is available for public inspection online at *http://www.fcc.gov/document/fcc-adopts-part-4-improvements-item*, or during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554.

Synopsis

I. Second Report and Order

The *Report and Order* in this docket, 69 FR 70316, established the Commission's part 4 outage reporting rules, which require certain providers of communications to electronically file reports of network outages that exceed specified thresholds of magnitude and duration. In the *Further Notice of Proposed Rulemaking (FNPRM)* that accompanied that *Report and Order*, 69 FR 68859, the Commission sought comment on a proposal to extend outage-reporting requirements for special offices and facilities to cover general aviation airports, a category that includes airports smaller than those already covered by section 4.5(b) of the rules. No comments were received on this proposal, and there remains a lack of record support for its adoption. Moreover, adoption of the proposal would run counter to the reasoning underlying some of the proposals in the (*NPRM*) that accompanies this document. In particular, we sought comment on excluding from the definition of ''special offices and facilities'' all airports other than the nation's most heavily trafficked airports, because reports of airport-related outages at such airports have not been significant enough to pose a substantial threat to public safety. Alternatively, we consider, among other potential changes to section 4.5(b), the elimination of airport-specific reporting requirements as duplicative of our proposed TSP-based reporting requirements. Accordingly, we decline to adopt the proposal to extend section 4.5(b) to cover general aviation airports.

II. Order on Reconsideration

The Commission received nine Petitions for Reconsideration of various aspects of the *Report and Order*, seven of which remain pending. The seven Petitioners are Cingular Wireless LLC (Cingular), CTIA-The Wireless Association (CTIA), Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO); Qwest Corporation and Qwest Communications Corporation (Qwest), Sprint Corporation (Sprint), US Telecom, and, filing jointly, AT&T, BellSouth, MCI, SBC and Verizon (collectively, Joint Petitioners). These seven petitions are disposed of in this *Order on Reconsideration.* In a companion document, a *Notice of Proposed Rulemaking* (*NPRM*) in PS Docket No. 15–80, the Commission seeks comment on modifications to the Part 4 rules to improve their utility.

A. Issues Considered in the Notice of Proposed Rulemaking

Certain proposals considered in the (*NPRM*) incorporate issues raised in various petitions. As we are considering there the merits Petitioners' requests for relief on these issues, we will incorporate into the record those portions of Petitioners' petitions that present substantive arguments on these issues. We also incorporate into the record those portions of any responsive pleadings filed in connection with the Petitions that present substantive arguments relevant to those issues. Any other aspects of the petitions relating to these issues are dismissed as moot.

B. Other Issues

We now consider those issues raised in the various Petitions that we have not addressed in the (*NRPM*). We grant or deny each Petition to the extent indicated below.

1. Reporting Obligations of ''Pure Resellers''

Before withdrawing its Petition, BellSouth requested therein that the Commission clarify section 4.9(f) to ''expressly state that pure resellers (those that do not own, operate, or maintain switching, routing, or transmission facilities) are exempt from the Commission's reporting requirements to the extent that a network failure occurs on resold facilities that are owned, operated, or maintained by an underlying facilities-based provider.'' BellSouth argued that pure resellers should not be subject to part 4 reporting obligations because resellers do not have direct access to the outage information that must be reported, and that the only way that a pure reseller becomes aware of a network outage is ''typically'' through ''customer calls, news reports . . . or from the underlying facilities based provider itself'' and that ''[n]one of these methods . . . are routine or foolproof.'' Sprint also addresses this issue in its Petition, focusing on section 4.3(b) of the rules, arguing that pure resellers of wireless service ''would not be able to provide any information on the extent and duration of the outage or the cause of the outage.'' Rather, Sprint argues, the Commission can obtain this information from reports filed by the underlying facilities-based provider because ''customers of these [pure reseller] providers are included in the reports of the affected underlying [facilities-based] wireless carrier.'' Sprint argues that the provision ''includ[ing] . . . affiliated and non-affiliated entities that maintain or provide communications networks or services used by the provider in offering such communications'' could be read as encompassing a wireless service provider that does not own any wireless facilities or maintain a wireless network. Qwest also supports the position that pure resellers should be exempt from part 4 outage reporting.

NASUCA argued in its responsive pleading, on the other hand, that separate reporting by a pure reseller and its underlying facilities-based communications provider would ensure ''that . . . the Commission . . . will have a deeper understanding of the full impact of the outage.'' It maintained that ''only the reseller knows how many

telephone numbers in the block it acquired from the LEC [local exchange carrier] are operational and thus affected by the outage,'' and it therefore ''must be obliged to provide that information.''

Although the applicability of outage reporting requirements to ''pure resellers'' of communications services was not expressly addressed in *Report and Order*, the rules adopted therein require ''[a]ll . . . communications providers'' in covered categories to file reports upon ''discovering that they have experienced'' a qualifying outage ''on any facilities that they own, operate, lease or otherwise utilize.'' Thus, resellers in the covered categories are within the reach of the part 4 rules insofar as they ''lease or otherwise utilize'' facilities to provide communications services to their customers.

The underlying purpose of the part 4 outage reporting rules is to improve network reliability and resiliency, particularly as it affects the Nation's 911 system, by providing the Commission with the ability to analyze data regarding significant outages, regardless of the network(s) in which the underlying causal factors lie. This information enables the Commission to analyze how outages in one network affect other networks and to identify adverse trends. ''Pure resellers'' may lack direct access to the network facilities they use to provide service, but we agree with NASUCA that such providers may be uniquely positioned to provide information on outages affecting their customers. Similarly, outages induced from higher-level issues may stem from resellers' systems or applications. Finally, we observe that the Commission routinely receives reports of outages pertaining to facilities not under the direct control or ownership of the filing party, and such reports provide a valuable perspective on the course and impact of outages affecting multiple providers. We therefore deny Sprint's petition with respect to this issue.

2. Reporting of Planned Network Outages

CTIA, Cingular and Sprint request reconsideration of the Commission's decision to treat planned outages related to network maintenance, repair, and upgrades the same as other outages for purposes of its reporting requirements. CTIA and Cingular maintain that planned system outages should not be reportable events, arguing that normal operational and maintenance requirements of providers may require planned service disruptions in order to conduct maintenance, perform upgrades, or complete repair work, and that these disruptions are intended to enhance network reliability. They also argue that mandated reporting of planned outages imposes undue burdens on providers. Sprint does not argue for the elimination of reporting requirements for planned outages, but rather advocates for an alternative filing requirement whereby providers would file a single report 72 hours after a planned outage.

NASUCA opposes any modification to the requirements for reporting planned outages. NASUCA argues that, as far as consumer and national security interests are concerned, a planned outage is still an outage. NASUCA urges the Commission not to weaken Commission authority at a time that it must be exercised more firmly than ever before because of heightened national security concerns.

The arguments raised by Petitioners on this issue were previously considered and addressed by the Commission in the *Report and Order.* While the Commission did not specifically consider facts and arguments of Sprint's proposed single field report 72 hours after discovery of a planned outage, the Commission did consider facts and arguments generally concerning the filing requirements. In declining to exempt planned outages from the outage reporting requirements it was adopting, the Commission acknowledged the reliance of both public safety personnel and the general public on wireless services for both emergency and routine communications. Petitioners have not presented facts or arguments in their Petitions that would lead us to reconsider the conclusion that such reliance creates a need for reporting of planned wireless network outages. Indeed, reliance on wireless services for emergency-related communications has only increased since adoption of the *Report and Order*, making it ever more imperative that wireless network outages are fully reported on a timely basis irrespective of their cause. In addition, the reporting burden associated with such reporting was fully considered in the original rulemaking proceeding. We decline to revisit that issue here. While we acknowledge the difficulties involved in maintaining complex communications networks, we continue to find that exempting planned outages from the scope of reporting would detract from the purposes of part 4. For the foregoing reasons, we deny the Petitions of CTIA, Cingular and Sprint with respect to reporting of planned network outages.

3. Rural Provider Reporting Obligations

OPASTCO requests that the Commission reconsider its Part 4 outage reporting obligations insofar as they apply to rural telephone companies. In support of its Petition, OPASTCO alleges both procedural and substantive deficiencies in the *Report and Order.* First, OPASTCO contends that the Commission did not provide sufficient opportunity for comment on the information collections associated with its Part 4 rules before the Office of Management and Budget (OMB) approved them. Second, it alleges that the established 120-minute deadline for filing an initial notification is unduly burdensome as applied to rural providers. Finally, OPASTCO asserts that the Commission's Paperwork Reduction Act (PRA) analysis fails to account fully for the burdens that rural providers will incur in assessing whether they serve ''special facilities'' as specified in section 4.5(b) or in reporting on their implementation of NRIC best practices. Dobson and TDS Telecom each filed responses in support of OPASTCO's petition.

Neither OPASTCO nor its supporting commenters offer persuasive arguments for reconsideration of the Commission's outage reporting requirements as applied to rural telephone providers. First, any alleged procedural deficiency in OMB's approval of the part 4 information collection has been made moot by the passage of time, as the public has been given subsequent opportunities to comment on the collection as part of OMB's periodic review and re-approval process. We find that this established process is the appropriate forum for addressing perceived deficiencies in the PRA analysis associated with the Commission's part 4 requirements.

We also find that OPASTCO misstates the burden that accrues to rural providers in complying with the 120-minute deadline for filing initial notifications. This obligation extends to outages that last for at least 30 minutes and potentially affect at least 900,000 user minutes, but the 120-minute timeframe for filing an initial notification of the outage commences only upon discovery that a reportable outage exists. Although providers have an obligation to take reasonable steps to discover outages, there is no prescribed timeframe for detecting the presence of an outage, only for reporting on outages that the provider has determined meet the reporting criteria. This discussion further clarifies when the 120-minute timeframe begins, as OPASTCO requests. In practice, providers often

have much longer than 120 minutes from the onset of an outage to file the notification. Our experience administering NORS has demonstrated that the established 120-minute deadline sets an appropriate balance between the Commission's need to be timely apprised of critical outages and the needs of providers to deploy scarce resources effectively when these outages occur. In the nine years since the rules went into effect, we are unaware of any small rural provider that has been significantly challenged in complying with the 120-minute deadline. We are therefore not persuaded that this requirement is too burdensome as applied to rural providers.

For the foregoing reasons, we deny the OPASTCO Petition.

4. DS3 Simplex Outage Reporting

Several Petitioners seek reconsideration of the requirement that providers report ''DS3 simplex'' outages and propose relaxation of the requirement. In the *Partial Stay Order* the Commission rejected arguments that this requirement should be eliminated outright, but it stayed the reporting obligation insofar as it applied to outages rectified within five days of their discovery. Petitioners have not presented facts or arguments beyond those considered and rejected in the *Partial Stay Order* that would support reconsideration of the DS3 reporting obligation as applied to outages that persist longer than five days. In fact, as explained in the (*NPRM*) that accompanies this document, the volume of DS3 simplex outages reported in recent years has led us to propose tightening our DS3 simplex reporting requirements. Accordingly, Petitioners' request for reconsideration of this matter is denied.

5. Withdrawal of Notifications and Initial Reports

In its Petition, Sprint requests that the Commission codify in section 4.11 its stated policy that providers may ''withdraw notifications and initial reports in legitimate circumstances,'' such as when the filing was made mistakenly. Although the Commission has consistently followed this policy throughout the tenure of NORS, we agree that codifying it in our rules may provide greater assurance to providers. Accordingly, on this issue we grant Sprint's request and amend section 4.11 accordingly.

III. Procedural Matters

A. Regulatory Flexibility Act

1. As required by the Regulatory Flexibility Act of 1980 (RFA),[1] the Commission has prepared a Final Regulatory Certification (Certification) for the *Second Report and Order* and *Order on Reconsideration.* The Certification is set forth as Appendix E. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of the *Second Report and Order* and *Order on Reconsideration* and their Certification to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

B. Paperwork Reduction Act of 1995

The rules adopted in the *Second Report and Order* and *Order on Reconsideration* in this document contain no new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13.

C. Congressional Review Act

The Commission will not send a copy of this *Order on Reconsideration* pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A) *et seq.*, because the adopted rule is a rule of ''agency organization, procedure, or practice'' within the meaning of 5 U.S.C. 804(3)(C).

IV. Ordering Clauses

Accordingly it is ordered that, pursuant to the authority contained in Sections 1, 4(i), 4(j), 4(o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(r), 307, 309(a), 309(j), 316, 332, 403, 615a–1, and 615c of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)–(j) & (o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(r), 307, 309(a), 309(j), 316, 332, 403, 615a–1, and 615c, this *Final Rule, Second Report and Order* and *Order on Reconsideration* in ET Docket 04–35 and PS Docket 15–80 is *adopted*, effective July 16, 2015.

It is further ordered that, pursuant to Sections 4(i), 302, 303(e) 303(f), 303(g), 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 302a, 303(e), 303(f), 303(g), 303(r), and 405, the Petitions for Reconsideration filed by Cingular Wireless, CTIA—The Wireless Association, Qwest Communications, the Organization for the Promotion and Advancement of Small Telecommunications Companies, Sprint and the United States Telecom Association, and the Petition for Reconsideration filed jointly by AT&T, BellSouth, MCI, SBC and Verizon, in ET Docket No. 04–35, *are granted, denied* and *dismissed* to the extent indicated herein.

It is further ordered that, pursuant to Sections 4(i), 302, 303(e) 303(f), 303(g), 303(r), and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 302a, 303(e), 303(f), 303(g), 303(r), and 405, the Commission's rules *are hereby amended.*

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

V. Final Regulatory Certification

The Regulatory Flexibility Act of 1980, as amended (RFA)[2] requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that ''the rule will not have a significant economic impact on a substantial number of small entities.''[3] The RFA generally defines ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.''[4] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[5] A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).[6]

The *Second Report and Order* and *Order on Reconsideration* adopt the following rules:

• The *Second Report and Order* declines to adopt a proposal to expand

[1] *See* 5 U.S.C.—603.

[2] The RFA, *see*—5 U.S.C. S 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

[3] 5 U.S.C.—605(b).

[4] 5 U.S.C.—601(6).

[5] 5 U.S.C.—601(3) (incorporating by reference the definition of ''small business concern'' in Small Business Act, 15 U.S.C. S—632). Pursuant to 5 U.S.C.—601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

[6] Small Business Act,—15 U.S.C. S 632.

the range of airports classified as ''special offices and facilities'' for purposes of outage reporting under Part 4.

• The *Order and Reconsideration* codifies in section 4.11 the Commission's longstanding policy of allowing providers to withdraw outage report filings under appropriate circumstances.

The first of these involves a determination not to adopt a substantive rule, while the second merely codifies an existing policy. We thus certify that neither of these rules will have a significant economic impact on a substantial number of small entities.

List of Subjects in 47 CFR Part 4

Airports, Communications common carriers, Communications equipment, Disruptions to communications, Network outages, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 4 as follows:

PART 4—DISRUPTIONS TO COMMUNICATIONS

■ 1. The authority citation for part 4 is revised to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 154, 155, 201, 251, 307, 316.

■ 2. Section 4.11 is amended by adding a sentence at the end of the paragraph to read as follows:

§ 4.11 Notification and initial and final communications outage reports that must be filed by communications providers.

* * * Notifications and initial reports may be withdrawn under legitimate circumstances, *e.g.*, when the filing was made under the mistaken assumption that an outage was required to be reported.

[FR Doc. 2015–14685 Filed 6–15–15; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 231

Contract Cost Principles and Procedures

CFR Correction

In Title 48 of the Code of Federal Regulations, Chapter 2, Parts 200 to 299, revised as of October 1, 2014, on page 261, in section 231.205–18, reinstate paragraphs (c)(iv)(A) and (B), to read as follows:

231.205–18 Independent research and development and bid and proposal costs.

* * * * *

(c) * * *

(iv) * * *

(A) Determine whether IR&D/B&P projects are of potential interest to DoD; and

(B) Provide the results of the determination to the contractor.

* * * * *

[FR Doc. 2015–14536 Filed 6–15–15; 8:45 am]

BILLING CODE 1501–01–D

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 237

Service Contracting

CFR Correction

In Title 48 of the Code of Federal Regulations, Chapter 2, Parts 200 to 299, revised as of October 1, 2014, on page 295, in section 237.101, add the definition of ''Senior mentor'' to read as follows:

237.101 Definitions.

* * * * *

''Senior mentor'' means a retired flag, general, or other military officer or retired senior civilian official who provides expert experience-based mentoring, teaching, training, advice, and recommendations to senior military officers, staff, and students as they participate in war games, warfighting courses, operational planning, operational exercises, and decision-making exercises.

[FR Doc. 2015–14537 Filed 6–15–15; 8:45 am]

BILLING CODE 1505–01–D

Proposed Rules

Federal Register
Vol. 80, No. 115
Tuesday, June 16, 2015

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1220

[Doc. No. AMS–LPS–15–0016]

Soybean Promotion and Research: Amend the Order To Adjust Representation on the United Soybean Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would adjust the number of members on the United Soybean Board (Board) to reflect changes in production levels that have occurred since the Board was last reapportioned in 2012. As required by the Soybean Promotion, Research, and Consumer Information Act (Act), membership on the Board is reviewed every 3 years and adjustments are made accordingly. This proposed change would result in an increase in Board membership for three States, increasing the total number of Board members from 70 to 73. These changes would be reflected in the Soybean Promotion and Research Order (Order) and would be effective for the 2016 appointment process.

DATES: Comments must be received by August 17, 2015.

ADDRESSES: Comments should be posted online at *www.regulations.gov.* Comments received will be posted without change, including any personal information provided. All comments should reference the docket number, AMS–LPS–15–0016; the date of submission; and the page number of this issue of the **Federal Register**. Comments may also be sent to James R. Brow, Promotion and Research Division, Livestock, Poultry, and Seed Program, Agricultural Marketing Service (AMS), Department of Agriculture (USDA), Room 2610–S, STOP 0251, 1400 Independence Avenue SW., Washington, DC 20250–0251; or via Fax to (202) 720–1125. Comments will be made available for public inspection at the above address during regular business hours or via the Internet at *www.regulations.gov.* Comments must be received by August 17, 2015.

FOR FURTHER INFORMATION CONTACT: James R. Brow, Promotion and Research Division, Livestock, Poultry, and Seed Program, AMS, USDA, Room 2610–S, STOP 0251, 1400 Independence Avenue SW., Washington, DC 20250–0251; Telephone 202/720–0633; Fax 202/720–1125; or email to *James.Brow@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has waived the review process required by Executive Order 12866 for this action.

Executive Order 12988

This proposed rule was reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have a retroactive effect. This action would not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 1971 of the Act, a person subject to the Order may file a petition with USDA stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order, is not in accordance with the law and request a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After a hearing, USDA would rule on the petition. The Act provides that district courts of the United States in any district in which such person is an inhabitant, or has their principal place of business, has jurisdiction to review USDA's ruling on the petition, if a complaint for this purpose is filed within 20 days after the date of the entry of the ruling.

Regulatory Flexibility Act

AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), because it only adjusts representation on the Board to reflect changes in production levels that have occurred since the Board was last reapportioned in 2012. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened. As such, these changes will not impose a significant impact on persons subject to the program.

There are an estimated 569,998 soybean producers and an estimated 10,000 first purchasers who collect the assessment, most of whom would be considered small businesses under the criteria established by the Small Business Administration (SBA) [13 CFR 121.201]. SBA defines small agricultural producers as those having annual receipts of less than $750,000.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the reporting and recordkeeping requirements included in 7 CFR part 1220 were previously approved by OMB and were assigned control number 0581–0093.

Background and Proposed Changes

The Act (7 U.S.C. 6301–6311) provides for the establishment of a coordinated program of promotion and research designed to strengthen the soybean industry's position in the marketplace, and to maintain and expand domestic and foreign markets and uses for soybeans and soybean products. The program is financed by an assessment of 0.5 percent of the net market price of soybeans sold by producers. Pursuant to the Act, an Order was made effective July 9, 1991. The Order established an initial Board with 60 members. For purposes of establishing the Board, the United States was divided into 31 States and geographical units. Representation on the Board from each unit was determined by the level of production in each unit. The initial Board was appointed on July 11, 1991. The Board is comprised of soybean producers.

Section 1220.201(c) of the Order provides that at the end of each 3-year period, the Board shall review soybean production levels in the geographic units throughout the United States. The Board may recommend to the Secretary of Agriculture (Secretary) modification

in the levels of production necessary for Board membership for each unit.

Section 1220.201(d) of the Order provides that at the end of each 3-year period, the Secretary must review the volume of production of each unit and adjust the boundaries of any unit and the number of Board members from each such unit as necessary to conform with the criteria set forth in § 1220.201(e): (1) To the extent practicable, States with annual average soybean production of less than 3,000,000 bushels shall be grouped into geographically contiguous units, each of which has a combined production level equal to or greater than 3,000,000 bushels, and each such group shall be entitled to at least one member on the Board; (2) units with at least 3,000,000 bushels, but fewer than 15,000,000 bushels shall be entitled to one board member; (3) units with 15,000,000 bushels or more but fewer than 70,000,000 bushels shall be entitled to two Board members; (4) units with 70,000,000 bushels or more but fewer than 200,000,000 bushels shall be entitled to three Board members; and (5) units with 200,000,000 bushels or more shall be entitled to four Board members.

The Board was last reapportioned in 2012. The total Board membership increased from 69 to 70 members, with Mississippi gaining one additional member. The final rule was published in the **Federal Register** (74 FR 27467) on January 2, 2013. This change was effective with the 2013 appointments.

Currently, the Board has 70 members representing 31 geographical units. This membership is based on average production levels for the years 2007–2011 (excluding crops in years that production was the highest and that production was the lowest) as reported by USDA's National Agricultural Statistics Service (NASS).

This proposed rule would increase total membership on the Board from 70 to 73. Production data for years 2010–2014 (excluding the crops in years in which production was the highest and in which production was the lowest) was gathered from NASS. This change would not affect the number of geographical units. The NASS information combines the production from the Western and Eastern Regions into one production data without distinguishing between the two regions. The NASS data does not support a change in membership for either region. As such, this proposed rule would leave the membership of both regions unchanged with one member each.

This proposed rule would adjust representation on the Board as follows:

State	Current representation	Proposed representation
Missouri	3	4
New Jersey	0	1
Wisconsin	2	3

Board adjustments as proposed by this rulemaking would become effective, if adopted, with the 2016 appointment process.

List of Subjects in 7 CFR Part 1220

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Soybeans and soybean products, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that title 7, part 1220 be amended as follows:

PART 1220–SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

■ 1. The authority citation for 7 CFR part 1220 continues to read as follows:

Authority: 7 U.S.C. 6301–6311 and 7 U.S.C. 7401.

■ 2. In § 1220.201, paragraph (a), the table is revised to read as follows:

§ 1220.201 Membership of board.

(a) * * *

Unit	Number of members
Illinois	4
Iowa	4
Minnesota	4
Indiana	4
Nebraska	4
Ohio	4
Missouri	4
Arkansas	3
South Dakota	3
Kansas	3
Michigan	3
North Dakota	3
Mississippi	3
Wisconsin	3
Louisiana	2
Tennessee	2
North Carolina	2
Kentucky	2
Pennsylvania	2
Virginia	2
Maryland	2
Georgia	2
South Carolina	1
Alabama	1
Delaware	1
Texas	1
Oklahoma	1
New York	1
New Jersey	1
Eastern Region (Massachusetts, Connecticut, Florida, Rhode Island, Vermont, New Hampshire, Maine, West Virginia, District of Columbia, and Puerto Rico	1
Western Region (Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, California, Hawaii, and Alaska)	1

* * * * *

Dated: June 11, 2015.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–14708 Filed 6–15–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2207; Directorate Identifier 2015–CE–003–AD]

RIN 2120–AA64

Airworthiness Directives; M7 Aerospace LLC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 97–02–02, which applies to certain Models SA26–AT, SA26–T, SA226–AT, SA226–T, SA226–T(B), SA226–TC, SA227–AC (C–26A), SA227–AT, SA227–BC (C–26A), SA227–CC, SA227–DC (C–26B), and SA227–TT airplanes. AD 97–02–02 currently requires applying torque to the control column pitch bearing attaching nuts, inspecting the bearing assembly, inspecting the elevator control rod end bearing retainer/dust seals, and replacing or installing new parts as necessary. Since we issued AD 97–02–02, an operator experienced a complete loss of elevator control because of failure of the bolt attaching the elevator control rod to the elevator walking beam under the cockpit floor. This proposed AD would prevent loss of pitch control, which if not corrected, could result in loss of airplane control. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 31, 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 M7 Aerospace LLC, 10823 NE Entrance Road, San Antonio, Texas 78216; phone: (210) 824–9421; fax: (210) 804–7766; Internet: *http://www.elbitsystems-us.com;* email: *MetroTech@M7Aerospace.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

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–2015–2207; 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: Andrew McAnaul, Aerospace Engineer, FAA, ASW–143 (c/o San Antonio MIDO), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; phone: (210) 308–3365; fax: (210) 308–3370; email: *andrew.mcanaul@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–2207; Directorate Identifier 2015–CE–003–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD 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 proposed AD.

Discussion

On January 6, 1997, we issued AD 97–02–02, Amendment 39–9886 (62 FR 2552, January 17, 1997), (''AD 97–02–02''), for certain M7 Aerospace LLC Models SA26–AT, SA26–T, SA226–AT, SA226–T, SA226–T(B), SA226–TC, SA227–AC (C–26A), SA227–AT, SA227–BC (C–26A), SA227–CC, SA227–DC (C–26B), and SA227–TT airplanes. AD 97–02–02 requires applying torque to check the security of the control column pitch bearing attaching nuts, inspecting for any looseness or movement of the bearing assembly, and inspecting the elevator control rod end bearing retainer/dust seals for creasing. If any of these problems are evident, replace these parts, as well as install a new bolt and washer to the elevator control rod end bearing assembly at the walking beam connection. AD 97–02–02 resulted from reports of Fairchild SA227 series airplanes losing pitch control in-flight. We issued AD 97–02–02 to prevent loss of pitch control, which if not corrected, could result in loss of airplane control.

Actions Since AD 97–02–02 Was Issued

Since we issued AD 97–02–02, an operator experienced complete loss of elevator control due to failure of the bolt attaching the elevator control rod to the elevator walking beam under the cockpit floor. A follow-on inspection of the operator's fleet revealed a variety of hardware installed. Some hardware matched the illustrated parts catalog (IPC), some matched the AD 97–02–02 configuration, and some matched neither of those configurations.

When AD 97–02–02 was issued, the IPC was never revised to match the hardware configuration called out in AD 97–02–02 or in the service information associated with that AD. Because of the conflict between the AD and the IPC configurations, an airplane that was in compliance with the requirements of AD 97–02–02 could have had an incorrect hardware configuration installed during routine maintenance after complying with the AD. The IPC has been updated and corrected by M7 Aerospace, LLC.

Also, since we issued AD 97–02–02, the manufacturer developed an improved design for the control column pivot bearing and support structure that terminates the repetitive torque check and replacement of control column pivot bearings.

The manufacturer also issued new service information that adds the 10,000-hour time in service (TIS) repetitive replacement of the control column pivot bearing that is in the airworthiness limitations section (ALS) of the airplane maintenance manual (AMM) and (if this revision is mandated) requires the replacement of the pivot bearing with the improved design within 35,000 hours TIS that is in the supplemental inspections document (SID). Issue of the new service information, the revised IPC, and this proposed AD will eliminate the conflicts between AD 97–02–02, the service information, the IPC, the ALS, and the SID.

Relevant Service Information Under 1 CFR 51

We reviewed M7 Aerospace SA26 Series Service Bulletin No. 26–27–30–046 R2, dated December 5, 2014; Fairchild Aircraft SA26 Series Service Bulletin No. 26–27–30–047, dated June 16, 1997; M7 Aerospace SA226 Series Service Bulletin No. 226–27–060 R2, dated December 5, 2014; Fairchild Aerospace SA226 Series Service Bulletin No. 226–27–061, dated June 16, 1997; M7 Aerospace SA227 Series Service Bulletin, No. 227–27–041 R2, dated December 5, 2014; Fairchild

Aircraft SA227 Series Service Bulletin No. 227–27–042, dated June 16, 1997; M7 Aerospace LLC SA227 Series Commuter Category Service Bulletin No. CC7–27–010 R2, dated December 5, 2014; and Fairchild Aircraft SA227 Series Commuter Category Service Bulletin No. CC7–27–011, dated June 16, 1997. The service information describes procedures for inspecting for movement and correct torque of the elevator control pivot bearing, inspecting the elevator control rod for damage, and replacing parts as necessary. The service information also adds a repetitive replacement of the control column pivot bearings at 10,000 hours TIS and requires replacement of the control column pivot bearing with the improved design within 35,000 hours TIS. This 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 the NPRM.

FAA's Determination

We are proposing this AD 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 proposed AD would retain none of the requirements of AD 97–02–02. This proposed AD would require inspecting for movement and correct torque of the elevator control pivot bearing, inspecting the elevator control rod for damage, and replacing parts as necessary. This proposed AD would also require a 10,000-hour TIS repetitive replacement of the control column pivot bearing and require replacement of the control column pivot bearing with the improved design within 35,000 hours TIS. Replacing the original control column pivot bearing with the improved design terminates the requirement to repetitively replace the original control column pivot bearing every 10,000 hours.

Costs of Compliance

We estimate that this proposed AD affects 360 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of torque on the control column pivot bearing.	2 work-hours × $85 per hour = $170	Not applicable	$170	$61,200
Control column pivot bearing replacement	8 work-hours × $85 per hour = $680	300	980	352,800
New designed control column pivot bearing replacement.	20 work-hours × $85 per hour = $1,700	2,450	4,150	1,494,000
Elevator rod end bolt replacement	4 work-hours × $85 per hour = $340	10	350	126,000

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 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 that the proposed regulation:

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 97–02–02, Amendment 39–9886 (62 FR 2552, January 17, 1997), and adding the following new AD:

M7 Aerospace: Docket No. FAA–2015–2207; Directorate Identifier 2015–CE–003–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by July 31, 2015.

(b) Affected ADs

This AD supersedes AD 97–02–02, Amendment 39–9886 (62 FR 2552, January 17, 1997).

(c) Applicability

This AD applies to M7 Aerospace LLC Models SA26–AT, SA26–T, SA226–AT, SA226–T, SA226–T(B), SA226–TC, SA227–AC (C–26A), SA227–AT, SA227–BC (C–26A), SA227–CC, SA227–DC (C–26B), SA227–TT, all serial numbers, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

AD 97–02–02 (62 FR 2552, January 17, 1997) (''AD 97–02–02'') resulted from reports of Fairchild SA227 series airplanes losing pitch control in-flight. This supersedure was prompted by an operator experiencing

complete loss of elevator control because of failure of the bolt attaching the elevator control rod to the elevator walking beam under the cockpit floor. We are issuing this AD to prevent loss of pitch control, which if not corrected, could result in loss of airplane control.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done. Models SA227–CC and SA227–DC, serial numbers 892, 893, and 895 and up, have the revised (modified) configuration. Since those airplanes are already in compliance, they do not have to do the actions in paragraphs (h) or (i) of this AD, including all subparagraphs. Those airplanes must still do the actions required in paragraph (j) of this AD, including all subparagraphs.

(g) Credit for Actions Accomplished in Accordance With Previous Service Information

This AD allows credit for the control column pivot bearing torque check and initial replacement required in paragraph (i)(2) of this AD and the elevator rod bolt inspection and initial replacement required in paragraphs (j)(1) and (j)(3)(i) of this AD, if done before the effective date of this AD, following the procedures specified in the Accomplishment Instructions of the applicable service information listed in paragraphs (g)(1) through (g)(4) of this AD:

(1) M7 Aerospace SA227 Commuter Category Service Bulletin No. CC7–27–010, original issue or revision 1.

(2) M7 Aerospace SA227 Series Service Bulletin No. 227–27–041, original issue or revision 1.

(3) M7 Aerospace SA226 Series Service Bulletin No. 226–27–060, original issue or revision 1.

(4) M7 Aerospace SA26 Series Service Bulletin No. 26–27–30–046, original issue or revision 1.

(h) Control Column Pivot Bearing Revised (Modified) Configuration

(1) On or before the airplane accumulates a total of 35,000 hours time-in-service (TIS) or within the next 1,000 hours TIS after the effective date of this AD, whichever occurs later, you must revise (modify) the control column pivot bearing configuration with the improved design. Use the applicable service information listed in paragraphs (h)(1)(i) through (h)(1)(iv) of this AD. Revising (modifying) the configuration of the control column pivot bearing with the improved design terminates the actions for paragraph (i) of this AD, including all subparagraphs, but you must still complete the required actions in paragraph (j) of this AD, including all subparagraphs.

(i) Fairchild Aircraft SA26 Series Service Bulletin No. 26–27–30–047, dated June 16, 1997;

(ii) Fairchild Aircraft SA226 Series Service Bulletin No. 226–27–061, dated June 16, 1997;

(iii) Fairchild Aircraft SA227 Series Service Bulletin No. 227–27–042, dated June 16, 1997; or

(iv) Fairchild Aircraft SA227 Series Commuter Category No. CC7–27–011, dated June 16, 1997.

(2) You may at any time before 35,000 hours TIS revise (modify) the control column pivot bearing configuration with the improved design to terminate the repetitive replacement of the original control column pivot bearing using the applicable service information listed in paragraphs (h)(1)(i) through (h)(1)(iv) of this AD. This action terminates the requirements of paragraph (i) of this AD, including all subparagraphs, but you must still complete the required actions in pargraph (j) of this AD, including all subparagraphs.

(i) Torque Check or Replacement of the Control Column Pivot Bearing

(1) Use the service information, as applicable, listed in paragraphs (i)(1)(i) through (i)(1)(iv) of this AD to do a control column pivot bearing torque check or replacement at the applicable compliance times in paragraph (i)(2) or (i)(3) of this AD, including all subparagraphs:

(i) M7 Aerospace LLC SA26 Series Service Bulletin No. 26–27–30–046 R2, dated December 5, 2014;

(ii) M7 Aerospace LLC SA226 Series Service Bulletin No. 226–27–060 R2, dated December 5, 2014;

(iii) M7 Aerospace LLC SA227 Series Service Bulletin No. 227–27–041 R2, dated December 5, 2014; or

(iv) M7 Aerospace LLC SA227 Series Commuter Category Service Bulletin No. CC7–27–010 R2, December 5, 2014.

(2) For airplanes where the control column pivot bearing has been torque checked or replaced within the last 10,000 hours TIS before the effective date of this AD using the applicable service information listed in paragraph (g)(1) through (g)(4) or (i)(1)(i) through (i)(1)(iv) of this AD, do one of the following actions:

(i) Within the next 10,000 hours TIS after the last control column pivot bearing replacement or within the next 1,000 hours TIS after the effective date of this AD, whichever occurs later, and repetitively thereafter every 10,000 hours TIS, replace the control column pivot bearing following paragraph 2.B. of the Accomplishment Instructions of the applicable service information listed in paragraphs (i)(1)(i) through (i)(1)(iv) of this AD; or

(ii) Within the next 10,000 hours TIS after the last control column pivot bearing replacement or within the next 1,000 hours TIS after the effective date of this AD, whichever occurs later, revise (modify) the control column pivot bearing configuration with the improved design using the applicable service information listed in paragraphs (h)(1)(i) through (h)(1)(iv) of this AD. Revising (modifying) the configuration of the control column pivot bearing with the improved design terminates the repetitive replacement of the original control column pivot bearing. No other actions are required for paragraph (i) of this AD, including all subparagraphs, but you must still complete the actions in paragraph (j) of this AD, including all subparagraphs.

(3) For airplanes where the control column pivot bearing has not been torque checked or replaced within the last 10,000 hours TIS before the effective date of this AD using the applicable service information listed in paragraphs (g)(1) through (g)(4) or (i)(1)(i) through (i)(1)(iv) of this AD, within the next 200 hours TIS after the effective date of this AD, torque check the control column pivot bearing following paragraph 2.A. of the service information listed in paragraphs (i)(1)(i) through (i)(1)(iv) of this AD.

(4) If nut movement occurs during the torque check required in paragraph (i)(3) of this AD, do one of the following actions:

(i) Before further flight and repetitively thereafter at intervals not to exceed every 10,000 hours TIS, replace the control column pivot bearing following paragraph 2.B. of the Accomplishment Instructions of the applicable service information listed in paragraphs (i)(1)(i) through (i)(1)(iv) of this AD; or

(ii) Before further flight, revise (modify) the control column pivot bearing configuration with the improved design using the applicable service information listed in paragraphs (h)(1)(i) through (h)(1)(iv) of this AD. Revising (modifying) the configuration of the control column pivot bearing with the improved design terminates the repetitive replacement of the original control column pivot bearing. No other actions are required for paragraph (i) of this AD, including all subparagraphs, but you must still complete the actions in paragraph (j) of this AD, including all subparagraphs.

(5) If no nut movement occurs during the torque check required in paragraph (i)(3) of this AD, do one of the following actions:

(i) Within the next 1,000 hours TIS after the effective date of this AD, replace the control column pivot bearing following paragraph 2.B. of the Accomplishment Instructions of the applicable service information listed in paragraphs (i)(1)(i) through (i)(1)(iv) of this AD; or

(ii) Within the next 1,000 hours TIS after the effective date of this AD, revise (modify) the control column pivot bearing configuration with the improved design using the applicable service information listed in paragraphs (h)(1)(i) through (h)(1)(iv) of this AD. Revising (modifying) the configuration of the control column pivot bearing with the improved design terminates the repetitive replacement of the original control column pivot bearing.

(j) Inspect the Elevator Control Rod Ends and Hardware

(1) Within the next 200 hours TIS after the effective date of this AD, inspect the elevator control rod ends and hardware for wear, creasing, or other damage and verify the elevator rod bolt and attachment hardware for correct configuration following paragraph 2.D. of the Accomplishment Instructions of the applicable service information listed in paragraphs (i)(1)(i) through (i)(1)(iv) of this AD.

(2) If any damage is found during the inspection required in paragraph (j)(1) of this AD or the elevator rod bolt and attachment hardware does not match the correct configuration, before further flight, replace the elevator rod bolt, rod ends, and associated hardware following paragraph 2.D.

of the Accomplishment Instructions of the applicable service information listed in paragraphs (i)(1)(i) through (i)(1)(iv) of this AD.

(3) Replace the elevator rod end bolt and associated hardware following paragraph 2.D. of the Accomplishment Instructions of the applicable service information listed in paragraphs (i)(1)(i) through (i)(1)(iv) of this AD at whichever of the following compliance times applies and repetitively thereafter at intervals not to exceed 10,000 hours TIS:

(i) *For airplanes where the elevator rod bolt has been replaced:* Within the next 10,000 hours TIS after the last elevator rod bolt replacement or within the next 1,000 hours TIS after the effective date of this AD, whichever occurs later; or

(ii) *For airplanes where the elevator rod bolt has never been replaced:* Within the next 200 hours TIS after the effective date of this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Fort Worth Airplane Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (l)(1) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(l) Related Information

(1) For more information about this AD, contact Andrew McAnaul, Aerospace Engineer, FAA, ASW–143 (c/o San Antonio MIDO), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; phone: (210) 308–3365; fax: (210) 308–3370; email: *andrew.mcanaul@faa.gov.*

(2) For service information identified in this AD, contact M7 Aerospace LLC, 10823 NE Entrance Road, San Antonio, Texas 78216; phone: (210) 824–9421; fax: (210) 804–7766; Internet: *http://www.elbitsystems-us.com;* email: *MetroTech@M7Aerospace.com.* You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call 816–329–4148.

Issued in Kansas City, Missouri, on June 9, 2015.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14698 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2134; Directorate Identifier 2015–CE–012–AD]

RIN 2120–AA64

Airworthiness Directives; B/E Aerospace Protective Breathing Equipment Part Number 119003–11

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain B/E Aerospace protective breathing equipment (PBE) that is installed on airplanes. This proposed AD was prompted by reports of a compromise in the vacuum seal of the pouch that contains the PBE. This proposed AD would require inspecting the PBE to determine if the pouch has the proper vacuum seal. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 31, 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 B/E Aerospace, Inc., Commercial Aircraft Products Group, 10800 Pflumm Road, Lenexa, Kansas 66215; telephone: (913) 338–9800; fax: (913) 338–8419; Internet: *www.beaerospace.com.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2134.

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–2015–2134; 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: David Enns, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 S. Airport Road, Room 100, Wichita, Kansas 67209; phone: (316) 946–4147; fax: (316) 946–4107; email: *david.enns@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–2134; Directorate Identifier 2015–CE–012–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD 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 proposed AD.

Discussion

We received a report of B/E Aerospace protective breathing equipment (PBE), part number 119003–11, catching fire when activated by a crew member during taxi aboard an Emirates Airline airplane.

Following the PBE fire event and during the initial investigation, it was determined that a number of pouches containing the PBE that were installed in various airplanes had a compromised vacuum seal. A compromised seal in the pouch of a PBE results in degradation and possible contamination of the chemicals that provide oxygen during use.

The PBE utilizes an igniter candle to provide the user with initial oxygen. This candle uses a chemical reaction that produces high heat and a high flow of oxygen. A compromised vacuum seal can lead to degradation or contamination of the candle materials. This possible contamination of the candle can change the chemical reaction leading to a breach of the filter in the candle assembly allowing hot particles from the igniter candle to enter the oxygen rich environment of the PBE hood. The compromised seal also allows moisture to be drawn into the pouch containing the PBE, which affects the chemical composition of the breathing canister so that it may not meet its performance requirements.

The cause of the compromised vacuum seal of the pouch containing the PBE is unknown at this time. This condition, if not corrected, could result in the PBE not providing the necessary oxygen when needed. Also, the degradation of the chemicals within the igniter candle could increase the likelihood of hot particles to be ejected into the oxygen rich environment and result in fire in the PBE hood.

Related Service Information Under 1 CFR Part 51

We reviewed B/E Aerospace Service Bulletin No. 119003–35–011, Rev. 000, dated February 4, 2015. The B/E Aerospace service bulletin describes procedures for inspecting the PBE to determine if the vacuum seal of the pouch containing the PBE is compromised. 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

We are proposing this AD 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 proposed AD would require accomplishing the actions specified in the service information described previously.

Differences Between This Proposed AD and the Service Information

The service bulletin applies to all PBE with part number 119003–11 and part number 119003–21. We have determined that this proposed AD would apply only to a PBE with part number 119003–11.

Interim Action

We consider this proposed AD interim action. The FAA investigation is ongoing. If final termination action is later identified, we may consider further rulemaking.

Costs of Compliance

We estimate that this proposed AD affects 9,000 products installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspecting the pouch containing the PBE for proper vacuum seal.	.5 work-hour × $85 per hour = $42.50 per inspection cycle.	Not applicable	$42.50 per inspection cycle.	$382,500 per inspection cycle.

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of airplanes that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace the PBE that has a compromised vacuum sealed pouch.	.5 work-hour × $85 per hour = $42.50	$1,510	$1,552.50

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

B/E Aerospace: Docket No. FAA–2015–2134; Directorate Identifier 2015–CE–012–AD.

(a) Comments Due Date

We must receive comments by July 31, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to B/E Aerospace Protective Breathing Equipment (PBE), part number 119003–11, that is installed on airplanes.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 35; Oxygen.

(e) Unsafe Condition

This AD was prompted by reports of a compromise in the vacuum seal of the pouch that contains the PBE. We are issuing this AD to correct the unsafe condition on these products.

(f) Compliance

Unless already done, comply with paragraphs (g) through (h) of this AD.

(g) Inspection

(1) Within 3 months after the effective date of this AD, while still in the stowage box, physically inspect the PBE pouch to determine if it has an intact vacuum seal. Repetitively thereafter, inspect every 12 months. Do these inspections following paragraph III.A.1. of the Accomplishment Instructions in B/E Aerospace Service Bulletin No. 119003–35–011. Rev. 000, dated February 4, 2015.

(2) Within 36 months after the first inspection required in paragraph (g)(1) of this AD, remove the PBE pouch from the stowage box and physically inspect the PBE pouch to determine if it has an intact vacuum seal. Repetitively thereafter, inspect every 36 months. Do these inspections following paragraph III.A.2. of the Accomplishment Instructions in B/E Aerospace Service Bulletin No. 119003–35–011, Rev. 000, dated February 4, 2015.

(h) Replacement

If a PBE pouch is found that does not have an intact vacuum seal during any inspection required in paragraphs (g)(1) and (g)(2) of this AD, before further flight, replace the PBE with an FAA-approved PBE contained in a vacuum sealed pouch. After the replacement, continue with the inspections required in paragraphs (g)(1) and (g)(2) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Wichita Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (j)(1) of this AD.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Related Information

(1) For more information about this AD, contact David Enns, Aerospace Engineer, Wichita ACO, FAA, 1801 S. Airport Road, Room 100, Wichita, Kansas 67209; phone: (316) 946–4147; fax: (316) 946–4107; email: *david.enns@faa.gov.*

(2) For service information identified in this AD, contact B/E Aerospace, Inc., 10800 Pflumm Road, Commercial Aircraft Products Group, Lenexa, Kansas 66215; telephone: (913) 338–9800; fax: (913) 338–8419; Internet: *www.beaerospace.com.* You may review this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on June 5, 2015.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–14286 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0734; Directorate Identifier 2012–SW–080–AD]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposed airworthiness directive (AD) for Bell Helicopter Textron Canada (Bell) Model 222, 222B, 222U, 230, and 430 helicopters, which proposed to require replacing certain servo actuators before further flight. The NPRM was prompted by a collective servo actuator malfunction. This action revises the NPRM by adding new actions. Since these actions impose an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

DATES: We must receive comments on this SNPRM by August 17, 2015.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* 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 Transport Canada Civil Aviation (TCCA) AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For Woodward HRT and Bell service information identified in this proposed AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

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:

Comments Invited

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

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

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to remove AD 2010–19–51, Amendment 39–16523 (75 FR 71540, November 24, 2010) and add a new AD. AD 2010–19–51 applies to Bell Model 222, 222B, 222U, 230, and 430 helicopters and requires inspecting parts of the servo actuator for certain conditions and replacing any unairworthy parts before further flight. AD 2010–19–51 was prompted by a collective servo actuator malfunction due to a nonconforming grind relief on a separate piston rod and corrosion cracking at the threaded end of the output piston rod assembly. The actions of AD 2010–19–51 were intended to detect corrosion or a nonconforming piston rod that, if not corrected, could result in the failure of the piston rod, failure of the servo actuator, and subsequent loss of helicopter control.

The NPRM was published in the **Federal Register** on August 20, 2013 (78 FR 51123). The NPRM proposed inspecting servo actuator, part number (P/N) 222–382–001–107, for pitting or penetration of the base metal of the piston rod. If the piston rod has pitting or any penetration of the base metal, the NPRM proposed replacing the servo actuator with servo actuator P/N 222–382–001–111 or P/N 222–382–001–111FM, before further flight. Thereafter, the NPRM proposed requiring overhauling servo actuator P/N 222–382–001–111 or P/N 222–382–001–111FM at intervals not to exceed 10 years or 10,000 hours TIS, whichever comes first.

Comments

After our NPRM (78 FR 51123, August 20, 2013) was published, we received comments from one commenter.

Request

Bell noted that the AD does not mandate replacement of servo actuator P/N 222–382–001–107 with servo actuator part number P/N 222–382–001–111 if no pitting or penetration of the base metal is found during the inspection, and requested that we include the replacement provisions in Part 1 of Bell Alert Service Bulletin (ASB) 430–11–46, Revision A, dated June 22, 2012.

We agree. In light of Bell's comment, we have determined that our AD should retain all of the inspection requirements of AD 2010–19–51 (75 FR 71540, November 24, 2010) and also include compliance times for replacing servo actuator P/N 222–382–001–107 with servo actuator part number P/N 222–382–001–111 or –111FM based upon the results of the inspection, as specified in Revision A of the ASB. We have changed the Required Actions accordingly and are consequently proposing this SNPRM.

FAA's Determination

We are proposing this SNPRM because we evaluated all known relevant information and determined that an unsafe condition is likely to exist or develop on other products of these same type designs. Certain changes described above expand the scope of the original NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Related Service Information Under 1 CFR Part 51

We reviewed Woodward HRT Service Bulletin 141600–67–02, dated August 18, 2010, which provides instructions for disassembling the servo actuator and for cleaning and inspecting the piston rod and nut. 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 SNPRM.

Other Related Service Information

We also reviewed Bell ASB 222–11–111 for Model 222 and 222B helicopters, ASB 222U–11–82 for Model 222U helicopters, ASB 230–11–43 for Model 230 helicopters, and ASB 430–11–46 for Model 430 helicopters, all Revision A and all dated June 22, 2012. The ASBs contain, and require compliance with, Woodward HRT Service Bulletin 141600–67–03, dated February 14, 2012, to upgrade the servo actuator by replacing the piston rod and then re-identifying the servo actuator dash number with ''–111FM.'' The compliance time for upgrading the servo actuator varies depending on the results of the inspections required by Woodward HRT Service Bulletin 141600–67–02, dated August 18, 2010. The Bell ASBs also provide an alternative inspection procedure for servo actuator P/N 222–382–001–107 that has not reached certain hours TIS and where the servo actuator cannot be upgraded. TCCA classified these ASBs as mandatory and issued AD No. CF–2010–29R1, dated July 26, 2012, to ensure the continued airworthiness of these helicopters.

Proposed Requirements of the SNPRM

This proposed AD would require before further flight:

- Disassembling each servo actuator.
- Cleaning the piston rod and nut, and inspecting the grind relief configuration for the piston rod and nut. If the grind relief is unacceptable, replacing the piston rod and nut.
- Using a 10× or higher magnifying glass, visually inspecting the nut for any corrosion or any damage to the threads, and replacing the nut if you find any corrosion or any damage to the threads.
- Using a 10× or higher magnifying glass, visually inspecting the piston rod for any corrosion, lack of cadmium plate, or damage.
- If there is any corrosion or lack of cadmium plate or damage in certain critical areas, replacing the servo actuator with P/N 222–382–001–111 or P/N 222–382–001–111FM before further flight.
- If there is any corrosion or lack of cadmium plate in areas that are not critical areas, reworking the piston rod, inspecting for bare base metal, and reassembling the servo actuator. Replacing the servo actuator with P/N 222–382–001–111 or P/N 222–382–001–111FM would be required within 1,200 hours time-in-service (TIS) or 1 year, whichever occurs first.
- If there is any corrosion that is red or orange in color, magnetic particle inspecting the piston rod for a crack,

and replacing the servo actuator with P/N 222–382–001–111 or P/N 222–382–001–111FM before further flight if there is a crack or within 2,400 hours TIS or 2 years, whichever occurs first, if there is no crack.

• If there is no corrosion, lack of cadmium plate, or damage, inspecting for bare base metal, and reassembling the servo actuator. Replacing the servo actuator with P/N 222–382–001–111 or P/N 222–382–001–111FM would be required within 3,000 hours TIS or 4 years, whichever occurs first.

• Overhauling servo actuator P/N 222–382–001–111 or P/N 222–382–001–111FM at intervals not to exceed 10 years or 10,000 hours TIS, whichever occurs first.

Differences Between the Proposed AD and the TCCA AD

The TCCA AD requires inspecting each servo actuator to determine the condition of the piston rod assembly no later than 5 hours upon receiving the original issue of its AD. This proposed AD would require inspecting each servo actuator to determine the condition of the piston rod assembly before further flight.

Costs of Compliance

We estimate that this proposed AD would affect 146 helicopters of U.S. Registry and that labor costs average $85 a work-hour. Based on these estimates, we expect the following costs:

• Inspecting a servo actuator would require 4 work-hours per actuator for a labor cost of $340. No parts would be needed for a total cost of $1,020 per helicopter and $148,920 for the U.S. fleet given 3 actuators per helicopter.

• Replacing a servo actuator would require 8 work-hours for a labor cost of $680. Parts would cost $35,700 for a total cost of $36,380 per actuator.

• Overhauling the servo actuator would require 8 work-hours for a labor cost of $680. Parts would cost $11,900 for a total cost of $12,580 per actuator.

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, 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.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

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):

Bell Helicopter Textron Canada: Docket No. FAA–2013–0734; Directorate Identifier 2012–SW–080–AD.

(a) Applicability

This AD applies to Bell Helicopter Textron Canada (Bell) Model 222, 222B, 222U, 230, and 430 helicopters, with a main rotor hydraulic servo actuator (servo actuator) part number (P/N) 222–382–001–107 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as corrosion or a nonconforming grind relief on the output piston rod assembly (piston rod). This condition could lead to failure of the piston rod, failure of the servo actuator, and subsequent loss of helicopter control.

(c) Affected ADs

This AD supersedes AD 2010–19–51, Amendment 39–16523 (75 FR 71540, November 24, 2010).

(d) Comments Due Date

We must receive comments by August 17, 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

Before further flight:

(1) Disassemble each servo actuator to gain access to the piston rod as shown in Figures 1 through 5 and by following the Accomplishment Instructions, paragraph 3.A., Part I., of Woodward HRT Alert Service Bulletin No. 141600–67–02, Revision 0, dated August 18, 2010 (Woodward ASB).

(2) Clean the entire piston rod and nut using acetone and a nylon bristle brush removing all contaminates to allow for inspection. Inspect the grind relief configuration for the piston rod and nut as shown in Figure 6 of the Woodward ASB. If the grind relief is unacceptable as shown in Figure 6, replace the piston rod and the nut with airworthy parts.

(3) Using a 10× or higher magnifying glass, visually inspect the nut for any corrosion or any damage to the threads. If you find any corrosion or any damage to the threads, replace the nut with an airworthy nut.

(4) Using a 10× or higher magnifying glass, visually inspect the piston rod as shown in Figure 7 of the Woodward ASB for any corrosion, visible lack of cadmium plate (gold or gray color), or damage to the piston rod. For the purposes of this AD, damage to the piston rod is defined as pitting, a visible scratch, a crack, or a visible abrasion.

(i) If there is any corrosion or visible lack of cadmium plate or any damage to the piston rod in the Critical Areas as shown in Figure 7 of the Woodward ASB, replace the servo actuator with servo actuator P/N 222–382–001–111 or P/N 222–382–001–111FM before further flight.

(ii) If there is any corrosion or visible lack of cadmium plate on the piston rod in areas that are not considered Critical Areas as shown in Figure 7 of the Woodward ASB, rework the piston rod by removing any surface corrosion that has not penetrated into the base material by lightly buffing. Clean the part using acetone and a nylon bristle brush to remove any residue. Comply with paragraphs (f)(5) through (f)(7) of this AD. Within 1,200 hours time-in-service (TIS) or 1 year, whichever occurs first, replace the

servo actuator with servo actuator P/N 222–382–001–111 or P/N 222–382–001–111FM.

(iii) If there is any corrosion that is red or orange in color, magnetic particle inspect the piston rod for a crack.

(A) If there is a crack, replace the servo actuator with servo actuator, P/N 222–382–001–111 or P/N 222–382–001–111FM before further flight.

(B) If there is no crack, comply with paragraphs (f)(5) through (f)(7) of this AD. Within 2,400 hours TIS or 2 years, whichever occurs first, replace the servo actuator with servo actuator P/N 222–382–001–111 or P/N 222–382–001–111FM.

(iv) If there is no corrosion, visible lack of cadmium plate, or damage to the piston rod, comply with paragraphs (f)(5) through and (f)(7) of this AD. Within 3,000 hours TIS or 4 years, whichever occurs first, replace the servo actuator with servo actuator P/N 222–382–001–111 or P/N 222–382–001–111FM.

(5) Inspect the portion of the piston rod for any absence of cadmium plating (bare base metal), as shown in Figure 7 of the Woodward ASB. If there is any bare base metal on the piston rod in this area, apply brush cadmium plating to all bare and reworked areas using SPS5070 or equivalent 0.0002 to 0.0005 inch thick and rework the piston rod by following the Accomplishment Instructions, paragraph C., Part III, C.1.1.1. through C.1.1.3., of the Woodward ASB.

(6) Reassemble the servo actuator by following the Accomplishment Instructions, paragraph C, Part III, 1.1.4. through 3.3.4. of the Woodward ASB.

(7) Thereafter, overhaul servo actuator P/N 222–382–001–111 or P/N 222–382–001–111FM at intervals not to exceed 10 years or 10,000 hours TIS, whichever occurs first.

(g) Credit for Actions Previously Completed

Compliance with the Woodward ASB or with AD 2010–19–51 (75 FR 71540, November 24, 2010) before the effective date of this AD is considered acceptable for compliance with the corresponding inspections specified in paragraph (f) of this AD. If you replaced the piston rod pursuant to the Woodward ASB or paragraph (d)(1) or (d)(3) of AD 2010–19–51, apply the requirements of paragraph (f)(4)(iv) of this AD.

(h) 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.

(i) Additional Information

(1) Bell Alert Service Bulletin (ASB) No. 222–11–111 for Model 222 and 222B helicopters, ASB No. 222U–11–82 for Model 222U helicopters, ASB No. 230–11–43 for Model 230 helicopters, and ASB No. 430–11–46 for Model 430 helicopters, all Revision A and all dated June 22, 2012, which are not incorporated by reference, contain additional information about the subject of this AD. For Woodward HRT and Bell service information identified in this AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/.* 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 the Transport Canada Civil Aviation (TCCA) AD No. CF–2010–29R1, dated July 26, 2012. You may view the TCCA AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2013–0734.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 6730, Rotorcraft Servo System.

Issued in Fort Worth, Texas, on May 29, 2015.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–14278 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0105; Directorate Identifier 2008–SW–58–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters (Previously Eurocopter France) (Airbus Helicopters) Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes superseding Airworthiness Directives (AD) 2000–05–17 and AD 2001–04–12, which apply to Eurocopter France (now Airbus Helicopters) Model EC120B helicopters. AD 2000–05–17 and AD 2001–04–12 require repetitive visual checks of the engine-to-main gearbox (MGB) coupling tube assembly (coupling tube) for a crack and replacing any cracked tube with an airworthy tube. This proposed AD would require removing certain engine mount parts from service, measuring the height of the engine mounting base for certain helicopters, replacing the engine mount if a certain height is exceeded, inspecting the flared coupling on certain helicopters for a crack, and replacing the coupling if it is cracked. Since we issued AD 2000–05–17 and AD 2001–04–12, there have been reports of additional cracks in coupling tubes. The proposed actions are intended to prevent coupling tube failure, loss of engine drive, and a subsequent forced landing of the helicopter.

DATES: We must receive comments on this proposed AD by August 17, 2015.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* 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 Direction Generale de L'Aviation Civile (DGAC) AD, the economic evaluation, any comments received and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed 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 the service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

FOR FURTHER INFORMATION CONTACT: James Blyn, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas

76137; telephone (817) 222–5110; email *james.blyn@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

On March 6, 2000, we issued AD 2000–05–17, Amendment 39–11627 (65 FR 13875, March 15, 2000) for Model EC120B helicopters with engine coupling tube, part number (P/N) C631A1002101, installed. AD 2000–05–17 requires recurring inspections of each coupling tube for a crack and, if there is a crack, replacing any cracked coupling tube with an airworthy, reinforced coupling tube, P/N C631A1101101, and replacing certain engine support fitting parts. AD 2000–05–17 also requires replacing all affected coupling tubes with a reinforced coupling tube and replacing certain engine support fitting parts by March 31, 2000. AD 2000–05–17 was prompted by reports of cracks on the coupling tubes.

On February 20, 2001, we issued AD 2001–04–12, Amendment 39–12131 (66 FR 13232, March 5, 2001), for Model EC120B helicopters with engine coupling tube, P/N C631A1101101, installed. AD 2001–04–12 requires a visual check on each coupling tube for a crack at specified intervals. AD 2001–04–12 was prompted by several reports of cracks on the reinforced coupling tube.

AD 2000–05–17 and AD 2001–04–12 were intended to prevent coupling tube failure, loss of engine drive, and a subsequent forced landing.

Actions Since AD 2000–05–17 and AD 2001–04–12 Were Issued

Since we issued AD 2000–05–17 (65 FR 13875, March 15, 2000) and AD 2001–04–12 (66 FR 13232, March 5, 2001), there have been reports of additional cracks in coupling tubes. Eurocopter France (now Airbus Helicopters) has conducted tests and determined that the washer-type engine mount may, in certain cases, induce excessive loading on the coupling tube since the design does not allow the operators to ensure that all of the parts are correctly assembled. Eurocopter France (now Airbus Helicopters) has also determined that excessive loading results in binding that increases component wear of the inner diameter of the mounting base.

The DGAC, on behalf of the European Aviation Safety Agency, issued AD No. F–2003–325 R1, dated May 12, 2004, to correct an unsafe condition for Model EC120B helicopters with engine coupling tube, P/N C631A1101101, and with an engine mount containing certain parts listed in Eurocopter Alert Service Bulletin (ASB) No. 04A005, dated July 16, 2003. DGAC AD No. F–2003–325 R1 requires certain inspections for helicopters with an engine mount block modified in accordance with Eurocopter Service Bulletin (SB) No. 71–003, Revision 1, dated July 18, 2002, replacing any coupling tube that has a crack, and increasing the life limit of the coupling tube from 1,000 flight hours to 20,000 flight hours. Also, DGAC AD No. F–2003–325 R1 requires, for helicopters with a new spring-loaded engine suspension modification in accordance with Eurocopter SB No. 71–005, Revision 0, dated May 14, 2004, increasing the life limit of the coupling tube to 20,000 flight hours and canceling the repetitive inspections of the coupling tube. The DGAC advises that a crack was detected on a reinforced coupling tube, which may lead to coupling tube failure and subsequent autorotation.

This action is intended to prevent coupling tube failure, loss of engine drive, and a subsequent forced landing of the helicopter.

FAA's Determination

This helicopter has been approved by the aviation authority of France and is approved for operation in the United States. Pursuant to our bilateral agreement with France, the DGAC has kept the FAA informed of the situation described above. We are proposing this AD because we evaluated all information provided by the DGAC and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs.

Related Service Information Under 1 CFR Part 51

We reviewed the following Eurocopter service information:

- ASB No. 04A005, Revision 0, dated July 16, 2003, prohibits, after June 30, 2004, operating an engine mount made up of the following parts: support arm, P/N C714A1107201; swaged support arm, P/N C714A1106201; left-hand support bracket, P/N C714A1101102; and right-hand support bracket, P/N C714A1101103. SB No. 04A005 also specifies measuring the height of the engine mounting base and, if the height is more than 10.5 millimeters, replacing the engine mount with an engine mount that does not have the specified P/N. ASB No. 04A005 does not apply to helicopters modified with an improved engine mount in accordance with SB No. 71–003. ASB No. 04A005 also does not apply to helicopters with a serial number 1170 or larger, as the specified engine mounts are not installed on those helicopters.
- SB No. 71–005, Revision 0, dated May 14, 2004, contains procedures to modify the spring-type engine suspension system and dye-penetrant inspect the flared coupling assembly.

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.

The DGAC classified the service information contained in ASB No. 04A005 and SB No. 71–005 as mandatory and issued AD No. F–2003–325 R1, dated May 12, 2004, to ensure the continued airworthiness of these helicopters.

Other Related Service Information

We also reviewed the following Eurocopter service information:

- SB No. 71–003, Revision 1, dated July 18, 2002, contains procedures to improve the engine mount.
- ASB No. 05A003, Revision 2, dated July 16, 2003, for helicopters that have not been modified with an improved engine mount in accordance with SB No. 71–003, specifies inspecting the coupling tube for a crack every 5 hours and establishing a coupling tube life limit of 1,000 hours. For helicopters that have been modified with an improved engine mount, ASB No. 05A003

specifies inspecting the coupling tube for a crack every 25 hours and increasing the coupling tube life limit to 20,000 hours. ASB No. 05A003 was revised to Revision 3, dated May 11, 2004, to specify an optional spring-type engine suspension modification and cancel the repetitive inspection for this modified configuration.

The DGAC also classified the service information contained in SB No. 71–003 and ASB No. 05A003 as mandatory and issued AD No. F–2003–325 R1, dated May 12, 2004, to ensure the continued airworthiness of these helicopters.

Proposed AD Requirements

This proposed AD would require:

• Before further flight, for certain helicopters, removing from service certain engine mount parts: support arm, P/N C714A1107201; swaged support arm, P/N C714A1106201; left-hand support bracket, P/N C714A1101102; and right-hand support bracket, P/N C714A1101103. Measuring the height of the engine mounting base and, if the height is more than 10.5 millimeters, replacing the engine mount with an engine mount that does not have the affected parts.

• Within 25 hours time-in-service (TIS), for certain other helicopters that do not have the specified engine mount parts due to modifications, replacing the spring-type engine suspension system and dye-penetrant inspecting the flared coupling for a crack. If there is a crack in the flared coupling, before further flight, replacing the coupling with an airworthy coupling.

• Before further flight, removing coupling tube, P/N C631A1002101 from service. This proposed AD would prohibit installing coupling tube, P/N C631A1002101 on any helicopter.

Differences Between This Proposed AD and the DGAC AD

This proposed AD would require the installation of the spring-type engine suspension modification specified in Eurocopter SB No. 71–005 and would not require the repetitive inspection of the coupling tube and the engine mount base. This proposed AD would not require you to contact the manufacturer.

Costs of Compliance

We estimate out of 115 helicopters on the U.S. registry about 23 helicopters would be affected by this proposed AD. At an average labor rate of $85 per work hour, we estimate the following:

• Installing new mounting arms and brackets would require about 12 work hours and required parts would cost $9,194, for a total cost per helicopter of $10,214 and $234,922 for the fleet.

• Installing the mounting spring kit would require about 14 work hours and required parts would cost $14,621, for a total cost per helicopter of $15,811 and $363,653 for the fleet.

• Dye-penetrant inspecting the coupling tube would require about 1 work hour for a cost per helicopter of $85 and $1,955 for the fleet.

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, 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.

We prepared an economic evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

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:

■ a. Removing Airworthiness Directive (AD) 2000–05–17, Amendment 39–11627 (65 FR 13875, March 15, 2000); and AD 2001–04–12, Amendment 39–12131 (66 FR 13232, March 5, 2001); and

■ b. Adding the following new AD:

Airbus Helicopters (Previously Eurocopter France): Docket No. FAA–2014–0105; Directorate Identifier 2008–SW–58–AD.

(a) Applicability

This AD applies to Model EC120B helicopters with an engine-to-main gearbox coupling tube assembly (coupling tube), part number (P/N) C631A1101101 or P/N C631A1002101, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as a crack in a coupling tube. This condition could result in coupling tube failure, loss of engine drive, and a subsequent forced landing of the helicopter.

(c) Affected ADs

This AD supersedes AD 2000–05–17, Amendment 39–11627 (65 FR 13875, March 15, 2000) and AD 2001–04–12, Amendment 39–12131 (66 FR 13232, March 5, 2001).

(d) Comments Due Date

We must receive comments by August 17, 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

(1) For helicopters with a serial number up to and including 1169, not modified with an improvement of the engine mount in accordance with Eurocopter Service Bulletin (SB) No. 71–003, Revision 1, dated July 18, 2002 (SB 71–003), or not modified by installing a spring-type engine suspension system in accordance with Eurocopter SB No. 71–005, Revision 0, dated May 14, 2004 (SB 71–005), before further flight:

(i) Remove from service the following engine mount parts:

(A) Support arm, P/N C714A1107201;

(B) Swaged support arm, P/N C714A1106201;

(C) Left-hand support bracket, P/N C714A1101102; and

(D) Right-hand support bracket, P/N C714A1101103.

(ii) Measure the height of the engine mounting base as depicted in Figure 1 of Eurocopter Alert SB No. 04A005, Revision 0, dated July 16, 2003. If the height is more than 10.5 millimeters, replace the engine mount with an engine mount that does not have the parts identified in paragraph (f)(1)(i) of this AD.

(2) For helicopters with a serial number 1170 and larger or helicopters modified with an improvement of the engine mount in accordance with SB 71–003:

(i) Within 25 hours TIS, replace the spring-type engine suspension system and perform a dye-penetrant inspection of the flared coupling for a crack by following the Accomplishment Instructions, paragraphs 2.B.2.a through 2.B.2.c of SB 71–005.

(ii) If there is a crack in the flared coupling, before further flight, replace the coupling with an airworthy coupling.

(3) For helicopters with coupling tube, P/N C631A1002101, installed, before further flight, remove coupling tube, P/N C631A1002101, from service. Do not install coupling tube, P/N C631A1002101, on any helicopter.

(g) Special Flight Permits

Special flight permits may be issued provided there are no cracks in the coupling tube attachment fitting.

(h) Alternative Methods of Compliance (AMOCs)

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

(i) Additional Information

(1) Eurocopter Alert Service Bulletin (ASB) No. 05A003, Revision 2, dated July 16, 2003, Eurocopter ASB No. 05A003, Revision 3, dated May 11, 2004, and Eurocopter Service Bulletin No. 71–003, Revision 1, dated July 18, 2002, which are not incorporated by reference, contain additional information about the subject of 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 Direction Generale de L'Aviation Civile (DGAC) AD No. F–2003–325 R1, Revision A, dated May 12, 2004. You may view the DGAC AD on the Internet at *http://www.regulations.gov* in Docket No. FAA–2014–0105.

(j) Subject

Joint Aircraft Service Component (JASC) Code: 6310 Engine/Transmission Coupling—Coupling Tube, Engine Mount, and Engine Mount Base.

Issued in Fort Worth, Texas, on May 29, 2015.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2015–14282 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61 and 141

[Docket No.: FAA–2015–1846; Notice No. 15–03]

RIN 2120–AK71

Aviation Training Device Credit for Pilot Certification

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This rulemaking proposes to relieve burdens on pilots seeking to obtain aeronautical experience, training, and certification by increasing the allowed use of aviation training devices. These actions are necessary to bring the regulations in line with current needs and activities of the general aviation training community and pilots.

DATES: Send comments on or before July 16, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–1846 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: For technical questions concerning this action, contact Marcel Bernard, Airmen Certification and Training Branch, Flight Standards Service, AFS–810, Federal Aviation Administration, 898 Airport Park Road, Suite 204, Glen Burnie, MD 21061; telephone: (410) 590–5364 x235 email *marcel.bernard@faa.gov.*

For legal questions concerning this action, contact Anne Moore, Regulations Division, Office of the Chief Counsel, AGC–200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3073; email *anne.moore@faa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules on aviation safety is found in Title 49 of the United States Code (49 U.S.C.). Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in 49 U.S.C. 106(f), which establishes the authority of the Administrator to promulgate regulations and rules; 49 U.S.C. 44701(a)(5), which requires the Administrator to promote safe flight of civil aircraft in air commerce by prescribing regulations and setting minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security; and 49 U.S.C. 44703(a), which

requires the Administrator to prescribe regulations for the issuance of airman certificates when the Administrator finds, after investigation, that an individual is qualified for, and physically able to perform the duties related to, the position authorized by the certificate.

I. Background

Since the 1970s, the FAA has gradually expanded the permitted use of flight simulation for training—first permitting simulation to be used in air carrier training programs and eventually permitting pilots to credit time in devices toward the aeronautical experience requirements for airman certification and recency. Currently, Title 14 of the Code of Federal Regulations (14 CFR) part 60 governs the qualification of flight simulation training devices (FSTDs), which include full flight simulators (FFSs) level A through D and flight training devices (FTDs) levels 4 through 7. The FAA has, however, approved other devices, including aviation training devices (ATDs), for use in pilot certification training, under the authority provided in 14 CFR 61.4(c).[1]

For over 30 years, the FAA has issued letters of authorization (LOAs) to manufacturers of ground trainers, personal computer-based aviation training devices (PCATD), FTDs (levels 1 through 3), basic aviation training devices (BATD), and advanced aviation training devices (AATD). These LOAs were based on guidance provided in advisory circulars (ACs) that set forth the qualifications and capabilities for the devices. Prior to 2008, most LOAs were issued under the guidance provided in AC 61–126, Qualification and Approval of Personal Computer-Based Aviation Training Devices, and AC 120–45, Airplane Flight Training Device Qualification. Starting in July of 2008, the FAA approved devices in accordance with AC 61–136, FAA Approval of Basic Aviation Training Devices (BATD) and Advanced Aviation Training Devices (AATD). More recently, on December 3, 2014, the FAA published a revision to AC 61–136A, Approval of Aviation Training Devices and Their Use for Training and Experience.

In 2009, the FAA issued a final rule that for the first time introduced the term ''aviation training device'' into the regulations and placed express limits on the amount of instrument time in an ATD that could be credited toward the aeronautical experience requirements for an instrument rating.[2]

Since the 2009 final rule, § 61.65(i) has provided that no more than 10 hours of instrument time received in an ATD may be credited toward the instrument time requirements of that section. In addition, appendix C to part 141 permits an ATD to be used for no more than 10 percent of the total flight training hour requirements of an approved course for an instrument rating.

Prior to the 2009 final rule, the FAA had issued hundreds of LOAs to manufacturers of devices that permitted some ATDs (as well as ground trainers, and FTDs (levels 1 through 3)) to be used to a greater extent than was ultimately set forth in the regulations. The FAA continued to issue LOAs for AATDs in excess of the express limitations in the regulations after the publication of the 2009 final rule.

On January 2, 2014, the FAA published a notice of policy requiring manufacturers of ATDs to obtain new LOAs reflecting the appropriate regulatory allowances for ATD use. 79 FR 20.[3] The notice stated the FAA's conclusion that it could not use LOAs to exceed express limitations that had been placed in the regulations through notice and comment rulemaking. The FAA noted that, since August 2013, LOAs issued for new devices reflect current regulatory requirements. However, manufacturers and operators who held LOAs issued prior to August 2013 acted in reliance on FAA statements that were inconsistent with the regulations. Therefore, the FAA granted a limited exemption from the requirement in the regulations to provide manufacturers, operators, and pilots currently training for an instrument rating time to adjust to the reduction in creditable hours. This short-term exemption was intended to provide an interim period to transition the LOAs for all previously approved devices in accordance with the new policy. The FAA found the exemption to be in the public interest in order to prevent undue harm caused by reasonable reliance on the LOAs.

As stated in the notice, this short term exemption expired on January 1, 2015. The FAA explained that after that date, no applicant training for an instrument rating under part 61 may use more than 10 hours of instrument time in an ATD toward the minimum aeronautical experience requirements required to take the practical test for an instrument rating.[4] In addition, no instrument rating course approved under appendix C to part 141 may credit more than 10 percent of training in ATDs toward the total flight training hour requirements of the course (unless that program has been approved in accordance with § 141.55(d) or (e)).[5]

To address the discrepancy between the level of ATD credit allowed historically by LOA and the lower allowances placed in the regulations, the FAA published a direct final rule that would have amended the regulations governing the use of ATDs.[6] The direct final rule would have increased the use of these devices for instrument training requirements above the levels established in the 2009 final rule. In developing this direct final rule, the FAA noted that ATD development has advanced to an impressive level of capability. Many ATDs can simulate weather conditions with variable winds, variable ceilings and visibility, icing, turbulence, high definition (HD) visuals, hundreds of different equipment failure scenarios, navigation specific to current charts and topography, specific navigation and communication equipment use, variable ''aircraft specific'' performance, and more. The visual and motion component of some of these devices permit maneuvers that require outside visual references in an aircraft to be successfully taught in an AATD. Many of these simulation capabilities were not possible in previously approved devices (such as PCATDs).

In the direct final rule, the FAA stated its belief that permitting pilots to log increased time in ATDs would encourage pilots to practice maneuvers until they are performed to an acceptable level of proficiency. In an

[1] Section 61.4(c) states that the ''Administrator may approve a device other than a flight simulator or flight training device for specific purposes.''

[2] In a 2007 NPRM, the FAA proposed to limit the time in a personal computer-based aviation training device that could be credited toward the instrument rating. *Pilot, Flight Instructor, and Pilot School Certification* NPRM, 72 FR 5806 (February 7, 2007). Three commenters recommended that the FAA use the terms ''basic aviation training device'' (BATD) and ''advanced aviation training device'' (AATD). *Pilot, Flight Instructor, and Pilot School Certification* Final Rule, 74 FR 42500 (August 21, 2009) (''2009 Final Rule''). In response to the commenters, the FAA changed the regulatory text in the final rule to ''aviation training device,'' noting BATDs and AATDs ''as being aviation training devices (ATD) are defined'' in an advisory circular.

[3] ''Notice of Policy Change for the Use of FAA Approved Training Devices,'' January 2, 2014.

[4] Under § 61.65, a person who applies for an instrument rating must have completed 40 hours of actual or simulated instrument time of which 15 hours must have been with an authorized instructor who holds the appropriate instrument rating.

[5] Under appendix C, each approved course for an instrument rating must include 35 hours of instrument training for an initial instrument rating or 15 hours of instrument training for an additional instrument rating.

[6] 79 FR 71634, December 3, 2014, withdrawn at 80 FR 2001, January 15, 2015 (RIN 2120–AK62).

ATD, a pilot can replay the training scenario, identify any improper action, practice abnormal/emergency procedures, and determine corrective actions without undue hazard or risk to persons or property. In this fashion, a pilot can continue to practice tasks and maneuvers in a safe, effective, and cost efficient means of maintaining proficiency.

II. The Direct Final Rule

As described in the previous section, to address the discrepancy between FAA regulations and prior policy, on December 3, 2014, the FAA published a direct final rule that would have increased the allowed use of ATDs. The FAA received 20 comments to the direct final rule.[7] The provisions of the direct final rule, the comments received, and FAA's responses to those comments are discussed below.

A. Credit for Aeronautical Experience Requirements for an Instrument Rating and Approved Instrument Rating Courses

Credit for aeronautical experience requirements for an instrument rating: The direct final rule would have increased the maximum time that may be credited in an ATD toward the aeronautical experience requirements for an instrument rating under § 61.65(i). The direct final rule would have permitted a person to credit a maximum of 20 hours of aeronautical experience acquired in an approved ATD toward the requirements for an instrument rating. Devices that qualify as AATDs would have been authorized for up to 20 hours of experience to meet the instrument time requirements. Devices that qualify as BATDs would have been authorized for a maximum of 10 hours of experience to meet the instrument time requirements.

Approved instrument rating courses: The direct final rule also would have amended appendix C to part 141 to increase the limit on the amount of training hours that may be accomplished in an ATD in an approved course for an instrument rating. An ATD would have been permitted to be used for no more than 40 percent of the total flight training hour requirements in an approved instrument rating course.

Comments received: The FAA received 20 comments regarding these provisions. Eighteen comments supported the provisions. However, two commenters raised concerns. As those comments were adverse to the direct final rule, the FAA was required to withdraw the direct final rule, 80 FR 2001, (Jan. 15, 2015). 14 CFR 11.13. The comments and FAA's responses are discussed below.

Comments supporting the direct final rule: Eighteen comments supported the direct final rule provisions with 16 comments from individuals, and two from the Society of Aviation and Flight Educators (SAFE) and the Aircraft Owners and Pilots Association (AOPA).

Nine commenters simply stated their general support. Several other commenters noted that use of ATDs would save pilots time and money. The FAA notes that none of those commenters provided quantified estimates regarding time or cost savings.

One commenter asserted that the ability to simulate a wide variety of situations or to drill procedures through repetition in an ATD is far greater than in the actual aircraft. The commenter believed that the ATD learning environment is less stressful, less noisy, and less unpredictable, thus making it a better classroom to learn detailed instrument procedures.

Another commenter asserted that the rule provisions would enhance safety by allowing more pilots to add instrument ratings to their certificates. The commenter believed that the rule provisions would potentially reduce controlled flight into terrain accidents because pilots would be more likely to have a higher level of proficiency in controlling solely by reference to the instruments.

One commenter expressed a desire that the same principles applied to required instrument experience under 14 CFR 61.57. The FAA notes that this comment is beyond the scope of this rulemaking.

Adverse comments: The FAA received two adverse comments regarding these provisions. The first commenter, who indicated he is a professional pilot, airline transport pilot, and flight instructor with multiple ratings (airplane multiengine, airplane single-engine, and instrument-airplane), believed that flight requires the use and correlation of all senses in order to make a lasting impression. The commenter believed the fundamentals of instructing agrees with this position. More importantly, the commenter believed that acclimation to instrument meteorological conditions helps pilots relate these various inputs and strategies to deal with them. The commenter asserted that ATDs are valuable as procedure trainers, but not as valuable as ''everyone seems to think. The rapid redeployment of a situation seems like an advantage, yet it diminishes the learning because it seems so easy to recover from a botched maneuver.'' The commenter also asserted that resetting the situation diminishes the ''routine'' that a pilot relies on to take him or her to a specific place, which interferes greatly with the learning of each step.

The commenter also believed that no amount of graphic imagery or display setup, even in full motion simulators, ever causes a pilot to lose consciousness of the fact that it is a simulator. The commenter asserted that flight simulators are wonderful, but very limited devices. Instead of increasing a pilot's skill, however, they have come between real-world flying and desktop flying. The commenter stated that they have increased reliance on screens and autopilots and diminished the pilot's sense of being in charge of the aircraft and the flight. Stalls, thunderstorms, and icing are the greatest dangers, yet ATDs cannot depict these accurately or realistically.

Finally, the commenter noted the belief that the industry at large always diminishes the importance of safety and increases the importance of costs whenever training requirements are considered. The commenter believed one hour in any aircraft is worth ten in front of an ATD. The commenter stated, ''The cost of a lost aircraft and all its crew is not worth the imagined savings gained from flying imaginary aircraft in imaginary environments.''

The second commenter, who is or was, a flight instructor with an instrument rating and an air traffic controller, questioned whether flight students should be trained and live in an unrealistic world. The commenter believed that training in the classroom environment and in labs was an excellent preparatory environment, but nothing like the realities of real life. While the commenter ''highly recommend[ed]'' the use of such devices, the commenter cautioned the direct final rule included too much of a reduction. The commenter advised: ''Proceed with appropriate caution and understand the risk involved.''

Public comments responding to the adverse comments: SAFE submitted a comment in response to the first adverse comment received. SAFE noted that microprocessor developments over the past several years have resulted in a new generation of increasingly affordable mid and upper level devices which replicate sensory inputs with an incredible degree of accuracy and which are becoming commonplace in the training market. SAFE stated that ATDs can provide the student with excellent opportunities to focus on learning the correct procedures for situations such as

[7] The direct final rule and the comments received thereto may be found in FAA Docket No. FAA–2014–0987 at *http://www.regulations.gov.*

nighttime operations, narrow or sloping runways, glassy water, and instrument meteorological conditions without interference from conflicting or adverse sensory inputs before being exposed to them in the live flight environment where confusion can occur between the body and the brain until training and experience overcome the sensory input.

SAFE claimed that ''Peer reviewed research conclusively shows that when properly utilized as part of a comprehensive training program [training] devices actually speed up the learning process by allowing students to bypass areas of successful understanding and to concentrate on areas where more practice is required. . . . Specific research by the military and major airlines show that these devices can consistently enhance student retention of lesson material, increase student confidence levels, and reduce accident and loss rates.'' The FAA notes that SAFE did not provide sources for these claims.

SAFE further asserted that ATDs have proven very effective in simulating certain emergencies too dangerous to practice in the air. This practice builds pilot confidence in being prepared to handle such situations should they occur. SAFE also asserted that current military and civilian research shows a positive relationship between ATD use and safer flying. SAFE did not provide research or source citations to support these assertions.

Finally, SAFE noted that one of the key factors in today's extreme dropout rate in flight training is the ''very high cost.'' SAFE stated ''[W]e must find a way to contain the training costs without sacrificing safety or operation utility. ATDs, properly utilized, are a modern component in achieving this.''

AOPA also supported the rule with the following statement and stated that the FAA should ''continue to permit the flight training industry to maximize the use of aviation training devices (ATDs) for instrument flight training in order to certificate safe competent pilots in a structured and economical way.'' AOPA also provided discussion concerning the adverse comments received and suggested why they should be considered without substance and not adverse within the context of the direct final rulemaking process.

FAA Response: The FAA agrees with the commenters who support increased training time in ATDs, including the comments related to the dynamic training capability of these devices, cost savings, and recent technical advancements that enhance the usability of ATDs.

To the extent that an adverse commenter asserted that flying must involve a ''correlation of all senses'' and that ''sounds and feel are vital to recognizing unusual attitudes'' when other senses fail, the FAA disagrees concerning positive aircraft control skills and has provided extensive guidance on this topic in the Instrument Flying Handbook (FAA–H–8083–15B).[8] In particular, the Handbook advises that pilots should disregard sensory perceptions and ''[m]ost importantly, become proficient in the use of the flight instruments and rely upon them.'' The Handbook further states ''[t]hese undesirable sensations cannot be completely prevented, but through training and awareness, pilots can ignore or suppress them by developing absolute reliance on the flight instruments.'' [9]

The FAA believes that training in ATDs and FSTDs, when used in conjunction with training in an aircraft, teach an instrument student to trust the appropriate sense, vision, in order to successfully operate an aircraft in low visibility conditions. Training in an ATD reinforces this necessary skill and any reliance on ''sounds or feel'' may ultimately lead to loss of control when operating an aircraft in instrument meteorological conditions. Because ignoring the postural senses involves relying on visual clues, the ATD provides an excellent platform for a pilot to develop this portion of his or her instrument flying skills. The FAA recognizes that a device does not require motion in order to be approved as an AATD; thus, these devices are limited in that they cannot completely train the pilot to ignore outside sensory perceptions. The FAA finds that a pilot can develop this ability during the aeronautical experience that an applicant for an instrument rating must obtain in an aircraft.

The same commenter also discussed the capability of an aviation training device to ''[reset] the situation.'' The commenter suggested that this capability makes it too easy to recover from an unsatisfactory maneuver by simply returning to a previous location during the simulated flight. The commenter explained that this diminishes the routine that a pilot relies on during flight. The FAA does not agree and finds significant value in the ability of the device to be reconfigured to return to a point at which the pilot is having difficulty with a particular procedure or maneuver. This will allow the pilot to practice the corrective action until able to successfully complete the procedure or maneuver. This feature allows repetitive practice of a difficult procedure in a short period of time that could potentially add hours of training if accomplished in an aircraft. Additionally, simulation supports the long-endorsed teaching practice of ''meaningful repetition.'' [10] More practice in an aviation training device until a pilot performs a particular segment of a procedure or action correctly, before attempting the same in an aircraft, is an acceptable and desirable practice. Because half of the required instrument time under part 61 (20 hours), or 60 percent of the total flight training hours under part 141 (21 hours), would be accomplished in an aircraft, the necessary routine mentioned by the commenter will be provided during those lessons performed while in flight.

In addition, the commenter stated that ''[T]he consequences of training pilots in ATDs is that they do not experience the fear that accompanies real-life emergencies, or the sensory inputs that come with icing and thunderstorm contact.'' The FAA does not support flight training that involves intentional flight into dangerous weather conditions. Rather, the FAA expects pilots to purposely avoid icing [11] and thunderstorm conditions [12] and be taught to be proficient at doing so. In contrast, ATDs allow training to simulate inadvertent flight into these adverse conditions that cannot be accomplished safely in an aircraft. In an ATD, students are afforded an opportunity to practice recommended actions when encountering these undesirable weather conditions without risk. There are many emergency procedures that can be practiced in ATDs that cannot be safely accomplished in the aircraft. This allows for training that students would not otherwise receive and provides the appropriate mitigation of risk without diminishing the quality or depth of training.

Finally, the commenter stated that ''[f]light simulators are wonderful, but very limited devices,'' asserting that simulators have increased reliance on screens and autopilots and diminish the pilot's sense of being in charge. The commenter disapproved of instructors relying less on real world experience

[8] *http://www.faa.gov/regulations_policies/handbooks_manuals/aviation/.*

[9] FAA–H–8083–15B Instrument Flying Handbook updated 7/2/2014 pg. 3–9.

[10] FAA–H–8083–9A Flight Instructors Handbook pg. 2–35.

[11] AC 91–74A Pilot Guide: Flight in Icing Conditions, Pilot Strategies pg. 42.

[12] AIM Aeronautical Information Manual 7–1–29 Thunderstorm Flying.

and that the industry at large puts costs before safety. The FAA believes that these comments reflect the commenter's concern about automation and advanced avionics versus concern about simulators. Despite the commenter's concern over automation and advanced avionics, the FAA recognizes that use of these systems has become commonplace in general aviation aircraft. It is therefore beneficial to teach the use of these advanced systems in ATDs to supplement training in the aircraft.

The second commenter provided some support for the use of ATDs, noting for example that the cockpit is not a suitable classroom in which to teach. The commenter also expressed concerns that are not specific to ATDs, such as communication skills, not directly pertinent to the direct final rule or to this proposed rule. However, the commenter discussed whether training flight students in an unrealistic world is appropriate.

The FAA believes that ATDs are specifically designed to replicate the real world and help pilots to develop their instrument skills in advance of receiving training and experience in an aircraft.[13] The concerns raised by both commenters are mitigated by the fact that a substantial portion of the required instrument time would still be accomplished in an aircraft. Instrument rating applicants would need to obtain a minimum of 20 hours of instrument time in an aircraft under part 61 or complete a minimum of 60 percent of the training requirements in an aircraft under part 141.[14] Additional scrutiny of the pilot's proficiency occurs before an FAA examiner during a practical test which must be conducted in an aircraft in the national airspace system. The FAA specifically notes that the airman instrument practical test requires demonstration of a specific level of proficiency and expertise in flight, and airman testing in ATDs is not permitted.[15]

Recently documented research concerning training effectiveness in simulation devices that reflect modern ATD systems is limited. The FAA notes two studies related to ATDs that were done in the past 20 years. The first paper published in May of 2005 titled ''Effectiveness of Flight Training Devices Used for Instrument Training,'' [16] referenced the use of an Elite PCATD and a Frasca 141 Level 1 FTD. Students using these two trainers generally completed their flight lessons (*i.e.,* those accomplished in an aircraft) in less time. The overall findings reported that flight training hours required to develop basic instrument flying skills (the report referenced aircraft control, instrument departures, en-route and approach procedures) was reduced. Training hours required to develop advanced skills, such as NDB holds, approaches, and partial panel procedures, were not necessarily reduced. However, cross country flight training time was reduced by up to 50 percent for some of these same individuals.

The second research paper, ''Transfer of Training Effectiveness of Personal Computer-Based Aviation Training Devices,'' [17] published in May 1997, discusses the use of a PCATD trainer for a two-semester instrument course. Trainees that used the training device were able to develop the proficiency to perform some exercises in the aircraft with a flight time savings of 15 percent to 40 percent relative to those that did not use the training device. However, for some other exercises, a burden of an extra 25 percent in flight time resulted for those students that used the training device.

The FAA believes that these earlier studies are largely incomplete because the training devices used in the aforementioned studies do not reflect the current capabilities and standards [18] required for AATDs as the FAA approves them today. Most of these older devices utilized in the available studies lack the sophistication now facilitated by more readily available advanced computer system software and hardware, including improved visuals/databases, and the increased system fidelity and replication that these newer training systems take advantage of today. The FAA also notes that with the increased implementation of scenario-based training, ATDs are used more effectively than in the past. Therefore, the FAA considers the results of these findings somewhat inapplicable and, for the reasons described above, believes that the proposed regulatory change is still in the best interest of aviation safety. The FAA seeks comment regarding any additional relevant data or institutional research that supports the training and safety advantages when using ATDs, or establishes that such devices do not enhance pilot training and flight safety.

As of January 1, 2015, all LOAs issued prior to August 23, 2013, for training devices approved to meet requirements under parts 61 and 141 terminated.[19] This means that experience obtained in these devices may no longer be credited toward aeronautical experience or currency requirements in parts 61 and 141 unless the FAA has issued an updated LOA. Therefore, any FAA-approved ATDs being used to meet current aeronautical experience requirements have been demonstrated to meet the updated standards for AATDs set forth in AC 61–136 (as amended). Devices that were approved beginning August 23, 2013, were issued an LOA with a 5-year expiration date. This will ensure that the type of device meets acceptable standards for use in crediting aeronautical experience and currency. Devices that do not meet the standard for an AATD will either be issued an LOA that approves the device as a BATD (with lower time crediting allowances as described in AC 61–136) or will simply not be issued an LOA in which case the device can be used as a training aid, but not credited for aeronautical experience.

In addition, current ATD approval and use involves substantial FAA scrutiny and oversight as provided in the recently revised AC 61–136A, FAA Approval of Aviation Training Devices and Their Use for Training and Experience. As noted above, this includes a review for renewal of approvals every five years, confirming that these training devices continue to perform to the updated standards. This review is based on standards and practices that combine over 30 years of experience between the FAA and industry.

B. View-Limiting Devices

Under § 61.51(g), a person may log instrument time only for that flight time when the person operates an aircraft solely by reference to the instruments under actual or simulated conditions. When instrument time is logged in an

[13] AC 61–136A, FAA Approval of Aviation Training Devices and Their Use for Training and Experience.

[14] An exception would still exist for those courses that are approved under 14 CFR 141.55(d) and (e).

[15] FAA–S–8081–4E, Instrument Rating Practical Test Standards, Appendix 1.

[16] Taylor, H.L., Talleur, D.A., Emanuel Jr., T.W., Rantaner, E., ''Effectiveness of Flight Training Devices Used for Instrument Training,'' Final Technical Report AHFD–05–9/FAA–05–4, Federal Aviation Administration, May 2005. A copy of this document has been placed in the docket for this rulemaking.

[17] Taylor, H.L., Lintern, G., Hulin, C.L., Talleur, D., Emanuel, T., Phillips, S., ''Transfer of Training Effectiveness of Personal Computer-Based Aviation Training Devices,'' DOT/FAA/AM–97/11, Office of Aviation Medicine, Washington, DC, May 1997. A copy of this document has been placed in the docket for this rulemaking.

[18] AC 61–136 first published in July 2008 provided the standards used today for the approval and use of ATD's. This was recently revised in December 2014.

[19] 79 FR 20, Notice of Policy Change for the Use of FAA Approved Training Devices.

aircraft, a pilot wears a view-limiting device to simulate instrument conditions and ensure that he or she is flying without utilizing outside visual references. Currently, § 61.65(i) requires a pilot who is logging instrument time in an ATD to wear a view-limiting device. The direct final rule would have revised § 61.65(i)(4) to eliminate the requirement that pilots accomplishing instrument time in an ATD wear a view-limiting device.

The purpose of a view-limiting device is to prevent a pilot (while training in an aircraft during flight) from having outside visual references that would naturally be present otherwise. These references are not available in a training device and a pilot has no opportunity to look outside for any useful visual references pertaining to the simulation. The FAA recognizes that the majority of these devices have a simulated visual display that can be configured to be unavailable or represent ''limited visibility'' conditions that preclude any need for a view-limiting device to be worn by the student. This lack of visual references requires the pilot to give his or her full attention to the flight instruments which is the goal of any instrument training or experience. The FAA believes that using a training device can be useful because it trains the pilot to focus on, appropriately scan and interpret the flight instruments. Since these devices incorporate a visual system that can be configured to the desired visibility level, use of a view-limiting device would have no longer been required by the direct final rule.

When the FAA introduced § 61.65(i)(4) requiring view-limiting devices in the 2009 final rule, the preamble was silent as to why a view-limiting device was necessary. 74 FR 42500, 42523. Based on comments from industry, the FAA has determined that due to the sophistication of the flight visual representation for ATDs and the capability of presenting various weather conditions appropriate to the training scenario, a view-limiting device is unnecessary. Because persons operating an ATD can simulate both instrument and visual conditions, FAA LOAs specifically reference § 61.51 that stipulates a pilot can only log instrument time when using the flight instruments for reference and operation.[20]

Comments received: The FAA received one comment in response to this provision in the direct final rule. The commenter believed that removing the requirement for a student to wear a view-limiting device while using an ATD is a sensible decision. The commenter believed that there is much more benefit to be gained by the view limiting features of the ATD itself than by a view-limiting piece of headgear.

FAA Response: The FAA agrees that it is unnecessary for a student to wear a view-limiting device when using an ATD. The FAA finds that this requirement is not necessary because ATDs do not afford relevant outside references.

III. The Proposed Rule

After consideration of the comments received to the direct final rule, the FAA is proposing the following changes to 14 CFR parts 61 and 141. These changes are the same as in the direct final rule, 79 FR 71634, (Dec. 3, 2014), withdrawn at 80 FR 2001, (Jan. 15, 2015).

A. Credit for the Aeronautical Experience Requirements for an Instrument Rating

The FAA is proposing to increase the maximum time that may be credited in an ATD toward the instrument time requirements for an instrument rating under § 61.65(i). A person would be permitted to credit a maximum of 20 hours of instrument time in an approved ATD toward the requirements for an instrument rating.[21] Devices that qualify as AATDs would be authorized for up to 20 hours of instrument time. Devices that qualify as BATDs would be authorized for a maximum of 10 hours of instrument time. In light of this difference, pilots must—as required by current regulations—include in their logbooks the type and identification of any ATD that is used to accomplish aeronautical experience requirements for a certificate, rating, or recent flight experience. 14 CFR 61.51(b)(1)(iv). The FAA is retaining the existing limit of 20 hours of combined time in FFSs, FTDs, and ATDs that may be credited towards the aeronautical experience requirements for an instrument rating.

B. Approved Instrument Rating Courses

The FAA is also proposing to amend appendix C to part 141 to increase the limit on the amount of training hours that may be accomplished in an ATD in an approved course for an instrument rating. An ATD could be used for no more than 40 percent of the total flight training hour requirements in an instrument rating course. The FAA notes that this rule would not change the current provisions in appendix C which limit credit for training in FFSs, FTDs, and ATDs, that if used in combination, cannot exceed 50 percent of the total flight training hour requirements of an instrument rating course.

In addition, the FAA is proposing to amend § 141.41 to clarify the existing qualification and approval requirement for FSTDs and to add the qualification and approval of ATDs by the FAA, which is currently conducted pursuant to § 61.4(c).

C. View-Limiting Device

The FAA is proposing to revise § 61.65(i)(4) to eliminate the requirement that pilots accomplishing instrument time in an ATD wear a view-limiting device. The FAA emphasizes, however, that a pilot—whether in an aircraft, FFS, FTD, or ATD—may log instrument time only when the pilot is operating solely by reference to the instruments under actual or simulated conditions. If a pilot is using an ATD and the device is providing visual references upon which the pilot is relying, this would not constitute instrument time under § 61.51(g).

IV. Advisory Circulars and Other Guidance Materials

To further implement this rule, the FAA is proposing to revise the following FAA Order:

FAA Order 8900.1, Flight Standards Information Management System, Volume 11, Chapter 10, Section 1, (Basic and Advanced Aviation Training Device) Approval and Authorized Use under 14 CFR parts 61 and 141.

V. Regulatory Notices and Analyses

A. Regulatory Evaluation

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 and Executive Order 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Public Law 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Public Law 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded

[20] AC 61–136A Appendix 4, Training Content and Logging Provisions references limitations for logging instrument time.

[21] As required under § 61.51(g)(4), to log instrument time in an ATD for the purpose of a certificate or rating, an authorized instructor must be present.

Mandates Reform Act of 1995 (Public Law 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this notice of proposed rulemaking.

In conducting these analyses, FAA has determined that this proposed rule: (1) Has benefits that justify its costs; (2) is not an economically ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866; (3) is not ''significant'' as defined in DOT's Regulatory Policies and Procedures; (4) would not have a significant economic impact on a substantial number of small entities; (5) would not create unnecessary obstacles to the foreign commerce of the United States; and (6) would not impose an unfunded mandate on State, local, or tribal governments, or on the private sector by exceeding the threshold identified above. These analyses are summarized below.

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

The provisions included in this rule are either relieving or voluntary. The elimination of the requirement to use a view-limiting device is a relieving provision. The other two provisions are voluntary and cost relieving—additional ATD credit for instrument time for an instrument rating and additional ATD credit for approved instrument courses, if acted upon, is cheaper than flight training time.

Persons who use the new provisions would do so only if the benefit they would accrue from their use exceeded the costs they might incur to comply. Given the hundreds of LOAs issued, industry's high usage of ATDs, and SAFE and AOPA's endorsement of ATDs, the proposed change in requirements is likely to be relieving. Benefits will exceed the costs of a voluntary rule if just one person voluntarily complies.

Since this proposed rule would offer a lower cost alternative, would provide regulatory relief for the use of view-limiting devices, and would allow greater voluntary use of ATDs, the expected outcome would be cost relieving to minimal impact with positive net benefits.

B. Regulatory Flexibility Determination

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

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

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

Most of the parties affected by this rule would be small businesses such as flight instructors, aviation schools, and fixed base operators. The general lack of publicly available financial information from these small businesses precludes a financial analysis of these small businesses. While there is likely a substantial number of small entities affected, the provisions of this proposed rule are either relieving (directly provides cost relief) or voluntary (provides benefits or costs only if a person voluntarily chooses to use the rule provision). The FAA made the same determination as part of the direct final rule and received no comments.

If an agency determines that a rulemaking will not result in a significant economic impact on a substantial number of small entities, the head of the agency may so certify under section 605(b) of the RFA. Therefore, as provided in section 605(b), the head of the FAA certifies that this rulemaking would not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

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

The FAA has assessed the potential effect of this proposed rule and determined that it would have only a domestic impact and therefore would not create unnecessary obstacles to the foreign commerce of the United States.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $151.0 million in lieu of $100 million.

This proposed rule does not contain such a mandate. Therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

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

collection associated with this proposed rule.

F. International Compatibility and Cooperation

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

G. Environmental Analysis

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

VI. Executive Order Determinations

A. Executive Order 13132, Federalism

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

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

The FAA analyzed this rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, (77 FR 26413, May 4, 2012) promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

VII. Additional Information

A. Comments Invited

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

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking. Before acting on this proposed rule, the FAA will consider all comments it receives on or before the closing date for comments. The agency may change this rule in light of the comments it receives.

Proprietary or Confidential Business Information: Commenters should not file proprietary or confidential business information in the docket. Such information must be sent or delivered directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document, and marked as proprietary or confidential. If submitting information on a disk or CD ROM, mark the outside of the disk or CD ROM, and identify electronically within the disk or CD ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), if the FAA is aware of proprietary information filed with a comment, the agency does not place it in the docket. It is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under Department of Transportation procedures found in 49 CFR part 7.

B. Availability of Rulemaking Documents

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

- Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
- Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies,* or
- Accessing the Government Printing Office's Web page at *http://www.fdsys.gov.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9677. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced above.

List of Subjects

14 CFR Part 61

Aircraft, Airmen, Aviation safety, Teachers.

14 CFR Part 141

Airmen, Educational facilities, Reporting and recordkeeping requirements, Schools.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend chapter I of title 14, Code of Federal Regulations as follows:

PART 61—CERTIFICATION: PILOTS, FLIGHT INSTRUCTORS, AND GROUND INSTRUCTORS

■ 1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

■ 2. Amend § 61.65 by revising paragraph (i) and adding paragraph (j) to read as follows:

§ 61.65 Instrument rating requirements.

* * * * *

(i) *Use of an aviation training device.* A maximum of 20 hours of instrument time received in an aviation training device may be credited for the instrument time requirements of this section if—

(1) The device is approved and authorized by the FAA;

(2) An authorized instructor provides the instrument time in the device; and

(3) The FAA approved the instrument training and instrument tasks performed in the device.

(j) A person may not credit more than 20 total hours of instrument time in a flight simulator, flight training device, aviation training device, or combination toward the instrument time requirements of this section.

PART 141—PILOT SCHOOLS

■ 3. The authority citation for part 141 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44703, 44707, 44709, 44711, 45102–45103, 45301–45302.

■ 4. Revise § 141.41 to read as follows:

§ 141.41 Flight simulators, flight training devices, aviation training devices, and training aids.

An applicant for a pilot school certificate or a provisional pilot school certificate must show that its flight simulators, flight training devices, aviation training devices, training aids, and equipment meet the following requirements:

(a) *Flight simulators and flight training devices.* Each flight simulator and flight training device used to obtain flight training credit in an approved pilot training course curriculum must be:

(1) Qualified under part 60 of this chapter; and

(2) Approved by the Administrator for the tasks and maneuvers.

(b) *Aviation training devices.* Each aviation training device used to obtain flight training credit in an approved pilot training course curriculum must be evaluated, qualified, and approved by the Administrator.

(c) *Training aids and equipment.* Each training aid, including any audiovisual aid, projector, mockup, chart, or aircraft component listed in the approved training course outline, must be accurate and relevant to the course for which it is used.

■ 5. Amend Appendix C to part 141 by revising paragraph (b) in section 4 to read as follows:

Appendix C to Part 141—Instrument Rating Course

* * * * *

4. *Flight training.* * * *

(b) For the use of flight simulators, flight training devices, or aviation training devices—

(1) The course may include training in a flight simulator, flight training device, or aviation training device, provided it is representative of the aircraft for which the course is approved, meets the requirements of this paragraph, and the training is given by an authorized instructor.

(2) Credit for training in a flight simulator that meets the requirements of § 141.41(a) cannot exceed 50 percent of the total flight training hour requirements of the course or of this section, whichever is less.

(3) Credit for training in a flight training device that meets the requirements of § 141.41(a), an aviation training device that meets the requirements of § 141.41(b), or a combination of these devices cannot exceed 40 percent of the total flight training hour requirements of the course or of this section, whichever is less.

(4) Credit for training in flight simulators, flight training devices, and aviation training devices if used in combination, cannot exceed 50 percent of the total flight training hour requirements of the course or of this section, whichever is less. However, credit for training in a flight training device or aviation training device cannot exceed the limitation provided for in paragraph (b)(3) of this section.

* * * * *

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f), 44701(a)(5), and 44703(a), on June 10, 2015.

Michael J. Zenkovich,

Acting Director Flight Standards Service.

[FR Doc. 2015–14836 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2015–2147; Notice No. 15–05]

RIN 2120–AK51

Transponder Requirement for Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Advance Notice of Proposed Rulemaking (ANPRM).

SUMMARY: The FAA requests public comment on removal of the current transponder exception for gliders. This action responds to recommendations from members of Congress and the National Transportation Safety Board. The purpose of this action is to gather information to determine whether the current glider exception—from transponder equipment and use requirements—provides the appropriate level of safety in the National Airspace System. The FAA will use the information gathered from this action to determine whether additional transponder equipment and use requirements are necessary for gliders operating in the excepted areas.

DATES: Send comments on or before August 17, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–2147 using any of the following methods:

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

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or 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: For technical questions concerning this action, contact Jon M. Stowe, Airspace Regulations Team, AJV–113, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8783; email *jon.m.stowe@faa.gov.*

For legal questions concerning this action, contact Anne Moore, Office of the Chief Counsel, AGC–220, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3073; email *Anne.Moore@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

See the ''Additional Information'' section for information on how to comment on this advance notice of proposed rulemaking (ANPRM) and how the FAA will handle comments received. The ''Additional Information'' section also contains related information about the docket, privacy,

and the handling of proprietary or confidential business information. In addition, there is information on obtaining copies of related rulemaking documents.

Authority for This Rulemaking

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

This rulemaking is promulgated under the authority described in 49 U.S.C. 40103, which vests the Administrator with broad authority to prescribe regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace, and 49 U.S.C. 44701(a)(5), which requires the Administrator to promulgate regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security.

List of Abbreviations and Acronyms Frequently Used in This Document

ADS–B—Automatic Dependent Surveillance—Broadcast
ANPRM—Advance Notice of Proposed Rulemaking
LASE—Light Aircraft Surveillance Equipment
LPSE—Low Powered Surveillance Equipment
MSL—Mean Sea Level
NAS—National Airspace System
NMAC—Near Midair Collision
NTSB—National Transportation Safety Board
TABS—Traffic Awareness Beacon System
TCAS—Traffic Alert and Collision Avoidance System
TSO—Technical Standard Order

I. Executive Summary

The purpose of this advance notice of proposed rulemaking (ANPRM) is to solicit input from interested persons involving glider operations in the National Airspace System (NAS). The ultimate goal is to ensure safety of flight for gliders and other aircraft operating in the NAS. The National Transportation Safety Board (NTSB) and two members of Congress requested rulemaking because of a midair collision between a glider and a private jet. The FAA notes that it is currently encouraging the voluntary equipage of Traffic Awareness Beacon System (TABS) devices on aircraft excepted from carrying a transponder, such as gliders.[1] The FAA is also considering the current and future implications of Automatic Dependent Surveillance-Broadcast (ADS–B) that may impact this potential rule change.

II. Background

The FAA is initiating this ANPRM for comment from the public regarding the removal of the glider exception from the transponder equipment and use requirements established in 14 CFR 91.215.[2]

This section establishes the specific technical standards for the transponder equipment's functionality, and defines the airspace where transponder equipment is required to operate. Generally, these areas include specific classes of airspace surrounding many airports (*e.g.* Class B and Class C airspace), most airspace above 10,000 ft., and airspace within 30 nautical miles (NM) of some of the nation's busiest airports. There are certain types of aircraft, including gliders, that are excepted from the transponder requirement within a portion of these areas.[3] The FAA is not seeking comment on this exception for aircraft other than gliders.

A. National Transportation Safety Board (NTSB) Recommendations

On March 31, 2008, the NTSB provided safety recommendations [4] to the FAA resulting from an investigation following an August 28, 2006, Reno midair collision between a Hawker 800XP airplane, N879QS, and a Schleicher ASW27–18 glider, N7729. The collision occurred in flight about 42 NM south-southeast of the Reno/Tahoe International Airport (RNO), at an altitude of about 16,000 feet (ft.) mean sea level (MSL)—an area excepted from transponder equipment and use requirements for gliders. Although the glider was equipped with a transponder, the glider pilot had turned off the equipment to conserve power. The findings of this accident investigation address the limitations of the see-and-avoid concept in preventing midair collisions, and specifically, the benefits of transponders in gliders for collision avoidance.

The NTSB recommended that the FAA remove the glider exceptions pertaining to the transponder equipment and use requirements, finding that ''transponders are critical to alerting pilots and controllers to the presence of nearby traffic so that collisions can be avoided.'' The FAA agrees with the NTSB on the benefits of transponders in collision avoidance.

B. Congressional Actions

On March 13, 2012, The Honorable Harry Reid, United States Senate, wrote to the FAA expressing concerns about the safety of both gliders and other aircraft utilizing the same airspace around RNO. Senator Reid requested the FAA ''invoke its emergency rulemaking procedure to remove the glider exemption'' from § 91.215. Additionally, on April 27, 2012, the Honorable Mark E. Amodei, United States House of Representatives, wrote to the FAA to voice similar concerns about the impact of gliders on the safety of air traffic operations into and out of RNO. Congressman Amodei also encouraged the FAA to expedite the process to remove the glider exception from § 91.215.

C. FAA Response

The FAA Administrator responded to both Members of Congress on May 18, 2012, explaining that while the FAA had considered emergency rulemaking, the FAA decided an ANPRM was an opportunity to gather input from the glider community.[5] In response to both the NTSB safety recommendations and the congressional requests, the FAA analyzed the reports in the Aviation Safety and Reporting Subsystem (ASRS) database. The NTSB safety recommendation cited 60 Near Mid-Air Collisions (NMAC) in the ASRS database involving air carrier/corporate jet traffic and gliders from 1998 to August 2007 for all airspace areas. The

[1] Technical Standard Order, TSO–C199: Traffic Awareness Beacon System (TABS), October 10, 2014.

[2] The rule states that, with a few exceptions, all aircraft must have an operating transponder with Mode C (altitude reporting information) in the following areas: Class A, Class B, and Class C airspace; below 10,000 feet Mean Sea Level (MSL) and within 30 nautical miles (nm) of the 36 airports listed in Appendix D to part 91 (Mode C Veil); and above 10,000 feet MSL, except that airspace that is below 2,500 feet Above Ground Level (AGL).

[3] The exceptions to the rule allow aircraft that were originally certificated without an engine-driven electrical system, balloons, and gliders to be operated in the following areas without a transponder: Within the 30 nm of the 36 listed airports listed in Appendix D to part 91 (Mode C Veil) provided they remain outside the Class A, B, or C airspace and are below the ceiling of the airspace designated for the Class B or C airport, or 10,000 feet MSL, whichever is lower; Above 10,000 feet MSL; and in the airspace from the surface to 10,000 feet MSL within a 10-nautical-mile radius of any airport listed in appendix D, excluding the airspace below 1,200 feet outside of the lateral boundaries of the surface area of the airspace designated for that airport.

[4] *A–08–10 through 13,* Safety Recommendations. National Transportation Safety Board, Washington, DC 20594, March 31, 2008. A copy of this report has been placed in the docket. *http://www.ntsb.gov/doclib/recletters/2008/a08_10_13.pdf.*

[5] Copies of the congressional recommendations have been placed in the docket.

FAA reviewed the ASRS database from 1988 to October 2014 and found approximately 45 reports of NMACs involving gliders in or near the excepted areas of § 91.215.[6]

It is important to recognize the limitations of air-traffic radar services. In some instances, Air Traffic Control (ATC) may not be able to issue traffic advisories concerning aircraft that are not under ATC control and are not displayed on radar. Radio waves normally travel in a continuous straight line. However, they may be ''bent'' by abnormal atmospheric phenomena such as temperature inversions, and/or screened by high terrain features, reflected or attenuated by dense objects such as heavy clouds, precipitation, ground obstacles, or mountains, etc. Many glider operations take place near mountains to take advantage of ridge lift and mountain waves. As a result, areas near mountains where glider pilots often operate may have minimal to no radar coverage.

Primary radar energy that strikes dense objects is reflected and displayed on the controller's scope. The amount of reflective surface of an aircraft determines the size of the radar return. Therefore, a small light aircraft, like a glider, is more difficult to see on primary radar than a large commercial jet or military bomber. Additionally, primary radar uses filters to eliminate the display clutter caused by reflections from stationary objects (*e.g.* buildings, mountains) and slow-moving vehicles (*e.g.* trucks, cars). Gliders, when not moving very fast across the ground, may be filtered out as ground clutter and not displayed to the controller.

The use of transponders has been important in achieving a higher level of safety, particularly in areas where high and low speed traffic is intermixed under Instrument and Visual Flight Rules (IFR and VFR respectively). In issuing this ANPRM, the FAA understands that glider design and electrical power limitations present unique challenges for the installation and operation of transponders. The FAA requests comments on removing the transponder use exception for gliders in order to improve safety.

D. Traffic Awareness Beacon System (TABS)

The FAA notes that it is currently encouraging the voluntary equipage of TABS devices on aircraft excepted from carrying a transponder or ADS–B equipment, such as gliders, balloons and aircraft without electrical systems.[7] TABS is described in FAA Technical Standard Order (TSO)–C199 and allows aircraft equipped with collision avoidance and traffic advisory systems to track and display the TABS equipped aircraft.

E. Automatic Dependent Surveillance—Broadcast (ADS–B) Requirements

The FAA also acknowledges that the exception from certain ADS–B Out requirements in § 91.225 is provided to gliders in the same manner as they are excepted from the transponder requirement. This ANPRM also seeks comment and information specifically on issues relating to the glider exception from the current transponder equipment and ADS–B requirements and use.

III. Discussion/Questions Concerning Proposal Under Consideration

The FAA is aware that removing established equipment exceptions for glider operations could impose significant costs on the glider community. Therefore, the FAA is issuing this ANPRM, rather than a Notice of Proposed Rulemaking (NPRM), to seek comments from the public and industry to aid in the development of a proposed rule and the analysis of its economic impact.

The FAA requests comments and recommendations on the following issues. The sequence in which the issues are presented does not reflect any specific FAA preference.

Please refer to the specific question number when submitting comments.

A. TSO–C199, Traffic Awareness Beacon System (TABS)

A TABS device is a low cost compact system that allows other aircraft equipped with collision avoidance systems and traffic advisory systems to track and display the TABS aircraft. TABS devices are intended for use on aircraft that are excepted from carrying a transponder or ADS–B equipment, such as gliders. TABS are not for use in receiving air-traffic control services. The intent of TABS is to enable equipped aircraft to be more visible to other aircraft operating with Traffic Advisory System (TAS), Traffic Alert and Collision Avoidance System I (TCAS I), Traffic Alert and Collision Avoidance System II (TCAS II), TCAS II hybrid surveillance, and aircraft equipped with ADS–B In capability. TABS devices are manufactured under a TSO authorization with less rigorous specifications than transponders meeting the requirements of § 91.215. The FAA requests comments and recommendations on the following issues related to proposing the use of TABS devices:

A1. Rather than requiring gliders to meet §§ 91.215 and 91.225, should the FAA require TABS equipment? Please explain your answer.

A2. Do you have an alternative suggestion to increase safety?

A3. Please provide cost estimates, with supporting details or documentation, including equipment, glider manufacturer, and model:

A3.1. Provide estimate of total equipment cost(s). List all necessary components.

A3.2. Provide estimate of installation cost(s).

A.3.3. Provide estimate of maintenance costs (*e.g.* batteries, antenna).

A4. Do you have, or plan to have, TABS installed on your glider? Please explain your answer.

B. Transponder Equipment and Use in Gliders

Section 91.215 describes transponder equipment and use requirements for aircraft. Under § 91.215, gliders may conduct operations without transponder equipment within 30 NM of an airport listed in appendix D, section 1 of part 91—provided such operations are conducted outside any Class A, Class B, or Class C airspace areas, and below the altitude of the ceiling of a Class B or Class C airspace area designated for an airport, or 10,000 feet mean sea level (MSL), whichever is lower. Gliders operating above 10,000 feet MSL are also excepted from the transponder requirement. The FAA requests comments and recommendations on the following issues relating to removing the exception for gliders provided in § 91.215:

B1. Should the FAA remove the glider exception from § 91.215 and require gliders to comply with the transponder equipment and use rules? Please explain your answer.

B2. If the FAA removes the glider exception from § 91.215, how would safety be affected?

B3. Please provide cost estimates, with supporting details or documentation, including equipment, glider manufacturer, and model:

B3.1. Provide estimate of total equipment cost(s). List all necessary components.

B3.2. Provide estimate of installation cost(s).

[6] This database does not specifically indicate if a glider is equipped with a transponder or other beacon system.

[7] During the development of the new TSO–C199, these systems were referred to as Low Powered Surveillance Equipment (LPSE), and Light Aircraft Surveillance Equipment (LASE). The current acceptable terminology for these systems is Traffic Awareness Beacon System (TABS).

B.3.3. Provide estimate of maintenance costs (*e.g.* batteries, antenna).

B4. If the FAA requires gliders to be equipped with transponders in excepted airspace, should they also be subject to the ADS–B equipment requirements under § 91.225? Please provide supporting information.

C. ADS–B Out Equipment and Use in Gliders

Section 91.225 describes ADS–B Out equipment and use requirement for aircraft operating after January 1, 2020. Under § 91.225(e) certain gliders may conduct operations without ADS–B Out, within 30 NM of an airport listed in appendix D, section 1 of part 91 provided these operations are conducted outside any Class A, Class B, or Class C airspace area and below the altitude of the ceiling of a Class B or Class C airspace area designated for an airport, or 10,000 feet MSL, whichever is lower. Further exception from the ADS–B requirement is provided to gliders operating above 10,000 feet MSL. The FAA requests comments and recommendations on the following issues relating to removing the exception for gliders provided under § 91.225(e):

C1. Should the FAA require gliders to meet the ADS–B equipment and use rules? Please provide supporting information.

C2. If the FAA removes the glider exception from § 91.225, would the level of operational safety increase? Please provide supporting information.

C3. Please provide cost estimates, with supporting details or documentation, including equipment, glider manufacturer, and model:

C3.1. Provide estimate of total equipment cost(s). List all necessary components.

C3.2. Provide estimate of installation cost(s).

C.3.3. Provide estimate of maintenance costs (*e.g.* batteries, antenna).

C4. If gliders are required to meet the ADS–B equipment and use rules, should they also be required to meet the transponder equipment requirements? Please provide supporting information.

C5. Do you have or plan to have ADS–B In or ADS–B Out installed on your glider? Please explain your answer.

D. Additional Considerations

D1. Can you suggest changes to current requirements or other equipment that would reduce the risk of collision for glider operations? If so, what specific requirements or procedures should be considered?

D2. Have you had a collision or near collision while operating a glider? If so, please explain what happened.

D3. Have you had a collision or near collision with a glider while operating an aircraft other than a glider? If so, please explain what happened.

D4. Do you operate a glider within any of the following excepted areas? Please describe the type of airspace, location, frequency of operations, and any safety concerns during these operations.

- Within 30 nautical miles of an airport listed in appendix D, section 1 of part 91 provided such operations are conducted outside any Class A, B, or C airspace areas, and below the altitude of the ceiling of a Class B or Class C airspace area designated for an airport or 10,000 feet mean sea level (MSL), whichever is lower.
- Above 10,000 feet MSL

D5. Do you receive air traffic services while flying a glider? Please explain the frequency and location of services, and any other information supporting your answer(s).

IV. Regulatory Notices and Analyses

A. Regulatory Flexibility Determination

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires an agency to review rulemakings to assess their impact on small entities unless the agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities. The FAA invites comment to facilitate its assessment of the potential impact of a rule removing the glider exceptions pertaining to transponder equipment and use requirements.

B. Paperwork Reduction Act

The FAA has not yet determined whether there will be an information collection associated with this rulemaking. This will be addressed at the time a NPRM, if any, is published.

C. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed corresponding ICAO Standards and Recommended Practices and will identify any differences with future proposed regulations. These differences will be addressed at the time a NPRM, if any, is published.

D. Environmental Analysis

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

V. Executive Order Determinations

A. Executive Order 13132, Federalism

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

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

The FAA analyzed this ANPRM under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a ''significant energy action'' under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609

Executive Order 13609, Promoting International Regulatory Cooperation, (77 FR 26413, May 4, 2012) promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA will analyze any future action under the policies and agency responsibilities of Executive Order 13609, and determine if the action will have an effect on international regulatory cooperation. This will also be addressed at the time a NPRM, if any, is published.

VI. Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or

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

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

Proprietary or Confidential Business Information: Do not file proprietary or confidential business information in the docket. Such information must be sent or delivered directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document, and marked as proprietary or confidential. If submitting information on a disk or CD–ROM, mark the outside of the disk or CD–ROM, and identify electronically within the disk or CD–ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), if the FAA is aware of proprietary information filed with a comment, the agency does not place it in the docket. It is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under Department of Transportation procedures found in 49 CFR part 7.

B. Availability of Rulemaking Documents

Electronic copies of rulemaking documents may be obtained from the Internet by—

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

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

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

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Ave. SW., Washington, DC 20591, or by calling 202–267–9677. Commenters must identify the docket or notice number of this rulemaking.

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

Issued under authority provided by 49 U.S.C. 106(f), 40103, and 44701(a)(5)(a) in Washington, DC, on June 10, 2015.

Jodi S. McCarthy,

Director, Airspace Services.

[FR Doc. 2015–14818 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 4

[PS Docket No. 15–80; FCC 15–39]

Amendments to the Commission's Rules Concerning Disruptions to Communications

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission seeks comment on proposals to improve its rules governing the reporting of disruptions to communications. The proposals contained in this document seek to build on the Commission's decade of experience administering these rules and the associated Network Outage Reporting System (NORS). This experience has provided perspective on aspects of the rules that could be refined so as to improve the quality and utility of the outage reporting data the Commission receives. Improving the reporting that occurs under the Commission's rules will advance the Commission's efforts to monitor the reliability and resiliency of the nation's communications networks, including 911 networks, and to address systemic vulnerabilities and threats to the communications infrastructure.

DATES: Submit comments on or before July 16, 2015, and reply comments on or before July 31, 2015. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before August 17, 2015.

ADDRESSES: You may submit comments, identified by PS Docket No. 15–80, by any of the following methods:

- *Federal Communications Commission's Web site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act information collection requirements contained herein should be submitted to the Federal Communications Commission via email to *PRA@fcc.gov* and to Nicholas A. Fraser, Office of Management and Budget, via email to *Nicholas_A._Fraser@omb.eop.gov* or via fax at 202–395–5167.

FOR FURTHER INFORMATION CONTACT: Brenda D. Villanueva, Attorney Advisor, Public Safety and Homeland Security Bureau, (202) 418–7005 or *brenda.villanueva@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Nicole On'gele, (202) 418–2991.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking* in PS Docket No. 15–80, released on March 30, 2015. The complete text of this document is available for public inspection and copying from 8 a.m. to 4:30 p.m. ET Monday through Thursday or from 8 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554. In addition, the complete text is available online *http://www.fcc.gov/document/fcc-adopts-part-4-improvements-item.*

This document contains proposed information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information

collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due August 17, 2015. Comments should address: (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 burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) way to further reduce the information collection burden on small business concerns with fewer than 25 employees. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

OMB Control Number: 3060–0484.

Title: Section 4.9, Part 4 of the Commission's Rules Concerning Disruptions to Communications.

Form No.: Not applicable.

Type of Review: Revision of currently approved collection.

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

Number of Respondents and Responses: 1,100 Respondents; 15,783 Responses.

Estimated Time per Response: 2–2.5 hours.

Frequency of Response: On occasion and annual reporting requirements, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Mandatory.

Statutory authority for this collection of information is contained in 47 U.S.C. 151, 154(i)–(j) & (o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(r), 307, 309(a), 316, 332, 403, 615a–1, and 615c.

Total Annual Burden: 30,548 hours.

Total Annual Costs: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Collected information is afforded a presumption of confidential treatment under section 4.2 of the Commission's rules.

Synopsis of Notice of Proposed Rulemaking

In this document, the Federal Communications Commission (Commission) seeks comment on proposals to update its part 4 outage reporting rules. In doing so it seeks to apply a decade of experience administering the part 4 rules and the associated Network Outage Reporting System, which has improved the Commission's ability to detect adverse outage trends and facilitate industry-wide network improvements. Our primary goal remains ensuring the reliability and resiliency of the Nation's communications system, and in particular strengthening the Nation's 911 system.

In a companion document, a *Second Report and Order* and *Order on Reconsideration* in ET Docket No. 04–35, the Commission resolves several outstanding matters related to its adoption of the part 4 rules in a *Report and Order* in 2004. This includes disposing of seven pending Petitions for Reconsideration (Petitions). Some of the issues raised in some of these Petitions, as well as in their responsive pleadings, are incorporated into proposals considered in this *NPRM.* The portions of these pleadings that present substantive arguments on such issues are incorporated into the record of this proceeding.

I. Notice of Proposed Rulemaking

A. Costs and Benefits

1. We seek comment on the potential costs and benefits associated with each proposal considered below. As a general matter, we seek to determine the most cost-effective approach for modifying existing policies and practices to achieve the goals of our proposed rules. We ask that commenters provide specific data and information, such as actual or estimated dollar figures, including a description of how the data or information was calculated or obtained and any supporting documentation. Vague or unsupported assertions regarding costs or benefits generally will receive less weight and be less persuasive than more specific and supported statements.

2. Some of the proposals advanced today would likely increase the number of reports, and some would likely decrease the number of reports. We estimate that, overall, adoption of the proposed rules may result in the filing of a total of 339 additional reports industry-wide per year, representing a $54,240 cost increase. This net cost increase is the sum of a $526,560 in cost increases and $472,320 in cost reductions. The projected cost increases are associated with proposed requirements for reporting outages that significantly degrade 911 communications ($1,600); radio access network overload events in wireless networks ($67,200); simplex outages that persist forty-eight hours or longer ($163,200); and wireless outages in rural areas based on geographic impact ($294,560). The cost reductions are associated with proposals to raise the threshold for reporting major facility outages ($453,600) and to clarify when airport-related outages are subject to reporting ($18,720). We project that other proposals contained in the *NPRM* will not have an appreciable cost impact. Given the breadth of industry sectors subject to Part 4, we believe this estimated total cost impact to be *de minimis,* and, in any event, significantly outweighed by the benefits to the public interest from adopting these changes. The modest proposals set forth in this *NPRM* will improve the Commission's ability to fulfill its statutory mission and inform policymaking, such as the Commission's efforts to safeguard the public safety attributes of networks as critical communications transition to Internet Protocol-based platforms. In addition, we expect that adoption of the proposed rules will enhance the Commission's effective coordination with the Department of Homeland Security (DHS) and other federal agencies on matters of national security and emergency preparedness, response, and recovery. We seek comment on whether, or to what extent, the proposed rule changes below will help the Commission achieve these goals.

B. Call Failures

3. *Reporting of Outages That Significantly Degrade Communications to PSAP(s).* We first seek comment on whether to amend our rules to clarify the circumstances under which degradation of communications to a PSAP constitutes a reportable outage under section 4.9(e)(1) of our rules.

Some providers may be interpreting this provision narrowly to require reporting only when there is a complete, *i.e.,* when a PSAP is rendered unable to receive *any* 911 calls for a long enough period to meet the reporting threshold. Under this interpretation, a failure or degradation that prevents hundreds or even thousands of 911 calls from completing might fail to qualify as a reportable outage if some 911 calls continued to reach the PSAP throughout the event. We believe that such a narrow reading of the provision is not consistent with the intent of the Part 4 outage reporting process and that the rule should not be left open to this interpretation during an event that debilitates 911 service. In adopting Part 4 in 2004, the Commission defined a reportable outage to include a significant degradation.

4. A network malfunction or higher level issue that prevents large numbers of 911 calls from completing certainly disrupts service in a manner that endangers public safety, irrespective of whether any PSAP has suffered a complete loss of ability to receive 911 calls. Moreover, requiring reporting under such circumstances would permit systematic analysis of the conditions that lead to these degradations and help reveal potential solutions. Without the benefits of such reporting, the Commission may not have sufficient, timely information to address serious incidents of this magnitude.

5. Accordingly, we propose revising section 4.5(e)(1) to clarify that any network malfunction or higher-level issue that significantly degrades or prevents 911 calls from being completed constitutes a ''loss of communications to PSAP(s),'' regardless of whether the PSAP is rendered completely unable to receive 911 calls. We seek comment on this proposed clarification. How would a provider determine the need to report an outage that results only in a partial ''loss of communications'' to a PSAP? Should the provider simply calculate user minutes potentially affected as it would for a complete loss of communications, and then multiply that figure by the percentage of PSAP communications capacity that has been ''lost'' to determine whether the 900,000 user minutes threshold has been reached? Is the percentage of lost capacity equivalent to the percentage of trunks serving a PSAP that have been disabled, or are there factors (*e.g.,* built-in redundancy) that complicate the relationship between these parameters? Should a ''loss of communications to PSAP(s)'' be defined to include only ''losses'' that exceed a certain magnitude? For instance, should we specify that a ''loss of communications'' to a PSAP occurs only when at least 80 percent of the trunks serving a PSAP are disabled? As another possibility, should we consider establishing a separate reporting threshold based on the number of 911 calls that actually fail to be completed as the result of an outage? If so, should we set a uniform numerical threshold, or should the threshold be relative to the number of users a PSAP serves? Should the Commission require reporting of any outage of at least thirty minutes' duration that exceeds some threshold level of impairment to the communications capabilities of any PSAP, irrespective of the number of user minutes potentially affected? If so, how should the Commission define such a threshold? Are there other metrics and thresholds the Commission should consider that could better capture this type of degradation in the ability to complete 911 calls? What are the potential advantages and disadvantages of any such alternatives?

6. We also seek comment on the costs and benefits of the various measures mentioned above. Even assuming that the measures would expand reporting obligations, we do not believe that any such measures would have a substantial cost impact. Over the previous three years, the Commission has been made aware of only a handful of events that appear to have produced a ''significant degradation in communications to a PSAP(s)'' without resulting in a complete loss of such communications. For purposes of estimating reporting costs, we could treat those years as a best case scenario and instead posit that as many as ten such events a year would be reportable were we to adopt any of the various measures considered above. Assuming further that each reportable event requires two hours of staff time to report, at eighty dollars per hour, we conclude that adoption of any of the considered measures would result in a total cost increase of $1,600 per year. The two-hour estimate, which we use throughout this document, includes the time necessary to file the notification, initial report and final report. These estimates were developed in 2004 during the process to obtain approval for the information collection associated with the original Part 4 rules and were subject to public comment both then and at periodic intervals since to renew the collection authorization. We believe these estimates remain valid, especially in light of both advances in information technology that have permitted providers to streamline processes and providers' increasing familiarity with the NORS outage reporting process. We seek comment on the foregoing analysis, including the assumptions used to arrive at the cost estimate and the extent to which these estimates appropriately reflect the costs associated with reporting. Interested parties should include information regarding whether the submission process (*i.e.,* time to fill out the form, review by management and filing) takes two hours. We also seek comment as to whether we could achieve our objectives in a less costly, less burdensome, or more efficient manner. Finally, we clarify that our proposals in this *NPRM* do not prejudge any issue the Commission may take up in another docket or proceeding to address the reliability of 911 service.

7. *Call Failures in the Wireless Access Network.* We next seek comment on the reporting of wireless call failures that result from congestion in the access network, a problem often encountered during emergencies. In particular, the inability of a radio access network (RAN) to support excess demand for radio channels may not constitute a reportable ''failure or degradation'' under our current rules, yet pervasive call failures undermine the reliability of networks for consumers regardless of their cause. Because this appears to be predominantly an issue with wireless networks, we propose to amend our part 4 rules to require the reporting of systemic wireless call failures that result from RAN overloading. In doing so we note that the Commission already requires reporting of interexchange carrier (IXC) and local exchange carrier (LEC) tandem facility outages of at least thirty minutes' duration in which 90,000 or more calls are blocked.

8. Such failures appear to be most prevalent during and in the immediate aftermath of major disasters, when call volume is particularly heavy. To provide a more complete understanding of the problem, we seek comment on the failure rate of wireless calls. How often and under what circumstances do wireless calls fail in RANs? How different is that failure rate from the rate experienced during ordinary circumstances? How different is that from failure rates in wireline networks—including both TDM and IP-based networks—in both extraordinary (*e.g.,* during or immediately after a weather event) and typical circumstances? How often and with what impact is ''load shedding'' applied whereby a provider intentionally decreases network functionality to allocate available resources to the most critical functions?

9. We also seek comment on ways to measure the customer impact of call failures caused by RAN congestion. The

most obvious potential metric is percent of calls failed. Is there a surrogate metric more readily attainable that can provide the Commission with similar information? What are the relative strengths and weaknesses of each metric? What would be the appropriate reporting threshold? Are there alternative ways of defining the reporting threshold that would generate more useful information without imposing unreasonable burdens on reporting entities? Are there other indicators the Commission could track that would help it better understand the network dynamics that prevent a wireless network from effectively handling calls once a certain saturation point is reached? Are these indicators likely to vary depending on the technology used to provide service?

10. We also seek comment on the costs, burdens and benefits of requiring providers to report widespread call failures in wireless RANs. To estimate these costs, we first assume that wireless access networks and interoffice networks are engineered to achieve comparably low rates of call failure (*i.e.,* blocked calls). We base this assumption on the fact that the nation's communications networks are vastly interdependent, which we believe could encourage the implementation of similarly robust parameters across networks, *e.g.,* call blocking monitoring and measuring. This leads us to assume that these two types of networks have a comparable rate of calls blocked and, therefore, would have a comparable number of outage reports. We seek comment on these assumptions. As the Commission receives approximately 420 reports per year of interoffice facility outages, we estimate that adoption of the proposed requirement would result in the filing of an additional 420 reports per year. Assuming further that two hours of staff time are necessary to file the reports on each outage, at eighty dollars per hour, we tentatively conclude that the adoption of the requirement would result in an annual increase of $67,200 in reporting costs. We also assume that providers are already technically capable of tracking call failures at each cell site, and that they do so as a matter of practice, and they thus would not incur additional costs in tracking reportable outages under the proposed rule. We seek comment on this cost estimate, including its underlying assumptions. We believe these costs would be outweighed by the concomitant benefits of improved Commission awareness of the frequency and impact of RAN-overload events on wireless customers, and of providing the Commission with greater understanding about the overall health of the nation's networks and, thereby, the ability to work with industry toward improved reliability and situational awareness goals to ultimately achieve and sustain more reliable and resilient communications networks.

11. *Call Failures in the Non-Wireless Access Network.* The Commission's rules also do not require reporting on widespread call blockages in the non-wireless local access network to the extent such events involve no ''failure or degradation'' of the network. We seek comment on whether the Commission should impose similar reporting requirements on these types of outages. If so, how should such requirements be defined, and what costs and benefits would attend their adoption? Is there evidence that congestion in the access portion of a wireline network causes significant amount of calls to fail?

C. Major Transport Facility Outages

1. Appropriate Metric and Threshold

12. The Commission requires reporting of ''failures of communications infrastructure components having significant traffic-carrying capacity.'' Based on our analysis of NORS data, it appears that an increasing proportion of the outages reported under the current DS3-based standard are minor disruptions unlikely to have a significant impact on communications or jeopardize public safety. Accordingly, we seek comment on whether upward adjustment of the reporting threshold for transport facility outages could reduce reporting burdens while preserving the Commission's ability to obtain critical information about communications reliability.

13. In its Petition, Qwest (now CenturyLink) argued that the outage reporting threshold should be defined in terms of impact on ''OCn''- level circuits (*i.e.,* optical circuits such as OC1 and OC3) rather than DS3 circuits. Alternatively, Qwest argues that the Commission should require reporting of DS3 outages only on a quarterly basis.

14. In the years since the part 4 rules were adopted and Qwest filed its petition, the industry has come to rely more heavily on circuits larger than the DS3, including OCn-level circuits, for transport of communications traffic. We thus believe it may be appropriate to express the reporting threshold for transport facility outages in terms of impact on higher capacity circuits. In particular, we propose to define the threshold in terms of ''OC3 minutes'', *i.e.,* based on impact on OC3 circuits or other circuits or aggregations of circuits that provide equal or greater capacity. We believe that expression of the outage threshold in ''OC3 minutes'' may better indicate the magnitude of network outages to which the part 4 rules were designed to apply. We seek comment on this proposal.

15. We further seek comment on raising the reporting threshold to account for changes in how networks are scaled and designed. The current threshold of 1,350 DS3 minutes—which is equivalent to 450 OC3 minutes—was selected, consistent with our goals of technological neutrality, to match the 900,000 user minutes threshold put in place for voice-grade services, based on a calculation of 667 voice-grade users per DS3. Yet, as communications services transition to more advanced technologies, greater capacity often carries the same number of users. In the emerging VoIP environment, we believe that 450 voice-grade equivalent users is a better estimate of the carrying capacity of a single DS3, based on our recent estimate that a single VoIP call requires 100 kbps of bandwidth. This would mean that, to retain equivalency with the 900,000 user minutes threshold, the major facilities outage threshold should be adjusted to 2,000 DS3 minutes—or 667 OC3 minutes. We seek comment on this analysis and on the resultant proposal.

16. We also seek comment on the cost savings that would accrue from this proposal. We observe that there were 2,208 major transport facility outages reported in 2013 that did not affect OC3-grade or equivalent circuits, and an additional 627 that did not exceed 667 OC3 minutes. We accordingly believe that the proposed changes to the reporting requirements for major transport facility outages could reduce the number of associated reports filed each year by as many as 2,835. Assuming that each such report would have required two staff hours to complete, at eighty dollars per hour, we conclude that the proposed adjustments of the reporting threshold for major facility outages would reduce reporting costs by $453,600. We seek comment on this cost analysis and its underlying assumptions.

2. Simplex Outage Reporting

17. A simplex event occurs when circuits that are configured with built-in path protection, as when arranged in a protection scheme such as a Synchronous Optical Network (SONET) ring, lose one of the paths. Under such configurations, when one of the circuits fails, traffic is diverted to a back-up circuit or ''protect path,'' and a

''simplex event'' has occurred. We propose to shorten from five days to 48 hours the reporting timeframe for this type of event. While above we propose to revise the metric for reporting major facility outages from DS3-based to OC3-based, we now address the independent concern of the appropriate time frame for reporting simplex events on major network facilities, regardless of whether measured as DS or OC.

18. When it adopted the part 4 rules the Commission rejected a proposal to exempt ''simplex events'' from the reach of these requirements and determined that such events would constitute reportable outages. The Commission reasoned that, although such events do not immediately result in any loss of communications, they eliminate redundancies that prevent major losses of communications from occurring and provide valuable insight into the actual resiliency of critical networks. The Commission later issued a *Partial Stay Order* that granted a stay of this requirement as to outages that persist for less than five days. In issuing this partial stay, the Commission contemplated ''developing a full record'' on this issue, including on the costs that providers would incur in complying with the rule as originally adopted.

19. Some Petitioners argue that it is overly burdensome to report simplex events. In its response to the Petitions, the National Association of State Utility Consumer Advocates (NASUCA) argued that circuits are ''critical'' for commerce and national defense, including, ''Federal Reserve, ATM and other bank and commercial transactions, FAA flight controls, [and] the Defense Department[,]'' and that simplex outages should thus be reported.

20. Because simplex events are typically scheduled for repair during daily maintenance cycles as Petitioners suggest, such outages should generally be rectified within twenty-four to forty-eight hours in the normal course of business. Neglecting to address simplex outages within forty-eight hours of their discovery would thus contravene an established industry best practice. Recent years have witnessed an increase in the reporting of simplex outages, even under the relaxed, five-day standard set forth in the *Partial Stay Order,* wherein the Commission conceded that five days for repair of a simplex outage may be tolerable ''[i]n the worst case scenario.'' This suggests that the best practice is not being followed.

21. In light of these observations, we propose improving our reporting requirements for simplex events to require reporting of any such event not rectified within forty-eight hours of its discovery as a reportable outage. We seek comment on the choice of forty-eight hours after discovery of a reportable outage as the point at which providers must report the outage. Are providers correct in asserting that the vast majority of these outages are likely to be repaired within a forty-eight-hour window and thus would remain exempt from reporting? How common are outages that last longer than forty-eight hours but shorter than five days after they are discovered as reportable outages? Do the outages that persist longer than five days tend to be particularly large in scope or difficult to repair? Is there an alternative threshold for the reporting of simplex events that the Commission should consider? If so, what is the threshold and what are its advantages?

22. We also seek comment on whether, and to what extent, reducing the reporting threshold from five days to forty-eight hours would increase costs on providers. We believe that this proposed change would create incentives for providers to repair simplex outages in a timelier manner, without imposing an undue cost burden. We would expect that adoption of this proposal would increase the number of reportable events, given that there are likely a number of simplex events that exceed the shorter 48 hour threshold proposed in this Notice of Proposed Rulemaking, but do not exceed the longer 5-day threshold currently in the Commission's rules. We propose a proportional estimate that the shortened reporting window threshold would double the number of simplex outages subject to reporting, this would amount to an increase of approximately 1,250 reports per year. However, the proposed change from DS3 to OC3-based reporting for major network transport facility outages would reduce the number of simplex-based reports because events affecting a small number of DS3s would no longer be reportable. Assuming that we reduce the simplex reporting window threshold from five days to 48 hours, and adopt OC3 as the metric threshold, we estimate these conditions combined will result in an estimated 1,020 additional outage reports. (We calculate 1,020 reports = 1,250 additional DS3-based reports due to reduction to 48 hours threshold − 230 reports only affecting one or two DS3s. We base this calculation on the 230 outage reports previously received by the Commission in 2013, for events affecting one or two DS3s.) Assuming further that two staff hours required to file each report, at eighty dollars per hour, this increase in the number of filed reports would carry with it an increased cost of $163,200. We believe these costs would be outweighed by the concomitant benefits of improved Commission awareness of the extent of industry best practices implementation in this area, and of providing the Commission's with greater understanding about the overall health of the nation's networks and, thereby, the ability to work with industry toward improved reliability and situational awareness goals to ultimately achieve and sustain more reliable and resilient communications networks. We seek comment on this analysis and its underlying assumptions.

D. Wireless Outage Reporting Metrics

23. *Reporting Wireless Outages Generally.* We have observed over the last several years that wireless providers use different methods to calculate the number of users ''potentially affected'' by an outage, and we seek to find a uniform method of calculating this number that can be used by all reporting wireless providers, regardless of underlying technology. Wireless service providers in particular are directed to calculate this number ''by multiplying the simultaneous call capacity of the affected equipment by a concentration ratio of 8,'' which is based on ''the generic parameters that are routinely used in basic telecommunications traffic analysis.'' This measurement of call capacity is undertaken at the mobile switching center (MSC), which avoids the ''computational difficulties'' of directly measuring outages within the more dynamic radiofrequency (RF) portion of the network. However, as wireless technologies have continued to evolve, providers implementing different technologies have employed various methods of measuring the call capacity of their MSCs for purposes of outage reporting. Based on our analysis of the data, it appears that this variation among providers and technologies has led to inconsistencies in reporting that may compromise the Commission's ability to reliably detect wireless network outage trends. The lack of a clear and consistent process for measuring and reporting wireless outages also undermines the technology neutrality that lies at the heart of the part 4 rules.

24. In light of these observations, we propose adopting a more standardized, technology neutral method for calculating the number of users ''potentially affected'' by a wireless network outage. We seek comment on two options.

25. First, the wireless provider could calculate the total number of users potentially affected by an outage by multiplying the number of cell sites disabled as part of the outage by the average number of users it serves per site, assuming for purposes of the calculation that each user is served by a single site and site assignments are distributed evenly throughout the provider's network. Alternatively, a wireless provider could determine by reference to its Visitor Location Register the actual number of users that were being served at each affected cell site when the outage commenced. We seek comment on the strengths and weaknesses of each of these calculation methods. How significantly would adoption of either proposed method affect current reporting practices? Are either or both methods preferable to the variety of methods used by providers to measure ''simultaneous call capacity'' under the existing rule? What are the drawbacks or limitations of each proposed method? Are there ways of modifying either method to improve its utility? Would adoption of either method unduly favor certain network technologies or deployment configurations over others? Is either method more technology neutral than the other? We also seek comment on the costs and benefits that would attend adoption of either calculation method. We do not believe that adoption of either proposed calculation would have an appreciable cost impact. We seek comment on this assumption.

26. Finally, we seek comment on whether to adopt a separate and additional wireless outage reporting requirement based on the geographical scope of an outage, irrespective of the number of users potentially affected. We believe that doing so could provide the Commission with valuable information on the reliability of wireless service in less densely populated areas. As the percentage of calls to 911 from wireless devices continues to increase, the negative impact to the public from large geographic areas losing wireless coverage for emergency calls grows in significance. We seek comment on these observations. Were the Commission to adopt a geography-based reporting requirement for wireless outages, how should it define the threshold? Should providers be required to report any outage that disrupts service over a specified percentage (*e.g.,* 5 percent) of the provider's advertised coverage footprint or some more granular level (*e.g.,* at the State, county, or zip code)?

27. We also seek comment on the costs and benefits that would attend adoption of a geography-based reporting threshold. To estimate the cost of a potential, new geographic–based reporting threshold, we need to estimate the number of additional reports that would be filed under such a threshold. We estimate this number as (1) the number of additional outage reports that would be generated by geography-based reporting (2) minus the number of reports that would be submitted for outages that meet the current 900,000 user-minute threshold. For this purpose and based on our experience reviewing a decade's worth of outage data, we estimate that geography-based reporting would generate additional reports in counties where a company has fifteen or fewer cell sites. The number of counties with fifteen or fewer cell sites represents 2.7 percent of the total number of cell sites nationwide. Using as a guide counties with fifteen or fewer cell sites, a disruption to communications would be reportable under a geographic coverage standard if one or two cell sites in the county are down. We next estimate, based on historical NORS data, that each cell site has a 22.6 percent chance of experiencing an outage within a given year. Finally, we adopt CTIA's estimate that 301,779 cell sites were in operation nationwide as of the end of 2012. Based on these data, we conclude that adoption of a geography-based reporting requirement would likely result in the filing of 1,841 additional reports per year. Assuming that two staff hours are required to file each report, at eighty dollars per hour, we further conclude that the additional reporting would carry with it a $294,560 cost burden. We believe these costs would be outweighed by the concomitant benefits of improved reporting on wireless outages in less-populated areas, and of providing the Commission's with greater understanding about the overall health of the nation's networks and, thereby, the ability to work with industry toward improved reliability and situational awareness goals to ultimately achieve and sustain more reliable and resilient communications networks. Are there steps the Commission could take to reduce the reporting burden associated with such a requirement?

28. *Estimating the Number of ''Potentially Affected'' Wireless Users for Outages Affecting a PSAP.* A reportable outage affecting a 911 special facility—or PSAP—occurs, *inter alia,* whenever: (1) There is a loss of communications to a PSAP potentially affecting at least 900,000 user-minutes; (2) the outage is not at the PSAP; (3) a complete reroute is not possible; and (4) the outage lasts 30 minutes or more. In its Petition for Reconsideration, Sprint requests clarification of section 4.9(e)(5), arguing that ''if an outage affects only one of the subtending PSAPs, only those customers whose calls would have been routed to such PSAP would potentially be affected.'' Sprint requests that wireless providers be permitted to divide the capacity of the Mobile Switching Center (MSC), as defined in the rule, by the number of subtending PSAPs in order to more accurately estimate the number of end users potentially affected by an outage affecting a given PSAP. T-Mobile supported Sprint's proposal.

29. We propose a slightly modified version of Sprint's proposal. Rather than have providers divide capacity equally among subtending PSAPs in order to calculate numbers of users potentially affected, we propose that capacity be allocated to each PSAP in reasonable proportion to its size in terms of number of users served. Thus, while Sprint's proposal would divide the capacity of the MSC evenly by the number of PSAPs, our proposal would base the allocation on the size of the subtending PSAP. We believe that this clarification would limit reporting to those significant outages that potentially impact public safety and for which the rules are intended. Moreover, this calculation method is consistent with what we observe to be the current reporting practice. We seek comment on this proposal. We also seek comment on any potential new burdens that would result from this clarification. We do not believe that adoption of the proposed modification would have an appreciable cost impact. We seek comment on this assumption.

E. Special Offices and Facilities

30. *Identifying ''Special Offices and Facilities.''* Part 4 requires various classes of communications providers to report outages that potentially affect ''special offices and facilities,'' a term defined in section 4.5(b) to include ''major military installations, key government facilities, nuclear power plants, and [relatively major airports].'' It further states that National Communications System (NCS) member agencies will determine which of their facilities qualify as major military installations or key government facilities. Prior to the dissolution of the NCS in 2012, none of its member agencies provided any guidance as to which of their facilities should be included in these categories. In the wake of NCS's dissolution and the establishment of the Executive Committee on National Security and Emergency Preparedness

Communications, we seek alternative means of identifying ''special offices and facilities'' for purposes of part 4.

31. We propose to classify as ''special offices and facilities'' those facilities enrolled in or eligible for the Telecommunications Service Priority (TSP) program, which prioritizes the restoration and provisioning of circuits used by entities with National Security/Emergency Preparedness (NS/EP) responsibilities and duties. The TSP framework for restoring critical circuits comprises five priority levels, with levels 1 and 2 reserved for critical national security and military communications and the remaining levels dedicated to the protection of public safety and health and the continued functioning of the economy. TSP-enrolled facilities include military installations; federal cabinet-level department and agency headquarters; state governors' offices; Federal Reserve Banks; national stock exchanges; federal, state, and local law enforcement facilities; hospitals; airports; major passenger rail terminals; nuclear power plants; oil refineries; and water treatment plants.

32. We seek comment on this proposal. If the TSP framework is suitable for identifying ''special offices and facilities,'' should the rule apply only to facilities enrolled in the program? If so, should there be a separate, free ''outage reporting only'' category created for facilities that are eligible for TSP but not otherwise enrolled? Should ''special offices and facilities'' instead be defined to include any facility that would be eligible for TSP? If so, how would a provider determine which of the facilities it serves are eligible for the program? In addition, if TSP eligibility or enrollment is used to define ''special offices and facilities'' under part 4, should facilities at all priority levels be included or only those at the highest levels? Should the rules expressly exempt providers from reporting any information about a TSP-enrolled facility that is protected under a confidentiality or non-disclosure agreement with a TSP participant? Are there ways in which the TSP framework is unsuitable as a basis for classifying ''special offices and facilities''? For instance, are there critical facilities that would fail to qualify as ''special offices and facilities'' under this approach? If so, should we consider broadening the scope of the definition to include facilities that are guaranteed priority restoration under ''TSP-like'' provisions in service-level agreements? Are there alternative classification frameworks that would be more suitable? We also request comment on the costs and benefits of these proposed options. We do not believe that redefining the term ''special offices and facilities'' as considered in this *NPRM* would have an appreciable cost impact. We seek comment on this assumption. Which means of defining the term ''special offices and facilities'' would strike the optimal balance between useful results and minimal costs to all parties? We expressly seek comment from our national security agencies on the types of communications sector critical infrastructure they believe should be included in such reporting.

33. *Section 4.13.* Section 4.13 directs special offices and facilities to report outages to the NCS, which may then forward the reported information to the Commission at its discretion. No such reports were ever forwarded to the FCC from the NCS prior to the latter's dissolution in 2012. However, the Commission separately imposes requirements on communications providers to report outages that potentially affect ''special offices and facilities'' as that term is defined section 4.5. Accordingly, we propose deleting section 4.13 from our rules as redundant with respect to information that providers are already required to supply, and obsolete with respect to obligations regarding the NCS. We seek comment on this proposal. Would deleting this provision have any practical impact on the Commission's ability to gather information about critical outages? Should the Commission establish a voluntary mechanism for operators of ''special offices and facilities'' to share information directly with the Commission about outages affecting their facilities? What benefits to network reliability and public safety might be realized were such reports filed directly with the Commission? Should the Commission encourage or require providers to report information regarding outages affecting ''special offices and facilities'' to member agencies of the former NCS or to agencies that have absorbed NCS functions?

34. *Airport Reporting Requirements.* Section 4.5(b) defines ''special offices and facilities'' to include all airports listed as ''current primary (PR), commercial service (CM), and reliever (RL) airports in the Federal Aviation Administration's (FAA) National Plan of Integrated Airports Systems (NPIAS).'' In its Petition, Sprint asks the Commission to clarify that outages that ''potentially affect'' such airports (and are thereby reportable under various subsections of section 4.9 of the rules) are classified as such only to the extent they have a potential impact on critical communications. Such an interpretation is consistent with language proposed but not adopted in the Part 4 rulemaking proceeding, under which an outage potentially affecting an airport would have been defined as one that: (i) Disrupts 50 percent or more of the air traffic control links or other FAA communications links to any airport; (ii) has caused an Air Route Traffic Control Center (ARTCC) or airport to lose its radar; (iii) has caused a loss of both primary and backup facilities at any ARTCC or airport; or (iv) has affected an ARTCC or airport that is deemed important by the FAA as indicated by FAA inquiry to the provider's management personnel.

35. We propose clarifying the circumstances under which providers must report outages potentially affecting airport communications. In doing so, we first observe that most of the reports filed in this category have concerned outages not significant enough to pose a substantial threat to public safety, particularly at smaller regional airports. In light of this observation, we seek comment on amending the definition of ''special offices and facilities'' to exclude all airports other than those designated ''primary commercial service'' airports in the NPIAS. This category includes the nation's most heavily trafficked airports, where even minor degradations in critical communications can pose grave threats to public safety and national security. To what extent would this proposed restriction of the scope of section 4.5(b) affect current reporting practice? Would it put the Commission at risk of failing to learn of serious outages?

36. We next seek comment on clarifying the types of communications that must be jeopardized for an outage to be held to ''potentially affect'' an airport. As an initial matter, we find compelling Sprint's argument that only outages relating to critical communications should be included. The definition of an outage potentially affecting an airport proposed in the original Part 4 rulemaking proceeding (and discussed above) would exclude communications such as these not directly related the role of airports as critical transportation infrastructure. Should the Commission adopt this proposed definition? Are there circumstances this definition fails to cover under which an outage should be held to ''potentially affect'' an airport? Should the definition include all communications outages that could impact the safety and security of the airport, passengers, crew, or staff? On the other hand, should the Commission

declare that outages potentially affecting airports include only those that affect FAA communications links? Are there are other ways of delineating this category of outages that we should consider? We also seek comment on the costs and benefits of clarifying the scope of outages that ''potentially affect'' airports as discussed above. In 2013, the Commission received 117 reports of airport-related outages that do not appear to have implicated critical communications and thus would likely not be reportable under any clarification of the rules considered above. We thus estimate that such a clarification would reduce the number of reports filed annually by 117. Assuming that each report requires two staff hours to complete, at $80 per hour, this reduction in the number of reports filed would represent a cost savings of $18,720. We seek comment on this analysis.

37. Finally, we seek comment on the relationship between the general definition of ''special offices and facilities'' in part 4 and the special provisions for airports. Were the Commission to classify ''special offices and facilities'' using the familiar TSP framework, under which airports are eligible facilities, could it eliminate as redundant its separate requirements to report outages affecting airports? Would doing so make the rules clearer and more efficient, or would it create the risk of critical airport outages going unreported? Should the Commission instead broaden the scope of the airport-based reporting rules to include other modes of public transportation or even wider to other critical infrastructure, perhaps based on the ''critical infrastructure sectors'' identified by DHS? Does the TSP framework already adequately encompass such infrastructure for purposes of part 4 reporting? Do answers to any of these questions depend on whether ''special offices and facilities'' are defined to include all TSP-eligible facilities or only those facilities enrolled in the program?

38. *Reporting Obligations of Satellite and Terrestrial Wireless Service Providers.* The part 4 rules applicable to satellite and terrestrial wireless providers exempt these classes of providers from reporting outages potentially affecting airports. In carving out these exemptions, the Commission explained that ''the critical communications infrastructure serving airports is landline based.'' In separate Petitions, CTIA, Cingular Wireless, and Sprint each argue that wireless providers should be similarly exempt from reporting outages pertaining to all other ''special offices and facilities.'' CTIA argues in support of its petition that ''the rationale for excluding wireless carriers from outage reporting for airports applies with equal force to all special offices and facilities.'' That is, ''[j]ust as with airports, wireless providers do not generally assign dedicated access lines to specific end users, and therefore do not have dedicated access lines for the critical portions of any of the special offices and facilities.'' The Commission notes, however, the continued growth in the use of wireless networks, including in and around facilities that may qualify as ''special offices and facilities'' under the current rules or under various proposals we are considering.

39. As we consider changes to the outage reporting rules that pertain to ''special offices and facilities,'' we seek comment on how such rules should apply to satellite and terrestrial wireless providers. Does airport communications infrastructure remain ''landline based,'' and are other facilities the Commission might classify as ''special offices and facilities'' served by a similar infrastructure? If so, should the Commission exempt wireless providers from any requirement to report outages potentially affecting ''special offices and facilities,'' as Petitioners request? Should we grant a similarly broad exemption to satellite providers? On the other hand, should the rules specify that a wireless or satellite provider must report outages potentially affecting any ''special offices [or] facilities'' to which it has assigned dedicated access lines? Are there other service arrangements that should give rise to an obligation to report wireless or satellite outages potentially affecting ''special offices [or] facilities''? More generally, are there other circumstances where reporting from wireless or satellite providers on outages potentially affecting a special office or facility might provide the Commission with valuable information it would not receive otherwise? We also seek comment on the costs and benefits that would attend adoption of any rules in this area. We observe that wireless and satellite providers have historically filed few, if any, reports pertaining to outages affecting special offices and facilities. We thus estimate any further relaxation of their obligations to report such outages would not have an appreciable cost impact. We seek comment on this analysis.

F. Part 4 Information Sharing

40. *Sharing of NORS Data With State Public Utility Commissions.* Section 4.2 provides that reports filed in NORS are presumed confidential and thus withheld from routine public inspection. The Commission routinely shares NORS reports with the Office of Emergency Communication at DHS, which may ''provide information from those reports to such other governmental authorities as it may deem to be appropriate,'' but the Commission does not share NORS information directly with state governments. In the absence of routine access to NORS data, many states independently require communications providers to file network outage reports with their public utility commissions or similar agencies. The content of such reporting overlaps to a great extent with the information providers must report to the Commission under part 4.

41. In 2009, the California Public Utility Commission filed a petition (CPUC Petition) in which it requests that the Commission amend its rules to permit state agencies to directly access the NORS database. CPUC also informally requests that the Commission grant it password-protected access to those portions of the NORS database that contain data relating to communications outages in the State of California. CPUC argues that reliable access to network outage data is ''necessary to perform its traditional role of protecting public health and safety through monitoring of communications network functionality.'' Direct access to NORS, CPUC further argues, is the most effective means of obtaining such information. CPUC cites as precedent for its requested access to NORS the Commission's *Numbering Resource Optimization* proceeding, in which the Commission divulged confidential telephone numbering data to States on the condition that they have adequate protections in place to shield the information from public inspection.

42. Granting states access to NORS data on a confidential basis could advance compelling state interests in protecting public health and safety in an efficient manner. We further observe that none of the commenters on CPUC's petition made the case that such sharing would be unworkable in practice or would undermine the core purposes of NORS. Accordingly, we propose granting states read-only access to those portions of the NORS database that pertain to communications outages in their respective states. In advancing this proposal, we reaffirm our view that NORS data should be presumed confidential and shielded from public inspection. We thus propose that, in order to receive direct access to NORS, a state must certify that it will keep the data confidential and that it has in place confidentiality protections at least equivalent to those set forth in the

federal Freedom of Information Act (FOIA). We seek comment on defining the term ''State'' for purposes of this proposal to include the District of Columbia, U.S. territories and possessions, and Tribal nations. We also find that rulemaking is the appropriate vehicle for deciding this issue, and thus hold in abeyance CPUC's informal request for access to California-specific NORS data, pending the completion of this rulemaking.

43. We seek comment on the foregoing proposal. How can the FCC ensure that the data is shared with officials most in need of the information while maintaining confidentiality and assurances that the information will be properly safeguarded? Should personnel charged with obtaining the information be required to have security training? Should the identity of these individuals be supplied to the FCC? Should states be required to report or be penalized for breaches of the confidentiality of information obtained from NORS? Should a provider be permitted to audit a state's handling of its outage data? Should states be granted access to NORS data only on the condition that such access replace any separate outage reporting required under state law? Should NORS allow the placement of caveats with respect to the sharing of any data elements?

44. We also seek comment on limitations on states' use of NORS data. When outage information is provided to state public officials or state public utility commissions, should the state be required to notify the FCC and service providers if the state seeks to share the data with parties outside its direct employ? Should states' use of NORS data be restricted to activities relating to its ''traditional role of protecting public health and safety?'' If so, what activities does this role encompass, and how should the Commission enforce any such limitation on states' use of the data? We seek comment on exactly what information should be shared with state officials. Should states be granted access to the notification, initial report and final reports? Should providers' outage coordinators' contact information be redacted before the information is shared with the states? Finally, we seek comment on the costs and benefits of sharing state specific NORS outage data with state entities. We believe that the proposed sharing of NORS data with states would not have an appreciable cost impact. We seek comment on this assumption. What is the best way to balance security and convenience with the costs and benefits to all involved parties?

45. *Federal Agency Requests to Access NORS.* The Commission also has received occasional requests from agencies other than DHS for access to NORS data. Thus far, we have provided the information only to DHS, which may share relevant information with other federal agencies at its discretion. However, we recognize the validity of requests from other federal partners to have their own direct access to the NORS database when these requests are made for national security reasons. Accordingly, we propose entertaining requests from other federal agencies for access to NORS data, and acting upon such requests on a case-by-case basis. We seek comment on this proposed approach to handling such requests. Should there be limitations on DHS access or access by other federal agencies? Under what circumstances should this information be shared? Should the entities seeking NORS data specify how they intend to use the information, and if, or with whom, they intend to share it? Should they be required to demonstrate that sufficient safeguards are in place to ensure that the information be seen only by necessary parties? Should such sharing be undertaken in accordance with the procedures established under section 0.442 of the Commission's rules for the sharing of presumptively confidential information with other federal agencies?

46. *Information Sharing with the National Coordinating Center for Communications (NCC).* We next seek comment on the sharing of information collected under part 4 with the NCC. Would access to outage data collected in NORS contribute to the NCC's mission? Under what terms, if any, should such access be provided? Should the Commission instead continue to leave to the discretion of individual providers what network outage information they choose to share with the NCC? Would the Commission's provision of Part 4 information to the NCC discourage industry participation in that program? Is there a subset of data collected under Part 4 that the Commission could share with the NCC while upholding the confidentiality presumption established for Part 4? Would the sharing of network outage data in aggregate or generalized form be useful to the NCC? Finally, we assume that such information sharing would not have any appreciable cost impact. We seek comment on this assumption.

II. Procedural Matters

A. Regulatory Flexibility Act

47. As required by the Regulatory Flexibility Act of 1980 (RFA), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) for this *NPRM,* of the possible significant economic impact on small entities of the proposals addressed in this document. The IRFA is set forth as Appendix D. Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments indicated on the first page of this *NPRM.* The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this *NPRM,* including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

B. Paperwork Reduction Act of 1995

48. The *NPRM* in this document contains proposed new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

C. Ex Parte Rules

49. The proceeding this *NPRM* initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments,

memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

D. Comment Filing Procedures

50. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments should be filed in PS Docket No. 15–80. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

III. Ordering Clauses

51. *Accordingly it is ordered* that, pursuant to the authority contained in sections 1, 4(i), 4(j), 4(o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(r), 307, 309(a), 309(j), 316, 332, 403, 615a–1, and 615c of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i)–(j) & (o), 201(b), 214(d), 218, 251(e)(3), 301, 303(b), 303(g), 303(r), 307, 309(a), 309(j), 316, 332, 403, 615a–1, and 615c, this *Notice of Proposed Rulemaking, Second Report and Order* and *Order on Reconsideration* in ET Docket 04–35 and PS Docket 15–80 is *adopted,* effective thirty (30) days after the date of publication in the **Federal Register**.

52. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *Notice of Proposed Rule Making,* including the Initial Regulatory Flexibility Analysis and the Final Regulatory Certification, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.

IV. Initial Regulatory Flexibility Analysis

A. Need for, and Objectives of, the Proposed Rules

53. The *NPRM* seeks comment and information on a variety of issues related to the Commission's Part 4 outage reporting rules, including proposals to:

- Clarify the requirement to report outages that significantly degrade communications to Public Safety Answering Points (PSAPs);
- Adopt requirements to report widespread call failures that result from radio access network (RAN) congestion;
- Replace the current threshold (based on ''DS3 minutes'') for reporting major network outages with a threshold based on optical (*i.e.,* OC–3) transmission rates;
- Require reporting of DS3 Simplex outages that persist for less than five days but for more than forty-eight hours;
- Adopt a common, technologically neutral method for calculating the number of wireless users ''potentially affected'' by an outage;
- Clarify the reporting metric for estimating the number of ''potentially affected'' wireless users for outages that affect Public Switched Answering Points (PSAPs);
- Update the requirements that mandate reporting of outages that affect airports and other ''special offices and facilities''; and
- Grant NORS access to state government agencies upon request and certification that the state has measures in place to protect the data from public disclosure.

54. The Commission traditionally has addressed reliability issues by working with communications service providers to develop and promote best practices that address vulnerabilities in the communications network, and by measuring the effectiveness of best practices through outage reporting. Under the Commission's current rules, the outage reporting process has been effective in improving the reliability, resiliency and security of communications services. Commission staff collaborates with individual providers and industry bodies to review outage results and address troublesome areas, and these efforts have resulted in dramatic reductions in outages. The aim of updating the outage reporting rules is to further improve the reliability, resiliency and security of communications services.

B. Legal Basis

55. The legal basis for the rules proposed in the *NPRM* are contained in sections 1, 2, 4(i)–(k), 4(o), 218, 219, 230, 256, 301, 302(a), 303(f), 303(g), 303(j), 303(r), 403, 621(b)(3), and 621(d) of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i)–(k), 154(o), 218, 219, 230, 256, 301, 302a(a), 303(f), 303(g), 303(j), 303(r), 403, 621(b)(3), and 621(d), and section 1704 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998, 44 U.S.C. 3504.

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

56. The RFA directs agencies to provide a description of, and, where feasible, an estimate of, the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as

the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

1. Wireline Providers

57. *Incumbent Local Exchange Carriers (Incumbent LECs).* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers, which are establishments primarily engaged in operating or providing access to transmission facilities and infrastructure that they own or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census Bureau data for 2007, show that there were 3,188 firms in this category that operated for the entire year. Of this total, 3,144 had employment of 999 or fewer, and 44 firms had had employment of 1,000 employees or more. Thus under this category and the associated small business size standard, the majority of these incumbent local exchange service providers can be considered small.

58. The Commission has included small incumbent LECs in this present RFA analysis. As noted above, a ''small business'' under the RFA is one that, inter alia, meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not ''national'' in scope. The Commission has therefore included small incumbent LECs in this RFA analysis, although the Commission emphasizes that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

59. *Interexchange Carriers.* Neither the Commission nor the SBA has developed a small business size standard specifically for providers of interexchange services. The appropriate size standard under SBA rules is for the category Wired Telecommunications Carriers, which are establishments primarily engaged in operating or providing access to transmission facilities and infrastructure that they own or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census Bureau data for 2007 show that there were 3,188 firms in this category that operated for the entire year. Of this total, 3,144 had employment of 999 or fewer, and 44 firms had employment of 1,000 employees or more. Thus, under this category and the associated small business size standard, the Commission estimates that the majority of interexchange carriers are small entities that may be affected by our proposed action.

2. Wireless Providers—Fixed and Mobile

60. *Wireless Telecommunications Carriers (except Satellite).* Since 2007, the Census Bureau has placed wireless firms within this new, broad, economic census category. This category is composed of establishments that operate and maintain switching and transmission facilities to provide communications via the airwaves. As holders of spectrum licenses, these establishments use the licensed spectrum to provide services, such as cellular phone services, paging services, wireless Internet access, and wireless video services. The SBA has deemed a wireless business to be small if it has 1,500 or fewer employees. For the category of Wireless Telecommunications Carriers (except Satellite), Census data for 2007, which supersede data contained in the 2002 Census, show that there were 1,383 firms that operated that year. Of those 1,383, 1,368 had fewer than 100 employees, and 15 firms had more than 100 employees. Thus under this category and the associated small business size standard, the majority of firms can be considered small. Similarly, according to Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) Telephony services. Of these, an estimated 261 have 1,500 or fewer employees and 152 have more than 1,500 employees. Consequently, the Commission estimates that approximately half or more of these firms can be considered small. Thus, using available data, we estimate that the majority of wireless firms can be considered small.

3. Satellite Service Providers

61. *Satellite Telecommunications Providers.* Two economic census categories address the satellite industry. The first category, Satellite Telecommunications, has a small business size standard of $15 million or less in average annual receipts, under SBA rules. The second category is ''All Telecommunications Providers,'' which is discussed in a separate section.

62. The category of *Satellite Telecommunications* ''comprises establishments primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' Census Bureau data for 2007 show that 512 Satellite Telecommunications firms that operated for that entire year. Of this total, 464 firms had annual receipts of under $10 million, and 18 firms had receipts of $10 million to $24,999,999. Consequently, the Commission estimates that the majority of Satellite Telecommunications firms are small entities that might be affected by our action.

4. Cable Service Providers

63. *Cable Companies and Systems.* The Commission has developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving a total of 400,000 or fewer subscribers over one or more cable systems. Industry data indicate that all but ten cable operators nationwide are small under this size standard. In addition, under the Commission's rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Industry data indicate that, of the 6,101 systems nationwide, 4,410 systems have less than 10,000 subscribers, and an additional 258 systems have between 10,000–19,999 subscribers. Thus, under this standard, most cable systems are small.

64. *Cable System Operators.* The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' The Commission has determined that an

operator serving fewer than 677,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Industry data indicate that, of 1,076 cable operators nationwide, all but ten are small under this size standard. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million, and therefore we are unable to estimate more accurately the number of cable system operators that would qualify as small under this size standard.

5. All Other Telecommunications

65. The 2007 NAICS defines ''All Other Telecommunications'' as follows: ''This U.S. industry comprises establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from satellite systems. Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.'' This category has a size standard of $25 million or less in annual receipts.[1] Census Bureau data for 2007 show that there were a total of 2,383 firms that operated for the entire year.[2] Of this total, 2,305 firms had annual receipts of under $10 million and 41 firms had annual receipts of $10 million to $24,999,999.[3] Consequently, we estimate that the majority of All Other Telecommunications firms are small entities that might be affected by our action.

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

66. The rules proposed in the *NPRM* would require telecommunications providers to report those outages that meet specified NORS Notice and Reports reporting threshold criteria, largely determined by the number of end users potentially affected by the outage and the duration of the outage. In the Commission's experience administering NORS, small *companies* only rarely experience outages that meet the NORS Notice and Reports reporting threshold criteria. Accordingly, while some of the rule revisions proposed in the *NPRM* would likely decrease the number of outages reported annually, while others may lead to increases, we would expect these impacts to be less pronounced for smaller entities. But notwithstanding any revisions we propose to the Part 4 reporting requirements, we expect that telecommunications providers to continue to track, investigate, and correct all of their service disruptions as an ordinary part of conducting their business operations and maintenance-even for service disruptions far too small to trigger a requirement to report. Telecommunications providers through internal network operation center personnel already file Notifications and Reports, typically an online form less than three pages in length based on data routinely collected and monitored by this same personnel. The form is designed to allow small entities to input information without the need for specialized professional, although the telecommunication providers may choose to hire consultants or engineers to conduct technical aspects, or an attorney to review compliance with applicable rules. Therefore, we believe the only burden associated with the reporting requirements contained here will be the time required to complete any additional Notifications and Reports following the proposed changes. In this IRFA, we therefore seek comment on the types of burdens telecommunications providers will face in complying with the proposed requirements. Entities, especially small businesses and small entities, more generally, are encouraged to comment and quantify the costs and benefits of the proposed reporting requirements.

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

67. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

68. The proposed reporting requirements are minimally necessary to assure that we receive adequate information to perform our statutory responsibilities with respect to the reliability of telecommunications and their infrastructures. Also, we believe that the magnitude of the outages needed to trigger the reporting requirements are sufficiently high as to make it unlikely that small businesses would be impacted significantly by the proposed rules, and will, in fact, in many instances find their burden decreased by the newly proposed reporting thresholds. The Commission considered other possible proposals and now seeks comment on the proposed reporting thresholds and the analysis presented.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

69. None.

List of Subjects in 47 CFR Part 4

Airports, Communications common carriers, Communications equipment, Disruptions to communications, Network outages, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 4 as follows:

PART 4—DISRUPTIONS TO COMMUNICATIONS

■ 1. The authority citation for part 4 is revised to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 154, 155, 201, 251, 307, 316.

■ 2. Section 4.2 is revised to read as follows:

§ 4.2 Availability of reports filed under this part.

Reports filed under this part will be presumed to be confidential. A State government may file a request with the Public Safety and Homeland Security Bureau for read-only access to information filed under this part

[1] *Id.*

[2] *EC0751SSSZ4, Information: Subject Series—Establishment and Firm Size: Receipts Size of Firms for the United States: 2007 Economic Census, U.S. Census Bureau, http://factfinder.census.gov/faces/tableservices/jsf/pates/productive.xhtml?pid=ECN__2007__US__51SSSZ4&prodType=table* (last visited Mar. 27, 2015).

[3] *Id.* The remaining 14 firms had annual receipts of $25 million or more. *Id.*

concerning outages that occur within the State. The Public Safety and Homeland Security may grant the request upon certification that the State will maintain the confidentiality of the information and that it has in place confidentiality protections equivalent to those of the Freedom of Information Act to protect the information from public inspection. Public access to reports filed under this part may be sought only pursuant to the procedures set forth in 47 CFR 0.461. Notice of any requests for inspection of outage reports will be provided pursuant to 47 CFR 0.461(d)(3).

■ 3. Section 4.5 is amended by revising paragraph (e)(1) to read as follows:

§ 4.5 Definitions of outage, special offices and facilities, and 911 special facilities.

* * * * *

(e) * * *

(1) There is a partial or complete loss of communications to PSAP(s) potentially affecting at least 900,000 user-minutes and: The failure is neither at the PSAP(s) nor on the premises of the PSAP(s); no reroute for all end users was available; and the outage lasts at lasts 30 minutes or more; or

* * * * *

■ 4. Section 4.7 is amended by revising paragraph (d) to read as follows:

§ 4.7 Definitions of metrics used to determine the general outage-reporting threshold criteria.

* * * * *

(d) *OC3 minutes* are defined as the mathematical result of multiplying the duration of an outage, expressed in minutes, by the number of previously operating OC3 circuits or their equivalents that were affected by the outage.

* * * * *

§ 4.9 [Amended]

■ 5. Section 4.9 is amended by removing the term ''DS3'' and adding, in its place, the term ''OC3'' in paragraphs (a)(2), (a)(4), (b), (e)(3), (e)(5), (f)(2), and (f)(4), and removing the number ''1,350'' and adding, in its place, the number ''667'' in paragraphs (a)(2), (b), (e)(3), and (f)(2).

§ 4.13 [Removed]

■ 6. Section 4.13 is removed.

[FR Doc. 2015–14687 Filed 6–15–15; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 80, No. 115
Tuesday, June 16, 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

Commodity Credit Corporation

Notice of Funds Availability (NOFA); Biofuel Infrastructure Partnership (BIP) Grants to States

AGENCY: Commodity Credit Corporation and Farm Service Agency, USDA.

ACTION: Notice.

SUMMARY: The Commodity Credit Corporation (CCC) is announcing the availability of competitive grants to fund States, the Commonwealth of Puerto Rico, and Washington, DC (referred to as ''States'' in this document), with respect to activities designed to expand the infrastructure for renewable fuels. BIP grantees must provide matching contributions with a goal of a one-to-one basis to the CCC funds. The CCC funds must be used to pay a portion of the costs related to the installation of fuel pumps and related infrastructure dedicated to the distribution of higher ethanol blends, for example ''E15'' and ''E85,'' at vehicle fueling locations, including, but not limited to, local fueling stations, convenience stores (CS), hypermarket fueling stations (HFS), or fleet facilities. The matching contributions may be used for these items or for additional related BIP costs such as additional infrastructure to support pumps, marketing, education, data collection, program evaluation, and administrative costs associated with the application process.

DATES: Applications: Applications must be submitted using *www.grants.gov* by July 15, 2015.

Comments: To comment on the information collection request in the Paperwork Reduction Act Requirements section of this document, we will consider comments we receive by August 17, 2015.

FOR FURTHER INFORMATION CONTACT: Katina Hanson, telephone (202) 720–3175.

SUPPLEMENTARY INFORMATION:

Background

U.S. farmers are producing record amounts of feedstocks for renewable fuels. However, lower commodity prices, paired with this record production, have created uncertain times for U.S. feedstocks producers. Biofuels, which contribute to energy security, reduce air pollution, and support rural economic development, are an important market for U.S. feedstock producers. Infrastructure constraints and other barriers currently limit the market for biofuels and thereby the commodities used to produce them, contributing to lower commodity prices. In particular, the nation's fueling infrastructure is not sufficiently flexible to accommodate large additional quantities of higher ethanol blends that could enable biofuels to fill a significantly greater portion of the nation's fuel supply. Most vehicle fueling pumps can deliver only one type of fuel—E10, which contains a maximum of 10 percent ethanol. Fuels containing a higher percentage of ethanol are also available; the most prevalent of these fuels are those containing 15 percent ethanol (''E15'') and those containing more ethanol than gasoline (''E85'' refers to blends between 51 percent and 83 percent ethanol).

These higher blend fuels are compatible with a significant portion of the nation's vehicle fleet. After extensive testing by the Department of Energy, in 2012 EPA approved E15 for use in vehicles for the 2001 and newer model years. Approximately 80 to 85 percent of the 250 million vehicles registered in the United States are able to use E15.[1] In addition, there are approximately 14 million flex-fuel vehicles (FFVs) in the United States; these vehicles can utilize E85. Based on 2014 fuel consumption levels, these vehicles—vehicles for the 2001 and new model years, plus FFVs—together had the capacity to consume approximately 26 billion gallons of ethanol in the form of E15 and E85 in 2014. However, E15 and E85 actual 2014 sales levels only accommodated 100 to 200 million gallons of ethanol. Use of E15 in 2014 was limited by the very small number of vehicle fueling stations choosing to market it, which number fewer than 200 out of a total of more than 150,000 vehicle fueling stations nationwide. Similarly, the number of vehicle fueling stations offering E85 was about 3,000 by the end of 2014, representing only about 2 percent of vehicle fueling stations nationwide.[2] In addition, while price data is limited, it appears that the limited network of E15 and E85 vehicle fueling stations means that consumers are not seeing the full price benefits that these higher blends could offer.

It is clear, then, that fueling infrastructure constraints limit the distribution of higher blends. Other factors may also be important, such as education, marketing, and pricing of higher blends at both the retail and wholesale level.

BIP Description

The overall goal of BIP is to increase biofuel consumption in the form of ethanol. BIP is intended to drive innovative public-private partnerships to implement more comprehensive approaches to marketing higher levels of ethanol by cost-sharing for the installation of infrastructure for higher blends of ethanol in general. Higher blends of renewable fuel offer significant potential for increasing the use of renewable fuels in the U.S. gasoline pool, and BIP could help substantially increase ethanol consumption.

CCC is an agency and instrumentality of the United States within the Department of Agriculture and operates under the supervision of the Secretary of Agriculture. Among the activities that section 5 of the CCC Charter Act authorizes CCC to undertake are actions to:

- Make available materials and facilities required in connection with the production and marketing of agricultural commodities (other than tobacco) and
- Increase the domestic consumption of agricultural commodities (other than tobacco) by expanding or aiding in the expansion of domestic markets or by developing or aiding in the development of new and additional

[1] Source: Data from personal communication with the Clean Fuels Development Coalition.

[2] Source: DOE's National a Renewable Energy Lab and from data collected under DOE's Clean Cities program.

markets, marketing facilities, and uses for such commodities.

Under this authority, CCC will make available not more than $100 million in the form of grants to States to assist in the implementation of activities to expand the infrastructure for renewable fuels derived from agricultural products produced in the United States. BIP will be administered under the general supervision of the Farm Service Agency (FSA) Administrator (who also serves as the Executive Vice-President of CCC) and the FSA Deputy Administrator for Farm Programs.

Applicants must provide funds or in-kind contributions from non-Federal sources to match the receipt of CCC funds with a goal of at least a dollar-for-dollar basis. In the event that qualifying applications for funds exceed the total amount made available by CCC, those applications with a higher proportion of funds versus in-kind contributions will be given a corresponding higher priority by CCC in the award of these grants. Accordingly, an applicant may enter into arrangements with private entities such as, but not limited to, commercial vendors of automotive fuel, agricultural commodity promotional organizations, Tribes, and other entities interested in the promotion of renewable fuels in order to secure such non-Federal funds or in-kind contributions.

CCC funds made available under BIP may only be used for infrastructure to support higher ethanol blend utilization, including:

- Blender pumps that can dispense a range of ethanol blends including E85 (new pumps or retrofit of existing pumps), capped at 75 percent CCC share per pump;
- Dedicated E15 or E85 pumps (new pumps or retrofit of existing pumps), capped at 75 percent CCC share per pump; and
- New storage tanks and related equipment associated with new facilities or additional capacity (replacement is not included), capped at 25 percent CCC share per tank.

BIP grants may not be used for marketing, education, administration, research, testing, and other non-infrastructure expenses.

Applicants' contributions must consist of funds or in-kind contributions. Contributions may be used to support higher ethanol blend utilization through:

- Any activity for which CCC funds may be used;
- Marketing and educational expenses associated with BIP;
- Data collection and program evaluation costs associated with BIP;
- Administrative costs associated with BIP; and
- Expenses specifically set forth in the grant agreement executed with CCC.

As described in the ''Application Selection Criteria'' section below, proposals must include and will be scored on a number of elements.

Eligibility

States, which as specified above in the Summary section includes the 50 states, the Commonwealth of Puerto Rico, and Washington, DC, that desire to participate in BIP must submit an application by July 15, 2015, through *www.grants.gov.* In grants.gov, to find BIP, search on funding opportunity number USDA–FSA–2015–22. Applications must include, but are not limited to, the executive summary, work plan, and budget information using Application for Federal Assistance—construction (SF–424) forms. (See grants.gov for more details about the specific application requirements.) Multiple States may submit a combined regional proposal instead of separate proposals, especially if a joint proposal creates synergies or increased efficiencies.

There are a number of existing or prior State-led programs to help provide funding for blender pumps. These State-led programs generally provide equipment grants or tax incentives. These existing programs may be included as part of the matching contribution in the application; however, the application needs to show how the BIP grant will add to the growth of biofuel infrastructure in the State beyond the existing program. The funding provided by BIP will provide additional incentives. Grant recipients will be able to use the funds to purchase, install, and enhance blender pumps dedicated E15 and E85 pumps, storage tanks and related equipment, or to modify existing dispensers.

The result of a successful application will be a one-time grant, consistent with the terms specified in the grant. Successful applicants will be required to sign a grant agreement with CCC. The grant agreement will include reporting and recordkeeping requirements. It is possible that not all of the funds will be expended, if insufficient qualified applications are received. All applications are subject to the approval of CCC, and CCC reserves the right to reject any and all applications.

Application Selection Criteria

CCC will evaluate how the applications will increase the use of ethanol using the evaluation criteria specified in this NOFA and grants.gov to select the applications that best support the BIP goals. A proposal must include the following information and this information will be used by CCC in the awarding of grants:

- The total amount of CCC funds requested;
- The total amount of the matching funds provided by the applicant;
- The total amount of other contributions provided by the applicant;
- The total amount of matching funds and other contributions provided by private entities such as, but not limited to, commercial vendors of automotive fuel, agricultural commodity promotional organizations, Tribes, and other entities interested in the promotion of renewable fuels;
- The ratio of the matching funds or other contributions in relation to the requested CCC funds;
- Plan to increase the number of consumers who have access to multiple vehicle fueling stations that offer higher ethanol blends within a specific geographic area;
- An estimate of the number of consumers who will have access to higher blends through the proposed project;
- Degree that blender pumps are prioritized in the proposal to enable more flexibility and consumer choice as demand for additional blends grows;
- Current volume of ethanol sales, and an estimate of the increased volume of ethanol sales that the proposal is expected to generate over the lifecycle of the infrastructure investment;
- Estimate of the increased number of FFVs;
- Proposed plan to collect and provide data and other information necessary to evaluate the program (for example, collect and report data on sales and retail and wholesale pricing of higher ethanol blends by fueling station recipients, or describe outcomes of public education and marketing, such as number of consumers contacted, etc.);
- Proposed public education and marketing plan (for example, the placement of blender pumps or dedicated E15 or E85 pumps within the vehicle fueling stations, signage about the availability and merits of higher ethanol blends, and the promotion of FFVs for proposals that include E85 infrastructure);
- Proposed program evaluation approach (for example, randomized trials) to identify which approaches are the most effective at promoting use of higher ethanol blends;
- Other elements that can increase ethanol use, such as efforts to improve the wholesale distribution system or

pricing to ensure higher blends are priced fairly based on energy content;

• An explanation of how the BIP grant will add to the growth of biofuel infrastructure in the State beyond any existing program;

• Demonstration of capacity to operate the proposed program by documenting existing or previous efforts to support biofuels utilization and infrastructure;

• A description of how the program will address maintaining and enhancing qualifying infrastructure (that is, blender pumps, dedicated E15 or E85 pumps, new storage tanks and related equipment), including, but not limited to, the minimum length of time that supported infrastructure and pumps must be used to dispense the higher ethanol blends, any foreseen participation barriers, as well as a description of financial incentives the program provides to purchase or enhance qualifying infrastructure; and

• A description of how the applicant(s) will complete an environmental evaluation of the proposal consistent with the National Environmental Policy Act.

Process for Evaluation of Applications and Award of Grants

After applicants submit applications, FSA, on behalf of CCC, will screen each application to determine whether the applicant is eligible and whether the application is complete and sufficiently responsive to the requirements specified in this NOFA so as to allow for an informed review. Applicants may revise their applications and re-submit them prior to the published deadline if there is sufficient time to do so. FSA will appoint an inter-agency review panel to evaluate the applications. During the evaluation period, FSA may contact an applicant to seek modification of the proposal.

If the total amount requested in the applications exceeds the available funding, CCC may use additional criteria for selection which could include, but not be limited to:

• The distribution of funds between applicants;

• The distribution of funds between new programs and existing programs; and

• The need to target funding to increase demand for different blends of ethanol.

Each State may only submit one application; the application may include one or more projects. States may work together to submit a joint regional application instead of individual applications. Minimum and maximum grants to each applicant will be determined following the application period and before the funds are awarded.

The resulting BIP grant agreements will be between the States and CCC.

States must fully expend Federal funds by December 31, 2016, with an opportunity for extension upon approval by CCC.

Responsibilities of Participants

Successful applicants will be required to sign an agreement with CCC and provide detailed budget and schedule information. The agreement will require periodic program achievement reports. The agreement will require the grantee to commit to do all of the following:

• Take all practicable steps to develop continuing sources of financial support from other State, Federal, or private resources;

• Make arrangements for the monitoring and evaluation of the activities of the State-led project(s), including information about the pumps, infrastructure, recipients, and anything else the grant funds are used to support; and

• Provide an accounting for the money received by the grantee.

During the term of the grant, the grantee will be required to obtain prior approval for any changes to the scope, objectives, or funding allocation of the approved agreement. Failure to obtain prior approval of such changes may be considered a violation, and in such case the grantee may be required to return all grant funds. Grantees will be required to monitor funds or services as follows, and must agree that monitoring before grant funds are awarded. Specifically, the grantee must certify that the CCC funds will not be used to:

• Duplicate or replace current services; however, grant funds may be used to expand the level of effort or service beyond what is currently being provided;

• Pay costs of preparing the application for funding through BIP;

• Pay costs of the project incurred prior to the date of grant approval;

• Fund political activities or lobbying efforts;

• Pay any judgment or debt owed to the United States;

• Pay for the repair of privately owned vehicles;

• Pay for salaries, overhead, and related expenses; or

• Pay for research.

Failure of the grantee to execute a grant agreement in a timely fashion, as determined by FSA, will be construed to be a withdrawal from BIP.

Distribution of Grant Funds and Reimbursement of Unused Funds

CCC expects to transfer funds to the selected State applicants before September 30, 2015. The grants announced in this NOFA will not be subject to sequestration if the funds are obligated by CCC during fiscal year 2015. Sequestration for certain federal funds is required by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by the Budget Control Act of 2011, which mandates that federal agencies implement automatic, annual reductions to discretionary and mandatory spending limits.

Paperwork Reduction Act Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), OMB approved an emergency information collection request on BIP so FSA can begin the application period upon publication of this NOFA. FSA is also requesting comments from all interested individuals and organizations on a new information collection request. Although the information collection is one-time activity for the applications, FSA will need to continue this request for the approval beyond the 6-month emergency approval to address the on-going reporting requirement. Therefore, the information collection request will be submitted to the Office of Management and Budget following the subsequent required 30-day comment period.

In the emergency request, BIP will only apply to 2015 funding applications for blender pumps, other pumps, and related infrastructure dedicated to higher ethanol blends at vehicle fueling stations, including local fueling stations, CSs, HFSs, or fleet facilities.

The burden for the BIP collection of information includes both the upfront one-time application and the on-going reporting, which will include mid-year and an annual reporting. The reporting may include additional reports for projects that run longer. The estimate of the annual burden reflects the average of the one-time and the annual information collection activities. These estimates were prepared based on the variety of forms and other information collection methods that will be used by the states.

Title: The Biofuel Infrastructure Partnership.

OMB Number: 0560–0284.

Type of Request: New information collection.

Abstract: This information collection is needed for FSA to identify eligible

States for funding for fuel pumps and related infrastructure to encourage increased ethanol use. FSA requires each State to submit an application to FSA on a form specified by FSA. States will be required to report on the funding distribution, which may require third party reporting depending on how the States distribute the funds.

The formula used to calculate the total burden hours is ''the estimated average time per response (including travel time)'' times ''the total estimated annual responses.''

Respondents: States.

Estimated Number of Respondents: 36.

Estimated Number of Responses per Respondent: 14.

Estimated Total Annual Response: 504.

Estimated Average Time per Response: 1.07 hours.

Estimated Total Annual Burden on Response: 540 hours.

Note: The applicants will apply once and report once per year, however, due to the number of forms involved, it is estimated that the number of responses is 14.

We are requesting comments on this information collection to help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of burden, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; or

(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.

All responses to this notice, including names and addresses, when provided, will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Catalog of Federal Domestic Assistance

The title and number of the Federal assistance in the Catalog of Federal Domestic Assistance to which this NOFA applies is 10.117, Biofuel Infrastructure Partnership.

Signed on June 11, 2015.

Val Dolcini,

Administrator, Farm Service Agency, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2015–14763 Filed 6–15–15; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Ringo Project Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The USDA Forest Service will prepare an Environmental Impact Statement (EIS) for a project called Ringo, centered around Ringo Butte south of Wickiup Reservoir on the Crescent Ranger District.

The Ringo project area is home to a myriad of wildlife and plant species including big game species, northern spotted owl, Oregon spotted frog, and other wildlife. The project area borders private forest land on the east as well as surrounding the community of Wickiup Acres. It contains popular locations for hunting, fishing, and other types of recreation. Values and ecosystem services within the Ringo project area were derived from values mapping exercises with the Ringo IDT and from a public meeting. Prominent values expressed include high quality wildlife habitat for sensitive and threatened species, nearby private land and communities, timber, firewood, forest products, access to the forest for hiking, wildlife viewing, driving, winter recreation, developed and dispersed camping, hunting opportunities, and Odell Butte Lookout.

The Ringo Interdisciplinary Team (IDT) determined the largest potential for changes or threats to these values comes from wildfire, insects and disease. As evidenced by the Davis fire, which covers a portion of the planning area, wildfire can rapidly and dramatically alter large areas and affect safety and property. Disturbances such as wildfire and insect and disease outbreaks are natural processes however, with the current fuel loading and high density of trees in the Ringo project area these disturbances can become uncharacteristically severe.

In order to continue to provide these values and services on the landscape into the future, there is a need to reduce tree density and surface fuels in order to restore and maintain a resilient, fire-adapted ecosystem.

The project area is approximately 30,000 acres in portions of the Upper Little Deschutes, Crescent Creek, Middle Little Deschutes, and Brown's Creek-Deschutes watersheds. It is located in T. 22 S., R. 8 E.; and R. 9 E.; T. 23 S., R. 8 E.; and R. 9 E.; T. 24 S., R. 7 E.; T. and R. 8 E.; T. 25 S., R. 7 E.; Willamette Meridian. The alternatives would include the proposed action, no action, and additional alternatives that respond to issues generated through the scoping process. The agency will give notice of the full environmental analysis and decision making process so interested and affected parties may participate and contribute to the final decision.

DATES: Comments concerning the scope of the analysis must be received 30 days following the date that this notice appears in the **Federal Register**.

ADDRESSES: Send written comments to Holly Jewkes, District Ranger, Crescent Ranger District, P.O. Box 208, Crescent, OR 97733. Comments can also be emailed to: *comments-pacificnorthwest-deschutes-crescent@fs.fed.us.* The public will have another opportunity to comment when alternatives have been developed and the environmental impact statement is made available.

FOR FURTHER INFORMATION CONTACT: Ringo project leads Michelle King, District Environmental Coordinator at (541) 433–3216, or Joe Bowles, District Silviculturist at (541) 433–3200.

Responsible Official: The responsible official will be John Allen, Deschutes Forest Supervisor, 63095 Deschutes Market Road, Bend, Oregon, 97701.

SUPPLEMENTARY INFORMATION:

Purpose and Need: The objectives developed for the Ringo Project are consistent with recommendations and direction presented in the Multiple Use Sustained Yield Act of 1960, the National Cohesive Wildland Fire Management Strategy, the Deschutes Land and Resource Management Plan as amended, and other national and regional guidance. The purpose and need of Ringo is to reduce tree density and surface fuels in order to restore and maintain a resilient, fire-adapted ecosystem that will protect or enhance quality habitat for key wildlife species including the northern spotted owl, white-headed woodpecker, and big game, allow for safe and effective wildfire response, maintain developed and dispersed recreational opportunities, and contribute to local and regional economies by providing timber, firewood, and other forest products.

Proposed Action: The proposed action includes approximately 6,688 acres of thinning. This includes primarily

thinning from below which removes the smallest trees first until the desired density is achieved. Various techniques would be used to maintain or increase variability in tree spacing. Thinning increases individual tree growth and reduces fire and insect risk by reducing ladder fuels and overall stand density. Less fire resilient tree species such as lodgepole pine and white fir would be preferentially removed. Approximately 4,620 acres are expected to produce a merchantable timber product and the remaining 2,068 acres, which have smaller or fewer trees, may be utilized as chip wood or biomass if market conditions are favorable. Treatments are designed to keep tree densities at desired levels for 20 or 30 years.

Ringo proposes approximately 884 acres of improvement cuts. In lodgepole pine (719 acres) this treatment removes damaged, diseased, or otherwise unhealthy trees. The majority of these stands have previously suffered high mortality from bark beetle attack. Within the range of the northern spotted owl, the overstory is no longer dense enough for spotted owl dispersal habitat. Removing these overstory trees would accelerate growth in the understory to achieve dispersal habitat faster. In mixed conifer areas (165 acres) this treatment would primarily involve removing white fir and other damaged and diseased trees along the edges of the Davis fire. These stands experienced moderate mortality in the fire which produced high ground fuel loads and downed wood. Existing ground fuels and downed wood would also be reduced in these stands to allow for safe and effective fire response.

The proposed action includes approximately 64 acres of meadow enhancement which would occur in wetter lodgepole pine areas that previously were more open. The majority of trees would be removed from these areas. Meadows and grasslands are a rare habitat on the Deschutes National Forest. This treatment would enhance understory vegetation which is important for big game and other animal species.

There will also be road status changes meaning roads that are currently classified as open but are physically blocked or missmapped would be closed and alternate ingress and egress routes currently listed as closed would be opened. This will reduce confusion in the event of wildfire evacuations and further aid the safety and effectiveness of wildfire response.

Additional treatments include slash treatments and underburning. Slash created by the proposed mechanical activities would be treated by a variety of methods in order to create desired fuels conditions. Methods include hand and grapple piling followed by pile burning, utilization, or chipping/grinding. Approximately 5,476 acres of underburning would occur in the majority of ponderosa pine dominated stands after mechanical treatment. Additional areas that were previously treated in other projects or whose current conditions facilitate safe and effective operations are also included.

The combination of these activities provide for a more resilient and fire-adapted ecosystem. By reducing the overall landscape wildfire risk, dense wildlife habitat such as northern spotted owl nesting roosting and foraging (NRF) and big game hiding cover will be protected without receiving thinning treatments. Wildlife habitat will be enhanced by reducing nest predation in white-headed wood pecker habitat with open ponderosa pine, increasing individual tree growth in areas that can provide future NRF, and providing better big game forage in meadow enhancements. Safe and effective wildfire response will be aided by reduced fire intensities and the flexibility of using recently treated areas for suppression as well as clearer routes for public evacuation by road. Recreation opportunities would be maintained by reducing the risk of large fires that negatively affect the wildlife, trees, and other characteristics that draw people to the Ringo area. Finally, wood products removed in these treatments would provide timber, firewood and other forest products to the local and regional economies.

Comment: Public comments about this proposal are requested in order to assist in identifying issues, determine how to best manage the resources, and to focus the analysis. Comments received to this notice, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to object to the subsequent decision under 36 CFR 218. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentiality, and where the request is denied the agency will return the submission and notify the requester that the comments may be resubmitted with or without name and address within a specified number of days. A draft EIS will be filed with the Environmental Protection Agency (EPA) and available for public review by spring 2016. The EPA will publish a Notice of Availability (NOA) of the draft EIS in the **Federal Register**. The final EIS is scheduled to be available in the fall of 2016. The comment period on the draft EIS will be 45 days from the date the EPA publishes the NOA in the **Federal Register**.

The Forest Service believes, at this early state, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentious [*Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 533 (1978)]. Also, environmental objections that could be raised at the draft EIS state but that are not raised until after completion of the final EIS may be waived or dismissed by the courts [*City of Angoon* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)]. Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that comments and objections are made available to the Forest Service at a time when it can be meaningfully considered and respond to them in the final EIS.

To assist the Forest Service in identifying the considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS of the merits of the alternative formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft EIS. The Forest Service is the lead agency and the responsible official is the Forest Supervisor for the Deschutes National Forest. The responsible official will

decide where, and whether or not to take action to meet the desired condition within the project area. The responsible official will also decide how to mitigate impacts of these actions and will determine when and how monitoring of effects will take place.

The Ringo project decision and rationale will be documented in the Record of Decision. Per 36 CFR 218.7(a)(2), this is a project implementing a land management plan and not authorized under HFRA, section 101(2), and is thus subject to subparts A and C of 36 CFR 218—Project level Predecisional Administrative Review Process.

Dated: June 8, 2015.

Holly Jewkes,

District Ranger.

[FR Doc. 2015–14713 Filed 6–15–15; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Economics and Statistics Administration

Commerce Data Advisory Council

AGENCY: Economic and Statistics Administration, Department of Commerce.

ACTION: Notice of Public Meeting.

SUMMARY: The Economic and Statistics Administration (ESA) is giving notice of a meeting of Commerce Data Advisory Council (CDAC). The CDAC will address areas such as data management practices; common, open data standards; policy issues related to privacy, latency, and consistency; effective models for public-private partnership; external uses of Commerce data; and, methods to build new feedback loops between the Department and data users. The CDAC will meet in a plenary session on July 30, 2015. Last-minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments.

DATES: July 30, 2015. The meeting will begin at approximately at 9:00 a.m. and end at approximately 5:00 p.m.

ADDRESSES: The meeting will be held at Intel Corporation, Robert Noyce Building—Front Desk Lobby, 2200 Mission College Blvd., Santa Clara, CA 95054.

FOR FURTHER INFORMATION CONTACT: Burton Reist, *BReist@doc.gov,* Director of External Communication and DFO, CDAC, Department of Commerce, Economics and Statistics Administration, 1401 Constitution Ave. NW., Washington, DC 20230, telephone (202) 482–3331.

SUPPLEMENTARY INFORMATION: The CDAC comprises as many as 20 members. The Committee provides an organized and continuing channel of communication between recognized experts in the data industry (collection, compilation, analysis, dissemination and privacy protection) and the Department of Commerce. The CDAC provides advice and recommendations, to include process and infrastructure improvements, to the Secretary, DOC and the DOC data-bureau leadership on ways to make Commerce data easier to find, access, use, combine and disseminate. The aim of this advice shall be to maximize the value of Commerce data to all users including governments, businesses, communities, academia, and individuals.

The Committee is established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10(a)(b)).

All meetings are open to the public. A brief period will be set aside at the meeting for public comment on July 30, 2015. However, individuals with extensive questions or statements must submit them in writing to: *DataAdvisoryCouncil@doc.gov* (subject line ''July 2015 CDAC Meeting Public Comment''), or by letter submission to the Director of External Communication and DFO, CDAC, Department of Commerce, Economics and Statistics Administration, 1401 Constitution Ave. NW., Washington, DC 20230. Such submissions will be included in the record for the meeting if received by Wednesday, July 22, 2015.

The meeting is physically accessible to persons with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Director of External Communication as soon as possible, preferably two weeks prior to the meeting. If you plan to attend the meeting, please register by Monday, July 27, 2015. You may access the online registration from the following link: *https://www.eventbrite.com/e/department-of-commerce-data-advisory-council-cdac-july-2015-meeting-tickets-17278450310.*

Seating is available to the public on a first-come, first-served basis.

Dated: June 11, 2015.

Austin Durrer,

Chief of Staff for Under Secretary for Economic Affairs, Economics and Statistics Administration.

[FR Doc. 2015–14796 Filed 6–15–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective date:* June 16, 2015.

SUMMARY: The Department of Commerce (''Department'') hereby publishes a list of scope rulings and anticircumvention determinations made between January 1, 2015, and March 31, 2015, inclusive. We intend to publish future lists after the close of the next calendar quarter.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–4735.

SUPPLEMENTARY INFORMATION:

Background

The Department's regulations provide that the Secretary will publish in the **Federal Register** a list of scope rulings on a quarterly basis.[1] Our most recent notification of scope rulings was published on April 24, 2015.[2] This current notice covers all scope rulings and anticircumvention determinations made by Enforcement and Compliance between January 1, 2015, and March 31, 2015, inclusive. Subsequent lists will follow after the close of each calendar quarter.

Scope Rulings Made Between January 1, 2015 and March 31, 2015

Japan

A–588–869: Diffusion-Annealed Nickel-Plated Flat-Rolled Steel Products From Japan

Requestor: Saft America; certain nickel-plated punched steel also known as NI coated steel Strip and Flat Rolled lOS NA, LT 600MM, Plated/Coated, NESOI products are outside the scope of the order; January 5, 2015.

Mexico

A–201–805: Circular Welded Non-Alloy Steel Pipe From Mexico

Requestor: Productos Lamaninados de Monterrey, S.A. de C.V. (Prolamsa); certain black, circular tubing produced to American Society of Testing and Materials standard A–513 and manufactured by Prolamsa is ''mechanical tubing'' specifically excluded from the scope of the order; January 12, 2015.

[1] *See* 19 CFR 351.225(o).

[2] *See Notice of Scope Rulings,* 80 FR 22969 (April 24, 2015).

People's Republic of China

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: Camco Manufacturing, Inc. (''Camco''); Camco's 20-foot telescoping flag poles, consisting of aluminum extrusion tubes, finials, carabiners, capping balls, locking buttons, tube stops and caps, and flag clips, are outside the scope of the order under the finished goods exclusion because they are finished goods containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry; January 8, 2015.

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: Sign-Zone, Inc.; Sign-Zones ''Premium Event Tent Frames'' are outside the scope of the orders because the tent frames constitute ''finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry;'' January 23, 2015.

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: 5 Diamond Promotions, Inc. (''5 Diamond''); 5 Diamond's aluminum flag pole kits are within the scope of the orders because the aluminum flag pole kits do not meet the exclusion criteria for a ''finished goods kit,'' as the aluminum flag pole kits solely contain aluminum extrusions and fasteners; February 5, 2015.

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: Unger Enterprises Inc. (''Unger''); Unger's telescoping poles, consisting of aluminum extrusion tubes, polypropylene tube plugs, polypropylene hand grips, and polypropylene locking collars, are outside the scope of the orders under the finished goods exclusion because they are finished goods containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry; February 19, 2015.

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: Aqua EZ, Inc. (''Aqua EZ''); Aqua EZ's side cam-lock telepoles and ribbed telescopic poles, consisting of aluminum extrusion tubes, white plastic locking mechanisms, and white plastic handles, are outside the scope of the orders under the finished goods exclusion because they are finished goods containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry; March 2, 2015.

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: Ford Atlantic; Ford Atlantic's wall standards are within the scope of the orders because the wall standards do not meet the exclusion criteria for a finished good as the wall standards do not contain non-aluminum extruded components beyond fasteners. Ford Atlantic's folding tripod display easels, consisting of aluminum extrusions and non-extruded aluminum components (*i.e.,* various non-extruded joints, connectors, and caps) which go beyond mere fasteners, are outside the scope of the orders under the finished goods exclusion because they are finished goods containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry; March 4, 2015.

A–570–890: Wooden Bedroom From the People's Republic of China

Requestor: Bassett Mirror Company, Inc.; Borghese Lady's Writing Desk is excluded from the scope of the antidumping duty order because it is office furniture; March 26, 2015.

Interested parties are invited to comment on the completeness of this list of completed scope and anticircumvention inquiries. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, 14th Street and Constitution Avenue NW., APO/Dockets Unit, Room 1870, Washington, DC 20230.

This notice is published in accordance with 19 CFR 351.225(o).

Dated: June 5, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–14768 Filed 6–15–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–891]

Hand Trucks and Certain Parts Thereof From the People's Republic of China: Notice of Amended Final Results of Antidumping Duty Administrative Review Pursuant to Settlement

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* June 16, 2015.

FOR FURTHER INFORMATION CONTACT: Scott Hoefke 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) 482–4947 and (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 16, 2012, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on hand trucks and certain parts thereof from People's Republic of China.[1] The period of review (POR) is December 1, 2009, through November 30, 2010.

The administrative review covered New-Tec Integration (Xiamen) Co., Ltd. (New-Tec), an exporter of hand trucks and certain parts thereof from the People's Republic of China to the United States. In the *Final Results,* the Department assigned to New-Tec a weighted-average dumping margin of 41.49 percent for the 2009–2010 period of review.

Following the publication of the *Final Results,* Gleason Industrial Products, Inc. and Precision Products, Inc. (collectively, Gleason), domestic interested parties, and Cosco Home and Office Products (Cosco), a U.S. importer, filed lawsuits with the United States Court of International Trade (CIT) challenging various aspects of the Department's final results of administrative review.

The United States, Gleason, and Cosco have entered into an agreement to settle this dispute. Pursuant to the terms of settlement and the stipulation for entry of judgment, the amended final weighted-average dumping margin for New-Tec is 20.89 percent. The Court issued its Order of Judgment by Stipulation on May 29, 2015.[2]

Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP within 15 days after the date of publication of these amended final results of review in the **Federal Register**.

We have calculated importer-specific per-unit antidumping duty assessment rates by aggregating the total amount of dumping calculated for the examined sales of each importer and dividing each of these amounts by the total entered quantity associated with those sales.[3]

[1] *See Hand Trucks and Certain Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 77 FR 41744 (July 16, 2012) (*Final Results*).

[2] *See Gleason Industrial Products, Inc.* v. *United States,* Consol. Court No. 12–00234, Doc. No. 114 (May 29, 2015).

[3] *See* Memorandum to: The File ''Per-Unit Assessment Calculation for New-Tec Integration (Xiamen) Co., Ltd. (New-Tec) in the Amended Final Results of Admininstrative Review of the Antidumping Order on Hand Trucks and Parts

Continued

We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or *de minimis.* We will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is zero or *de minimis.*

Cash Deposit Requirements

Since the *Final Results,* the Department completed a subsequent administrative review of, and established a new cash deposit rate for, New-Tec. Therefore, New-Tec's cash deposit rate does not need to be updated as a result of these amended final results. Rather, New-Tec's cash deposit rate will continue to be 0.00 percent, the rate established in that review.[4]

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) 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 this determination and publishing these amended final results and notice in accordance with 19 U.S.C. 1516(e).

Dated: June 9, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–14769 Filed 6–15–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–816]

Certain Steel Nails From Malaysia: Amended Final Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is amending its final determination in the less-than-fair-value investigation of certain steel nails from Malaysia, to correct a ministerial error.

DATES: *Effective Date:* June 16, 2015.

FOR FURTHER INFORMATION CONTACT: Edythe Artman or Steve Bezirganian, 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) 482–3931 or (202) 482–1131, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 20, 2015, the Department published the final determination of the less-than-fair-value investigation of certain steel nails from Malaysia.[1] On May 22, 2015, Mid Continent Steel & Wire, Inc., (Petitioner), submitted a ministerial error allegation.[2] No other party commented on this allegation.

Based on our analysis of this allegation, we revised the margin calculation for Region System Sdn. Bhd. and Region International Co., Ltd. (collectively, Region), and assigned a new All Others rate, as discussed below.[3]

Scope of the Investigation

The scope of the investigation appears in Appendix I of the *Final Determination.*

Ministerial Error

Section 751(h) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.224(f) define a ''ministerial error'' as an error ''in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.''

Petitioner noted that in the *Final Determination,* we recalculated the U.S. warranty expense field such that it was denominated in U.S. dollars per kilogram, but then applied currency exchange conversions to the U.S. warranty expenses in the U.S. margin calculation as if they were denominated in Malaysian currency per kilogram. No other party commented on this allegation. We agree with Petitioner that we made a ministerial error within the meaning of 19 CFR 351.224(f) with respect to the recalculated U.S. warranty expense field. Therefore, we are amending the final determination in accordance with section 751(h) of the Act and 19 CFR 351.224(e).

Amended Final Determination

The Department determines that the following amended weighted-average dumping margins exist for the period April 1, 2013 through March 31, 2014, as discussed above:[4]

Exporter or producer	Weighted-average dumping margin (percent)
Region System Sdn. Bhd. and Region International Co., Ltd ..	2.66
All Others	2.66

Continuation of Suspension of Liquidation

The following cash deposit requirements will be effective upon publication of this notice for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of this amended final determination, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Region will be the rate we determined in this amended final determination (*i.e.,* 2.66 percent); (2) the cash deposit rates for Inmax and Tag will continue to be those identified in the *Final Determination* (*i.e.,* 39.35 percent) (3) if the exporter is not a firm identified in this investigation but the producer is, the rate will be the rate established for the producer of the subject merchandise; and (4) the rate for all other producers or exporters will be 2.66 percent, as indicated above. These suspension of liquidation instructions will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we notified the U.S. International Trade Commission (ITC) of the *Final Determination* and our amended final determination. As the *Final Determination* and our preliminary determination were both affirmative, in accordance with section

Thereof from the People's Republic of China; 2009–2010'' dated concurrently with this notice.

[4] *See Hand Trucks and Certain Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 44008 (July 29, 2014).

[1] *See Certain Steel Nails From Malaysia; Final Determination of Sales at Less Than Fair Value,* 80 FR 28969 (May 20, 2015) (*Final Determination*).

[2] *See* Letter from Petitioner to the Department, ''Certain Steel Nails from Malaysia: Petitioner's Ministerial Error Allegation,'' dated May 22, 2015.

[3] *See also* the memorandum entitled ''Amended Final Determination of the Less-Than-Fair-Value Investigation of Certain Steel Nails from Malaysia: Allegation of Ministerial Error,'' dated concurrently with this determination and hereby adopted by this notice.

[4] Note that the weighted-average dumping margins of 39.35 percent identified in the *Final Determination* for Inmax Sdn. Bhd. (''Inmax'') and Tag Fasteners Sdn. Bhd. (''Tag'') remain unchanged. *See Final Determination* at 28970.

735(b)(3) of the Act, the ITC will determine within 45 days of the *Final Determination* whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that such injury exists, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This amended final determination notice is published in accordance with section 735(e) of the Act and 19 CFR 351.224(e).

Dated: June 10, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–14767 Filed 6–15–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–891]

Hand Trucks and Certain Parts Thereof From the People's Republic of China: Notice of Amended Final Results of Antidumping Duty Administrative Review Pursuant to Settlement; 2010–2011

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* June 16, 2015.

FOR FURTHER INFORMATION CONTACT: Scott Hoefke 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) 482–4947 and (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 16, 2013, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on hand trucks and certain parts thereof from People's Republic of China.[1] The period of review (POR) is December 1, 2010, through November 30, 2011.

The administrative review covered four companies, New-Tec Integration (Xiamen) Co., Ltd. (New-Tec), WelCom Products, Inc. (WelCom), Yuhuan Tongsheng Industry Company (Tongsheng), and Yangjiang Shunhe Industrial Co., Ltd. and Yangjiang Shunhe Industrial & Trade Co., Ltd. (collectively, Shunhe). In the *Final Results,* the Department rescinded the administrative review with respect to WelCom, Tongsheng, and Shunhe, and assigned to New-Tec, an exporter of hand trucks and certain parts thereof from the People's Republic of China to the United States, a rate of 9.21 percent for the 2010–2011 period of review.

Following the publication of the *Final Results,* Gleason Industrial Products, Inc. and Precision Products, Inc. (collectively, Gleason), domestic interested parties, and Cosco Home and Office Products (Cosco), a U.S. importer, filed lawsuits with the United States Court of International Trade (CIT) challenging various aspects of the Department's final results of administrative review.

The United States, Gleason, and Cosco have entered into an agreement to settle this dispute. Pursuant to the terms of settlement and the stipulation for entry of judgment, the amended final weighted-average dumping margin for New-Tec is 5.38 percent. The Court issued its Order of Judgment by Stipulation on May 29, 2015.[2]

Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP within 15 days after the date of publication of these amended final results of review in the **Federal Register**.

We have calculated importer-specific per-unit antidumping duty assessment rates by aggregating the total amount of dumping calculated for the examined sales of each importer and dividing each of these amounts by the total entered quantity associated with those sales.[3] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or *de minimis.* We will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is zero or *de minimis.*

Cash Deposit Requirements

Since the *Final Results,* the Department completed a subsequent administrative review of, and established a new cash deposit rate for, New-Tec. Therefore, New-Tec's cash deposit rate does not need to be updated as a result of these amended final results. Rather, New-Tec's cash deposit rate will continue to be 0.00 percent, the rate established in that review.[4]

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) 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 this determination and publishing these amended final results in accordance with 19 U.S.C. 1516(e).

Dated: June 9, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–14772 Filed 6–15–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD732

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Shell Ice Overflight Surveys in the Beaufort and Chukchi Seas, Alaska

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act

[1] *See Hand Trucks and Certain Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010–2011,* 78 FR 28801 (May 16, 2013) (*Final Results*).

[2] *See Cosco Home and Office Products* v. *United States,* Consol. Court No. 13–00217, Doc. No. 85 (May 29, 2015).

[3] *See* Memorandum to: The File ''Per-Unit Assessment Calculation for New-Tec Integration (Xiamen) Co., Ltd. (New-Tec) in the Amended Final Results of Admininstrative Review of the Antidumping Order on Hand Trucks and Parts Thereof from the People's Republic of China; 2010–2011'' dated concurrently with this notice.

[4] *See Hand Trucks and Certain Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 44008 (July 29, 2014).

(MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Shell Gulf of Mexico Inc. (Shell) to take marine mammals, by harassment, incidental to ice overflight surveys in the Chukchi and Beaufort Seas, Alaska.

DATES: Effective June 10, 2015, through June 9, 2016.

ADDRESSES: A copy of the issued IHA, application with associated materials, and NMFS' Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) may be obtained by writing to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, telephoning the contact listed below (see **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 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.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On December 2, 2014, Shell submitted an application to NMFS for the taking of marine mammals incidental to ice overflight surveys the Chukchi and Beaufort Seas, Alaska. After receiving comments and questions from NMFS, Shell revised its IHA application on January 13, 2015. NMFS determined that the application was adequate and complete on January 15, 2015.

NMFS published a Notice of Proposed IHA in the **Federal Register** on March 3, 2015 (80 FR 11398). That notice contained in depth descriptions and analyses that are generally not repeated in this document. Only in cases where descriptions or analyses changed is that information updated here.

The following specific aspects of the proposed activities are likely to result in the take of marine mammals: Ice overflight surveys using fixed and rotate winged aircraft when flying at low altitudes.

Shell has requested an authorization to take seven marine mammal species by Level B harassment. These species include: Beluga whale (*Delphinapterus leucas*); bowhead whale (*Balaena mysticetus*); gray whale (*Eschrichtius robustus*); bearded seal (*Erignathus barbatus*); ringed seal (*Phoca hispida*); spotted seal (*P. largha*); and ribbon seal (*Histriophoca fasciata*).

Description of the Specified Activity

Overview

Shell plans to conduct two periods of ice overflight surveys within the duration of the IHA: Break-up surveys and freeze-up surveys.

Shell plans to conduct the overflight surveys from fixed wing and rotary aircraft. Ice and weather conditions will influence when and where the surveys can be conducted.

Specified Geographic Region

The ice overflight survey areas are the Chukchi and Beaufort Seas, Alaska, as indicated in Figure 1–1 of Shell's IHA application. Aircraft supporting these surveys will operate out of Barrow and Deadhorse, Alaska.

Detailed Description of Activities

The Notice of Proposed IHA (80 FR 11398; March 3, 2015) contained a full description of Shell's planned operations. That notice describes in details the types of aircraft to be used in the surveys and the number of hours planned to conduct the surveys. There is no change on Shell's planned ice overflight surveys; therefore, the information is not repeated here. Please refer to the proposed IHA for the full description of the specified activity.

Comments and Responses

A Notice of Proposed IHA published in the **Federal Register** on March 3, 2015 (80 FR 11398) for public comment. During the 30-day public comment period, NMFS received 3 comment letters from the following: The Marine Mammal Commission (Commission); the Alaska Eskimo Whaling Commission (AEWC); Shell; and Dr. Doreen Dupont.

All of the public comment letters received on the Notice of Proposed IHA (80 FR 11398; March 3, 2015) are available on the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* Following are the public comments and NMFS' responses.

Comment 1: The Commission notes that NMFS does not typically authorize the taking of cetaceans incidental to aerial overflights for purposes not associated with directed marine mammal research. The Commission recommends that NMFS develop criteria (*e.g.,* based on aircraft type, aircraft speed, altitude, potential hovering/circling, and affected species or stocks) and guidance for determining when prospective applicants should request taking of cetaceans by Level B harassment from aircraft overflights.

Response: Takes of cetaceans (or other marine mammal species) incidental to aerial overflights depends on a variety of factors, such flight altitude, flight speed, types of aircraft, and species of marine mammals and their sensitivity to aircraft and their density in the vicinity under the flight route. Further review of Shell's proposed ice overflight survey activities and the marine mammal distribution and density in the Beaufort and Chukchi Seas, the propagation of aircraft noise into the water column, and the likelihood of underwater marine mammals being exposed to received levels that constitute a take prompted NMFS to revise its preliminary analysis in the **Federal Register** Notice of proposed IHA. The updated analysis presented in this document concludes that Shell's proposed ice overflight

surveys in the Beaufort and Chukchi Seas would not adversely affect cetaceans due to the high flight altitude of most surveys, and the inefficiency of airborne noise being transmitted into the water column.

Comment 2: The Commission states that the density estimates for bearded seals in the winter may need to be adjusted upward to account for year-round presence in at least portions of the survey area. The Commission reasons that studies by MacIntyre *et al.* (2013) detected bearded seal calls year-round in the Beaufort Sea just east of Barrow, with an increase in calls during winter and spring (December–June). The Commission recommends that NMFS (1) use density estimates for bearded seals in winter that are either equal to or greater than spring bearded seal density estimates and (2) recalculate take estimates for bearded seals during winter, accordingly.

Response: As stated in Shell's IHA application, few satellite-tagging studies have been conducted on these species in the Beaufort Sea. Winter surveys have not been conducted, and a few bearded seals have been reported over the continental shelf in spring prior to general break-up. However, the tracks of three bearded seals tagged in 2009 moved south into the Bering Sea along the continental shelf by November (Cameron and Boveng 2009). These species would be more common in the area during spring through fall, but it is possible that some individuals, bearded seals in particular, may be present in the area surveyed in winter. However, it can be concluded from Cameron and Boveng (2009) that the densities of bearded seals in the winter are much lower than in spring and fall. The Commission's assumption that just because bearded seals calls are detected in the winter months, does not lead to the conclusion that they are equally abundant in winter as they are in other seasons. Density estimates are highly uncertain from acoustic measurements as individual animals are responsible for multiple calls, the calling rate of bearded seals is not known, and individual calls can be detected over several kilometers and picked up by multiple recorders. NMFS, therefore, did not modify the take estimates for bearded seals.

Comment 3: The Commission recommends that NMFS incorporate the peer review panel's recommendations into the authorization if NMFS issues the incidental harassment authorization for Shell's proposed ice overflight surveys.

Response: NMFS conducted a peer review process to evaluate Shell's monitoring plan in early March 2015 in Anchorage, AK. The peer review panel submitted its report to NMFS in early April and provided recommendations to Shell. The panel's recommendations include:

(1) Training for the crew members on species identification and the recording of behavioral responses of pinnipeds to the aircraft, especially distance to animals and the altitude at which behavioral responses were observed;

(2) Use of a video camera during overflight surveys to record behavioral responses in addition to having PSOs and trained crew members record behavioral responses;

(3) Provide information on the altitude at which aircraft were flown and the distance and altitude at which behavioral responses were noted. Ideally a map should be included in the 90-day report that shows altitudes flown for different tracks and observed behavioral reactions; and

(4) Present sightings and behavioral response data separately for landing events.

In addition, though not requested, the peer review panel recommended additional mitigation measures to reduce potential impacts to marine mammals. These recommended mitigation measures include:

(1) Airplanes maintain an altitude of at least 305 m (1,000 ft) until they reach the offshore survey areas of interest, and not land on ice within 1.6 km (1 mi) of hauled-out pinnipeds; and

(2) Investigate the possibility of using unmanned aerial systems to conduct the ice surveys, at least for the fixed-wing surveys that would not involve landing on the ice to collect samples.

NMFS discussed with Shell the peer review panel report and went through these recommendations. As a result, Shell agrees to provide information and produce a map on the altitude at which aircraft were flown and the distance and altitude at which behavioral responses were noted in its 90-day report, and present sightings and behavioral response data separately for landing events.

However, Shell currently is not able to implement the other monitoring measures and recommended mitigation measures due to safety, technological, and logistical reasons. Therefore, these measures are not practicable and are not prescribed in the IHA issued to Shell.

A detailed discussion on the peer review process and recommendations is provided in ''*Monitoring Plan Peer Review''* section below.

Comment 4: Noting that in the **Federal Register** notice (80 FR 11398: March 3, 2015) for the proposed IHA NMFS proposed a mitigation measures that ''aircraft will not land on ice within 0.5 mi of hauled out pinnipeds or polar bears,'' Shell points out that polar bears are not a NMFS trust species and requested NMFS to remove the reference of polar bears.

Response: NMFS updated the language and removed the reference of polar bears in the final IHA issued to Shell.

Comment 5: Referring to the proposed reporting measures in the **Federal Register** notice (80 FR 11398; March 3, 2015) that require Shell to include the following information in the 90-day report: (i) Time, date, and location (latitude/longitude) of the incident; (ii) the name and type of vessel involved; (iii) the vessel's speed during and leading up to the incident; (iv) description of the incident; (v) status of all sound source use in the 24 hours preceding the incident; (vi) water depth; (vii) environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility); (viii) description of marine mammal observations in the 24 hours preceding the incident; (ix) species identification or description of the animal(s) involved; (x) the fate of the animal(s); and (xi) photographs or video footage of the animal (if equipment is available), Shell points out that items (ii), (iii), and (v) reflect observations from a *vessel* and requests NMFS to modify these proposed reporting measures.

Response: NMFS revised the final IHA issued (ii) to read: ''the name and type of aircraft involved'', and removed provisions (iii) and (v).

Comment 6: The AEWC states that the analysis in the **Federal Register** of potential impacts to subsistence uses should begin with a discussion of whether the operator has signed the Conflict Avoidance Agreement (CAA) and, if so, what the CAA includes as mitigation measures for subsistence activities.

Response: NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as: ''an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) that cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met. Therefore, the analysis of potential impacts to subsistence has a much broader scope that solely based on

whether the applicant has signed a CAA. Nevertheless, in our analysis, we did consider the CAA negotiation between the Shell and the Native subsistence users. In the **Federal Register** notice for the proposed IHA, NMFS noted that Shell attended the 2012–2014 CAA negotiation meetings in support of exploration drilling, offshore surveys, and future drilling plans. Shell informed NMFS that it would do the same for the upcoming 2015 exploration drilling program and has signed the CAA. Shell states that it is committed to a CAA process and will make a good-faith effort to negotiate an agreement every year it has planned activities.

Comment 7: The AEWC points out that the proposed IHA should also include general provisions for avoiding interference with bowhead whales or subsistence whale hunting activities. Specifically, the AEWC states that the IHA should require that aircraft routes are planned so as to minimize any potential conflict with bowhead whales or bowhead subsistence whaling activities, not operate below 1,500 feet in areas of active whaling, and stay at least 5 miles in-land when traveling over land until taking a perpendicular route from land to the start of the offshore survey area. AEWC also points out that Shell's IHA application, the **Federal Register** notice for the proposed IHA, and NMFS draft EA all note that aircraft will not operate below 1,500 feet in areas of active whaling, but the proposed IHA does not include this measure.

Response: NMFS has included the provision of requiring aircraft not flown below 1,500 feet in areas of active whaling in the IHA issued to Shell, as proposed in the **Federal Register** notice for the proposed IHA and the draft EA. Regarding requiring flight routes to be planned and limiting aircraft to stay at least 5 miles in-land when traveling over land until taking a perpendicular route from land to the start of the offshore survey area, NMFS conducted further analysis and discussed this proposed measure with Shell. Shell states that many of the ice survey areas far offshore locations and the aircraft needs a direct and the shortest route to access these areas for economics and safety concerns. In addition, as analyzed in this document, cetaceans in the open-water are not expected to be affected, and there are already mitigation measures in place for minimizing and/or avoiding pinniped impacts when the animals are hauled out. Furthermore, Shell is required to communicate with the native communities to make sure that its activity will not have unmitigable impacts to subsistent use of marine mammals. Therefore, NMFS determined that such requirement does not contribute to our no-unmitigable adverse impact finding to subsistence harvest of marine mammals. NMFS further noted that this language appears in the 2015 CAA, which Shell has signed.

Comment 8: The AEWC points out that NMFS should include in its analysis of the effectiveness of mitigation measures, input from the peer review panel in its EA. The AEWC further states that the EA should also specifically identify each of the planned operations for the Beaufort and Chukchi seas during the 2015 open-water season and address the potential cumulative effects of these activities.

Response: The effectiveness of mitigation measures was addressed in the **Federal Register** notice for the proposed IHA, and the input from the peer review panel on Shell's monitoring plan is discussed in detail in this document. Both discussions were incorporated by reference in the final EA. The draft and final EA address cumulative effects from the IHA for Shell's planned ice overflight survey activities. Furthermore, cumulative effects from overall oil and gas development in the Arctic are reviewed in the *Chukchi Sea Planning Area Oil and Gas Lease Sale 193 in the Chukchi Sea, Alaska, Final Second Supplemental Environmental Impact Statement* prepared by the Bureau of Ocean Energy Management. NMFS evaluated the cumulative effects from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable actions in the entire Arctic to ensure an overarching analysis, because actions overlapping within close proximity to the proposed action can reasonably be expected to have more potential for cumulative effects on ''shared resources'' than actions that may be geographically separated.

Comment 9: Dr. Doreen Dupont claims that Shell used vague irrelevant statistics, and that Shell oil drilling in itself is unnecessary and dangerous to the ''heating environment.'' Dr. Dupont says that the entire study should be banned.

Response: NMFS does not agree with Dr. Dupont's assessment. First, the proposed IHA addressed in the **Federal Register** notice (80 FR 11398; March 3, 2015) is for ice overflight surveys, not for drilling activities. Further, the proposed IHA Notice provided in depth analyses on the potential impacts of Shell's proposed ice overflight surveys on marine mammals and their habitat, and on the availability of marine mammals to subsistence use. NMFS was able to reach a determination that the issuance of an IHA will have a negligible impact on affected marine mammals species or stocks in the area, and will have no unmitigable adverse impact on their availability for taking for subsistence uses. Under the MMPA, an authorization for incidental takings shall be granted if NMFS can make those findings. Therefore, NMFS cannot deny Shell's request based on its analysis.

Comment 10: Dr. Dupont points out that the analysis of aircraft noises was not based on particular aircraft speed and noise levels which Shell would like to use, therefore, a permit cannot be issued until exact aircraft to be used are known, already under contract with Shell. Further, Dr. Dupont claims that to allow these surveys without knowing exactly which aircraft are being used, down to the aircraft VIN numbers, leaves tremendous loopholes in which unanticipated damage can occur to marine mammals.

Response: NMFS does not agree with Dr. Dupont's statement. Aircraft noise analysis was discussed in details in the **Federal Register** notice (80 FR 11398; March 3, 2015), with references to scientific studies on general aircraft noise and its potential impacts to marine mammals, and transmission of airborne noise into water (Richardson *et al.* 1995).

Comment 11: Dr. Dupont points out that aircraft are flying hundreds of feet above sea level and use Fujinon 7 x 50 binoculars for visual monitoring, and that from that distance, with those binoculars, they will not able ''to see injuries to feet of seals by getting scratched or crushed in a mad run to the water from fear from the sound.'' Dr. Dupont further claims that ''[e]ven if the low estimates of animals was near accurate, by chance only, as so many factors have changed, and in the case of ringed seals in the winter, never counted.''

Response: NMFS does not agree with Dr. Dupont's statement. The potential impacts of pinnipeds (ringed seals included) from aircraft overflight and noise are analyzed in the **Federal Register** notice (80 FR 11398; March 3, 2015) for the proposed IHA, which also includes an analysis on potential stampede. Since seals typically are found as individuals or in very small groups when they are in the project area, the chance of a stampede event is very unlikely. Finally, ice seals are well adapted to move between ice and water without injury, including ''escape reactions'' to avoid predators. Finally, seals do not have feet.

Comment 12: Dr. Dupont claims that ''[i]llegal take, by injury from harassment from whales outside of water, will not be easily apparent by short fly overs. Should a whale matriarch develop injured hearing and echolocation capabilities, which the application maintains is unlikely but indeed possible if the whale breeches during the flyover and/or chase of hunt, then the entire pod will be permanently damaged and this may indeed effect survival of its species.''

Response: NMFS does not agree with Dr. Dupont's statement. First, cetaceans do not typically stay outside the water, and breaching events by cetaceans are brief and are unlikely to coincide with aircraft overflight. Second, as provided in details in the **Federal Register** notice (80 FR 11398; March 3, 2015), even for marine mammals outside water, such as hauled out seals, no injury or TTS is expected. Finally, none of the cetaceans in the Arctic forms matriarchal social groups.

Comment 13: Dr. Dupont states that the majority of the studies on ice distribution and its dampening effects of the sounds of the aircrafts are over 10 years old, and that with recent major shifts in ''ice shelves,'' melting and ''water temperature shifts,'' safe assumptions about whales and seals being protected cannot be made from such ''old'' statistics. Dr. Dupont ''expects whales to be jumping out of water and as such, will be subject to loud sounds which could permanently damage their fine hearing and echolocation ability.''

Response: NMFS does not agree with Dr. Dupont's statement. Ice coverage in the Arctic changes from year to year and in different seasons. The objective of Shell's ice overflight surveys is to study the ice break-up and freeze-up in late spring and late fall, respectively. So these studies are timed to the period when there is ice coverage. Lastly, even during the flights when the aircraft is over open water, as discussed in detail in the **Federal Register** notice (80 FR 11398; March 3, 2015) and in this document, airborne noise from aircraft overflight does not transmit into the water column efficiently. Therefore, no cetacean is expected to be affected by Shell's proposed ice overflight surveys.

Comment 14: Dr. Dupont claims that there is not real protection afforded to Native sustenance other than Shell's say-so to cooperate with them, and that ''[t]here are no outside agencies overlooking NMFS.'' Dr. Dupont further goes on saying that ''Shell executives have been known to schmooze local whale hunters to get them to cooperate with their own agenda'' and that ''[i]n an attempt to charm the indigenous cultures of Alaska, a Shell oil company executive ate the raw meat of the endangered bowhead whale whenever it was offered to him, even though he didn't care for it.'' Dr. Dupont states that ''Shell can not be trusted to self-report, to not have conflicts of interests with their own POC, nor the interests and safeties of the endangered protected Marine Mammals, not the native whalers. NOAA itself must more directly oversee such a dangerous and delicate plan. Not NMFS and the Stranding Network.''

Response: NMFS does not agree with Dr. Dupont's statement. First, regulations at 50 CFR 216.104(a)(12) require IHA applicants for activities that take place in Arctic waters to provide a Plan of Cooperation (POC) or information that identifies what measures have been taken and/or will be taken to minimize adverse effects on the availability of marine mammals for subsistence purposes. In order for NMFS to make a no unmitigable adverse impact determination on subsistence activity, Shell is required to work with the Alaskan subsistence communities to ensure that its activities are: (1) Not likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) Can be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

To meet these commitments, Shell conducted multiple meeting with the Arctic subsistence communities and developed a POC as required under the IHA issued. In addition, Shell signed a CAA with AEWC as a good faith agreement to ensure that its program will not affect subsistence whaling activities in the project area. By delegation NMFS administers the marine mammal incidental take program and the NMFS Marine Mammal Stranding Network is authorized and has the expertise and skills related to marine mammal stranding issues, should they come up.

Comment 15: Dr. Dupont points out that since winter surveys for ringed seals have not been performed, it should not be assumed that their number is minimal or ''negligible risk to behavioral disturbances.'' Dr. Dupont further states that ''[s]eals will panic to the sound of an airplane or helicopter overhead and in the panic may trample their babies, and or damage their feet with scrapes from their nails.''

Response: NMFS does not agree with Dr. Dupont's statement. Although there is no density data on ringed seal in winter, its distribution, movement, and behavior are well studied and are described in the **Federal Register** notice (80 FR 11398; March 3, 2015) for the proposed IHA. During winter, ringed seals occupy landfast ice and offshore pack ice of the Bering, Chukchi, and Beaufort Seas. In winter and spring, the highest densities of ringed seals are found on stable shorefast ice. However, in some areas where there is limited fast ice but wide expanses of pack ice, including the Beaufort and Chukchi Seas and Baffin Bay, total numbers of ringed seals on pack ice may exceed those on shorefast ice (Burns 1970, Stirling *et al.* 1982, Finley *et al.* 1983). Adult ringed seals maintain breathing holes in the ice and occupy lairs in accumulated snow (Smith and Stirling 1975) while some subadult ringed seals appear to winter near the pack-ice edge in the Bering Sea (Crawford *et al.* 2012). Based on this knowledge, it is reasonable to use ringed seal density data obtained offshore aerial surveys of the pack ice zone conducted in spring 1999 and 2000 (Bengtson *et al.* 2005). Seal distribution and density in spring, prior to break-up, are thought to reflect distribution patterns established earlier in the year (*i.e.,* during the winter months; Frost *et al.* 2004).

Ringed seals give birth in lairs from mid-March through April, nurse their pups in the lairs for 5–8 weeks, and mate in late April and May (Smith 1973, Hammill *et al.* 1991, Lydersen and Hammill 1993). Finally, as stated earlier, ringed seals do not have feet.

Description of Marine Mammals in the Area of the Specified Activity

The Chukchi and Beaufort Seas support a diverse assemblage of marine mammals, including: Bowhead, gray, beluga, killer, minke, humpback, and fin whales; harbor porpoise; ringed, ribbon, spotted, and bearded seals; narwhals; polar bears; and walruses. Both the walrus and the polar bear are managed by the U.S. Fish and Wildlife Service (USFWS) and are not considered further in this proposed IHA notice.

Among the rest of marine mammal species, only beluga, bowhead, and gray whales, and ringed, spotted, bearded, and ribbon seals could potentially be affected by the proposed ice overflight activity. The remaining cetacean species are rare and not likely to be encountered during Shell's ice overflight surveys, which are planned either during winter when nearly 10/10 ice coverage is

present, or during spring when sea ice also predominates the study area. Therefore, these species are not further discussed.

The bowhead whale is listed as ''endangered'' under the Endangered Species Act (ESA) and as depleted under the MMPA. The ringed seal is listed as ''threatened'' under the ESA. Certain stocks or populations of gray and beluga whales and spotted seals are listed as endangered under the ESA; however, none of those stocks or populations occur in the proposed activity area.

Shell's application contains information on the status, distribution, seasonal distribution, abundance, and life history of each of the species under NMFS' jurisdiction mentioned in this document. When reviewing the application, NMFS determined that the species descriptions provided by Shell correctly characterized the status, distribution, seasonal distribution, and abundance of each species. Please refer to the application for that information (see **ADDRESSES**). Additional information can also be found in the NMFS Stock Assessment Reports (SAR). The Alaska 2013 SAR is available at: *http://www.nmfs.noaa.gov/pr/sars/pdf/ak2013_final.pdf.*

Table 1 lists the seven marine mammal species under NMFS' jurisdiction with confirmed or possible occurrence in the proposed project area.

TABLE 1—MARINE MAMMAL SPECIES AND STOCKS THAT COULD BE AFFECTED BY SHELL'S ICE OVERFLIGHT SURVEYS IN THE BEAUFORT AND CHUKCHI SEAS

Common name	Scientific name	Status	Occurrence	Seasonality	Range	Abundance
Odontocetes ..... Beluga whale (Eastern Chukchi Sea stock).	*Dephinapterus leucas*	.....	Common	Mostly spring and fall with some in summer.	Russia to Canada	3,710
Beluga whale (Beaufort Sea stock).	*Delphinapterus leucas.*	.....	Common	Mostly spring and fall with some in summer.	Russia to Canada	39,258
Mysticetes ..... Bowhead whale	*Balaena mysticetus* ..	Endangered; Depleted.	Common	Mostly spring and fall with some in summer.	Russia to Canada	19,534
Gray whale	*Eschrichtius robustus*	.....	Somewhat common.	Mostly summer	Mexico to the U.S. Arctic Ocean.	19,126
Pinnipeds ..... Bearded seal (Beringia distinct population segment).	*Erigathus barbatus* ...	Candidate	Common	Spring and summer ..	Bering, Chukchi, and Beaufort Seas.	155,000
Ringed seal (Arctic stock).	*Phoca hispida*	Threatened; Depleted.	Common	Year round	Bering, Chukchi, and Beaufort Seas.	300,000
Spotted seal	*Phoca largha*	.....	Common	Summer	Japan to U.S. Arctic Ocean.	141,479
Ribbon seal	*Histriophoca fasciata*	Species of concern.	Occasional ...	Summer	Russia to U.S. Arctic Ocean.	49,000

Potential Effects of the Specified Activity on Marine Mammals

This section includes a summary and discussion of the ways that the types of stressors associated with the specified activity (*e.g.,* aircraft overflight) have been observed to or are thought to impact marine mammals. This section may include a discussion of known effects that do not rise to the level of an MMPA take (for example, with acoustics, we may include a discussion of studies that showed animals not reacting at all to sound or exhibiting barely measurable avoidance). The discussion may also include reactions that we consider to rise to the level of a take and those that we do not consider to rise to the level of a take. This section is intended as a background of potential effects and does not consider either the specific manner in which this activity will be carried out or the mitigation that will be implemented or how either of those will shape the anticipated impacts from this specific activity. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis'' section will include the analysis of how this specific activity will impact marine mammals and will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, the ''Mitigation'' section, and the ''Anticipated Effects on Marine Mammal Habitat'' section to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and from that on the affected marine mammal populations or stocks.

The reasonably expected or reasonably likely impacts of the specified activities on marine mammals will be related primarily to localized, short-term acoustic disturbance from aircraft flying primarily over areas covered by sea ice with limited flight activity over open water and adjacent ice edges. The acoustic sense of marine mammals probably constitutes their most important distance receptor system. Potential acoustic effects relate to sound produced by helicopters and fixed-wing aircraft.

Dominant tones in noise spectra from helicopters are generally below 500 Hz (Greene and Moore 1995). Harmonics of the main rotor and tail rotor usually dominate the sound from helicopters; however, many additional tones associated with the engines and other rotating parts are sometimes present. Because of Doppler shift effects, the frequencies of tones received at a stationary site diminish when an aircraft passes overhead. The apparent frequency is increased while the aircraft approaches and is reduced while it moves away.

Aircraft flyovers are not heard underwater for very long, especially when compared to how long they are heard in air as the aircraft approaches an observer. Very few cetaceans, including the species in the proposed ice overflight survey areas, are expected to be encountered during ice overflights due to the low density of cetacean

species in the winter survey area and small area to be flown over open water during spring. Most of these effects are expected in open-water where limited aircraft noise could penetrate into the water column. For cetaceans under the ice, the noise levels from the aircraft are expected to be dramatically reduced by floating ice. Long-term or population level effects are not expected.

Evidence from flyover studies of ringed and bearded seals suggests that a reaction to helicopters is more common than to fixed wing aircraft, all else being equal (Born *et al.* 1999; Burns and Frost 1979). Under calm conditions, rotor and engine sounds are coupled into the water through ice within a 26° cone beneath the aircraft (Richardson *et al.* 1995). Scattering and absorption, however, will limit lateral propagation in the shallow water (Greene and Moore 1995). The majority of seals encountered by fixed wing aircraft are unlikely to show a notable disturbance reaction, and approximately half of the seals encountered by helicopters may react by moving from ice into the water (Born *et al.* 1999). Any potential disturbance from aircraft to seals in the area of ice overflights will be localized and short-term in duration with no population level effects.

Historically, there have been far greater levels of aviation activity in the offshore Chukchi and Beaufort Seas compared with that of the proposed ice overflights. None of this previous offshore aviation activity is believed to have resulted in long-term impacts to marine mammals, as demonstrated by results from a wide range of monitoring programs and scientific studies. Impacts to marine mammals from aviation activities in Arctic offshore habitats have been shown to be, at most, short-term and highly-localized in nature (*e.g.,* Funk *et al.* 2013; Richardson *et al.* 1985a, b; Patenaude *et al.* 2002; Born *et al.* 1999).

The effect of aircraft overflight on marine mammals will depend on the behavior of the animal at the time of reception of the stimulus, as well as the distance from the aircraft and received level of sound. Cetaceans (such as bowhead, gray, and beluga whales) would need to be right at the surface, and thus have the potential to be disturbed, when aircraft fly over open water in between ice floes at low altitude (< 1,000 ft); seals may be disturbed when aircraft are over open water or over ice on which seals may be present. Disturbance reactions are likely to vary among some of the seals in the general vicinity, and not all of the seals present are expected to react to fixed wing aircraft and helicopters.

A more comprehensive and in depth analysis of potential impacts to pinnipeds from Shell's proposed ice overflight surveys is provided in the **Federal Register** notice (80 FR 11398; March 3, 2015) for the proposed IHA. The information regarding the potential impacts on pinnipeds from the proposed IHA has not changed. Please refer to the proposed IHA for the full discussion.

Regarding effects of aircraft overflight on cetaceans, NMFS conducted additional analysis to evaluate the potential airborne noise that enters water which might result in takes of cetacean species. Takes of cetaceans (or other marine mammal species) incidental to aerial overflights depends on a variety of factors, such flight altitude, flight speed, types of aircraft, and species of marine mammals and their sensitivity to aircraft and their density in the vicinity under the flight route.

Shell stated that the potential maximum areas under a 26° cone of sea surface when the aircraft fly below 1,000 ft is 169 km^2. Multiplying this area by cetacean density yielded a total of 1 beluga, 2 bowhead, and 2 gray whales being exposed in the total area of the 26° cone. However, received noise levels within this 26° cone area is expected to vary greatly from the center below the flight path to the edge where the 13° incidental angle forms between the aircraft and sea surface. The only area where cetacean could be exposed to aircraft noise with minimum reflection from the sea surface is where the animal is normal to the aircraft, *i.e.,* right beneath the flight path. As the one considers the distribution of animals that are not right beneath the flight path, the amount of airborne noise enters the water column is reduced exponentially as one moves away from the normal angle, thus the underwater acoustic intensity away from the center is also reduced exponentially. At an incident angle of 13° from the aircraft, the acoustic wave undergoes total reflection. Therefore, NMFS considers that only a fraction of the cetaceans initially assessed in the **Federal Register** notice for the proposed IHA could be exposed, if they are at the sea surface. As a result, NMFS concludes that it is very unlikely that cetaceans would be affected by Shell's proposed ice overflight survey activities. Consequently, in the IHA issued to Shell, NMFS does not authorize any takes of cetacean species.

Anticipated Effects on Marine Mammal Habitat

Shell's planned 2015/16 ice overflight surveys will not result in any permanent impact on habitats used by marine mammals, or to their prey sources. The primary potential impacts on marine mammal habitat and prey resources that are reasonably expected or reasonably likely are associated with elevated sound levels from the aircraft passing overhead. Effects on marine mammal habitat from the generation of sound from the planned surveys would be negligible and temporary, lasting only as long as the aircraft is overhead. Water column effects will be localized and ephemeral, lasting only the duration of the aircrafts presence. All effects on marine mammal habitat from the planned surveys are expected to be negligible and confined to very small areas within the Chukchi and Beaufort Seas. The proposed IHA contains a full discussion of the potential impacts to marine mammal habitat and prey species in the project area. No changes have been made to that discussion. Please refer to the proposed IHA for the full discussion of potential impacts to marine mammal habitat (80 FR 11398, March 3, 2015). NMFS has determined that Shell's ice overflight surveys are not expected to have any habitat-related effects that could cause significant or long-term consequences for marine mammals or on the food sources that they utilize.

Mitigation

In order to issue an incidental take authorization (ITA) under sections 101(a)(5)(A) and (D) of the MMPA, NMFS must, where applicable, set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable 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 (where relevant). A summary of the mitigation measures prescribed in the IHA issued to Shell include:

- A PSO will be aboard all flights recording all sightings/observations (*e.g.* including number of individuals, approximate age (when possible to determine), and any type of potential reaction to the aircraft). Environmental information the observer will record includes weather, air temperature, cloud and ice cover, visibility conditions, and wind speed.
- The aircraft will maintain a 1 mi radius when flying over areas where

seals appear to be concentrated in groups of ≥ 5 individuals;

- The aircraft will not land on ice within 0.5 mi of hauled out pinnipeds or polar bears;
- The aircraft will avoid flying over polynyas and along adjacent ice margins as much as possible to minimize potential disturbance to cetaceans; and
- Shell will routinely engage with local communities and subsistence groups to ensure no disturbance of whaling or other subsistence activities.

Mitigation Conclusions

NMFS has carefully evaluated the applicant's proposed mitigation measures and considered other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals,
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned, and
- The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).
2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of noises generated from ice overflight surveys, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).
3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of noises generated from ice overflight surveys, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).
4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of noises generated from ice overflight surveys, or other activities expected to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).
5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.
6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of the applicant's mitigation measures, as well as other measures considered by NMFS, NMFS has determined that the prescribed mitigation measures provide the means of effecting the least practicable impact on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Mitigation measures to ensure availability of such species or stock for taking for certain subsistence uses are discussed later in this document (see ''*Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses''* section).

Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must, where applicable, set forth ''requirements pertaining to the monitoring and reporting of such taking''. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and in general to generate more data to contribute to the analyses mentioned below;
2. An increase in our understanding of how many marine mammals are likely to be exposed to levels of noises generated from exploration drilling and associated activities that we associate with specific adverse effects, such as behavioral harassment, TTS, or PTS;
3. An increase in our understanding of how marine mammals respond to stimuli expected to result in take and how anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

- Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

4. An increased knowledge of the affected species; and
5. An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

Monitoring Measures

(1) Protected Species Observers

Aerial monitoring for marine mammals will be conducted by a trained protected species observer (PSO) aboard each flight. PSO duties will include watching for and identifying marine mammals, recording their numbers, distances from, and potential reactions to the presence of the aircraft, in addition to working with the helicopter pilots to identify areas for landings on ice that are clear of marine mammals.

(2) Observer Qualifications and Training

Observers will have previous marine mammal observation experience in the Chukchi and Beaufort Seas. All observers will be trained and familiar with the marine mammals of the area, data collection protocols, reporting procedures, and required mitigation measures.

(3) Specialized Field Equipment

The following specialized field equipment for use by the onboard PSO: Fujinon 7 X 50 binoculars for visual monitoring, a GPS unit to document the route of each ice overflight, a laptop computer for data entry, a voice

recorder to capture detailed observations and data for post flight entry into the computer, and digital still cameras.

(4) Field Data-Recording

The observer on the aircraft will record observations directly into computers using a custom software package. The accuracy of the data entry will be verified in the field by computerized validity checks as the data are entered, and by subsequent manual checking following the flight. Additionally, observers will capture the details of sightings and other observations with a voice recorder, which will maximize observation time and the collection of data. These procedures will allow initial summaries of data to be prepared during and shortly after the surveys, and will facilitate transfer of the data to statistical, graphical or other programs for further processing.

During the course of the flights, the observer will record information for each sighting including number of individuals, approximate age (when possible to determine), and any type of potential reaction to the aircraft. Environmental information the observer will record includes weather, air temperature, cloud and ice cover, visibility conditions, and wind speed.

Reporting Measures

(1) Final Report

The results of Shell's ice overflight monitoring report will be presented in an initial ''90-day'' final report due to NMFS within 90 days after the expiration of the IHA. The report will include:

- Summaries of monitoring effort: total hours, total distances flown, and environmental conditions during surveys;
- Summaries of occurrence, species composition, and distribution of all marine mammal sightings including date, numbers, age/size/gender categories (when discernible), group sizes, ice cover and other environmental variables; data will be visualized by plotting sightings relative to the position of the aircraft;
- Analyses of the potential effects of ice overflights on marine mammals and the number of individuals that may have been disturbed by aircraft;
- Information and a map on the altitude at which aircraft were flown and the distance and altitude at which behavioral responses were noted; and
- Marine mammal sightings and behavioral response data for landing events.

The ''90-day'' report will be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS.

(2) Notification of Injured or Dead Marine Mammals

Shell will be required to notify NMFS' Office of Protected Resources and NMFS' Stranding Network of any sighting of an injured or dead marine mammal. Based on different circumstances, Shell may or may not be required to stop operations upon such a sighting. Shell will provide NMFS with the species or description of the animal(s), the condition of the animal(s) (including carcass condition if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available).

Monitoring Plan Peer Review

The MMPA requires that monitoring plans be independently peer reviewed ''where the proposed activity may affect the availability of a species or stock for taking for subsistence uses'' (16 U.S.C. 1371(a)(5)(D)(ii)(III)). Regarding this requirement, NMFS' implementing regulations state, ''Upon receipt of a complete monitoring plan, and at its discretion, [NMFS] will either submit the plan to members of a peer review panel for review or within 60 days of receipt of the proposed monitoring plan, schedule a workshop to review the plan'' (50 CFR 216.108(d)).

NMFS established an independent peer review panel to review Shell's 4MP for the proposed ice overflight surveys in the Beaufort and Chukchi Seas. The panel met in early March 2015, and provided comments and recommendations to NMFS in April 2015. The full panel report can be viewed on the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.*

NMFS provided the panel with Shell's IHA application and monitoring plan and asked the panel to answer the following questions:

1. Will the applicant's stated objectives effectively further the understanding of the impacts of their activities on marine mammals and otherwise accomplish the goals stated above? If not, how should the objectives be modified to better accomplish the goals above?

2. Can the applicant achieve the stated objectives based on the methods described in the plan?

3. Are there technical modifications to the proposed monitoring techniques and methodologies proposed by the applicant that should be considered to better accomplish their stated objectives?

4. Are there techniques not proposed by the applicant (*i.e.,* additional monitoring techniques or methodologies) that should be considered for inclusion in the applicant's monitoring program to better accomplish their stated objectives?

5. What is the best way for an applicant to present their data and results (formatting, metrics, graphics, etc.) in the required reports that are to be submitted to NMFS (*i.e.,* 90-day report and comprehensive report)?

The peer-review panel report contains recommendations that the panel members felt were applicable to the Shell' monitoring plans. Specifically, the panel recommended that:

(1) Aircraft crew members receive the same training as PSOs so that they are able to (1) detect pinnipeds hauled out on the ice, (2) identify marine mammals sighted by species (when possible) and (3) indicate any behavioral response of marine mammals to the aircraft;

(2) Use of a video camera during overflight surveys to record behavioral responses in addition to having PSOs and trained crew members record behavioral responses;

(3) Provide information and a map on the altitude at which aircraft were flown and the distance and altitude at which behavioral responses were noted in the 90-day report; and

(4) Present sightings and behavioral response data separately for landing events (if animals were seen during that time).

NMFS discussed these recommendations with Shell to improve its monitoring and reporting measures. As a result, Shell agrees to provide information and a map on the altitude at which aircraft were flown and the distance and altitude at which behavioral responses were noted in the 90-day report. In addition, Shell will present sightings and behavioral response data separately for landing events (if animals were seen during that time).

However, NMFS considers that using aircraft crew members (the pilots) to collect marine mammal data a safety concern and could not be implemented under Shell's aviation standards. As stated in the monitoring plan, one trained biologist PSO will be aboard each flight collecting data. All personnel aboard the aircraft will be instructed to inform the PSO if they observe a marine mammal hauled out in the vicinity of a location where landing is being considered. Species identification training will not be necessary to perform this task.

NMFS also discussed with Shell in regards to the panel's recommendation of using video camera. Based on Shell's experience from testing a video camera during marine mammal aerial survey flights in 2012, we confirmed that the resolution is not good enough to observe seals ahead of the aircraft without using a long lens (or high magnification setting). Use of a long lens significantly reduces the field of view of the camera and thereby reduces the chance of recording animals as the aircraft approaches close to and over them. Use of a long lens also significantly limits the lateral swath covered which limits the ability to record and assess potential reactions at increasing lateral distances. Therefore, NMFS does not consider adding a video camera would achieve intended results of behavioral observation.

Additionally, though not requested, the peer review panel also provided two recommendations for mitigation measures listed below:

(1) Aircraft maintain an altitude of at least 305 m (1,000 ft) until they reach the offshore survey areas of interest, and not land on ice within 1.6 km (1 mi) of hauled-out pinnipeds. These technical modifications should help to minimize disturbance of marine mammals encountered during surveys and quantify more accurately numbers of Level B harassment takes.

(2) Investigate the possibility of using unmanned aerial systems (UAS) to conduct the ice surveys, at least for the fixed-wing surveys that would not involve landing on the ice to collect samples.

NMFS discussed with Shell these mitigation recommendations and concluded that these measures were not practicable, as explained next.

Shell states that their objectives of data collection on ice conditions would not be met if flights were conducted entirely at or above the altitude recommended by the panel. Nevertheless, Shell agrees to not landing on ice within 1,400 m of hauled-out pinnipeds. The updated mitigation measure is included in the IHA issued to Shell.

Shell states that it is interested in and actively pursuing the use of unmanned systems to conduct aerial surveys. However, the available technology and permitting process will not allow for the collection of the data sought by the proposed ice overflights at this time. Shell is collaborating with BOEM and NMML to improve use of UAS for open water observations and developing detection software to quickly process the thousands of digital images taken during a typical aerial survey. Shell is also advocating for rule changes by the FAA to allow for expanded commercial use of UAS systems.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]. Only take by Level B behavioral harassment is anticipated as a result of the proposed ice overflight surveys.

As discussed earlier in this document, regarding effects of aircraft overflight on cetaceans, NMFS conducted additional analysis and determined that airborne noise from aircraft will not affect cetaceans. Therefore, no cetacean take is authorized for Shell's ice overflight surveys.

Basis for Estimating ''Take by Harassment''

Exposures of seals were calculated by multiplying the anticipated area to be flown over open water and ice in each season (winter and spring) by the expected densities of seals that may occur in the survey area by the proportion of seals on ice that may actually show a disturbance reaction to each type of aircraft (Born *et al.* 1999).

Marine Mammal Density Estimates

Marine mammal density estimates in the Chukchi and Beaufort Seas have been derived for two time periods: The winter period covering November through April, and the spring period including May through early July.

There is some uncertainty about the representativeness of the data and assumptions used in the calculations. To provide some allowance for uncertainties, ''average'' as well as ''maximum'' estimates of the numbers of marine mammals potentially affected have been derived. For a few species, several density estimates were available. In those cases, the mean and maximum estimates were determined from the reported densities or survey data. In other cases, only one or no applicable estimate was available, so correction factors were used to arrive at ''average'' and ''maximum'' estimates. These are described in detail in the following sections.

In Polar Regions, most pinnipeds are associated with sea ice and typical census methods involve counting pinnipeds when they are hauled out on ice. In the Beaufort Sea, abundance surveys typically occur in spring when ringed seals emerge from their lairs (Frost *et al.* 2004). Depending on the species and study, a correction factor for the proportion of animals hauled out at any one time may or may not have been applied (depending on whether an appropriate correction factor was available for the particular species, area, and time period). By applying a correction factor, the density of the pinniped species in an area can be estimated.

Detectability bias, quantified in part by f(0), is associated with diminishing sightability with increasing lateral distance from the survey trackline. Availability bias, g(0), refers to the fact that there is <100 percent probability of sighting an animal that is present along the survey trackline. Some sources below included these correction factors in the reported densities (*e.g.* ringed seals in Bengtson *et al.* 2005) and the best available correction factors were applied to reported results when they had not already been included (*e.g.* bearded seals in Bengtson *et al.* 2005).

(1) Pinnipeds: Winter

(A) Ringed Seals

Ringed seal densities were taken from offshore aerial surveys of the pack ice zone conducted in spring 1999 and 2000 (Bengtson *et al.* 2005). Seal distribution and density in spring, prior to break-up, are thought to reflect distribution patterns established earlier in the year (*i.e.,* during the winter months; Frost *et al.* 2004). The average density from those two years (weighted by survey effort) was 0.4892 seals/km^2. This value served as the average density while the highest density from the two years (0.8100 seals/km^2 in 1999) was used as the maximum density.

(B) Other Seal Species

Other seal species are not expected to be present in the ice overflight survey area in large numbers during the winter period of the ice overflights. Bearded, spotted, and ribbon seals would be present in the area in smaller numbers than ringed seals during spring through fall summer, but these less common seal species generally migrate into the southern Chukchi and Bering Seas during fall and remain there through the winter (Allen and Angliss 2014). Few satellite-tagging studies have been conducted on these species in the Beaufort Sea, winter surveys have not

been conducted, and a few bearded seals have been reported over the continental shelf in spring prior to general break-up. However, the tracks of three bearded seals tagged in 2009 moved south into the Bering Sea along the continental shelf by November (Cameron and Boveng 2009). These species would be more common in the area during spring through fall, but it is possible that some individuals, bearded seals in particular, may be present in the area surveyed in winter. Ribbon seals are unlikely to be present in the survey area during winter as they also migrate southward from the northeastern Chukchi Sea during this period. In the absence of better information from the published literature or other sources that would indicate that significant numbers of any of these species might be present during winter, minimal density estimates were used for these species. Estimates for bearded seals were assumed to be slightly higher than those for spotted and ribbon seals.

(2) Pinnipeds: Spring

Three species of pinnipeds under NMFS' jurisdiction are likely to be encountered in the Chukchi and Beaufort Seas during planned ice overflights in spring of 2015: Ringed, bearded, and spotted seals. Ringed and bearded seals are associated with both the ice margin and the nearshore open water area during spring. Spotted seals are often considered to be predominantly a coastal species except in the spring when they may be found in the southern margin of the retreating sea ice. However, satellite tagging has shown that some individuals undertake long excursions into offshore waters during summer (Lowry *et al.* 1994, 1998). Ribbon seals have been reported in very small numbers within the Chukchi Sea by observers on industry vessels (Patterson *et al.* 2007, Hartin *et al.* 2013).

(A) Ringed Seal and Bearded Seal

Ringed seal and bearded seal ''average'' and ''maximum'' spring densities were available in Bengtson *et al.* (2005) from spring surveys in the offshore pack ice zone (zone 12P) of the northern Chukchi Sea. However, corrections for bearded seal availability, g(0), based on haulout and diving patterns were not available.

(B) Spotted Seal

Little information on spotted seal densities in offshore areas of the Alaskan Arctic is available. Spotted seal densities in the spring were estimated by multiplying the ringed seal densities by 0.02. This was based on the ratio of the estimated occurrence of the two species during ice overflight surveys and the assumption that the vast majority of seals present in areas of pack ice would be ringed seals (Funk *et al.,* 2010; 2013).

(C) Ribbon Seal

Four ribbon seal sightings were reported during industry vessel operations in the Chukchi Sea in 2006–2010 (Hartin *et al.* 2013). The resulting density estimate of 0.0007/km^2 was used as the average density and 4 times that was used as the maximum for the spring season.

Estimated Areas Where Seals May Be Encountered by Aircraft

Fixed wing and helicopter flights over ice at ice overflight survey altitudes have the potential to disturb seals hauled out on ice, although the flight altitude and lateral distances at which seals may react to aircraft are highly variable (Born et al. 1999; Burns *et al.* 1982; Burns and Frost 1979). The probability of a seal hauled out on ice reacting to a fixed wing aircraft or helicopter is influenced by a combination of variables such as flight altitude, lateral distance from the aircraft, ambient conditions (*e.g.,* wind chill), activity, and time of day (Born *et al.* 1999). Evidence from flyover studies of ringed and bearded seals suggests that a reaction to helicopters is more common than to fixed wing aircraft, all else being equal (Born et al. 1999; Burns and Frost 1979).

Born *et al.* (1999) investigated the reactions of ringed seals hauled out on ice to aircraft. The threshold lateral distances from the aircraft trackline out to which the vast majority of reactions were observed were 600 and 1500 m for fixed wing aircraft and helicopters, respectively. Many individual ringed seals within these distances; however, did not react (Born *et al.* 1999). Results indicated ~6% and ~49% of total seals observed reacted to fixed wing aircraft and helicopters, respectively, by entering the water when aircraft were flown over ice at altitudes similar to those proposed for Shell's ice overflight surveys as described in the Description of the Specific Activity section. These lateral distances and reaction probabilities were used as guidelines for estimating the area of sea ice habitat within which hauled out seals may be disturbed by aircraft and the number of seals that might react. Born *et al.* 1999, also was used as a guideline in a similar fashion for estimating the numbers of seals that would react to helicopters during US Fish and Wildlife Service polar bear tagging in 2011 and 2012, in which an IHA was issued by NMFS (NMFS 2011).

Table 2 summarizes potential disturbance radii, maximum flight distances, and potential disturbance areas for seals from fixed wing aircraft and helicopters during Shell's proposed ice overflights program in winter (November through April) and spring (May through early July). Based on maximum flight distances and potential disturbance radii of 600 and 1500 m for fixed wing aircraft and helicopters, respectively, a total of 11,112 km^2 (of sea ice could be disturbed. Based on Born *et al.'*s (1999) observations, however, it is estimated that only ~6 and ~49% of seals in these areas will exhibit a notable reaction to fixed wing aircraft and helicopters, respectively, by entering the water. Approximately 60% of this total area would be surveyed in winter and the remaining 40% would be surveyed during spring.

TABLE 2—POTENTIAL DISTURBANCE RADII, MAXIMUM FLIGHT DISTANCES OVER OPEN WATER, AND POTENTIAL DISTURBANCE AREAS FOR SEALS IN OPEN WATER FROM FIXED WING AIRCRAFT AND HELICOPTERS IN THE CHUKCHI AND BEAUFORT SEAS, ALASKA, DURING THE PROPOSED 2015–2016 ICE OVERFLIGHT SURVEY PROGRAM

Aircraft	Potential disturbance radius (km)	Maximum flight distance (km)		Potential disturbance area (km^2)	
		Winter	Spring	Winter	Spring
Fixed Wing	0.6	4,630	2,778	5,557	3,335
Helicopter	1.5	370	370	1,110	1,110
Grand Totals	.....	5,000	3,148	6,667	4,445

Potential Number of ''Takes by Harassment''

This subsection provides estimates of the number of individual ice seals that could potentially be harassed by aircraft during Shell's proposed ice overflights. The estimates are based on a consideration of the proposed flight distances, proximity of seals to the aircraft trackline, and the proportion of ice seals present that might actually be disturbed appreciably (*i.e.* moving from the ice into the water) by flight operations in the Chukchi and Beaufort Seas and the anticipated area that could be subjected to disturbance from overflights.

The number of individuals of each ice seal species potentially disturbed by fixed wing aircraft or helicopters was estimated by multiplying:

- The potential disturbance area from each aircraft (fixed wing and helicopter) for each season (winter and spring), by
- The expected seal density in each season, and by
- The expected proportion of seals expected to react to each type of aircraft in a way that could be interpreted as disturbance.

The numbers of individuals potentially disturbed were then summed for each species across the two seasons.

Estimates of the average number of individual seals that may be disturbed are shown by season in Table 3. The estimates shown represent proportions of the total number of seals encountered that may actually demonstrate a disturbance reaction to each type of aircraft. Estimates shown in Table 3 were based on Born *et al.* 1999, which assumed that ~6 and ~49% of seals would react within lateral distances of 600 and 1,500 m of fixed wing aircraft and helicopters, respectively.

Ringed seal is by far the most abundant species expected to be encountered during the planned ice overflights. The best (average) estimate of the numbers of ringed seals potentially disturbed during ice overflights is 793 individuals, which represents only a small proportion of the estimated population of ringed seals in the Chukchi and Beaufort Seas. Fewer individuals of other pinniped species are estimated to be encountered during ice overflights, also representing very small proportions of their populations.

TABLE 3—THE TOTAL NUMBER OF POTENTIAL EXPOSURES OF MARINE MAMMALS DURING THE SHELL'S PROPOSED ICE OVERFLIGHT SURVEYS IN THE CHUKCHI AND BEAUFORT SEAS, ALASKA, 2015–2016. ESTIMATES ARE ALSO SHOWN AS A PERCENT OF EACH POPULATION

Species	Abundance	Number potential exposure	% estimated population
Bearded seal	155,000	11	0.007
Ribbon seal	49,000	1	0.002
Ringed seal	300,000	793	0.264
Spotted seal	141,479	7	0.005

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, effects on habitat, and the status of the species. To avoid repetition, the discussion of our analyses applies to all the species listed in Table 1, given that the anticipated effects of this project on different marine mammal species are expected to be relatively similar in nature. Additionally, there is no information about the size, status, or structure of any species or stock that would lead to a different analysis for this activity.

No injuries or mortalities are anticipated to occur as a result of Shell's proposed ice overflight surveys in the Beaufort and Chukchi Seas, and none are authorized. Additionally, animals in the area are not expected to incur hearing impairment (*i.e.,* TTS or PTS) or non-auditory physiological effects. Instead, any impact that could result from Shell's activities is most likely to be behavioral harassment of brief duration as the aircraft flies by. Although it is possible that some individuals may be exposed to sounds from aircraft overflight more than once, during the migratory periods it is less likely that this will occur since animals will continue to move across the Chukchi Sea towards their wintering grounds.

Aircraft noises are heard underwater only within a very limited area within a 26 degree cone and their intensities are expected to diminish exponentially away from directly under the fly path. Therefore, cetaceans are not expected to be affected.

Of the four pinniped species likely to occur in the proposed ice overflight survey area, only the Artic stock of ringed seal is listed as threatened under the ESA. This species is also designated as ''depleted'' under the MMPA. On July 25, 2014 the U.S. District Court for the District of Alaska vacated the rule listing to the Beringia bearded seal DPS and remanded the rule to NMFS to correct the deficiencies identified in the opinion. None of the other species that may occur in the project area is listed as threatened or endangered under the ESA or designated as depleted under the MMPA. There is currently no established critical habitat in the proposed project area for any of these pinniped species.

Potential impacts to marine mammal habitat were discussed previously in this document (see the ''Anticipated Effects on Habitat'' section). Although some disturbance is possible to food sources of marine mammals, the impacts are anticipated to be minor. Based on the vast size of the Arctic Ocean where feeding by marine mammals occurs versus the localized area of the ice overflight surveys, any missed feeding opportunities in the direct project area would be of little consequence, as marine mammals

would have access to other feeding grounds.

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 Shell's proposed 2015 ice overflight surveys in the Chukchi and Beaufort Seas will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

The estimated takes proposed to be authorized represent less than 0.3% of the affected population or stock for all species in the survey area. Based on this, 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 or Stock for Taking for Subsistence Uses

Potential Impacts to Subsistence Uses

NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as: ''an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Subsistence hunting continues to be an essential aspect of Inupiat Native life, especially in rural coastal villages. The Inupiat participate in subsistence hunting activities in and around the Beaufort and Chukchi Seas. The animals taken for subsistence provide a significant portion of the food that will last the community through the year. Marine mammals represent on the order of 60–80% of the total subsistence harvest. Along with the nourishment necessary for survival, the subsistence activities strengthen bonds within the culture, provide a means for educating the younger generation, provide supplies for artistic expression, and allow for important celebratory events.

Bowhead Whale

Activities associated with Shell's planned ice overflight survey program are not likely to have an unmitigable adverse impact on the availability of bowhead whales for taking for subsistence uses. Ice overflight surveys that may occur near Point Lay, Wainwright, Barrow, Nuiqsut, and Kaktovik would traverse bowhead subsistence areas. The most commonly observed reactions of bowheads to aircraft traffic are hasty dives, but changes in orientation, dispersal, and changes in activity are sometimes noted. Such reactions could potentially affect subsistence hunts if the flights occurred near and at the same time as the hunt. Most flights will take place after the fall and prior to spring bowhead whale hunting from the villages. Shell will implement a number of mitigation measures to avoid such impacts. These mitigation measures include minimum flight altitudes, use of Village Community Liaison Officers (CLOs), Subsistence Advisors (SAs), and Communication Centers in order to avoid conflicts with subsistence activities. SA calls will be held while subsistence activities are underway during the ice overflight survey program and are attended by operations staff, logistics staff, and CLOs. Aircraft flights are adjusted as needed and planned in a manner that avoids potential impacts to bowhead whale hunts and other subsistence activities.

Beluga Whale

Activities associated with Shell's planned ice overflight survey program will not have an unmitigable adverse impact on the availability of beluga whales for taking for subsistence uses.

Ice overflight surveys may occur near Point Lay, Wainwright, Barrow, Nuiqsut, and Kaktovik would and traverse beluga whale hunt subsistence areas. Most flights would take place when belugas are not typically harvested. Survey activities could potentially affect subsistence hunts if the flights occurred near and at the same time as the hunt. Shell has developed mitigation measures to avoid any such impacts. These mitigation measures include minimum flight altitudes, use of CLOs, SAs, and Communication Centers. SA calls will be held while subsistence activities are underway during the ice overflight survey program and are attended by operations staff, logistics staff, and CLOs. Aircraft flights are adjusted as needed and planned in a manner that avoids any potential impacts to beluga whale hunts and other subsistence activities.

Seals

Seals are an important subsistence resource with ringed and bearded seals making up the bulk of the seal harvest. The survey areas are far outside of areas reportedly utilized for the harvest of seals by the villages of Point Hope, thus the ice overflight surveys will not have an un-mitigable adverse impact on the availability of ice seals for taking for subsistence uses. The survey areas encompass some areas utilized by residents of Point Lay, Wainwright, Barrow, Nuiqsut and Kaktovik for the harvest of seals. Most ringed and bearded seals are harvested in the winter and a harvest of seals could possibly be affected by Shell's planned activities. Spotted seals are harvested during the summer and may overlap briefly with Shell's planned activities. Most seals are harvested in coastal waters, with available maps of recent and past subsistence use areas indicating that seal harvests have occurred only within 30–40 mi (48–64 km) off the coastline. Some of the planned ice overflight surveys would take place in areas used by the village residents for the harvest of seals. The survey aircraft could potentially travel over areas used by residents for seal hunting and could potentially disturb seals and, therefore, subsistence hunts for seals. Any such effects from the survey activities would be minimal due to the infrequency of the planned surveys. Shell will implement a number of mitigation measures which include a proposed 4MP, use of CLOs, SAs, operation of Communication Centers, and minimum altitude requirements. SA calls will be held while subsistence activities are underway during the ice overflight survey program and are attended by operations staff, logistics staff, and CLO's. Aircraft movements and activities are adjusted as needed and planned in a manner that avoids potential impacts to subsistence activities. With these mitigation measures any effects on ringed, bearded, and spotted seals as subsistence resources, or effects on subsistence hunts for seals, would be minimal.

Plan of Cooperation or Measures To Minimize Impacts to Subsistence Hunts

Regulations at 50 CFR 216.104(a)(12) require IHA applicants for activities that take place in Arctic waters to provide a Plan of Cooperation (POC) or information that identifies what measures have been taken and/or will be taken to minimize adverse effects on the availability of marine mammals for subsistence purposes.

Shell has prepared a POC in accordance with NMFS' regulations. The POC relies upon the Chukchi Sea Communication Plans to identify the measures that Shell has developed in consultation with North Slope

subsistence communities and will implement during its planned 2015/2016 ice overflight surveys to minimize any adverse effects on the availability of marine mammals for subsistence uses. In addition, the POC details Shell's communications and consultations with local subsistence communities concerning its planned 2015/2016 program, potential conflicts with subsistence activities, and means of resolving any such conflicts (50 CFR 216.104(a) (12) (i), (ii), and (iv)). The POC identifies and documents potential conflicts and associated measures that will be taken to minimize any adverse effects on the availability of marine mammals for subsistence use.

Meetings between Shell and villages were held in Barrow and Point Lay in early November 2014 and in other villages in early 2015. Throughout 2015 and 2016 Shell anticipates continued engagement with the marine mammal commissions and committees active in the subsistence harvests and marine mammal research.

Following the 2015/2016 season, Shell intends to have a post-season co-management meeting with the commissioners and committee heads to discuss results of mitigation measures and outcomes of the preceding season. The goal of the post-season meeting is to build upon the knowledge base, discuss successful or unsuccessful outcomes of mitigation measures, and possibly refine plans or mitigation measures if necessary.

In addition to the POC, the following subsistence mitigation measures will be implemented for Shell's ice overflight surveys and are required in the IHA issued to Shell.

(1) Communications

- Shell has developed a Communication Plan and will implement this plan before initiating ice overflight survey operations to coordinate activities with local subsistence users, as well as Village Whaling Captains' Associations, to minimize the risk of interfering with subsistence hunting activities, and keep current as to the timing and status of the bowhead whale hunt and other subsistence hunts.
- Shell will employ local CLOs and/or SAs from the Chukchi Sea villages that are potentially impacted by Shell's ice overflight surveys. The CLOs and SAs will provide consultation and guidance regarding the whale migration and subsistence activities. There will be one per village. The CLO and/or SA will use local knowledge (Traditional Knowledge) to gather data on the subsistence lifestyle within the community and provide advice on ways to minimize and mitigate potential negative impacts to subsistence resources during the survey season. Responsibilities include reporting any subsistence concerns or conflicts; coordinating with subsistence users; reporting subsistence-related comments, concerns, and information; and advising how to avoid subsistence conflicts.

(2) Aircraft Travel

- The aircraft will maintain a 1 mi (1.6 km) radius when flying over areas where seals appear to be concentrated in groups of ≥ 5 individuals.
- The aircraft will not land on ice within 1,400 m of hauled out pinnipeds.
- The aircraft will avoid flying over polynyas and along adjacent ice margins as much as possible to minimize potential disturbance to cetaceans.
- Aircraft shall not operate below 1,500 ft (457 m) in areas of active whale hunting; such areas to be identified through communications with the Com Centers and SAs.
- Shell will routinely engage with local communities and subsistence groups to ensure no disturbance of whaling or other subsistence activities.

Unmitigable Adverse Impact Analysis and Determination

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the mitigation and monitoring measures, NMFS has determined that there will not be an unmitigable adverse impact on subsistence uses from Shell's proposed activities.

Endangered Species Act (ESA)

There are two marine mammal species listed as endangered under the ESA with confirmed or possible occurrence in the proposed project area: the bowhead whale and ringed seal. NMFS' Permits and Conservation Division initiated consultation with NMFS' Endangered Species Division under section 7 of the ESA on the issuance of an IHA to Shell under section 101(a)(5)(D) of the MMPA for this activity. On May 20, 2015, NMFS issued a Biological Opinion, and concluded that the issuance of the IHA associated with Shell's 2015/2016 ice overflight surveys in the Beaufort and Chukchi Seas are not likely to jeopardize the continued existence of the threatened ringed seal and will have no effect on bowhead whale. No critical habitat has been designated for this species, therefore it will be affected.

National Environmental Policy Act (NEPA)

NMFS prepared an EA that includes an analysis of potential environmental effects associated with NMFS' issuance of an IHA to Shell to take marine mammals incidental to conducting ice overflight surveys in the Beaufort and Chukchi Seas, Alaska. NMFS has finalized the EA and prepared a FONSI for this action. Therefore, preparation of an Environmental Impact Statement is not necessary. NMFS' draft EA was available to the public for a 30-day comment period before it was finalized.

Authorization

As a result of these determinations, NMFS has issued an IHA to Shell for the take of marine mammals, by Level B harassment, incidental to conducting ice overflight surveys in the Beaufort and Chukchi Seas in 2015/2016, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: June 10, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–14702 Filed 6–15–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XV92

Marine Mammals; File No. 14610

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that the Alaska Department of Fish and Game (ADFG), Division of Wildlife Conservation, Juneau, AK (Principal Investigator: Lori Quakenbush) has been issued a minor amendment to Scientific Research Permit No. 14610–03.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone: (301) 427–8401; fax: (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Courtney Smith or Brendan Hurley; phone: (301) 427–8401.

SUPPLEMENTARY INFORMATION: The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The current permit (No. 14610–03), issued on August 11, 2014 (75 FR 30383) authorized vessel and aerial surveys, photo-identification, remote biopsy and instrument attachment research activities on beluga (*Delphinapterus leucas*), endangered bowhead (*Balaena mysticetus*), gray (*Eschrictius robustus*), and endangered humpback whales (*Megaptera novaeangliae*) through May 31, 2015. The minor amendment (No. 14610–04) extends the duration of the permit by one year through May 31, 2016, but does not change any other terms or conditions of the permit.

Dated: June 10, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–14753 Filed 6–15–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD814

Takes of Marine Mammals Incidental to Specified Activities; Land Survey Activities Within the Eastern Aleutian Islands Archipelago, Alaska, 2015

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) regulations, we, NMFS, hereby give notification that the National Marine Fisheries Service has issued an Incidental Harassment Authorization (IHA) to the Bureau of Land Management (BLM) to take marine mammals, by harassment incidental to conducting a one-day field-based land survey of cultural sites located on a small island within the eastern Aleutian Islands archipelago, Alaska, June through July, 2015.

DATES: Effective June 12, 2015 through July 31, 2015.

ADDRESSES: The public may obtain an electronic copy of Glacier Bay NP's application, supporting documentation, the authorization, and a list of the references cited in this document by visiting: *http://www.nmfs.noaa.gov/pr/permits/incidental/research.htm.*

The Environmental Assessment and associated Finding of No Significant Impact, prepared pursuant to the National Environmental Policy Act of 1969, are also available at the same site.

FOR FURTHER INFORMATION CONTACT: Jeannine Cody, NMFS, Office of Protected Resources, NMFS (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if, after NMFS provides a notice of a proposed authorization to the public for review and comment: (1) NMFS makes certain findings; and (2) the taking is limited to harassment.

An Authorization shall be granted for the incidental taking of small numbers of marine mammals if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). The Authorization must also set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat; and requirements pertaining to the monitoring and reporting of such taking. 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.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On September 8, 2014, NMFS received an application from BLM requesting that we issue an Authorization for the take of marine mammals, incidental to conducting one field-based land survey for a land claim of cultural sites located on a small island in the eastern Aleutian Islands archipelago, AK. NMFS determined the application complete and adequate on February 17, 2015.

BLM would conduct the proposed activity within the vicinity of a major Steller sea lion haulout site identified in the regulations at 50 CFR 226.202 and the following aspects of the proposed activity would likely to result in the take of marine mammals: Noise generated by vessel approaches and departures; noise generated by personnel while conducting the land survey; and human presence during the proposed activity. Thus, NMFS anticipates that take, by Level B harassment only of one species of marine mammal could result from the specified activity. NMFS anticipates that take by Level B Harassment only, of 20 Steller sea lions would result from the specified activity.

Description of the Specified Activity

Overview

BLM must conduct the land survey to support conveyance of existing cemetery sites and historical places to an Alaska Native Regional Corporation as required under the ANCSA. Once BLM concludes the survey no additional visits would be necessary for the proposed action.

Dates and Duration

BLM would complete the survey within one day (approximately 6–10 hours) between June 1 and July 31, 2015. Thus, the proposed Authorization, if issued, would be effective from June 1, 2015 through July 31, 2015. NMFS refers the reader to the Detailed Description of Activities section later in this notice for more information on the scope of the proposed activities.

Specified Geographic Region

BLM's application contains information on sensitive archaeological site locations prohibited from disclosure to the public under the National Historic Preservation Act of 1966, as amended. The island is small (less than 5 acres), extremely rugged, and uninhabited by people. This notice will describe the specified geographic region as cultural sites located on a small island in the eastern Aleutian Islands archipelago.

Detailed Description of Activities

BLM proposes to conduct the land survey with a small group of no more than four people who would use a global position system (GPS) unit to determine the locational accuracy of the selected cultural site. After selecting the placement location for the survey marker, BLM surveyors would use shovels, digging bars, and mallets to set a group of official U.S. survey markers into the ground. BLM does not plan to use any power tools to conduct the land survey.

BLM personnel would access the selected cultural sites using two types of boats: A mid-sized marine vessel (approximately 15 meters (m); 50 feet (ft) in length) and a small skiff. The main vessel would approach the remote island at a speed of approximately 8 knots (kt) (9.2 miles per hour) and would launch the skiff to cross the shallower waters immediately surrounding the small island in the eastern Aleutian Islands archipelago.

Once on land, surveyors would walk to the survey sites to conduct their activities. BLM does not propose to use any type of motorized vehicles on the small island.

There is a possibility that BLM would need to access the island by helicopter or sea plane, if they determine that accessing the island by sea would not be feasible due to weather or scheduling constraints. However, the likelihood of BLM using this mode of transit is extremely low given the high expense involved with chartering aircraft.

Comments and Responses

We published a notice of receipt of BLM's application and proposed Authorization in the **Federal Register** (80 FR 21213, April 17, 2015). During the 30-day comment period, we received one comment from the Marine Mammal Commission (Commission) which recommended that we issue the requested Authorization, provided that BLM carries out the required monitoring and mitigation measures as described in the notice of the proposed authorization (80 FR 21213, April 17, 2015) and the application. We have included all measures proposed in the notice of the proposed authorization (80 FR 21213, April 17, 2015) in the final Authorization.

We also received comments from one private citizen who opposed the authorization on the basis that NMFS should not allow any Authorizations for harassment. We considered the commenter's general opposition to BLM's activities and to our issuance of an Authorization. The Authorization, described in detail in the **Federal Register** notice of the proposed Authorization (80 FR 21213, April 17, 2015) includes mitigation and monitoring measures to effect the least practicable impact to marine mammals and their habitat. It is our responsibility to determine whether the activities will have a negligible impact on the affected species or stocks; will have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, where relevant; and to prescribe the means of effecting the least practicable adverse impact on the affected species or stocks and their habitat, as well as monitoring and reporting requirements.

Regarding the commenter's opposition to authorizing harassment, the MMPA allows U.S. citizens (which includes BLM) to request take of marine mammals incidental to specified activities, and requires us to authorize such taking if we can make the necessary findings required by law and if we set forth the appropriate prescriptions. As explained throughout the **Federal Register** notice (80 FR 21213, April 17, 2015), we made the necessary preliminary findings under 16 U.S.C. 1361(a)(5)(D) to support issuance of Authorization.

Description of Marine Mammals in the Area of the Specified Activity

The marine mammals most likely to be harassed incidental to BLM conducting the land survey activities are Steller sea lions. Table 1 in this notice provides the following information: All marine mammal species with possible or confirmed occurrence in the proposed survey areas on land; information on those species' regulatory status under the MMPA and the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); abundance; occurrence and seasonality in the activity area. NMFS refers the public to the **Federal Register** notice of the proposed Authorization (80 FR 21213, April 17, 2015) and the 2014 NMFS Marine Mammal Stock Assessment Report available online at: *http://www.nmfs.noaa.gov/pr/sars/species.htm* for further information on the biology and distribution of these species. Based on recent survey reports, there are no other species of marine mammals present in the action area (BLM, *Pers. Comm.*)

TABLE 1—GENERAL INFORMATION ON MARINE MAMMALS THAT COULD POTENTIALLY HAUL OUT IN THE PROPOSED CULTURAL SITE ON A SMALL ISLAND WITHIN THE EASTERN ALEUTIAN ISLANDS ARCHIPELAGO, JUNE THROUGH JULY, 2015

Species	Stock name	Regulatory status [1] [2]	Stock/species abundance [3]	Occurrence and range	Season
Steller sea lion (*Eumetopias jubatus*).	Western U.S.	MMPA—D, S ESA—T	82,516	common	Winter/Spring.
Steller sea lion (*Eumetopias jubatus*).	Eastern U.S.	MMPA—D, S ESA—DL	60,131—74,448	uncommon	Unknown.

[1] MMPA: D = Depleted, S = Strategic, NC = Not Classified.
[2] ESA: EN = Endangered, T = Threatened, DL = Delisted, NL = Not listed.
[3] 2014 NMFS Stock Assessment Report (Allen and Angliss, 2015).

Steller Sea Lion Critical Habitat

Under the ESA, NMFS has designated critical habitat for Steller sea lions based on the location of terrestrial rookery and haulout sites, spatial extent of foraging trips, and availability of prey items (50 CFR 226.202). Critical habitat includes a terrestrial zone that extends 0.9 km (3,000 ft) landward from the baseline or base point of a major haulout in Alaska. Critical habitat includes an air zone that extends 0.9 km (3,000 ft) above the terrestrial zone of a major haulout in Alaska, measured vertically from sea level. Critical habitat includes an aquatic zone that extends 20 nautical miles (37 km; 23 miles (mi)) seaward in state and federally managed waters from the baseline or basepoint of a major haulout in Alaska west of 144° W longitude. BLM's proposed action falls within an area designated as a major haulout for Steller sea lions.

Other Marine Mammals in the Proposed Action Area

The BLM, in collaboration with the Alaska Department of Fish and Game,

has not encountered any other species of marine mammal (*e.g.,* the northern fur seal, (*Callorhinus ursinus*)) hauled out on the small island in the eastern Aleutian Islands archipelago during the course of previous surveying activities within the area over the past 13 years (ADGF, *Pers. Comm.*). NMFS independently evaluated the likelihood of northern fur seal presence in the action area using the Ocean Biogeographic Information System Spatial Ecological Analysis of Megavertebrate Populations viewer (OBIS SEAMAP, 2015) and found no records of observations of northern fur seals within the proposed action area. Thus, NMFS will not consider this species further in this notice.

Potential Effects of the Specified Activities on Marine Mammals

Acoustic and visual stimuli generated by: (1) Vessel approaches and departures; and (2) human presence during the land survey activities, have the potential to cause Level B harassment of Steller sea lions hauled out on the small island in the proposed survey area. Disturbance includes a variety of effects, including subtle to conspicuous changes in behavior, movement, and displacement.

We expect that acoustic and visual stimuli resulting from the proposed activities has the potential to harass marine mammals. We also expect that these disturbances would be temporary and result, at worst, in a temporary modification in behavior and/or low-level physiological effects (Level B harassment) of Steller sea lions.

We included a summary and discussion of the ways that the types of stressors associated with BLM's specified activities (*i.e.,* visual and acoustic disturbance) have the potential to impact marine mammals in the **Federal Register** notice of the proposed Authorization (80 FR 21213, April 17, 2015).

Vessel Strike: The potential for striking marine mammals is a concern with vessel traffic. However, it is highly unlikely that the use of small, slow-moving skiffs or boats to access the small island would result in injury, serious injury, or mortality to any marine mammal. Typically, the reasons for vessel strikes are fast transit speeds, lack of maneuverability, or not seeing the animal because the boat is so large. The probability of vessel and marine mammal interactions (*i.e.,* vessel strike) occurring during the proposed activities is unlikely due to the main vessel's slow operational speed around the island, which is typically 8 knots (9.2 miles per hour) coupled with the observer and BLM personnel continually scanning the water for marine mammals presence during transit to the island. *Rookeries:* The proposed land survey activities would not occur on pinniped rookeries. Only adult Steller sea lions occupy the haulout site during June and July. No pups or breeding adults would be present during the proposed survey and there are no breeding animals or pups concentrated in areas where BLM would conduct the survey. Therefore, we do not expect mother and pup separation or crushing of pups during flushing.

Stampede: Because hauled-out animals may move towards the water when disturbed, there is the risk of injury if animals stampede towards shorelines with precipitous relief (*e.g.,* cliffs). However, while high-elevation sites exist on the small island, the haulout sites consist of ridges with unimpeded and non-obstructive access to the water. If disturbed, the small number of hauled-out adult animals may move toward the water without risk of encountering barriers or hazards that would otherwise prevent them from leaving the area. Moreover, the proposed area would not be crowded with large numbers of Steller sea lions during June or July, further eliminating the possibility of potentially injurious mass movements of animals attempting to vacate the haulout. Thus, in this case, NMFS considers the risk of injury, serious injury, or death to hauled-out animals as very low.

Anticipated Effects on Marine Mammal Habitat

We considered these impacts in detail in the **Federal Register** notice of the proposed Authorization (80 FR 21213, April 17, 2015). The only habitat modification associated with the proposed activity is the placement of a group of official U.S. survey markers into the ground. BLM would conduct the installation of the survey markers under the appropriate authorities (*i.e.,* the Alaska Native Claims Settlement Act of 1971, as amended (ANCSA; 43 U.S.C. 1601–1624)) and would not use any power tools to set the markers.

While NMFS anticipates that the specified activity may result in marine mammals avoiding certain areas due to vessel operations or human presence, this impact to habitat is temporary and reversible. NMFS considered these as behavioral modification. The main impact associated with the proposed activity will be temporarily elevated noise levels and the associated direct effects on marine mammals, previously discussed in this notice. Based on the preceding discussion, NMFS does not anticipate that the proposed activity would have any habitat-related effects that could cause significant or long-term consequences for individual marine mammals or their populations.

NMFS does not anticipate that the proposed survey would result in any permanent effects on the habitats used by the marine mammals in the proposed area, including the food sources they use (*i.e.,* fish and invertebrates). Based on the preceding discussion, NMFS does not anticipate that the proposed activity would have any habitat-related effects that could cause significant or long-term consequences for individual marine mammals or their populations.

Mitigation

In order to issue an incidental take authorization under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant). Applications for incidental take authorizations must include the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact on the affected species or stock and their habitat 50 CFR 216.104(a)(11).

Mitigation Measures

The BLM proposes to implement several mitigation measures to reduce potential take by Level B (behavioral disturbance) harassment. Measures include: (1) Conducting slow and controlled approaches to the island by vessel and skiff as far away as possible from hauled out sea lions to prevent or minimize stampeding; (2) avoiding placing the skiff in the path of swimming sea lions that may be present; (3) beginning terrestrial activities as far away as possible from hauled out sea lions; (4) conducting slow movements to prevent or minimize stampeding; (5) avoiding loud noises (*i.e.,* using hushed voices); (6) avoiding pinnipeds along access ways to sites by locating and taking a different access way and vacating the area as soon as possible after completing the land survey; (7) monitoring the offshore area for predators (such as killer whales and white sharks) and avoid flushing of pinnipeds when predators are observed in nearshore waters; and (8) using binoculars to detect pinnipeds before

close approach to avoid being seen by animals.

The primary method of mitigating the risk of disturbance to sea lions, which will be in use at all times, is the selection of judicious routes of approach to the survey site, avoiding close contact with sea lions hauled out on shore, and the use of extreme caution upon approach. In no case will BLM deliberately approach marine mammals. BLM personnel would select a pathway of approach to the survey sites that minimizes the number of marine mammals potentially harassed. In general, BLM personnel would stay inshore of sea lions whenever possible to allow slow and controlled egress to the ocean. The survey would last for approximately 6–10 hours, after which personnel would vacate the survey site. Any marine mammals that may have been disturbed by the presence of surveyors could re-occupy the site after completion of the survey.

Mitigation Conclusions

NMFS has carefully evaluated BLM's proposed mitigation measures in the context of ensuring that we prescribe the means of affecting the least practicable impact on the affected marine mammal species and stocks and their habitat. The evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed here:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to vessel or visual presence that NMFS expects to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

3. A reduction in the number of times (total number or number at biologically important time or location) individuals exposed to vessel or visual presence that NMFS expects to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to vessel or visual presence that NMFS expects to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on the evaluation of BLM's proposed measures, NMFS has determined that the proposed mitigation 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

In order to issue an incidental take authorization for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for Authorizations 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 NMFS expects to be present in the proposed action area.

BLM submitted a marine mammal monitoring plan in section 13 of their Authorization application. NMFS or the BLM has not modified or supplemented the plan based on comments or new information received from the public during the public comment period.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in our understanding of the likely occurrence of marine mammal species in the vicinity of the action, (*i.e.,* presence, abundance, distribution, and/or density of species).

2. An increase in our understanding of the nature, scope, or context of the likely exposure of marine mammal species to any of the potential stressor(s) associated with the action (*e.g.,* sound or visual stimuli), through better understanding of one or more of the following: the action itself and its environment (*e.g.,* sound source characterization, propagation, and ambient noise levels); the affected species (*e.g.,* life history or dive pattern); the likely co-occurrence of marine mammal species with the action (in whole or part) associated with specific adverse effects; and/or the likely biological or behavioral context of exposure to the stressor for the marine mammal (*e.g.,* age class of exposed animals or known pupping, calving or feeding areas).

3. An increase in our understanding of how individual marine mammals respond (behaviorally or physiologically) to the specific stressors associated with the action (in specific contexts, where possible, *e.g.,* at what distance or received level).

4. An increase in our understanding of how anticipated individual responses, to individual stressors or anticipated combinations of stressors, may impact either: the long-term fitness and survival of an individual; or the population, species, or stock (*e.g.* through effects on annual rates of recruitment or survival).

5. An increase in our understanding of how the activity affects marine mammal habitat, such as through effects on prey sources or acoustic habitat (*e.g.,* through characterization of longer-term contributions of multiple sound sources to rising ambient noise levels and assessment of the potential chronic effects on marine mammals).

6. An increase in understanding of the impacts of the activity on marine mammals in combination with the impacts of other anthropogenic activities or natural factors occurring in the region.

7. An increase in our understanding of the effectiveness of mitigation and monitoring measures.

8. An increase in the probability of detecting marine mammals (through improved technology or methodology), both specifically within the safety zone (thus allowing for more effective implementation of the mitigation) and in general, to better achieve the above goals.

As part of its Authorization application, BLM proposes to sponsor marine mammal monitoring, in order to implement the mitigation measures that

require real-time monitoring, and to satisfy the monitoring requirements of the proposed Authorization. These include:

- The vessel would circle the island from the greatest distance feasible for accurate observation to allow the marine mammal observer (observer) to map and record the initial locations, numbers, and behaviors of Steller sea lions using the island before commencing the survey. The observer would use this information to recommend where BLM personnel should approach the survey area to minimize disruption to any Steller sea lions hauled out on the island.
- Once on land, the observer would record any changes in sea lion locations, numbers, or behaviors observed during the reconnaissance.
- The observer would post at a location (*e.g.,* a ridge or other high elevation area) to visually observe sea lions with no or minimal risk of modifying their behavior. If possible, the observer would also have the land survey crew in sight and would communicate with the surveyors using hand-held radios. The observer would advise the crew on the location and behavior of the sea lions to maximize the safety of both the sea lions and the crew.

Proposed monitoring requirements in relation to BLM's proposed activities would include species counts, numbers of observed disturbances, and descriptions of the disturbance behaviors during the monitoring surveys, including location, date, and time of the event. In addition, BLM would record observations regarding the number and species of any marine mammals either observed in the water or hauled out.

BLM can add to the knowledge of pinnipeds in the proposed action area by noting observations of: (1) Unusual behaviors, numbers, or distributions of pinnipeds, such that any potential follow-up research can be conducted by the appropriate personnel; (2) tag-bearing carcasses of pinnipeds, allowing transmittal of the information to appropriate agencies and personnel; and (3) rare or unusual species of marine mammals for agency follow-up.

If at any time injury, serious injury, or mortality of the species for which take is authorized should occur, or if take of any kind of any other marine mammal occurs, and such action may be a result of the proposed land survey, BLM would suspend survey activities and contact NMFS immediately to determine how best to proceed to ensure that another injury or death does not occur and to ensure that the applicant remains in compliance with the MMPA.

Reporting

BLM would submit a draft report to NMFS Office of Protected Resources no later than 90 days after the expiration of the proposed Authorization, if issued. The report will include a summary of the information gathered pursuant to the monitoring requirements set forth in the proposed Authorization. BLM will submit a final report to the Director of the NMFS Office of Protected Resources within 30 days after receiving comments from NMFS on the draft report. If BLM receives no comments from NMFS on the report, NMFS will consider the draft report to be the final report.

The report will describe the operations conducted and sightings of marine mammals near the proposed project. The report will provide full documentation of methods, results, and interpretation pertaining to all monitoring. The report will provide:

1. A summary and table of the dates, times, and weather during all research activities.
2. Species, number, location, and behavior of any marine mammals observed throughout all monitoring activities.
3. An estimate of the number (by species) of marine mammals exposed to human presence associated with the survey activities.
4. A description of the implementation and effectiveness of the monitoring and mitigation measures of the Authorization and full documentation of methods, results, and interpretation pertaining to all monitoring.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the authorization, such as an injury (Level A harassment), serious injury, or mortality (*e.g.,* vessel-strike, stampede, etc.), BLM personnel shall immediately cease the specified activities and immediately report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and the Alaska Regional Stranding Coordinator at (907) 586–7248. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Description and location of the incident (including water depth, if applicable);
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

BLM shall not resume its activities until NMFS is able to review the circumstances of the prohibited take. We will work with BLM to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. BLM may not resume their activities until notified by us via letter, email, or telephone.

In the event that BLM discovers an injured or dead marine mammal, and the marine mammal observer 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 we describe in the next paragraph), BLM will immediately report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and the Alaska Regional Stranding Coordinator at (907) 586–7248. The report must include the same information identified in the paragraph above this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS would work with BLM to determine whether modifications in the activities are appropriate.

In the event that BLM discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), BLM will report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and the Alaska Regional Stranding Coordinator at (907) 586–7248 within 24 hours of the discovery. BLM personnel will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to us. BLM can continue their survey activities while NMFS reviews the circumstances of the incident.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has

the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

All anticipated takes would be by Level B harassment, involving temporary changes in behavior. NMFS expects that the proposed mitigation and monitoring measures would minimize the possibility of injurious or lethal takes. NMFS considers the potential for take by injury, serious injury, or mortality as remote. NMFS expects that the presence of BLM personnel could disturb of animals hauled out close to the survey site and that the animals may alter their behavior or attempt to move away from the surveyors.

As discussed in the in the **Federal Register** notice of the proposed Authorization (80 FR 21213, April 17, 2015), NMFS considers an animal to have been harassed if it moved greater than 1 m (3.3 ft) in response to the surveyors' presence or if the animal was already moving and changed direction and/or speed, or if the animal flushed into the water. NMFS does not consider animals that became alert without such movements as harassed.

Based on the best available information, NMFS estimates that the land survey activities could potentially affect by Level B behavioral harassment up to 20 Steller sea lions over the course of the Authorization. This estimate represents less than one percent (0.0002) of the western DPS of Steller sea lions and accounts for a maximum disturbance of 20 animals during the one-day visit to the island. Actual take may be slightly less if animals decide to haul out at a different location for the day or if animals are foraging at the time of the survey activities.

NMFS does not propose to authorize any injury, serious injury, or mortality. NMFS expect all potential takes to fall under the category of Level B harassment only.

Encouraging and Coordinating Research

BLM would share observations and counts of marine mammals and all observed disturbances to the appropriate state and federal agencies at the conclusion of the survey.

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). The lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population level effects) forms the basis of a negligible impact finding. 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 considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

Although BLM's survey activities may disturb Steller sea lions hauled out on the island, NMFS expects those impacts to occur to a small, localized group of animals for a limited duration (*e.g.,* 6–10 hours in one day). Steller sea lions would likely become alert or, at most, flush into the water in reaction to the presence of BLM personnel during the proposed activities. Disturbance will be limited to a short duration, allowing adult sea lions to reoccupy the island within a short amount of time. Thus, the proposed action is unlikely to result in long-term impacts such as permanent abandonment of the haul-out.

BLM's activities would occur during the least sensitive time (*e.g.,* summer, June through July) for hauled out sea lions on the island. Only adult Steller sea lions occupy the haulout site during June and July. Thus, pups or breeding adults would not be present during the proposed one-day survey.

Moreover, BLM's proposed mitigation measures regarding transit speed, island approaches, and survey site ingress and egress would minimize the potential for stampedes and large-scale movements. Thus, the potential for large-scale movements and stampede leading to injury, serious injury, or mortality is low.

NMFS proposes to authorize take for the Western DPS of Steller sea lion listed as endangered under the ESA and classified as a strategic stock and depleted under the MMPA. BLM's proposed action falls within an area designated as a major haulout for Steller sea lions under the critical habitat designations of the ESA. Steller sea lions spend much of their time in marine water but they do rest and breed on land. During the breeding and pupping season (late May to early July), reproductively active adult Steller sea lions occupy rookeries (terrestrial birthing sites) whereas non-breeding individuals use haulouts (terrestrial resting sites). In this case, relatively small numbers (less than 10) of adult, non-reproducing, Steller sea lions use the island as a haulout during the months of June and July when the one-day survey would occur. Moreover, BLM's proposed activities would not significantly alter the physical or biological features of the critical habitat. Project related disturbances to Steller sea lion would result from stimuli related to vessel and human presence within the proposed area. However, the disturbances related to these activities are temporary in nature and not expected to permanently modify the critical habitat.

In summary, NMFS anticipates that impacts to hauled-out Steller sea lions during BLM's land survey activities would be behavioral harassment of limited duration (*i.e.,* less than one day) and limited intensity (*i.e.,* temporary flushing at most). NMFS does not expect stampeding, and therefore injury or mortality to occur (see ''Mitigation'' for more details). 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 BLM's proposed survey activities will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

As mentioned previously, NMFS estimates that BLM's proposed activities could potentially affect, by Level B harassment only, one species of marine mammal under our jurisdiction. NMFS estimates that the survey activities could potentially affect by Level B behavioral harassment up to 20 Steller sea lions over the course of the proposed Authorization. This estimate represents less than one percent (0.0002) of the western DPS of Steller sea lions and accounts for a maximum disturbance of 20 animals during the one-day visit to the island. For the Western DPS of Steller sea lion, this estimate is small (less than one percent) relative to the population size of 82,516 animals. However, actual take may be slightly less if animals decide to haul out at a different location for the day or if animals are foraging at the time of the survey activities.

Based on the analysis contained in this notice of the likely effects of the

specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS finds that BLM's proposed activities would take small numbers of marine mammals relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. The proposed activity occurs south of the latitude that NMFS' categorizes as within Arctic waters (*i.e.,* north of 60° N). 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)

For the reasons already described in this notice, NMFS has determined that the issuance of a proposed Authorization may have an effect on species or critical habitat protected under the ESA (specifically, the Steller sea lion). Under section 7 of the ESA, BLM has initiated formal consultation with the NMFS Alaska Regional Office on the proposed land survey. NMFS (*i.e.,* National Marine Fisheries Service, Office of Protected Resources, Permits and Conservation Division) also consulted internally with the NMFS Alaska Regional Office on the proposed issuance of an Authorization under section 101(a)(5)(D) of the MMPA.

In June, 2015, the NMFS Alaska Regional Office Protected Species Division issued a Biological Opinion with an Incidental Take Statement to us and to BLM which concluded that the issuance of the Authorization and the conduct of the land survey activities were not likely to jeopardize the continued existence of Steller sea lions. The Biological Opinion also concluded that the issuance of the Authorization and the conduct of the land survey activities would not affect designated critical habitat for Steller sea lions.

National Environmental Policy Act (NEPA)

NMFS prepared an Environmental Assessment (EA) analyzing the potential effects to the human environment from NMFS' issuance of a Authorization to BLM for their proposed land survey activities. In June 2015, NMFS issued a Finding of No Significant Impact (FONSI) on the issuance of an Authorization for BLM's proposed land survey activities in accordance with section 6.01 of the NOAA Administrative Order 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). NMFS' EA and FONSI for this activity are available upon request (see **ADDRESSES**).

Authorization

As a result of these determinations, NMFS issued an Incidental Harassment Authorization to BLM for take incidental to conducting a one-day field-based land survey of cultural sites located on a small island within the eastern Aleutian Islands archipelago, during the period of June 1, 2015 through July 31, 2015, provided they incorporate the previously mentioned mitigation, monitoring, and reporting requirements.

Dated: June 10, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–14700 Filed 6–15–15; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Publication of FY 2014 Service Contract Inventory

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public availability of FY 2014 Service Contract Inventory.

SUMMARY: In accordance with Section 734 of Division C of the Consolidated Appropriations Act of 2010, the Bureau of Consumer Financial Protection (Bureau) 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, which the Bureau funded during FY 2014. The information is organized by function to show how contracted resources were used by the agency to support its mission. The inventory has been developed in accordance with the guidance issued on November 5, 2010 and December 19, 2011 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at: *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf and http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventory-guidance.pdf.* The Bureau has posted its inventory, inventory supplement, and a summary of the inventory on the Bureau's Open Government homepage at the following link: *http://www.consumerfinance.gov/open.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to Hoa Crews, Senior Procurement Analyst, Office of Procurement, Consumer Financial Protection Bureau, (304) 536–3892.

Dated: June 4, 2015.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2015–14805 Filed 6–15–15; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Army, Army Corps of Engineers

Notice of Solicitation of Applications for Stakeholder Representative Members of the Missouri River Recovery Implementation Committee

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice.

SUMMARY: The Commander of the Northwestern Division of the U.S. Army Corps of Engineers (Corps) is soliciting applications to fill vacant stakeholder representative member positions on the Missouri River Recovery Implementation Committee (MRRIC). Members are sought to fill vacancies on a committee to represent various categories of interests within the Missouri River basin. The MRRIC was formed to advise the Corps on a study of the Missouri River and its tributaries and to provide guidance to the Corps with respect to the Missouri River recovery and mitigation activities currently underway. The Corps established the MRRIC as required by the U.S. Congress through the Water Resources Development Act of 2007 (WRDA), Section 5018.

DATES: The agency must receive completed applications and endorsement letters no later than July 17, 2015.

ADDRESSES: Mail completed applications and endorsement letters to U.S. Army Corps of Engineers, Omaha District (Attn: MRRIC), 1616 Capitol Avenue, Omaha, NE 68102–4901 or email completed applications to *info@mrric.org.* Please put ''MRRIC'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Aaron T. Quinn, 402–995–2669.

SUPPLEMENTARY INFORMATION: The operation of the MRRIC is in the public interest and provides support to the Corps in performing its duties and responsibilities under the Endangered Species Act, 16 U.S.C. 1531 *et seq.;* Sec. 601(a) of the Water Resources Development Act (WRDA) of 1986, Public Law 99–662; Sec. 334(a) of WRDA 1999, Public Law 106–53, and Sec. 5018 of WRDA 2007, Public Law 110–114. The Federal Advisory Committee Act, 5 U.S.C. App. 2, does not apply to the MRRIC.

A Charter for the MRRIC has been developed and should be reviewed prior to applying for a stakeholder representative membership position on the Committee. The Charter, operating procedures, and stakeholder application forms are available electronically at *www.MRRIC.org.*

Purpose and Scope of the Committee

1. The primary purpose of the MRRIC is to provide guidance to the Corps and U.S. Fish and Wildlife Service with respect to the Missouri River recovery and mitigation plan currently in existence, including recommendations relating to changes to the implementation strategy from the use of adaptive management; coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the Missouri River recovery and mitigation plan. Information about the Missouri River Recovery Program is available at *www.MoRiverRecovery.org.*

2. Other duties of MRRIC include exchange of information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation plan; establishment of such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues; facilitating the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation plan; coordination of scientific and other research associated with the Missouri River recovery and mitigation plan; and annual preparation of a work plan and associated budget requests.

Administrative Support. To the extent authorized by law and subject to the availability of appropriations, the Corps provides funding and administrative support for the Committee.

Committee Membership. Federal agencies with programs affecting the Missouri River may be members of the MRRIC through a separate process with the Corps. States and Federally recognized Native American Indian tribes, as described in the Charter, are eligible for Committee membership through an appointment process. Interested State and Tribal government representatives should contact the Corps for information about the appointment process.

This Notice is for individuals interested in serving as a stakeholder member on the Committee. Members and alternates must be able to demonstrate that they meet the definition of ''stakeholder'' found in the Charter of the MRRIC. Applications are currently being accepted for representation in the stakeholder interest categories listed below:

a. Conservation Districts;
b. Environmental/Conservation Organizations;
c. Hydropower;
d. Local Government;
e. Major Tributaries;
f. Navigation;
g. Recreation;
h. Thermal Power;
i. Water Quality;
j. Water Supply; and
k. At Large.

Terms of stakeholder representative members of the MRRIC are three years. There is no limit to the number of terms a member may serve. Incumbent Committee members seeking reappointment do not need to re-submit an application. However, they must submit a renewal letter and related materials as outlined in the ''Streamlined Process for Existing Members'' portion of the document *Process for Filling MRRIC Stakeholder Vacancies* (*www.MRRIC.org*).

Members and alternates of the Committee will not receive any compensation from the federal government for carrying out the duties of the MRRIC. Travel expenses incurred by members of the Committee are not currently reimbursed by the federal government.

Application for Stakeholder Membership. Persons who believe that they are or will be affected by the Missouri River recovery and mitigation activities may apply for stakeholder membership on the MRRIC. Committee members are obligated to avoid and disclose any individual ethical, legal, financial, or other conflicts of interest they may have involving MRRIC. Applicants must disclose on their application if they are directly employed by a government agency or program (the term ''government'' encompasses state, tribal, and federal agencies and/or programs).

Applications for stakeholder membership may be obtained electronically at *www.MRRIC.org.* Applications may be emailed or mailed to the location listed (see **ADDRESSES**). In order to be considered, each application must include:

1. The name of the applicant and the primary stakeholder interest category that person is qualified to represent;

2. A written statement describing the applicant's area of expertise and why the applicant believes he or she should be appointed to represent that area of expertise on the MRRIC;

3. A written statement describing how the applicant's participation as a Stakeholder Representative will fulfill the roles and responsibilities of MRRIC;

4. A written description of the applicant's past experience(s) working collaboratively with a group of individuals representing varied interests towards achieving a mutual goal, and the outcome of the effort(s);

5. A written description of the communication network that the applicant plans to use to inform his or her constituents and to gather their feedback, and

6. A written endorsement letter from an organization, local government body, or formal constituency, which demonstrates that the applicant represents an interest group(s) in the Missouri River basin.

To be considered, the application must be complete and received by the close of business on July 17, 2015, at the location indicated (see **ADDRESSES**). Applications must include an endorsement letter to be considered complete. Full consideration will be given to all complete applications received by the specified due date.

Application Review Process. Committee stakeholder applications will be forwarded to the current members of the MRRIC. The MRRIC will provide membership recommendations to the Corps as described in Attachment A of the *Process for Filling MRRIC Stakeholder Vacancies* document (*www.MRRIC.org*). The Corps is responsible for appointing stakeholder members. The Corps will consider applications using the following criteria:

- Ability to commit the time required.
- Commitment to make a good faith (as defined in the Charter) effort to seek balanced solutions that address multiple interests and concerns.
- Agreement to support and adhere to the approved MRRIC Charter and Operating Procedures.

• Demonstration of a formal designation or endorsement by an organization, local government, or constituency as its preferred representative.

• Demonstration of an established communication network to keep constituents informed and efficiently seek their input when needed.

• Agreement to participate in collaboration training as a condition of membership.

All applicants will be notified in writing as to the final decision about their application.

Certification. I hereby certify that the establishment of the MRRIC is necessary and in the public interest in connection with the performance of duties imposed on the Corps by the Endangered Species Act and other statutes.

Dated: June 4, 2015.

Aaron T. Quinn,

Project Manager for the Missouri River, Recovery Implementation Committee (MRRIC).

[FR Doc. 2015–14583 Filed 6–15–15; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2015–ICCD–0043]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; National Household Education Survey 2016 (NHES:2016) Full-Scale Data Collection

AGENCY: Institute of Education Sciences/National Center for Education Statistics (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before July 16, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0043 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov*. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Mailstop L–OM–2–2E319, Room 2E105, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Kashka Kubzdela, 202–502–7411.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: National Household Education Survey 2016 (NHES:2016) Full-scale Data Collection.

OMB Control Number: 1850–0768.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 191,803.

Total Estimated Number of Annual Burden Hours: 32,029.

Abstract: The National Household Education Surveys Program (NHES) is conducted by the National Center for Education Statistics' (NCES). NHES is NCES's principal mechanism for addressing education topics appropriate for households rather than establishments. Such topics cover a wide range of issues, including early childhood care and education, children's readiness for school, parent perceptions of school safety and discipline, before- and after-school activities of school-age children, participation in adult education and training, parent involvement in education, school choice, homeschooling, and civic involvement. The NHES consists of a series of rotating surveys using a two-stage design in which a household screener collects household membership and key characteristics for sampling and then appropriate topical survey(s) are mailed to sample members. Data from the NHES are used to provide national cross-sectional estimates on populations of special interest to education researchers and policymakers. NHES surveys were conducted approximately every other year from 1991 through 2007 using random digit dial (RDD) methodology; beginning in 2012 NHES began collecting data by mail to improve response rates. This submission seeks clearance to conduct NHES:2016, which will repeat the child topical surveys conducted in 2012: The Early Childhood Program Participation (ECPP), the Parent and Family Involvement in Education-Enrolled (PFI–E), and the Parent and Family Involvement in Education-Homeschooled (PFI–H), and will include the first adult topical survey in NHES since 2005, the Adult Training and Education Survey (ATES). The adult survey was developed in conjunction with the Interagency Working Group on Expanded Measures of Enrollment and Attainment (GEMEnA) and was pilot tested in the 2014 NHES Feasibility Study.

Dated: June 11, 2015.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–14718 Filed 6–15–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Borrower Defenses Against Loan Repayment; Comment Period Correction

AGENCY: Department of Education.

ACTION: Correction Notice.

SUMMARY: On June 10, 2015 the U.S. Department of Education published an Emergency Notice in the **Federal Register** Page 32944, Column 3; Page 32945, Column 1 and 2 for an information collection entitled, ''Borrower Defenses Against Loan Repayment''. ED is requesting a correction to include a 60-day comment period for public comment for the regular information collection. Interested persons are invited to submit comments on or before August 17, 2015. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0076 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E103, Washington, DC 20202.

The Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–14701 Filed 6–15–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

International Energy Agency Meetings

AGENCY: Department of Energy.

ACTION: Notice of Meetings.

SUMMARY: The Industry Advisory Board (IAB) to the International Energy Agency (IEA) will meet on February 24, 2015, at the headquarters of the IEA in Paris, France in connection with a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Market (SOM) on that day, and on February 25, 2015, in connection with a meeting of the SEQ on that day.

DATES: June 23–24, 2015.

ADDRESSES: 9, rue de la Fédération, Paris, France.

FOR FURTHER INFORMATION CONTACT: Thomas Reilly, Assistant General Counsel for International and National Security Programs, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, 202–586–3417.

SUPPLEMENTARY INFORMATION: In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)) (EPCA), the following notice of meetings is provided:

Meetings of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held at the headquarters of the IEA, 9, rue de la Fédération, Paris, France, on June 23, 2015, commencing at 9:30 a.m., continuing at 9:30 a.m. on June 24, 2015, and again at 9:30 a.m. on June 25, 2015. The purpose of this notice is to permit attendance by representatives of U.S. company members of the IAB at a joint meeting of the IEA's Standing Group on Emergency Questions (SEQ) and the IEA's Standing Group on the Oil Markets (SOM) on June 23 at the same location commencing at 9:30 a.m., and at a meeting of the SEQ on June 24 at the same location commencing at 9:30 a.m. The IAB will also hold a preparatory meeting among company representatives at the same location at 8:30 a.m. on June 24. The agenda for this preparatory meeting is to review the agenda for the SEQ meeting.

The agenda of the joint meeting of the SEQ and the SOM on June 23 is under the control of the SEQ and the SOM. It is expected that the SEQ and the SOM will adopt the following agenda:

1. Adoption of the Agenda
2. Approval of the Summary Record of the February 24, 2015 Joint Session
3. Reports on Recent Oil Market and Policy Developments in IEA Countries
4. Update on Offshore Installation Manager Projects and Priorities
5. The Current Oil Market Situation
6. Findings from the Medium-Term Gas Market Report 2015
7. Key Messages from the World Energy Outlook 2015 Special Report on Climate Change
8. The Changing Outlook for Chinese Oil Demand
9. Lower Oil Prices: Impact on GCC Budgets and Production Policy
10. Impact of Lower Prices on Investment and the Oil Service Industry
11. Other Business

—Tentative schedule of upcoming SEQ and SOM meetings for 2015:

—October 13–15, 2015

The agenda of the SEQ meeting on June 24 is under the control of the SEQ. It is expected that the SEQ will adopt the following agenda:

1. Adoption of the Agenda
2. Approval of the Summary Record of the 144th Meeting
3. Status of Compliance with IEP Agreement Stockholding Obligations
4. Australia Compliance Update
5. ERR Program including update
6. Emegency Response Review of the United Kingdom
7. Outreach/APSA
8. Mid-term Review of Finland
9. Thailand's National Emergency Response Exercise
10. Industry Advisory Board Update
11. Emergency Response Assessment of Columbia
12. Emergency Response Review of Portugal
13. Geo-spatial Analysis
14. Emergency Response Review of New Zealand

Day 2 (June 25)

15. Tickets Analysis
16. Mid-term Review of Germany
17. Oral Reports by Administrations
18. Emergency Response Review of Greece
19. Saving Oil in a Hurry
20. Survey of Electricity Security Arrangements in IEA Member Countries: Preliminary Findings
21. Other Business

—Schedule of next SEQ and SOM meetings:

—October 13–15, 2015

—2016 provisional dates:

—March 15–17

—May 31–June 2

—September 27–29

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(ii)), the meetings of the IAB are open to representatives of members of the IAB and their counsel; representatives of members of the IEA's Standing Group on Emergency Questions and the IEA's Standing Group on the Oil Markets; representatives of the Departments of Energy, Justice, and State, the Federal Trade Commission, the General Accounting Office, Committees of Congress, the IEA, and the European Commission; and invitees of the IAB, the SEQ, the SOM, or the IEA.

Issued in Washington, DC, June 10, 2015.

Thomas Reilly,

Assistant General Counsel for International and National Security Programs.

[FR Doc. 2015–14775 Filed 6–15–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13704–002; Project No. 13701–002; Project No. 13703–002; Project No. 13702–002]

Notice of Technical Meeting; FFP Missouri 2, LLC

a. *Project Names and Numbers:* From upstream to downstream, Arkabutla Lake Hydroelectric Project No. 13704, Sardis Lake Hydroelectric Project No. 13701, Enid Lake Hydroelectric Project No. 13703, and Grenada Lake Hydroelectric Project No. 13702.

b. *Date and Time of Meeting:* June 23, 2015; at 2:00 p.m. Eastern Time (1:00 p.m. Central Time)

c. *Place:* Telephone conference with the U.S. Army Corps of Engineers (Corps) and Rye Development, LLC, on behalf of FFP Missouri 2, LLC.

d. *FERC Contact:* Jeanne Edwards at *jeanne.edwards@ferc.gov,* or (202) 502–6181.

e. *Purpose of Meeting:* To discuss the comments filed by the Corps on May 12, 2015 concerning the operations of the proposed projects listed above.

f. A summary of the meeting will be prepared and filed in the Commission's public file for the projects.

g. All local, state, and federal agencies, Indian tribes, and other interested parties are invited to participate by telephone. Please contact Jeanne Edwards at *jeanne.edwards@ferc.gov,* or (202) 502–6181, by close of business Friday, June 19, 2015, to R.S.V.P. and receive specific instructions on how to participate.

Dated: June 8, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14812 Filed 6–15–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–77–000]

Morgan Stanley Capital Group Inc. v. Midcontinent Independent System Operator, Inc.; Notice of Complaint

Take notice that on June 9, 2015, pursuant to sections 309, 205, and 206 of the Federal Power Act (FPA), 16 U.S.C. 825h, 824d, and 824e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Morgan Stanley Capital Group Inc. (Complainant), filed a formal complaint against Midcontinent Independent System Operator, Inc. (Respondent), alleging that the Respondent levied unlawful charges upon the Complainant in violation of the FPA section 205. The Complainant also asserts that Respondent's rates for transmission service are unjust, unreasonable, and unduly discriminatory and preferential and in violation of established precedent under FPA sections 205 and 206.

The Complainant certifies that a copy of the complaint has been served on the Respondent.

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 29, 2015.

Dated: June 10, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14743 Filed 6–15–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1883–000]

Adelanto Solar, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Aldelanto Solar, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 30, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies

of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 10, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14744 Filed 6–15–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–76–000]

Grid Assurance LLC; Notice of Petition for Declaratory Order

Take notice that on June 9, 2015, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2014), Grid Assurance LLC (Grid Assurance), filed a petition for declaratory order requesting that the Commission make certain regulatory findings for the benefit of prospective subscribers to the spare transmission equipment service to be offered by Grid Assurance, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on July 9, 2015.

Dated: June 10, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14742 Filed 6–15–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No., CD15–25–000]

City of Adak, Alaska; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On May 26, 2015, and supplemented on May 26, 2015, the City of Adak, Alaska, filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Adak Water System Project would have an installed capacity of 1.7 kilowatts (kW), and would be located along the existing 8-inch-diameter pipeline between the city's water treatment plant and the treated water storage tanks. The project would be located in the City of Adak, Alaska.

Applicant Contact: City of Adak, c/o Layton Lockett, City Manager, 100 Mechanics Way, Adak, AK 99546, Phone No. (907) 592–4500.

FERC Contact: Christopher Chaney, Phone No. (202) 502–6778, email: *christopher.chaney@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) The existing approximately 100-square-foot PRV2 building; (2) a short 4-inch-diameter intake pipe receiving water from the existing approximately 4,535-foot-long, 8-inch-diameter pipeline from the city's water treatment plant; (3) one turbine/generator unit with an installed capacity of 1.7 kW; (4) a short 4-inch-diameter discharge pipe returning water to a short existing 8-inch-diameter pipeline that provides water to the existing treated water storage tanks; and (5) appurtenant facilities.

The proposed project would have a total installed capacity of 1.7 kW.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA ..	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY—Continued

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(C)(ii), as amended by HREA.	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA.	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: Based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*e.g.,* CD15–25) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: June 8, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14745 Filed 6–15–15; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2001–2005 (2014).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. IS14–607–000, et al.]

Zydeco Pipeline Company, LLC; Notice of Informal Settlement Conference

Take notice that an informal settlement conference will be convened in this proceeding commencing at 10:00 a.m. on June 22, 2015, at the offices of the Federal Energy Regulatory Commission, 888 1st, NE., Washington, DC 20426, for the purpose of exploring the possible settlement of the above-referenced case.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For additional information, please contact Joel Cockrell *Joel.Cockrell@ferc.gov* 202–502–8153 or Nicolas McTyre *Nicolas.McTyre@ferc.gov* 202–502–8356.

Dated: June 10, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14747 Filed 6–15–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–148–000]

Tennessee Gas Pipeline Company, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Susquehanna West Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Susquehanna West Project involving construction and operation of facilities by Tennessee Gas Pipeline Company, L.L.C. (TGP) in Tioga and Bradford Counties, Pennsylvania. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your

comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before July 10, 2015.

If you sent comments on this project to the Commission before the opening of this docket on April 2, 2015, you will need to file those comments in Docket No. CP15–148–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

TGP provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.*'' If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP15–148–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Summary of the Proposed Project

TGP proposes to construct and operate pipeline and compression facilities in Bradford and Tioga Counties, Pennsylvania. The Susquehanna West Project would provide about 145,000 dekatherms per day of natural gas per day. According to TGP, its project would meet market needs in the northeast U.S. which have been capacity constrained.

The Susquehanna West Project would consist of the following facilities:

- 8.1 miles of new 36-inch-diameter looping [1] pipeline in two segments in Tioga County, Pennsylvania;
- Relocation of an existing 16,000 horsepower compressor unit from Compressor Station 319 to Compressor Station 317, both located in Bradford County, Pennsylvania, resulting in an increase of 16,000 horsepower at Compressor Station 317;
- Replacement of an existing compressor unit at Compressor Station 319 with a new 20,500 horsepower compressor unit, resulting in an increase of 4,500 horsepower at Compressor Station 319; and
- Piping and equipment modifications associated with the pipeline loops at Compressor Stations 315, 317, and 319.

The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would disturb about 226 acres of land for the aboveground facilities and the pipeline. Following construction, TGP would maintain about 80 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses. The majority of the proposed pipeline route parallels TGP's existing 300 Line rights-of-way. In addition, the compressor station modifications would be constructed within TGP's existing property boundaries.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. We will publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to

[1] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Offices (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPOs as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

Copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP15–148). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: June 10, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14738 Filed 6–15–15; 8:45 am]

BILLING CODE 6717–01–P

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[5] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1873–000]

Buckeye Wind Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Buckeye Wind Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 30, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the

Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 10, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14746 Filed 6–15–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commision Staff Attendance

The Federal Energy Regulatory Commission hereby gives notice that members of its staff may attend the following meeting related to the transmission planning activities of the Southwest Power Pool, Inc. (SPP).

Special SPP Board of Directors/ Members Committee Teleconference

June 15, 2015 (10:00 a.m.–11:00 a.m. CDT)

The call in information for the above-referenced meeting is:

Teleconference: Dial In: 877.932.5833 *Passcode:* 157403

The above-referenced meeting is open to the public.

Further information may be found at *www.spp.org.*

The discussions may address matters at issue in the following proceedings:

Docket No. ER13–366, *Southwest Power Pool, Inc.*

Docket No. ER13–367, *Southwest Power Pool, Inc.*

Docket No. ER15–509, *Southwest Power Pool, Inc.*

For more information, contact Jay Sher, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–8921 or *jay.sher@ferc.gov.*

Dated: June 8, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14736 Filed 6–15–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–75–000]

The City of Alexandria, Louisiana; Notice of Filing

Take notice that on June 8, 2015, The City of Alexandria, Louisiana submitted a request for authorization to implement incentive adder to return on equity for participation in regional transmission organizations.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 29, 2015.

Dated: June 9, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14741 Filed 6–15–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission, DOE.

DATE AND TIME: June 18, 2015, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE., Washington, DC 20426.

STATUS: OPEN.

MATTERS TO BE CONSIDERED: Agenda.

* NOTE—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1017TH—MEETING, REGULAR MEETING

[June 18, 2015 10:00 a.m.]

Item No	Docket No.	Company
	ADMINISTRATIVE	
A–1	AD02–1–000	Agency Business Matters.
A–2	AD02–7–000	Customer Matters, Reliability, Security and Market Operations.

1017TH—MEETING, REGULAR MEETING—Continued

[June 18, 2015 10:00 a.m.]

Item No	Docket No.	Company
		ELECTRIC
E–1	ER14–2464–002	Midcontinent Independent System Operator, Inc.
	EL15–36–000	Otter Tail Power Company v. Midcontinent Independent System Operator, Inc.
E–2	RM15–16–000	Transmission Operations Reliability Standards and Interconnection Reliability Operations and Coordination Reliability Standards.
E–3	RM15–7–000	Revisions to Emergency Operations Reliability Standards.
	RM15–12–000	Revisions to Undervoltage Load Shedding Reliability Standards.
	RM15–13–000	Revisions to the Definition of ''Remedial Action Scheme'' and Related Reliability Standards.
E–4	RM15–5–000	Revised Exhibit Submission Requirements for Commission Hearings.
E–5	RR15–8–000	North American Electric Reliability Corporation.
E–6	ER12–1338–001	Duke Energy Corporation and Progress Energy, Inc.
	ER12–1347–002	Carolina Power & Light Co.
E–7	ER15–3–001	PJM Interconnection, L.L.C. and Commonwealth Edison Company.
E–8	ER15–1137–000	ISO New England Inc.
E–9	ER14–781–002	Southwest Power Pool, Inc.
	ER14–781–003	
E–10	EL15–61–000	Benjamin Riggs v. Rhode Island Public Utilities Commission.
E–11	EL14–46–000	Ameren Services Company.
E–12	EL15–18–000	Consolidated Edison Company of New York, Inc. v. PJM Interconnection, L.L.C.
	ER14–972–001	PJM Interconnection, L.L.C.
	ER14–972–002 (not consolidated).	
E–13	OMITTED	
E–14	EL15–43–000	Delta-Montrose Electric Association.
E–15	EL09–63–000	City of Orangeburg, South Carolina.
E–16	EL15–6–001	PáTu Wind Farm, LLC v. Portland General Electric Company.
	QF06–17–003	PáTu Wind Farm, LLC.
E–17	EL11–63–001	Louisiana Public Service Commission v. Entergy Corporation; Entergy Services, Inc.; Entergy Louisiana, LLC; Entergy Arkansas, Inc.; Entergy New Orleans, Inc.; Entergy Mississippi, Inc.; Entergy Gulf States Louisiana, L.L.C.; and Entergy Texas, Inc.
E–18	OMITTED	
E–19	ER15–696–000	PJM Interconnection, L.L.C.
E–20	EL15–45–000	Arkansas Electric Cooperative Corporation; Mississippi Delta Energy Agency; Clarksdale Public Utilities Commission; Public Service Commission of Yazoo City; and Hoosier Energy Rural Electric Cooperative, Inc. v. ALLETE, Inc.; Ameren Illinois Company; Ameren Missouri; Ameren Transmission Company of Illinois; American Transmission Company LLC; Cleco Power LLC; Duke Energy Business Services, LLC; Entergy Arkansas, Inc.; Entergy Gulf States Louisiana, LLC; Entergy Louisiana, LLC; Entergy Mississippi, Inc.; Entergy New Orleans, Inc.; Entergy Texas, Inc.; Indianapolis Power & Light Company; International Transmission Company; ITC Midwest LLC; Michigan Electric Transmission Company, LLC; MidAmerican Energy Company; Montana-Dakota Utilities Co.; Northern Indiana Public Service Company; Northern States Power Company-Minnesota; Northern States Power Company–Wisconsin; Otter Tail Power Company; and Southern Indiana Gas & Electric Company.
		HYDRO
H–1	CD15–18–001	Soldier Canyon Filter Plant.
H–2	P–14581–001	Turlock Irrigation District and Modesto Irrigation District.
H–3	P–13212–004	Kenai Hydro, LLC.
		CERTIFICATES
C–1	CP14–548–000 CP14–547–000.	Natural Gas Pipeline Company of America LLC Devon Gas Services, L.P.

Issued: June 11, 2015.

Kimberly D. Bose,

Secretary.

A free webcast of this event is available through *www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to *www.ferc.gov*'s Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2015–14876 Filed 6–12–15; 4:15 pm]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–498–000]

Eastern Shore Natural Gas Company; Notice of Application for Certificate of Public Convenience and Necessity

Take notice that on May 22, 2015 Eastern Shore Natural Gas Company (Eastern Shore), 1110 Forrest Avenue, Dover, Delaware 19904, filed in the above referenced docket an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting a certificate of public convenience and necessity authorizing Eastern Shore to construct, own, operate and maintain the System Reliability Project. The Project is designed to enhance the reliability and flexibility of Eastern Shore's pipeline system to the benefit of all of its customers. Eastern Shore proposes to construct approximately 2.5 miles of 16-inch diameter pipeline looping in New Castle County, DE, 7.6 miles of 16-inch diameter pipeline looping in Kent County, DE and install 1,775 horsepower (hp) of additional compression at Eastern Shore's existing Bridgeville Compressor Station in Sussex County, DE. Eastern Shore requests a predetermination for rolled-in rate treatment, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to William Rice, King & Spalding LLP, 1700 Pennsylvania Avenue NW., Suite 200, Washington, DC 20006, by phone 202–626–9602, by fax 202–626–3737, or by email *wrice@kslaw.com*.

Specifically, Eastern Shore states that the project will reinforce the Eastern Shore system to the extent required to meet its firm contractual delivery obligations under operating conditions similar to those encountered during the winters of 2014 and 2015. Eastern Shore requests that the Commission issue the requested authorizations on or before December 1, 2015. Eastern Shore anticipates placing the pipeline and compression related facilities in-service during the third quarter of 2016. The estimated cost of the project is $32,077,500.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit original and five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: June 29, 2015.

Dated: June 8, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14739 Filed 6–15–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–500–000]

Trans-Pecos Pipeline, LLC; Notice of Application

Take notice that on May 28, 2015, Trans-Pecos Pipeline, LLC (Trans-Pecos), 1300 Main Street, Houston, Texas 77002, filed an application in Docket No. CP15–500–000 under section 3 of the Natural Gas Act (NGA), and Part 153 of the Commission's regulations requesting authorization to site, construct, and operate new natural gas facilities to import/export natural gas between the United States to the Republic of Mexico at a point on the International Boundary in Presidio County, Texas, all as more fully set forth in the application which is on file with

the Commission and open to public inspection.

Any questions regarding this application should be directed to Kelly Allen, Manager, Regulatory Affairs Department, Trans-Pecos Pipeline, LLC, 1300 Main Street, Houston, Texas 77002, or by calling (713) 989–2606 (telephone) or (713) 989–1205 (fax) *Kelly.Allen@energytransfer.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 5 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 30, 2015.

Dated: June 9, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–14740 Filed 6–15–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2012–0803; FRL–9920–21–OW]

Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final permit issuance.

SUMMARY: The EPA's Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 are issuing their final 2015 National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from industrial activity, also referred to as the Multi-Sector General Permit (MSGP). This permit replaces the existing permit covering stormwater discharges from industrial facilities in the EPA's Regions 1, 2, 3, 5, 6, 9, and 10 that expired September 29, 2013, and provides coverage for industrial facilities in areas where the EPA is the NPDES permitting authority in the EPA's Regions 7 and 8. The MSGP consists of 44 separate regional EPA general permits that may vary from each other based on state or tribal certifications and water quality-based requirements. As with earlier permits, this permit authorizes the discharge of stormwater associated with industrial activities in accordance with the terms and conditions described therein. Industrial dischargers have the option to instead seek coverage under an individual permit. An individual permit may be necessary if the discharger cannot meet the terms and conditions or eligibility requirements in this permit. The EPA is issuing this permit for five years.

DATES: The permit became effective on June 4, 2015. This effective date is necessary to provide dischargers with the immediate opportunity to comply with Clean Water Act requirements in light of the expiration of the 2008 MSGP on September 29, 2013. In accordance with 40 CFR part 23, this permit shall be considered issued for the purpose of judicial review on June 22, 2015. Under section 509(b) of the Clean Water Act, judicial review of this general permit can be requested by filing a petition for review in the United States Court of Appeals within 120 days after the permit is considered issued. Under section 509(b)(2) of the Clean Water Act, the requirements in this permit may not be challenged later in civil or criminal proceedings to enforce these requirements. In addition, this permit may not be challenged in other agency proceedings. Deadlines for submittal of

notices of intent are provided in Part 1.2 of the 2015 MSGP. The 2015 MSGP also provides additional dates for compliance with the terms of these permits.

FOR FURTHER INFORMATION CONTACT: For further information on the final NPDES MSGP, contact the appropriate EPA Regional Office listed in Section I.C., or Bryan Rittenhouse, EPA Headquarters, Office of Water, Office of Wastewater Management at tel.: 202–564–0577 or email: *rittenhouse.bryan@epa.gov.*

SUPPLEMENTARY INFORMATION: This supplementary information is organized as follows:

Table of Contents

I. General Information

A. Does this action apply to me?

This MSGP regulates stormwater discharges from industrial facilities in the 30 sectors shown below:

Sector A—Timber Products.
Sector B—Paper and Allied Products Manufacturing.
Sector C—Chemical and Allied Products Manufacturing.
Sector D—Asphalt Paving and Roofing Materials Manufactures and Lubricant Manufacturers.
Sector E—Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing.
Sector F—Primary Metals.
Sector G—Metal Mining (Ore Mining and Dressing).
Sector H—Coal Mines and Coal Mining-Related Facilities.
Sector I—Oil and Gas Extraction.
Sector J—Mineral Mining and Dressing.
Sector K—Hazardous Waste Treatment Storage or Disposal.
Sector L—Landfills and Land Application Sites.
Sector M—Automobile Salvage Yards.
Sector N—Scrap Recycling Facilities.
Sector O—Steam Electric Generating Facilities.
Sector P—Land Transportation.
Sector Q—Water Transportation.
Sector R—Ship and Boat Building or Repairing Yards.
Sector S—Air Transportation Facilities.
Sector T—Treatment Works.
Sector U—Food and Kindred Products.
Sector V—Textile Mills, Apparel, and other Fabric Products Manufacturing.
Sector W—Furniture and Fixtures.
Sector X—Printing and Publishing.
Sector Y—Rubber, Miscellaneous Plastic Products, and Miscellaneous Manufacturing Industries.
Sector Z—Leather Tanning and Finishing.
Sector AA—Fabricated Metal Products.
Sector AB—Transportation Equipment, Industrial or Commercial Machinery.
Sector AC—Electronic, Electrical, Photographic and Optical Goods.
Sector AD—Reserved for Facilities Not Covered Under Other Sectors and Designated by the Director.

Coverage under the 2015 MSGP is available to operators of eligible facilities located in areas where the EPA is the permitting authority and has made this general permit available for use. A list of eligible areas is included in Appendix C of the 2015 MSGP.

B. How can I get copies of these documents and other related information?

1. *Docket.* The EPA has established an official public docket for this action under Docket ID Number EPA–HQ–OW–2012–0803. The official public docket is the collection of materials that are available for public viewing at the Water Docket in the EPA Docket Center, (EPA/DC) WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460. Although all documents in the docket are listed in an index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Publicly available docket materials are available in hard copy at the EPA Docket Center Public Reading Room, open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Water Docket is (202) 566–2426.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the United States government on-line source for federal regulations at *http://www.regulations.gov.*

Electronic versions of the final permit and fact sheet are available on the EPA's NPDES Web site at *http://water.epa.gov/polwaste/npdes/stormwater/EPA-Multi-Sector-General-Permit-MSGP.cfm.*

An electronic version of the public docket is available through the EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.regulations.gov* to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/dockets.* Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials at the EPA Docket Center.

C. Who are the EPA regional contacts for this final permit?

For EPA Region 1, contact David Gray at tel.: (617) 918–1577 or email at *gray.davidj@epa.gov.*

For EPA Region 2, contact Sergio Bosques at tel.: (787) 977–5838 or email at *bosques.sergio@epa.gov.*

For EPA Region 3, contact Kaitlyn Bendik at tel.: 215–814–2709 or email at *bendik.kaitlyn@epa.gov.*

For EPA Region 5, contact Brian Bell at tel.: (312) 886–0981 or email at *bell.brianc@epa.gov.*

For EPA Region 6, contact Nasim Jahan at tel.: (214) 665–7522 or email at *jahan.nasim@epa.gov.*

For EPA Region 7, contact Mark Matthews at tel. 913–551–7635 or email at *matthews.mark@epa.gov.*

For EPA Region 8, contact Gregory Davis at tel.: (303) 312–6314 or email at *davis.gregory@epa.gov.*

For EPA Region 9, contact Eugene Bromley at tel.: (415) 972–3510 or email at *bromley.eugene@epa.gov.*

For EPA Region 10, contact Margaret McCauley at tel.: (206) 553–1772 or email at *mccauley.margaret@epa.gov.*

II. Background of Permit

Section 405 of the Water Quality Act of 1987 added section 402(p) of the Clean Water Act (CWA), which directed the Environmental Protection Agency (EPA) to develop a phased approach to regulate stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) program. The EPA published a final regulation on the first phase on this program on November 16, 1990, establishing permit application requirements for ''stormwater discharges associated with industrial activity.'' See 55 FR 48063. The EPA defined the term ''stormwater discharge associated with industrial activity'' in a comprehensive manner to cover a wide variety of facilities. See 40 CFR 122.26(b)(14). The EPA is issuing

the MSGP under this statutory and regulatory authority. The 2015 MSGP replaces the 2008 MSGP covering stormwater discharges from industrial facilities in the EPA's Regions 1, 2, 3, 5, 6, 9 and 10 that expired September 29, 2013, and provides coverage for industrial facilities in areas where the EPA is the NPDES permitting authority in the EPA's Regions 7 and 8.

Dischargers choosing to be covered by the MSGP must certify in their Notice of Intent (NOI) that they meet the requisite eligibility requirements described in Part 1 of the permit. In addition, dischargers must install and implement control measures to meet the effluent limits required in Part 2 and any sector-specific effluent limits in Part 8, and develop a stormwater pollution prevention plan (SWPPP) consistent with Part 5 describing their control measures used to achieve the effluent limits. The MSGP requires dischargers to conduct routine facility inspections (Part 3.1) and quarterly visual assessments of stormwater discharges (Part 3.2). Dischargers are also required to review and revise, as necessary, their SWPPP in order to meet the permit's effluent limits when certain triggering conditions occur (Part 4). Dischargers subject to benchmark monitoring are required to submit to the EPA quarterly benchmark monitoring results (Part 6.2.1). The EPA notes that Part 6.2.1 emphasizes that the benchmark thresholds used for monitoring are not effluent limits themselves, but rather information that is primarily for the use of the industrial facility to determine the overall effectiveness of its control measures and to assist in understanding when corrective action(s) may be necessary. Where applicable, dischargers must also submit to the EPA stormwater effluent data relating to impaired waters (Part 6.2.4) and compliance with numeric effluent limitations guidelines (Part 6.2.2). In addition, dischargers are required to submit an annual report containing permit compliance information generated from the past calendar year (Part 7.5).

III. Scope and Applicability of the Multi-Sector General Permit

A. Geographic Coverage

The 2015 MSGP provides coverage for sectors of industrial point source discharges that occur in areas not covered by an approved state or tribal NPDES program. The geographic coverage of the 2015 MSGP is listed in Appendix C of the permit, and includes the states of Idaho, Massachusetts, New Hampshire, and New Mexico as well as all Indian Country lands (except in Region 4), and facilities operated by a federal operator in selected states. Permit coverage is also provided in Puerto Rico, the District of Columbia, and the Pacific Island territories. The EPA notes that, unlike the 2008 MSGP, facilities located in certain areas in the EPA's Regions 7 and 8 may be covered by this permit.

Because certifications required by Section 401 of the Clean Water Act were not received in time, operators of industrial facilities in the following areas are not yet eligible for coverage under the 2015 MSGP:

- The State of Idaho (except Indian country);
- The State of Washington (except Indian country) if operated by a federal operator; and
- Spokane Tribe of Indians lands.

The EPA will announce the availability of coverage under the 2015 MSGP for these areas in separate **Federal Register** notice(s) as soon as possible after the certifications are completed. In the meantime, existing dischargers in these areas that were authorized for coverage under the 2008 MSGP will remain covered under the 2008 MSGP until the 2015 MSGP has been issued. Once the permit is available, existing dischargers will be given 90 days to file an NOI for coverage under the 2015 MSGP.

B. Categories of Facilities Covered

This permit regulates stormwater discharges from industrial facilities in 30 sectors, as shown above in section I.A.

C. Summary of Significant Changes from the 2008 Multi-Sector General Permit

The 2015 MSGP replaces the 2008 MSGP, which was issued for a five-year term on September 29, 2008 (see 73 FR 56572) and expired September 29, 2013. The 2015 MSGP is similar to the 2008 MSGP, and is structured in nine parts: General requirements that apply to all facilities (*e.g.,* eligibility of discharges, effluent limitations, stormwater pollution prevention plan (SWPPP) requirements, monitoring and reporting requirements) (Parts 1–7), industrial sector-specific conditions (Part 8), and specific requirements applicable to facilities within individual states or Indian country (Part 9). Additionally, the appendices provide forms for the submittal of a paper Notice of Intent, Notice of Termination, Conditional No Exposure Exclusion, Discharge Monitoring Report, and annual report, as well as step-by-step procedures for determining eligibility with respect to protecting historic properties and threatened and endangered species, and for calculating site-specific, hardness-dependent benchmarks.

This 2015 MSGP includes several new or modified requirements from the 2008 MSGP. These changes are summarized below and are discussed in more detail in the 2015 MSGP fact sheet.

1. NEPA Review for Dischargers Subject to any New Source Performance Standards (NSPS). For the issuance of the 2015 MSGP, the EPA prepared an Environmental Assessment (EA)/finding of no significant impact (FONSI) that analyzed the potential environmental impacts of the permit. The EA considered the potential environmental impacts from the discharge of new source pollutants in stormwater discharges associated with industrial facilities where the EPA is the permitting authority (see the permit's docket for a copy of the EPA's EA and FONSI).

2. Information Required for Notices of Intent. The 2015 MSGP revises the information required in NOIs to provide the EPA with more complete information to determine eligibility and to enable the EPA to inform the operator of its specific monitoring requirements. Operators now need to include in their NOI location information for each stormwater outfall they discharge from, whether the facility discharges to saltwater, the hardness of the receiving water (if subject to benchmark monitoring for metals), whether the facility discharges to a federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site identified in Appendix P, as well as general information from their SWPPP if the SWPPP is not posted online. The EPA NPDES electronic Reporting Tool (NeT) will use latitude and longitude information for each outfall to automatically determine the receiving waters the facility discharges to and the receiving water's or waters' impairment status.

3. Electronic Reporting Requirements. Electronic reporting is required in the 2015 MSGP. Electronic reporting will create efficiencies and burden reduction regarding information submittal to the Agency. Recognizing there may be cases that make electronic submittals of information not possible, the EPA has included a waiver that an operator can receive from their EPA Regional Office. Waivers must be approved by the EPA Regional Office on a case-by-case basis and are not intended to cover information submittals for the entire permit term.

4. Threatened and Endangered Species Requirements. The EPA has finalized changes to the procedures operators must follow to establish their eligibility with regard to protection of threatened and endangered species and critical habitat (Appendix E) as a result of the EPA's consultation under Section 7 of the Endangered Species Act (ESA). These changes are necessary to ensure that the endangered and threatened species eligibility criteria in Part 1.1.4.5 are adequately protective of such species, and to ensure that operators are making accurate determinations of which eligibility criterion they qualify under.

5. Effluent Limit Clarifications. Several of the effluent limits in Part 2 of the 2015 MSGP include a greater level of specificity in order to make the requirements more clear and transparent. These clarifications will help permittees better understand how to comply with the effluent limits. The effluent limits in Part 2 for which the EPA has made clarifications include requirements for minimizing exposure, good housekeeping, maintenance, spill prevention and response procedures, and employee training.

6. Inspections. The EPA has consolidated the comprehensive site inspection and routine facility inspection procedures into one set of procedures to eliminate redundancies.

7. Corrective Actions. Although the 2008 MSGP required corrective actions, the EPA has provided greater detail about how these actions are to be handled. In the 2015 MSGP, the EPA clarified which conditions require a SWPPP review, modified the deadlines to further specify the EPA's expectations for what actions must be taken by the deadlines, and rewrote and clarified the reporting requirements following corrective actions.

8. SWPPP Documentation. To reduce permittee burden, the EPA identified the effluent limit requirements in Part 2.1.2 that are the most straightforward, *i.e.,* the ones that do not involve the site-specific selection of a control measure or are specific activity requirements (*e.g.,* ''Plainly label containers . . . that could be susceptible to spillage or leakage to encourage proper handling and facilitate rapid response if spills or leaks occur''). Permittees can comply with the documentation requirements regarding these particular effluent limits by including the effluent limits verbatim in their SWPPP without providing additional information, thereby reducing the burden associated with SWPPP development (see Part 5.2.4). Requirements that involve activities that are done infrequently or are direct and simple may be identified in the SWPPP as written in the permit to be executed effectively.

9. SWPPP Availability. To provide greater access to the SWPPP for the public, the EPA, and the Fish and Wildlife Service and National Marine Fisheries Services (the Services), the 2015 MSGP requires that permittees either provide a URL for their SWPPP on the NOI form, or provide selected information from the SWPPP on the NOI form. The selected information from the SWPPP that would have to be included in the NOI form includes: Onsite industrial activities exposed to stormwater, including potential spill and leak areas (see Parts 5.2.3.1, 5.2.3.3 and 5.2.3.5); pollutants or pollutant constituents associated with each industrial activity exposed to stormwater that could be discharged in stormwater and any authorized non-stormwater discharges listed in Part 1.1.3 (see Part 5.2.3.2); control measures employed to comply with the non-numeric technology-based effluent limits required in Part 2.1.2 and Part 8, and any other measures taken to comply with the requirements in Part 2.2 Water Quality-Based Effluent Limitations (see Part 5.2.4); a schedule for good housekeeping and maintenance (see Part 5.2.5.1); and a schedule for all inspections required in Part 3 (see Part 5.2.5.2).

10. Benchmark Monitoring. For the 2015 MSGP, the EPA has included additional non-hardness dependent metals benchmarks for facilities that discharge into saline waters. The addition of these benchmarks provide an appropriate indicator of the performance of the measures taken to meet the effluent limitations contained in the permit where stormwater is discharged into saline waters. Benchmark values in the 2008 MSGP for these metals were based on acute or chronic aquatic life freshwater criteria. These additional saline benchmark values are based on available acute ambient water quality criteria for arsenic, cadmium, copper, cyanide, lead, mercury, nickel, selenium, silver and zinc.

11. Industry Sector-specific Requirements. The following changes were made to Part 8 of the MSGP, which describes requirements specific to particular industry sectors:

Sector A, Timber Products—Discharges resulting from uncontaminated spray down or intentional wetting of logs at wet deck storage areas is an allowed non-stormwater discharge provided the effluent limitation in Part 8.A.7 is met. To accommodate situations where facilities use water from a waterbody that they intend to return to the waterbody following spraying/wetting, the permit contains an allowance or credit for pollutants originally in the waterbody prior to use and discharge.

Sector G, Metal Mining—As with the 2008 MSGP, this permit provides coverage to operators for earth-disturbing activities conducted prior to active mining activities. Before 2008 those activities were required to be covered separately under the Construction General Permit (CGP) or an individual construction stormwater permit. To facilitate such coverage, additional requirements have been added that are consistent with limits from the Construction & Development (C&D) Effluent Limitation Guideline (ELG) (for earth-disturbing activities associated with the construction of staging roads and the construction of access roads conducted prior to active mining), and for mine site preparation earth disturbances, revised limits based on EPA's best professional judgement (BPJ)).

Sector H, Coal Mining—Additional requirements have been added that are consistent with changes made to Sector G.

Sector J, Mineral Mining and Dressing—Additional requirements have been added that are consistent with changes made to Sector G.

Sector S, Air Transportation—The EPA has added requirements based on the final effluent limitation guidelines for airplane and airport deicing operations. Also, the EPA has included clarifications regarding airport operators' responsibilities and the permit requirements that airport authorities may conduct on behalf of airport tenants.

IV. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

Under Executive Order (EO) 12866 (58 FR 51735 (October 4, 1993)) this action is a ''significant regulatory action.'' Accordingly, the EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 and any changes made in response to OMB recommendations have been documented in the docket for this action.

V. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

In compliance with Executive Order 13175, the EPA has consulted with tribal officials to gain an understanding

of and, where necessary, to address tribal implications of the MSGP. In the course of this consultation, the EPA undertook the following activities:

• *December 11, 2012*—EPA presented an overview of the 2008 MSGP and potential changes for the renewal of the MSGP to the National Tribal Caucus.

• *December 12, 2012*—EPA presented an overview of the current MSGP and potential changes for the renewal of the MSGP to the National Tribal Water Council.

• *December 12, 2012*—EPA mailed notification letters to tribal leaders initiating consultation and coordination on the renewal of the MSGP. The initiation letter was posted on the tribal portal Web site at *http://www.epa.gov/tribal/consultation.*

• *January 15, 2013*—EPA held an informational teleconference open to all tribal representatives, and reserved the last part of the teleconference for official consultation comments. EPA also invited tribes to submit written comments on the permit renewal. The presentation was posted on the tribal portal Web site at *http://www.epa.gov/tribal/consultation.*

VI. Analysis of Economic Impacts

The EPA expects the economic impact on entities covered under this permit, including small businesses, to be minimal. A copy of the EPA's economic analysis, titled, ''Cost Impact Analysis for the Multi-Sector General Permit (MSGP)'' is available in the docket for this permit. The economic impact analysis indicates that while there will be some incremental increase in the costs of complying with the new permit, these costs will not have a significant economic impact on a substantial number of small entities.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: June 4, 2015.

Deborah Szaro,

Acting Regional Administrator, EPA Region 1.

Dated: June 4, 2015.

José C. Font,

Director, Caribbean Environmental Protection Division, EPA Region 2.

Dated: June 4, 2015.

Jon M. Capacasa,

Director, Water Protection Division, EPA Region 3.

Dated: June 4, 2015.

Tinka G. Hyde,

Director, Water Division, EPA Region 5.

Dated: June 4, 2015.

William K. Honker,

Director, Water Quality Protection Division, EPA Region 6.

Dated: June 4, 2015.

Karen Flournoy,

Director, Water, Wetlands, and Pesticides Division, EPA Region 7.

Dated: June 4, 2015.

Darcy O'Connor,

Acting Assistant Regional Administrator, EPA Region 8.

Dated: June 4, 2015.

Nancy Woo,

Acting Director, Water Division, EPA Region 9.

Dated: June 4, 2015.

Daniel D. Opalski,

Director, Office of Water and Watersheds, EPA Region 10.

[FR Doc. 2015–14792 Filed 6–15–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9929–20–Region–6]

Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Valero Refining—Meraux, LLC in Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: Pursuant to Clean Air Act (CAA) Section 505(b)(2) and 40 CFR 70.8(d), the EPA Administrator signed an Order, dated May 29, 2015, denying the petition asking EPA to object to an operating permit issued by the Louisiana Department of Environmental Quality for the Meraux petroleum refinery (Title V operating permit number 2500–00001–V5). The EPA's May 29, 2015 Order responds to the petition submitted by the Concerned Citizens Around Murphy, represented by the Tulane Environmental Law Clinic, on April 3, 2012. Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may ask for judicial review of those portions of the Orders that deny issues raised in the petition by the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307(b) of the Act.

ADDRESSES: You may review copies of the final Order, the petition, and other supporting information at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Orders, petitions, and other supporting information. You may view the hard copies Monday through Friday, from 9:00 a.m. to 3:00 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final May 29, 2015 Order is available electronically at: *http://www.epa.gov/region07/air/title5/petitiondb/petitions/meraux_response2012.pdf.*

FOR FURTHER INFORMATION CONTACT: Kyndall Cox at (214) 665–8567, email address: *cox.kyndall@epa.gov* or the above EPA, Region 6 address.

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review, and object, as appropriate, to a title V operating permit proposed by a state permitting authority. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator, within 60 days after the expiration of this review period, to object to a title V operating permit if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issue arose after this period.

EPA received the petition from the Concerned Citizens Around Murphy (CCAM) on April 3, 2012 (2012 Petition), which is the second petition that EPA received from CCAM concerning this facility's title V permit. EPA previously received a petition from CCAM regarding the 2009 Meraux Title V Modification Permit (2009 Permit) on December 10, 2009 (2009 Petition), and responded to that petition in a prior order (2011 Order) that granted in part and denied in part the request for an objection. Within 90 days after that

order, the LDEQ issued a response to EPA's title V order (2011 LDEQ Response). The 2012 Petition requests that the Administrator object to the 2009 Permit on the general basis that ''(the) LDEQ has not shown the facility's emissions will not trigger Prevention of Significant Deterioration (PSD) requirements.'' More specifically, the 2012 Petition contends that the netting analysis LDEQ conducted for the BenFree Unit project and used to determine that the project did not trigger PSD review was incomplete because it only included emissions from normal operations to the North Flare. The 2012 Petition states that the netting analysis calculations ''should have included emergency emissions'' unless such emissions are subject to ''legally and practicably enforceable limits.'' The 2012 Petition also contends that LDEQ failed to issue a revised permit that satisfies the EPA's objections in the 2011 Order. The Order issued on May 29, 2015 responds to the 2012 Petition and explains the basis for EPA's decisions.

Dated: June 5, 2015.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2015–14790 Filed 6–15–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0321; FRL–9928–13]

Pesticide Maintenance Fee; Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw its requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before December 14, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2015–0321, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.

Submit written withdrawal request by mail to: Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. ATTN: Michael Yanchulis.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Yanchulis, Information Technology and Resources Managment Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–0237; email address: *yanchulis.michael@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

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

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

This notice announces receipt by the Agency of requests from registrants to cancel 314 pesticide products registered under FIFRA section 3 (7 U.S.C. 136a) or 24(c) (7 U.S.C. 136v(c)). These registrations are listed in sequence by registration number (or company number and 24(c) number) in Table 1 of this unit.

Unless the Agency determines that there are substantive comments that warrant further review of the requests or the registrants withdraw their requests, EPA intends to issue an order in the **Federal Register** canceling all of the affected registrations.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Company No.	Product name	Chemical name
100–793	100	Mefenoxam E	Metalaxyl-M.
100–795	100	Subdue WSP Fungicide	Metalaxyl-M.
100–801	100	Ridomil Gold EC	Metalaxyl-M.
100–823	100	Ridomil Gold PC GR	Metalaxyl-M; Pentachloronitrobenzene.
100–958	100	Boundary Herbicide	Metribuzin; S-Metolachlor.
100–964	100	Medal Herbicide	S-Metolachlor.
100–965	100	Medal II Herbicide	S-Metolachlor.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Company No.	Product name	Chemical name
100–1148	100	Camix Selective Herbicide	Mesotrione; S-Metolachlor.
100–1165	100	Brawn Herbicide	S-Metolachlor; Atrazine.
100–1217	100	Gramoxone Inteon	Paraquat dichloride.
100–1227	100	Ridomil Gold/Bravo Liquid Fungicide	Metalaxyl-M.
100–1243	100	Quadris Gold	Azoxystrobin; Metalaxyl-M.
100–1316	100	Cyclone Star	Carfentrazone-ethyl; Paraquat dichloride.
100–1360	100	Cannonball WP	Fludioxonil.
264–685	264	Option Corn Herbicide	Foramsulfuron.
264–771	264	Domain	Flufenacet; Metribuzin.
352–793	352	Dupont Imprelis Herbicide	Aminocyclopyrachlor potassium salt.
400–578	400	Blizzard	Fluthiacet-methyl.
432–1403	432	Prostar 1.5G	Flutolanil.
432–1408	432	Super GT Fungicide	Iprodione.
432–1414	432	26/36 Fungicide	Iprodione; Thiophanate-methyl.
432–1476	432	Tiberon 2.8% SC	Cyclanilide.
432–1486	432	Reserve Fungicide	Triticonazole; Chlorothalonil.
1021–565	1021	Pyrocide Concentrate 5792	Pyrethrins; Piperonyl butoxide; MGK 264.
1021–1164	1021	Pyrocide Intermediate 7070	Pyrethrins; Piperonyl butoxide; MGK 264.
1021–1437	1021	Multicide Intermediate 2232	Tetramethrin; Phenothrin.
1021–1465	1021	Multicide Mosquito Adulticiding Concentrate 2271.	Phenothrin.
1021–1582	1021	Evercide Vegetable and Garden Insect Killer 2526.	Esfenvalerate.
1021–1611	1021	Pyrocide Intermediate 51	Pyrethrins; Piperonyl butoxide.
1021–1626	1021	Evergreen Concentrate 7397	Pyrethrins; Piperonyl butoxide.
1021–1643	1021	Evercide Emulsifiable Concentrate 2667	Esfenvalerate.
1021–1655	1021	Evercide Concentrate 2625	Prallethrin; Esfenvalerate.
1021–1656	1021	Evercide Nylar Total Release Aerosol 2644	Prallethrin; Esfenvalerate; Pyriproxyfen.
1021–1657	1021	Nylar Concentrate 2631	Pyriproxyfen.
1021–1660	1021	Nylar 10% Concentrate 2637	Pyriproxyfen.
1021–1676	1021	Evercide Total Release Aerosol 2615	Pyrethrins; Enfenvalerate; Piperonyl butoxide; MGK 264; Pyriproxyfen.
1021–1683	1021	Multicide Intermediate 2737	Prallethrin; Cyphenothrin; MGK 264.
1021–1684	1021	Multicide Total Release Aerosol 27371	Prallethrin; Cyphenothrin; MGK 264.
1021–1718	1021	ETOC Fogging Concentrate 2764	Prallethrin.
1021–1731	1021	MGK Roach Trap	2-Cyclopenten-1-one, 2-hydroxy-3-methyl-.
1021–1752	1021	Evercide Esfenvalerate 35% W.P. MUP 2787	Esfenvalerate.
1021–1756	1021	Evercide Residual Roach and Ant Spray 27692	Esfenvalerate; Imiprothrin; MGK 264.
1021–1757	1021	Evercide Residual Roach and Ant Spray 27691	Esfenvalerate; Imiprothrin; MGK 264.
1021–1765	1021	Multicide Multi-Purpose Spray 27373	Prallethrin; Cyphenothrin; MGK 264.
1021–1768	1021	Multicide Wasp & Hornet Spray 27301	Prallethrin; MGK 264.
1021–1769	1021	Multicide Intermediate 2730	Prallethrin; MGK 264.
1021–1781	1021	Evercide (R) Emulsifiable Concentrate 28051	Esfenvalerate.
1021–1782	1021	Evercide Emulsifiable Concentrate 2805 MUP	Esfenvalerate.
1021–1789	1021	Evercide Concentrate 2801	Prallethrin; Permethrin; MGK 264.
1021–1793	1021	Evercide Concentrate 26621 MUP	Esfenvalerate.
1021–1794	1021	Evercide Esfenvalerate 10MC	Esfenvalerate.
1021–1804	1021	Evercide (R) Industrial Spray 27524	Esfenvalerate.
1021–1809	1021	Evercide Total Release Fogger 24601	Pyrethrins; MGK 264; Permethrin.
1021–1811	1021	Multicide Fogging Concentrate 2611 MUP	Prallethrin; Piperonyl butoxide; MGK 264.
1021–1831	1021	Evercide Total Release Fogger 24602	Pyrethrins; MGK 264; Permethrin.
1021–1877	1021	Dry Pyganic Pro	Pyrethrins.
1021–2555	1021	MGK F-2929	Bifenthrin.
1021–2632	1021	Tetraperm Wasp & Hornet Killer FEQ 24	Tetramethrin; Permethrin; Piperonyl butoxide.
1021–2633	1021	Tetraperm Crawling Insect Killer FEQ 23	Tetramethrin; Permethrin; Piperonyl butoxide.
1021–2637	1021	Tetraperm Crawling Insect Killer WBA Q3	Tetramethrin; Permethrin; Piperonyl butoxide.
1021–2638	1021	Tetraperm Total Release Indoor Fogger Q3	Tetramethrin; Permethrin; Piperonyl butoxide.
1021–2641	1021	Tetraperm Total Release Indoor Fogger Q5	Tetramethrin; Permethrin; Piperonyl butoxide.
1021–2642	1021	Tetraperm Crawling Insect Killer WBA Q5	Tetramethrin; Permethrin; Piperonyl butoxide.
1021–2643	1021	Permanone Total Release Aerosol	Permethrin.
1021–2648	1021	D100 Insecticide	Deltamethrin.
1021–2655	1021	Ultratec HPC 1	Deltamethrin.
1021–2664	1021	Pyrenone Industrial Spray Emulsifiable Concentrate.	Pyrethrins; Piperonyl butoxide.
1021–2665	1021	Pyrenone General Purpose Household Spray	Pyrethrins; Piperonyl butoxide.
1021–2672	1021	Pyrenone Multi-Purpose Insecticide	Pyrethrins; Piperonyl butoxide.
1021–2677	1021	Pyrenone Pet Spray	Pyrethrins; Piperonyl butoxide.
1021–2686	1021	Permanone General Purpose Aqueous Insecticide.	Permethrin.
1021–2691	1021	Tetraperm Indoor Insect Killer N104 WBA	Permethrin; Tetramethrin; Piperonyl butoxide.
1021–2696	1021	Tetraperm Total Release Indoor Fogger N104	Permethrin; Tetramethrin; Piperonyl butoxide.
1021–2698	1021	Tetraperm .2+.2 CIK Household Insect Killer	Permethrin; Tetramethrin; Piperonyl butoxide.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Company No.	Product name	Chemical name
1021–2700	1021	Pyraperm Household Insect Killer WBA P60	Pyrethrins; Permethrin; Piperonyl butoxide.
1021–2702	1021	Pyraperm Total Release Indoor Fogger WBA P60.	Pyrethrins; Permethrin; Piperonyl butoxide.
1021–2703	1021	Pyraperm Household Insect Killer WBA P61	Pyrethrins; Permethrin; Piperonyl butoxide.
1021–2704	1021	Pyraperm Industrial Insect Killer WBA P61	Pyrethrins; Permethrin; Piperonyl butoxide.
1021–2705	1021	Pyraperm Total Release Indoor Fogger WBA P61.	Pyrethrins; Permethrin; Piperonyl butoxide.
1021–2708	1021	Pyraperm Total Release Indoor Fogger WBA P59.	Pyrethrins; Permethrin; Piperonyl butoxide.
1021–2719	1021	Aqueous Pyrenone Garden Spray	Pyrethrins; Piperonyl butoxide.
1021–2723	1021	Pramix Dust (0.25)	Permethrin.
1021–2727	1021	RUC-415 Insecticide	Deltamethrin.
1021–2744	1021	Pyrenone 30–3 Insecticide	Pyrethrins; Piperonyl butoxide.
1021–2745	1021	Tetraperm TRA	Tetramethrin; Permethrin; Piperonly butoxide.
1021–2746	1021	Tetraperm AS TRA	Tetramethrin; Permethrin; Piperonly butoxide; Triethylene glycol.
1021–2749	1021	Pramex TC Plus	Permethrin.
1021–2750	1021	S-Fen 10MC	Esfenvalerate.
1021–2751	1021	Ultratec 5% TRA Concentrate	Deltamethrin.
1021–2757	1021	Tetraperm 10-10 Concentrate	Permethrin; Tetramethrin.
1021–2758	1021	Tetraperm 11 WB Wasp, Hornet & Yellow Jacket Killer.	Permethrin; Tetramethrin.
1021–2759	1021	Tetraperm 22 WB Wasp, Hornet & Yellow Jacket Killer.	Permethrin; Tetramethrin.
1021–2766	1021	Pramex 11.55% MUP	Permethrin.
1021–2768	1021	Pyrenone 0.5-2.5 Space Spray	Pyrethrins; Piperonyl butoxide.
1021–2770	1021	Pyrenone 1-5 Space Spray	Pyrethrins; Piperonyl butoxide.
1021–2777	1021	S-FEN 40% Concentrate	Esfenvalerate.
1021–2778	1021	S-FEN 0.25% Spray	Esfenvalerate.
1448–53	1448	Busan 881	Carbamodithioic acid, cyano-, disodium salt; Metam-Potassium.
1448–84	1448	Busan 1014	Oxydiethylenebis(alkyl* dimethyl ammonium chloride) *(as in fatty acids of coconut oil).
1448–115	1448	NM-875–11	Carbamodithioic acid, cyano-, disodium salt; Metam-Potassium.
1448–128	1448	NM-35–1	Carbamodithioic acid, cyano-, disodium salt; Metam-Potassium.
1448–180	1448	NM-175–1	Carbamodithioic acid, cyano-, disodium salt; Metam-Potassium.
1448–185	1448	D-10–1	Potassium dimethyldithiocarbamate.
1448–265	1448	B-30–6	2-(Thiocyanomethylthio)benzothiazole.
1448–347	1448	Alstar Non-Foaming Algaecide	Poly(oxy-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl dichloride).
1448–351	1448	Busan 1104	1H-Pyrazole-1-methanol, 3,5-dimethyl-.
1448–382	1448	NABE–M	Carbamodithioic acid, cyano-, disodium salt; Metam-Potassium.
1448–399	1448	Busan 1211	Ethanone, 2-bromo-1-(4-hydroxyphenyl)-.
1677–191	1677	ECO2000-GR	Boric acid.
1706–217	1706	H-940 Microbiocide	Sodium bromide.
2935–550	2935	Nubark Mancozeb AS	Streptomycin sulfate; Mancozeb.
3282–32	3282	Wincon Warfarin Technical	Warfarin.
3282–96	3282	D-Con Bait Station VII	Bromethalin.
3282–97	3282	D-Con Bait Station VIII	Bromethalin.
3282–106	3282	Hyperactive	Indoxacarb.
3282–107	3282	Silent	Esfenvalerate.
3282–108	3282	Creepy	Esfenvalerate; Imiprothrin; MGK 264.
3282–109	3282	Mandible	Indoxacarb.
3282–110	3282	Difethialone Mini Blocks	Difethialone.
4787–43	4787	Malathion Technical	Malathion.
4787–46	4787	Atrapa 8E	Malathion.
5382–46	5382	Chlorite Plus CD-2	Sodium chlorite.
5481–350	5481	Metam Sodium	Metam-sodium.
5481–418	5481	Metam Sodium Soil Fumigant for All Crops	Metam-sodium.
5481–420	5481	Amvac Metam	Metam-sodium.
5481–446	5481	Metacide 42	Metam-sodium.
5813–14	5813	Formula 409 Disinfectant Bathroom Cleaner I	Quaternary ammonium compounds.
5813–16	5813	Clorox Cleaner	Quaternary ammonium compounds.
5813–17	5813	Formula 409 Disinfectant Bathroom Cleaner	Quaternary ammonium compounds.
5813–22	5813	Entire	Quaternary ammonium compounds.
5813–26	5813	Lemon-Sol Cleaner-Disinfectant	Quaternary ammonium compounds.
5813–29	5813	Lemon-Sol Household Cleaner & Disinfectant	Quaternary ammonium compounds.
5813–30	5813	Pine-Sol Household Cleaner	Quaternary ammonium compounds; Pine oil.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Company No.	Product name	Chemical name
5813–37	5813	Pine-Sol Multi-Purpose Spray Cleaner	Quaternary ammonium compounds; Pine oil.
5813–38	5813	Pine-Sol Spray 18488	Quaternary ammonium compounds.
5813–39	5813	Pine-Sol Spray 18864	Quaternary ammonium compounds.
5813–55	5813	Clorox RTU-C	Quaternary ammonium compounds.
5813–62	5813	Clorox 409-P	Quaternary ammonium compounds.
5813–75	5813	Clorox Trapeze	Poly(hexamethylenebiguanide hydrochloride).
5813–77	5813	CDWII	Poly(hexamethylenebiguanide hydrochloride).
5813–78	5813	CTW	Poly(hexamethylenebiguanide hydrochloride).
6836–71	6836	Lonza Formulation Y-59	Quaternary ammonium compounds.
10163–247	10163	Flutolanil Technical	Flutolanil.
11556–167	11556	Endalfly Insecticide Cattle Ear Tag	Endosulfan.
21164–3	21164	Dura Klor	Sodium chlorite.
21164–5	21164	Akta Klor 80	Sodium chlorite.
35935–52	35935	Tribenuron Technical	Tribenuron-methyl.
39967–98	39967	N-1386 Naphtha HAN	Bis(trichloromethyl) sulfone.
39967–104	39967	P-1 Preservative Solution	o-Phenylphenol, sodium salt.
48273–27	48273	Marman Herbiquat Herbicide	Paraquat dichloride.
56392–1	56392	Precise Hospital Foam Cleaner Disinfectant	o-Phenylphenol.
56392–2	56392	Citrace Hospital Germicidal Deodorizer	o-Phenylphenol; Ethanol.
56392–4	56392	Citrex Hospital Spray Disinfectant	o-Phenylphenol; Ethanol.
57787–4	57787	Liquichlor Bleach	Sodium hypochlorite.
57787–20	57787	Algae Inhibitor	Quaternary ammonium compounds.
57787–21	57787	Silver Algaecide	Silver.
66330–307	66330	Metsulfuron 60EG IVM	Metsulfuron.
66330–308	66330	Metsulfuron 60EG Turf	Metsulfuron.
66330–309	66330	Metsulfuron Methyl Technical	Metsulfuron.
66330–310	66330	Metsulfuron 60EG AG	Metsulfuron.
66330–384	66330	Audit 75 WDG Herbicide	Tribenuron-methyl; Thifensulfuron.
66330–390	66330	Shooter Insecticide	Deltamethrin; Geraniol; Oil of thyme.
67619–2	67619	CPPC 409	Quaternary ammonium compounds.
67619–23	67619	CPPC CDQ	Quaternary ammonium compounds.
69129–1	69129	Nexa Cedarwood Oil Moth Protection	Cedarwood oil.
69681–17	69681	Clor Mor Perfect Shock 45	Sodium dichloro-s-triazinetrione.
69681–18	69681	Clor Mor Perfect Shock 15	Sodium dichloro-s-triazinetrione.
71654–11	71654	Dupont Simple Pool Care Sanitizer Chlorinating Granules.	Sodium dichloroisocyanurate dihydrate.
71654–12	71654	Dupont Simple Pool Care Sanitizer (3″) (1″) Chlorinating Tablets.	Trichloro-s-triazinetrione.
71654–13	71654	Dupont Spa Care Sanitizer Brominating Tablets	1,3-Dichloro-5-ethyl-5-methylhydantoin; 1,3-Dichloro-5,5-dimethylhydantoin; Halobrom.
71995–3	71995	Kleeraway Grass & Weed Killer2	Sodium acifluorfen; Glyphosate-isopropylammonium.
81927–32	81927	Alligare Volt Herbicide	Pyraflufen-ethyl; Glyphosate-isopropylammonium.
AL050002	100	Caparol 4L	Prometryn.
AL090003	62719	Milestone VM	Triisopropanolamine salt of aminopyralid.
AR010004	279	Command 3ME Microencapsulated Herbicide	Clomazone.
AR080002	279	Spartan 4F	Sulfentrazone.
AR100004	62719	Milestone VM	Triisopropanolamine salt of aminopyralid.
AR140002	524	Mon 63410 Herbicide	Acetochlor.
AZ060004	10163	Eptam 7–E	Carbamothioic acid, dipropyl-, S-ethyl ester.
CA000003	279	Capture 2EC-Cal Insecticide/Miticide	Bifenthrin.
CA020004	279	Capture 2EC-Cal Insecticide/Miticide	Bifenthrin.
CA060009	1677	Tsunami 100	Hydrogen peroxide; Ethaneperoxoic acid.
CA080005	10163	Onager Miticide	Hexythiazox.
CA090010	264	Ethrel Brand Ethephon Plant Regulator	Ethephon.
CA110007	10163	Supracide 2E Insecticide	Methidathion.
CA940002	10163	Gowan Trifluralin 10G	Trifluralin.
CA940003	10163	Gowan Trifluralin 10G	Trifluralin.
CA970036	59639	Valent Bolero 10 G	Thiobencarb.
CO060003	264	Radius Herbicide	Isoxaflutole; Flufenacet.
CO080006	264	Ethrel Brand Ethephon Plant Regulator	Ethephon.
CO100001	279	Mustang Max Insecticide	Zeta-Cypermethrin.
CT080001	70506	Dupont Manzate Pro-Stick Fungicide	Mancozeb.
CT090001	70506	Penncozeb 75 DF	Mancozeb.
DC030001	34704	Sprout Nip Emulsifiable Concentrate	Chlorpropham.
FL000006	100	Reward Landscape and Aquatic Herbicide	Diquat dibromide.
FL110008	62719	Milestone VM	Triisopropanolamine salt of aminopyralid.
GA080001	279	Brigade 2EC Insecticide/Miticide	Bifenthrin.
GA080008	59639	Chateau WDG Herbicide	Flumioxazin.
HI030002	66222	Thiodex 3 EC Insecticide	Endosulfan.
HI030007	352	Dupont Hyvar X Herbicide	Bromacil.
HI090003	62719	Goaltender	Oxyfluorfen.
HI840004	264	Amchem Ethrel Pineapple Growth Regulator	Ethephon.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Company No.	Product name	Chemical name
IA090001	241	Respect EC Insecticide	Zeta-Cypermethrin.
IA100002	7969	Z-Cype 0.8 EC Insecticide	Zeta-Cypermethrin.
IA890002	59639	Cobra Herbicide	Lactofen.
ID030008	5481	Blocker (TM) 4F	Pentachloronitrobenzene.
ID080004	400	Temprano	Abamectin.
ID100001	279	Mustang Max Insecticide	Zeta-Cypermethrin.
ID910001	62719	Treflan TR-10	Trifluralin.
KS960001	59639	Select 2EC Herbicide	Clethodim.
KY100001	100	Dual Magnum Herbicide	S-Metolachlor.
KY120016	241	Prowl H2O Herbicide	Pendimethalin.
LA020002	62719	Goal 2XL Herbicide	Gas cartRidge (as a device for burrowing animal control); Oxyfluorfen.
LA020005	62719	Delta Goal	Oxyfluorfen.
LA050003	279	Mustang Insecticide	Zeta-Cypermethrin.
LA070003	53883	Bifen XTS Insecticide/Termiticide	Bifenthrin.
LA070004	279	Brigade 2EC Insecticide/Miticide	Bifenthrin.
LA080008	53883	Bifen XTS	Bifenthrin.
LA080009	53883	Dominion 2L	Imidacloprid.
LA080010	53883	Bifenthrin I/T Insecticide/Termiticide	Bifenthrin.
LA140001	524	Mon 63410 Herbicide	Acetochlor.
MD080003	352	Dupont Vydate C-LV Insecticide/Nematicide	Oxamyl.
MN010005	59639	Select 2EC Herbicide	Clethodim.
MN100001	279	Z-Cype 0.8 EC Insecticide	Zeta-Cypermethrin.
MN110004	62719	Milestone VM	Triisopropanolamine salt of aminopyralid.
MO000001	59639	Select 2EC Herbicide	Clethodim.
MO040001	62719	Strongarm	Diclosulam.
MO050005	264	Radius Herbicide	Isoxaflutole; Flufenacet.
MO140005	524	Mon 63410 Herbicide	Acetochlor.
MO140006	524	Mon 63410 Herbicide	Acetochlor.
MS010009	100	ZPP 1560 Herbicide	Gas cartRidge (as a device for burrowing animal control); Glyphosate.
MS020017	62719	Goal 2XL Herbicide	Oxyfluorfen.
MS040010	53883	Glyphosate 41%	Glyphosate-isopropylammonium.
MS040013	100	Touchdown Total	Glyphosate.
MS040014	100	Touchdown Hitech Herbicide	Glyphosate.
MS040015	100	Touchdown Pro Herbicide	Glyphosate.
MS050012	100	Caparol 4L	Prometryn.
MS050021	100	Gramoxone Inteon	Paraquat dichloride.
MS080001	279	Brigade 2EC Insecticide/Miticide	Bifenthrin.
MS090002	7969	Termidor 80 WG Termiticide/Insecticide	Fipronil.
MS090003	7969	Termidor SC Termiticide/Insecticide	Fipronil.
MS090008	62719	Milestone VM	Triisopropanolamine salt of aminopyralid.
MS140001	524	Mon 63410 Herbicide	Acetochlor.
MT100001	279	Mustang Max Insecticide	Zeta-Cypermethrin.
NC070002	279	Brigade 2EC	Bifenthrin.
ND020002	59639	Select 2EC Herbicide	Clethodim.
ND100003	279	Mustang Max Insecticide	Zeta-Cypermethrin.
ND110004	352	Dupont Express Herbicide with Totalsol Soluble Granules.	Tribenuron-methyl.
NE030002	62719	Propimax EC	Propiconazole.
NE040001	279	Mustang Max	Zeta-Cypermethrin.
NE080004	7969	Respect EC Insecticide	Zeta-Cypermethrin.
NE100004	7969	Respect Insecticide	Zeta-Cypermethrin.
NJ070002	70506	Devrinol 50–DF	Napropamide.
NM040003	62719	Lock-On	Chlorpyrifos.
NM100003	70506	Devrinol 50–DF Selective Herbicide	Napropamide.
NV010005	62719	Laredo EC	Myclobutanil.
NV080002	400	Temprano	Abamectin.
NV080004	62719	Lorsban Advanced	Chlorpyrifos.
NY080001	352	Dupont Vydate C-LV Insecticide/Nematicide	Oxamyl.
NY110006	10163	GWN-3061	Halosulfuron-methyl.
OH100003	279	Mustang Max Insecticide	Zeta-Cypermethrin.
OK080001	279	Brigade 2EC Insecticide/Miticide	Bifenthrin.
OK080003	279	Spartan 4F Herbicide	Sulfentrazone.
OR030015	5481	Blocker (TM) 4F	Pentachloronitrobenzene.
OR070015	279	Brigade 2EC Insecticide/Miticide	Bifenthrin.
OR100001	279	Z-Cype 0.8 EC Insecticide	Zeta-Cypermethrin.
OR940049	10163	Imidan 70–WP Agricultural Insecticide	Phosmet.
OR970024	62719	Stinger	Clopyralid, monoethanolamine salt.
PA070002	352	Dupont Vydate C-LV Insecticide/Nematicide	Oxamyl.
PA110002	352	Dupont Assure II Herbicide	Quizalofop-p-ethyl.
PR040006	50534	Bravo Weatherstik	Chlorothalonil.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Company No.	Product name	Chemical name
SC080001	7969	G-Max Lite	Dimethenamide-P; Atrazine.
SC080003	279	Brigade 2EC Insecticide/Miticide	Bifenthrin.
SC090004	62719	Milestone VM	Triisopropanolamine salt of aminopyralid.
SC110004	8329	Natular 2EC	Spinosad.
SD090005	241	Journey Herbicide	Imazapic; Glyphosate-isopropylammonium.
SD100002	7969	Integrity Herbicide	Saflufenacil; Dimethenamide-P.
SD130006	524	Mon 63410 Herbicide	Acetochlor.
TN040005	62719	Strongarm	Diclosulam.
TN070005	62719	Dithane DF Rainshield	Mancozeb.
TN080001	279	Spartan 4F	Sulfentrazone.
TN080012	352	Dupont Accent Herbicide	Nicosulfuron.
TX060020	62719	Enable 2F	Fenbuconazole.
TX070001	279	Command 3ME Herbicide	Clomazone.
TX090001	10163	Imidan 70-W	Phosmet.
TX110002	62719	Milestone VM	Triisopropanolamine salt of aminopyralid.
TX140003	524	Mon 63410 Herbicide	Acetochlor.
TX930009	59639	Select 2EC Herbicide	Clethodim.
UT100001	59639	Chateau WDG Herbicide	Flumioxazin.
VA100004	62719	Milestone VM	Triisopropanolamine salt of aminopyralid.
VA110003	62719	Milestone VM	Triisopropanolamine salt of aminopyralid.
VA130001	5481	Vapam HL Soil Fumigant	Metam-sodium.
VA130002	5481	AMV 540	Metam-Potassium.
VA830012	5481	Stauffer Vapam 4–S Soil Fumigant Solution	Metam-sodium.
WA010019	10163	Imidan 70-W Agricultural Insecticide	Phosmet.
WA010026	10163	Hexygon WDG	Hexythiazox.
WA020026	62719	Laredo EC	Myclobutanil.
WA030031	10163	Imidan 70–W Agricultural Insecticide	Phosmet.
WA040032	71711	Moncut 70-DF	Flutolanil.
WA070016	279	Brigade 2EC Insecticide/Miticide	Bifenthrin.
WA080002	66330	Iprodione 4L AG	Iprodione.
WA080005	66330	Iprodione 4L AG	Iprodione.
WA090021	5481	Orthene 97 Pellets	Acephate.
WA100003	59639	Chateau Herbicide WDG	Flumioxazin.
WA110009	66330	Dimethoate 4E	Dimethoate.
WA120003	71021	Formaldehyde Solution 37	Formaldehyde.
WI030003	62719	Stinger	Clopyralid.
WI050001	62719	Stinger	Clopyralid, monoethanolamine salt.
WI070005	352	Do Pont Vydate L Insecticide/Nematicide	Oxamyl.
WI080002	62719	Stinger	Clopyralid, monoethanolamine salt.
WV140001	62719	Enable 2F	Fenbuconazole.
WY040002	53883	Glyphosate 41%	Glyphosate-isopropylammonium.
WY100001	279	Mustang Max Insecticide	Zeta-Cypermethrin.
WY100005	59639	Chateau WDG Herbicide	Flumioxazin.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
100	Syngenta Crop Protection, LLC., P.O. Box 18300, Greensboro, NC 27419.
241	BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709.
264	Bayer Cropscience, LP., P.O. Box 12014, Research Triangle Park, NC 27709.
279	FMC Corp. Agricultural Products Group, 1735 Market St., Rm 1978, Philadelphia, PA 19103.
352	E. I. Du Pont de Nemours and Company, 1007 Market Street, Wilmington, DE 19898.
400	MacDermid Agricultural Solutions, Inc., 245 Freight Street, Waterbury, CT 06702.
432	Bayer Environmental Science, A Division of Bayer Cropscience LP., P.O. Box 12014, Research Triangle Park, NC 27709.
524	Monsanto Company, 1300 I Street NW., Suite 450 East, Washington, DC 20005.
1021	Mclaughlin Gormley King Company, D/B/A MGK, 8810 Tenth Avenue North, Minneapolis, MN 55427.
1448	Buckman Laboratories Inc., 1256 North McLean Blvd., Memphis, TN 38108.
1677	Ecolab, Inc., 370 North Wabasha Street, St. Paul, MN 55102.
1706	Ecolab, Inc., Agent for: Nalco Company, 370 North Wabasha Street, St. Paul, MN 55102.
2935	Wilbur-Ellis Company, 2903 S. Cedar Avenue, Fresno, CA 93725.
3282	Reckitt Benckiser, LLC., D/B/A Reckitt Benckiser, 399 Interpace Parkway, Parsippany, NJ 07054.
4787	Cheminova Inc., 1600 Wilson Blvd., Suite 700, Arlington, VA 22209.
5382	Basic Chemicals Company, LLC., 5005 LBJ Freeway, Dallas, TX 75244.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA company No.	Company name and address
5481	Amvac Chemical Corporation, 4695 Macarthur Court, Suite 1200, Newport Beach, CA 92660.
5813	The Clorox Co., c/o PS&RC, P.O. Box 493, Pleasanton, CA 94566.
6836	Lonza Inc., 90 Boroline Road, Allendale, NJ 07401.
7969	BASF Corporation, Agricultural Products, P.O. Box 13528, Research Triangle Park, NC 27709.
8329	Clarke Mosquito Control Products, Inc., 675 Sidwell Court, St. Charles, IL 60174.
10163	Gowan Company, P.O. Box 5569, Yuma, AZ 85366.
11556	Bayer Healthcare LLC., Animal Health Division, P.O. Box 390, Shawnee Mission, KS 66201.
21164	Basic Chemicals Company, LLC., 5005 LBJ Freeway, Dallas, TX 75244.
34704	Loveland Products, Inc., P.O. Box 1286, Greeley, Co 80632.
35935	Nufarm Americas Inc., 4020 Aerial Center Pkwy., Suite 101, Morrisville, NC 27560.
39967	Lanxess Corporation, 111 RIDC Park West Drive, Pittsburgh, PA 15275.
48273	Nufarm Inc., Agent For: Marman Usa Inc., 4020 Aerial Center Pkwy., Suite 101, Morrisville, NC 27560.
50534	GB Biosciences Corporation, P.O. Box 18300, Greensboro, NC 27419.
53883	Control Solutions, Inc., 5903 Genoa-Red Bluff Road, Pasadena, TX 77507.
56392	Clorox Professional Products Company, c/o PS&RC, P.O. Box 493, Pleasanton, CA 94566.
57787	Haviland Consumer Products, Inc., D/B/A Haviland Consumer Products, 421 Ann Street NW., Grand Rapids, MI 49504.
59639	Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596.
62719	Dow Agrosciences LLC., 9330 Zionsville Road, Indianapolis, IN 46268.
66222	Makhteshim Agan of North America, Inc., D/B/A Adama, 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604.
66330	Arysta Lifescience North America, LLC., 15401 Weston Parkway, Suite 150 Cary, NC 27513.
67619	Clorox Professional Products Company, c/o PS&RC, P.O. Box 493, Pleasanton, CA 94566.
69129	The Scotts Company, Agent for: Celaflor GMBH, 14111 Scottslawn Road, Marysville, OH 43041.
69681	Allchem Performance Products, 6010 NW First Place, Gainesville, FL 32607.
70506	United Phosphorus, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.
71021	Ecolab Inc., Agent for: Corsicana Technologies, Inc., 370 North Wabasha Street, St. Paul, MN 55102.
71654	The Chemours Company FC., LLC., 1007 Market Street, Wilmington, DE 19898.
71711	Nichino America, Inc., 4550 New Linden Hill Road, Suite 501, Wilmington, DE 19808.
71995	Monsanto Company, 1300 I Street NW., Suite 450 East, Washington, DC 20005.
81927	Pyxis Regulatory Consulting, Inc., Agent for: Alligare, LLC., 4110 136th St. NW., Gig Harbor, WA 98332.

III. What is the agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. EPA will provide a 180-day comment period on the proposed requests. Thereafter, the EPA Administrator may approve such a request.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation should submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Because the Agency has identified no significant potential risk concerns associated with these pesticide products, upon cancellation of the products identified in Table 1 of Unit II., EPA anticipates allowing registrants to sell and distribute existing stocks of these products until January 15, 2016. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: June 6, 2015.

Mark A. Hartman,

Acting Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2015–14674 Filed 6–15–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

June 12, 2015.

TIME AND DATE: 10:00 a.m., Wednesday, June 24, 2015.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Secretary of Labor* v. *Sunbelt Rentals, Inc., et al.,* Docket Nos. VA 2013–275, *et al.* (Issues include whether a workplace examination must be ''adequate'' under the standard in question.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202)

708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2015–14857 Filed 6–12–15; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

June 11, 2015.

TIME AND DATE: 10:00 a.m., Tuesday, June 23, 2015.

PLACE: The Richard V. Backley Hearing Room, Room 511N, 1331 Pennsylvania Avenue NW., Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument in the matter *Secretary of Labor* v. *Sunbelt Rentals, Inc., et al.,* Docket Nos. VA 2013–275, *et al.* (Issues include whether a workplace examination must be ''adequate'' under the standard in question.)

Any person attending this oral argument who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2015–14803 Filed 6–12–15; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 10, 2015.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *New Bancorp, Inc.,* New Buffalo, Michigan; a newly formed Maryland corporation, to become a savings and loan holding company by acquiring 100 percent of the voting shares of New Buffalo Savings Bank, New Buffalo, Michigan. The savings and loan holding company will be formed in connection with the proposed mutual-to-stock conversion of New Buffalo Savings Bank, a federally chartered mutual savings bank.

Board of Governors of the Federal Reserve System, June 11, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–14699 Filed 6–15–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Federal Trade Commission (''Commission'' or ''FTC'').

ACTION: Notice and request for comment.

SUMMARY: The Commission plans to conduct a remedy study to update and expand on the divestiture study it conducted in the mid-1990s to: (1) Assess the effectiveness of the Commission's policies and practices regarding remedial orders where the Commission has permitted a merger but required a divestiture or other remedy, and (2) identify the factors that contributed to the Commission successfully or unsuccessfully achieving the remedial goals of the orders. This is the second of two notices required under the Paperwork Reduction Act (''PRA'') in which the FTC seeks public comments on its proposed study in connection with Office of Management and Budget (''OMB'') review of, and clearance for, the collection of information discussed herein.

DATES: Comments must be received on or before July 16, 2015.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Remedy Study, FTC File No. P143100'' on your comment. File your comment online at *https://ftcpublic.commentworks.com/ftc/hsrdivestiturestudypra2,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), 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 J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Daniel P. Ducore, Assistant Director, 202–326–2526, Compliance Division, Bureau of Competition, Federal Trade Commission, Washington, DC 20580, or Timothy Deyak, Associate Director, 202–326–3742, Bureau of Economics, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

Each year, the FTC, along with the Antitrust Division of the Department of Justice, challenges a number of transactions that are alleged to violate the antitrust laws. Most of these challenged transactions are resolved through a consent order that remedies the competitive concern. Taking advantage of its unique research and study function, the Commission began a study in 1995, evaluating remedial divestitures the Commission ordered from 1990 through 1994. The earlier study focused on the thirty-five divestiture orders the Commission issued over that four-year period. FTC staff interviewed thirty-seven buyers out of the fifty that acquired divested assets. The study yielded valuable information, which was synthesized, summarized, and made available to the public in a

report in August 1999. The report is available at *http://www.ftc.gov/sites/default/files/attachments/merger-review/divestiture.pdf.*

The Commission refined and improved its divestiture orders partly as a result of that study. Those improvements included shortening the divestiture period, more often requiring up-front buyers, and requiring monitors more frequently, particularly in divestitures in technology and pharmaceutical industries. These changes were implemented almost immediately, and the Commission and its staff still rely on the findings from the study as they craft and enforce the Commission's remedies.

Given the benefits resulting from the prior study, on January 16, 2015, the Commission published a **Federal Register** Notice (''FRN''), *see* 80 FR 2423, seeking comment under the PRA on a new FTC remedy study that will focus on more recent orders, spanning the years 2006 through 2012, and will evaluate both structural and non-structural relief. In response to the PRA Notice, the Commission received four comments related to the proposed remedy study. These four comments are available at *https://www.ftc.gov/policy/public-comments/initiative-602.*

II. FTC's Proposed Study

A. Study Description

Between the end of 1994 and 2013, the Commission issued 281 orders in merger cases. Of those, the Commission proposes to study all ninety orders issued from 2006 through 2012.[1] The Commission chose this period because it is sufficiently long ago to assess the order's impact (*i.e.,* whether divestiture orders created new competitors and whether merger orders, including divestiture orders, achieved their remedial goals), but recent enough so that participants will remember relevant facts and events.

Given the scope of the proposed study and to best use its resources, the Commission will use different methodologies to evaluate different orders. The Commission proposes to evaluate the majority of the orders using a case study methodology similar to that used in the earlier study, consisting of interviews with buyers of divested assets, customers, and competitors, and seeking limited sales information from the divestiture buyer and other major competitors. For orders relating to supermarkets, drug stores, funeral homes, hospitals and other healthcare clinics, the Commission proposes to study information from divestiture buyers through voluntary questionnaires. For orders relating to the pharmaceutical industry, the Commission proposes to study information it already has, as well as publicly available information.

The Commission proposes to use the case study methodology for fifty-one of the ninety orders in the proposed study. The Appendix identifies the fifty-one orders in chronological order based on the date first accepted by the Commission. Of those fifty-one orders the Commission issued during this period, forty-one required divestitures to fifty-six different Commission-approved buyers.[2] The Commission proposes interviewing those fifty-six buyers and, on average, two other significant competitors in each affected market, including the respondent. Additionally, the Commission proposes to interview, on average, two customers in each affected market. For the ten orders in which the Commission ordered only non-structural relief, and where there are therefore no buyers, the Commission proposes interviewing, on average, two significant competitors in each affected market, including the respondent, and, on average, two customers in each affected market.

Although the FTC will seek voluntary interviews in the first instance, it may rely on compulsory process where necessary to obtain the information needed for the study. Each interview will, to the extent possible, be conducted by attorneys and economists who are familiar with the relevant order from their work when it issued. Each interviewer will use similar outlines for the interviews, focusing broadly on the same topics. To the extent unique issues arise regarding particular divestitures, the interviewer will pursue those issues as well.

Although the buyer interviews will be similar to those in the earlier study, staff will focus on several specific issues, some of which address the changes made to the divestiture process based on the earlier study. Those issues include:

- Whether the increased use of buyers-up-front hindered the buyer's ability to conduct adequate due diligence.
- Whether shortening the divestiture period had any adverse effect on the buyers or the process.
- To what extent the staff's review of buyers and monitors may have been inadequate.
- Whether the orders have effectively defined the assets of an autonomous business (when that was the purpose).
- Whether assets outside of the relevant market have been properly included in the divestiture package when necessary.
- Whether Commission orders have effectively required sufficient technical assistance or other nurturing provisions when necessary.
- Whether monitors have provided the oversight that the circumstances warranted.
- Whether the respondent impeded the buyer's ability to compete in the market.

As noted above, in addition to interviewing buyers, the Commission will also interview customers and other competitors, including the respondent, in each affected market. The additional interviews will be used, along with the buyer interviews, to assess further whether the Commission's orders achieved their remedial goals. These interviews will, where appropriate, cover some of the issues noted above, and address some additional points, including:

- Identification of the leading suppliers (and their market shares) before and after the remedy.
- Whether the buyer competed in a manner that was as effective as the prior owner of the divested assets.
- Whether any other significant changes occurred in the market after the remedy was implemented (*e.g.,* entry, exit, or other merger).
- The interviewee's views on how the merger would have affected the competitive environment absent the remedy.
- The interviewee's views about the market's competitiveness before and after the merger and remedy.

In addition to conducting interviews, the FTC will require information from each buyer and significant competitor, including the respondent, in each market by issuing orders to file special reports under its authority in Section 6(b) of the FTC Act. Information will be sought from about 250 firms operating in approximately 190 distinct product or geographic markets.[3] For each of the markets identified in the order, the

[1] The January 16, 2015 FRN stated that the study would include 92 orders. Two of those orders, C4231, *In the Matter of Flow International Corp.,* and C4299, *In the Matter of Air Products and Chemicals, Inc.,* relate to transactions that were abandoned. Accordingly, those have been eliminated from the proposed remedy study.

[2] The January 16, 2015 FRN stated that the study would involve 47 different divestiture buyers. Upon further review, staff has determined that 56 buyers purchased divested assets relating to the orders included in the proposed study.

[3] This number is lower than the 280 participants estimated in the January 16, 2015 FRN because, upon further review, staff has determined that there are fewer significant competitors in the markets affected by the 51 orders.

special reports will request annual unit and dollar sales data for seven years, centered on the year the remedy took place.[4] These data are sufficiently limited in scope to enable the Commission to use them in a timely and useful manner to supplement and complement information received during the interviews.[5]

The Commission proposes to use different methods to evaluate merger orders in certain industries where the Commission has extensive expertise crafting remedies: Supermarkets, drug stores, funeral homes, hospitals and other healthcare clinics, and pharmaceuticals. Because of this experience, the Commission uses well-established methods and standard provisions tailored to each industry, and, accordingly, staff is less likely to uncover any significant new information regarding the structure of Commission remedies in these industries. As identified in the Appendix, in those markets, the Commission issued fifteen orders requiring over forty divestitures between 2006 and 2012. For these orders, the Commission proposes sending voluntary questionnaires to the buyers of the divested assets. Through the questionnaire, the Commission intends to learn about the buyer's due diligence process, the adequacy of the divestiture package and the transitional services, and the buyer's post-divestiture operations. Staff will determine, on a case-by-case basis, whether follow-up interviews with these buyers may be necessary.

For the twenty-four orders that the Commission issued from 2006 through 2012 requiring divestitures in the pharmaceutical industry, staff will synthesize information already in the Commission's possession. The Bureau of Competition's Compliance Division maintains close contact with the monitors appointed in these orders, and the monitors and respondents file periodic reports as required by the orders. As a result, the FTC has substantial information regarding the competitive dynamics of these divested products. Staff will review the information already in its possession and will follow-up with interviews with the monitors, buyers, and customers as needed.

B. PRA Burden Analysis

In its January 16, 2015 FRN, the FTC provided PRA burden estimates for the research. FTC staff is revising certain assumptions based on a more precise calculation of the number of relevant orders, buyers, and market participants in each order.

As described above, one component of the proposed study concerns fifty-one merger orders approving fifty-six buyers of divested assets. Commission staff will attempt to interview those buyers as well as, on average, two customers and two competitors of each buyer in each affected market. The number of interviews conducted for each will vary based on the unique characteristics of each order. Ten of the fifty-one orders required only non-structural relief, so there are no buyers for those ten; the Commission proposes to interview, on average, two customers and two competitors in each of those affected markets. In several of the orders, the remedy applies to more than one relevant geographic or product market, even though there may be only one buyer of divested assets (or no buyer in the orders requiring only non-structural relief). Because a single buyer may operate in more than one geographic or product market, there may be different customers and competitors in each of the different markets.

In the January 16, 2015 FRN, FTC staff preliminarily estimated that there would be approximately ten orders implicating multiple markets that require interviews with additional customers and competitors. However, staff has now determined that because many of the same entities compete or are customers in more than one of the markets affected by a single consent, this number is actually smaller. Consequently, approximately 300 interviews will be required, rather than the 315 estimated in the January 16, 2015 FRN.

Commission staff expects that for each interview, two company personnel will participate: Top-level managers (possibly the CEO or president) and a marketing or sales manager. In addition, in many cases, a company will likely request that its attorney also participate. Staff anticipates that the interviews will last approximately an hour to an hour-and-a-half, and that an hour of preparation time for each interviewee and three hours for the attorney may be required. Accordingly, the estimated total time involved for this portion of the study will be 2,850 hours [300 interviews × (4.5 interview hours + 5 preparation time hours)].

Based on external wage data, the estimated hourly wages for the expected participants are:

CEO $655
Sales/Marketing Manager $215
Attorney $135

If all three individuals participate for each firm, total wage costs for each firm, rounded, will be approximately $2,783 [($655 × 2.5) + ($215 × 2.5) + ($135 × 4.5)]. If FTC staff interviews 300 different entities, the estimated total labor cost for this part of the study will be $834,900 [300 × $2,783].

As another component of the study, the FTC proposes sending brief questionnaires to the approximately forty buyers of divested assets in the fifteen orders issued from 2006 through 2012 requiring the divestiture of supermarkets, drug stores, funeral homes, or hospitals and other healthcare clinics. Commission staff estimates that the CEO or other top-level manager and a marketing or sales manager will spend one and two hours, respectively, to complete the questionnaire, followed by approximately three hours for attorney review. The estimated total time involved for three participants in this part of the study will be 240 hours [40 participants × 6 hours]. Commission staff anticipates that respondents will incur primarily labor costs to complete the questionnaire, with total wage costs for each firm estimated at $1,490 [$655 + ($215 × 2) + ($135 × 3)]. Staff anticipates obtaining completed questionnaires from the approximately forty buyers, resulting in total labor costs of $59,600 [40 × $1,490].

As the final component of this study, the FTC proposes obtaining and analyzing sales data to complement the information obtained in the interviews and to aid in the overall assessment of whether the orders achieved their remedial goals. As noted above, for each of the markets remedied by each order, the FTC will issue orders to file special reports requesting seven years of annual sales data (in units and dollars), centered on the year in which the order became final, for all significant competitors in each remedied market. For most firms, these data are likely maintained as a part of their normal course of business and the request should not pose a significant burden. While the majority of these fifty-one remedied matters involve only a single market, others implicate multiple

[4] If the order became final in the first six months of the year, then that year will be used as the year the remedy took place. If the order became final in the last six months of the year, then the following calendar year will be used as the year the remedy took place.

[5] If a company has fiscal year dollar and unit sales figures that are not calendar year sales, it will be asked to describe its fiscal year, to provide the data requested for the company's fiscal years closest to the calendar years requested, to estimate the requested calendar year dollar and unit sales, and to describe the basis upon which those estimates were made. If the requested data are not available for the product and the geographic market, the company will be asked to estimate the dollar and unit sales data requested and to describe the basis upon which its estimates were made.

geographic and product markets. The FTC anticipates sending orders to file special reports to competitors in approximately 190 product and geographic markets, and that approximately 250 market competitors will receive the orders. FTC staff estimates that three people will be involved in the response to each order to file special report and that the total time involved in responding to each report will be ten hours. Accordingly, the total amount of time involved for the participants in this part of the study will be approximately 2,500 hours [250 orders to file special reports × 10 hours/report].

The majority of the costs incurred for compliance with the orders to file special reports will be labor costs. FTC staff anticipates that a top-level financial manager, an accountant or financial analyst, and an attorney will be involved in any discussions relating to the special reports and in responding to the orders to file special reports. Specifically, FTC staff anticipates that each of these individuals would be involved in a two-hour discussion with staff prior to compliance, and that the financial analyst would require four hours to compile the data. Based on external wage data, the estimated hourly wages for the expected participants are:

Financial Manager $75
Accountant $55
Attorney $135

Total labor costs for each special report will be $750 [($75 × 2) + ($135 × 2) + ($55 × 6)]. If the Commission issues 250 orders to file special reports, the total labor cost of complying with compulsory process will be $187,500 [250 × $750]. Commission staff anticipates minimal capital or other non-labor costs.

III. Confidentiality

Some of the information the Commission will receive in connection with the study is information of a confidential nature. Under Section 6(f) of the FTC Act, such information is protected from public disclosure for as long as it qualifies as a trade secret or confidential commercial or financial information. 15 U.S.C. 46(f). Material protected by Section 6(f) also would be exempt from disclosure under the Freedom of Information Act, 5 U.S.C. 552. Moreover, under Section 21(c) of the FTC Act, a submitter who designates information as confidential is entitled to 10 days' advance notice of any anticipated public disclosure by the Commission, assuming that the Commission has determined that the information does not, in fact, constitute Section 6(f) material. 15 U.S.C. 57b–2(c). Although materials covered by these sections are protected by stringent confidentiality constraints, the FTC Act and the Commission's rules authorize disclosure in limited circumstances (*e.g.,* official requests by Congress, requests from other agencies for law enforcement purposes, and administrative or judicial proceedings). Even in those limited contexts, however, the Commission's rules may afford protections to the submitter, such as advance notice to seek a protective order prior to disclosure in an administrative or judicial proceeding. See 15 U.S.C. 57b–2(c); 16 CFR 4.9–4.11.

IV. Analysis of Comments

As referenced above, in response to the January 16, 2015 FRN, the Commission received four comments related to the proposed study. A majority of the commenters support the need for the FTC's proposed study and recognize the importance of the modifications that the Commission has implemented, largely as a result of its prior study of merger orders. Each commenter, however, suggests what he or she views as improvements to the proposed study.

Kenneth Davidson, a former FTC staff attorney who, as he noted, was significantly involved in the design and implementation of the earlier study, suggests that the Commission narrow the scope of the study to focus on whether the recommendations of the prior study have been implemented in more recent orders and, in orders in which they have not, whether the failure to do so had an impact on the effectiveness of the remedy. Dr. John Kwoka, a professor of economics at Northeastern University, and the American Antitrust Institute (''AAI''), a non-profit advocacy group that focuses on antitrust issues, both suggest that the Commission expand the study significantly and question whether the scope of the data to be collected will be sufficient. Finally, the Electronic Privacy Information Center (''EPIC''), a non-profit advocacy group that focuses on privacy issues, recommends a shift in the focus of the study to include privacy issues, a topic not studied in the prior study and not addressed in the orders proposed to be studied. Each comment is described in more detail below, and Commission responses follow.

A. Kenneth Davidson Comment

Mr. Davidson supports further study of remedies but has several concerns regarding the structure of the proposed study. First, he believes any further study should be voluntary and anonymous, as the earlier study was. He believes much of the valuable information disclosed in the earlier interviews was made available because of the voluntary, confidential nature of the interview. Mr. Davidson suggests, as an alternative to the proposed interviews, that in future orders the Commission require buyers of divested assets to file compliance reports. Second, he describes the study as relying ''primarily on the enforcement attorney and the economist who investigated the antitrust violation'' and asserts that such reliance may result in biased and inconsistent results. He instead recommends using two or three Compliance Division attorneys and the same number of economists to provide expertise and assure more consistency, similar to the structure used in the prior study.

Mr. Davidson also believes the number of orders included in the study imposes too much burden on limited resources and recommends selecting a smaller subset of divestitures to study, starting with those identified as problematic. In particular, he urges that the study focus on the orders in which the changes recommended by the prior study were not implemented to determine whether that may have led to problems with the remedy. Mr. Davidson suggests several considerations for the interviews, including requesting a timeline of milestones for the entire process from both the buyer of the divested assets and the seller to help assess the pacing of divestitures. Finally, Mr. Davidson contends that the requested data will have limited use and questions the value of using the Commission's compulsory process authority to obtain it. He suggests, instead, that profits or costs might be better measures of competitive impact; however, he acknowledges the difficulty in obtaining consistent data allowing for reliable comparisons. He recommends that the Commission consider voluntary submissions of data, rather than using compulsory process. He also recommends that the Commission provide greater detail about how the data will be used.

Commission Response

1. The confidential information of participants will be protected.

Section 6(f) of the Federal Trade Commission Act protects confidential information from public disclosure for as long as it qualifies as a trade secret or confidential commercial or financial information. 15 U.S.C. 46(f). In issuing

any report on the study, the Commission will take appropriate steps to protect such information or to give notice before any public disclosure of such information, as specified further below. Accordingly, we do not anticipate that the use of compulsory process here will affect the quality of responses received.

2. Because of the importance of the sales data requested, the Commission has decided to use its authority under Section 6(b) of the FTC Act to require submission of the data.

Although FTC staff agrees that the prior study yielded valuable information, very little of the financial data that FTC staff requested from participants on a voluntary basis in the prior study was submitted, as Mr. Davidson acknowledges. The proposed study is designed to obtain sales data from each buyer and significant competitors. Because of the potential value of that information and the need to obtain that information from market participants, the Commission has decided to compel its production under Section 6(b) of the Federal Trade Commission Act to ensure that participants provide the desired information.

3. *Attorneys and economists who were involved in the initial investigation will add significantly to the evaluation of the Commission's remedies, and their participation will enable the FTC staff to complete the interview component of the study in a timely manner.*

The study will engage teams of experienced professionals to conduct the interviews, including, where possible, the enforcement attorney and economist who conducted the antitrust investigation of the underlying merger, the Compliance Division attorney who handled the remedy aspect, and a paralegal or research analyst. The attorneys and economists who were involved in the initial investigation will bring significant knowledge of the industry and the parties to the process and will use that background to add significantly to the quality of the interviews. In addition, FTC staff supervising the overall study, who were not involved in the initial investigation, will attend the interviews. Relying on multiple teams, including the investigative staff, to conduct the interviews will enable FTC staff to complete the interviews more quickly and effectively than relying solely on Compliance Division staff.

An initial meeting will be held with each case team prior to the interviews to review the issues raised by the remedy. Consistency will be maintained from interview to interview by relying on standardized outlines prepared by FTC staff, which will be adapted for the order and markets at issue consistent with the issues discussed at the initial meeting. Mr. Davidson points out several interesting topics for the interviews, and FTC staff has added them to the interview outlines. Obtaining timeline information where possible will help the Commission determine whether its timing assumptions are correct.

Mr. Davidson is concerned that the scope of the study may tax the Commission's resources, but the study is structured to meet its goals without placing undue burden on participants or Commission resources. The Commission believes that the scope of the study is manageable, particularly as structured in the manner described. The Commission further believes that limiting the study to only remedies raising concerns, as Mr. Davidson suggests, would limit the learning. Valuable lessons for the Commission's mission may be derived equally from successful and unsuccessful remedies alike.

Finally, Mr. Davidson believes that the annual dollar and unit sales information will be of limited value beyond confirming claims of the buyers that they are participating in the market. He suggests it may be difficult to compare before and after divestiture performance and that additional investigation will be needed to understand the data. The Commission believes, however, that the data will be useful in confirming those claims of the buyers. More generally, combining this information with the qualitative information obtained through the interviews will enable the Commission to assess whether the order has achieved its remedial goals.

B. Dr. John Kwoka and AAI Comments

Dr. Kwoka and AAI offer similar suggestions for improving the study. First, Dr. Kwoka suggests that the Commission state more clearly the criteria for a successful remedy. He states that ''[t]he criterion for a successful remedy is that it preserve or restore the competition that would otherwise be lost as a result of the merger being approved.'' Next, Dr. Kwoka suggests that the Commission consider adding some pre-2006 orders, especially orders that required only non-structural relief. He also is concerned that the study too heavily relies on information obtained in the interview portion of the study, and notes that interviews are not being conducted in all components of the study. Dr. Kwoka questions that failure to adhere to the same methodology throughout the study, which could lead some readers to find the results less convincing. He also suggests that the Commission consider collecting information beyond the sales data it will be collecting, including information on non-price variables such as expenditures on research and development. He suggests that the Commission use a more flexible time frame that may vary with each order, because the proposed seven-year time frame may not be the most appropriate time frame for each remedy. Finally, he suggests that the Commission obtain information about monitors and trustees, particularly the procedures used by these third parties, the contractual arrangements, the costs imposed by their use, and their effectiveness.

AAI also suggests providing a clearer articulation of the criteria for evaluating a successful remedy. Like Dr. Kwoka, AAI suggests that the appropriate standard for determining a successful remedy is whether the remedy ''fully restore[s] competition that would otherwise be lost as a result of an anticompetitive merger.'' AAI asserts that without a clearly articulated standard the design of the proposed study will merely validate the conclusions of the prior study. AAI also suggests expanding the number of orders studied to include all orders the Commission has issued since the prior study as well as Department of Justice merger decrees. In addition, AAI suggests that FTC staff study the effects of mergers that the Commission did not remedy. AAI also recommends expanding the time period covered by the study in order to capture more remedies in which the Commission required non-structural relief. AAI urges that the FTC staff also interview firms that have exited or never entered the market because the design relies too heavily on interviews of current participants in the markets of concern to the Commission. Like Dr. Kwoka, AAI believes that the portion of the study designed to evaluate divestitures in the pharmaceutical industry and of supermarkets, drug stores, funeral homes, and hospitals and other healthcare clinics is too narrow. Regarding the data collection, AAI believes that the seven-year time frame may not be the correct choice in certain cases, and that the Commission should also seek non-price metrics, such as quality and reliability.

Commission Response

1. The Commission agrees that an appropriate standard by which we

evaluate the effectiveness of each remedy is necessary, and has articulated clear criteria consistent with that suggested by the commenters.

The prior study focused on whether the buyer of the divested assets obtained the assets it needed and whether it competed in the market of concern to the Commission after the divestiture. There was some criticism at the time that the study did not go further to evaluate whether the remedy achieved the remedial goal of the order. The proposed study addresses that criticism and has been designed to ''assess whether divestiture orders created new competitors and whether merger orders, including divestiture orders, achieved their remedial goals.''

The criteria the FTC uses to determine if a remedy is acceptable are spelled out in case law, as well as the Bureau of Competition's Statement on Negotiating Merger Remedies, which states: ''an acceptable remedy must [. . .] maintain or restore competition in the markets affected by the merger.'' [6] The Bureau of Competition's Frequently Asked Questions About Merger Consent Order Provisions similarly explains, ''Every order in a merger case has the same goal: To preserve fully the exiting competition in the relevant market or markets.'' [7] The predictive nature of Clayton Act Section 7 enforcement requires the FTC to look to the facts and evidence specific to each case in determining whether a remedy fully maintains or restores existing competition in any particular matter. The overriding goal is always the same: As the Supreme Court has stated, restoring competition is the ''key to the whole question of an antitrust remedy.'' [8] These criteria are consistent with the commenters' recommendations.

2. Expanding the study to cover more orders is unlikely to improve the quality of the information learned, especially when considering the additional burden imposed on the public.

Studying a subset of the universe of orders that the Commission has issued since the last study permits the FTC to complete the study in a timely manner without imposing an undue burden on participants in the study. As proposed, this study is more comprehensive and includes more merger orders for study than the Commission's prior study, which itself yielded valuable information that led to important changes to the Commission's process. The Commission believes that expanding the number of orders studied beyond that proposed is unlikely to improve the quality of the information obtained or the ability to draw reliable, useful conclusions to a sufficient degree to warrant the added burden on the participants and the Commission. On the other hand, to complete this more comprehensive study, the Commission will rely on the expertise and experience of its staff, many of whom helped with the underlying merger investigation. This experience allows the Commission to limit the burden on outside parties for the orders not included in the interview portion of the study.

3. The data component has been purposefully designed to minimize the burden on participants as much as possible while providing quantitative evidence that will complement and supplement the information obtained through the interviews.

This study differs from the prior study primarily in its use of the Commission's Section 6(b) authority to issue orders to file special reports. The Commission anticipates sending orders to as many as 250 participants, requesting annual unit and sales data for a seven-year period. These data will supplement and complement the interview information for assessing whether the Commission's orders achieved their remedial goals. The Commission believes that requesting this limited type of data over a seven-year time period will provide useful information for the study, but minimize the burden on recipients of the orders.

C. EPIC Comment and FTC Staff Response

EPIC is an advocacy group that focuses on privacy issues and protecting consumers' privacy rights. EPIC recommends that the Commission review past mergers of data aggregators with a focus on non-price factors such as data collection and the merger's impact on consumer privacy. EPIC identifies a series of such mergers that the Commission has reviewed, but for which it has imposed no conditions relating to privacy issues (AOL's acquisition of Time Warner), or not imposed conditions at all (Double Click's acquisition of Abacus, Google's acquisition of Double Click, and Facebook's acquisition of WhatsApp). EPIC recommends that the Commission study the effects of those mergers on privacy rights.

Although EPIC raises very important issues, these questions go beyond the scope of the proposed study, which focuses on the remedies that the Commission has actually imposed rather than on issues or mergers where it determined that no remedy was warranted.

V. Request for Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before July 16, 2016. Write ''Remedy Study, P143100'' 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 provided 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 must follow the procedure explained in FTC Rule 4.9(c), 16 CFR

[6] Statement of the Federal Trade Commission's Bureau of Competition on Negotiating Merger Remedies, *available at https://www.ftc.gov/tips-advice/competition-guidance/merger-remedies. See also* 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.'').

[7] Federal Trade Commission, Bureau of Competition, Frequently Asked Questions About Merger Consent Order Provisions, *available at https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/mergers/merger-faq.*

[8] *United States* v. *E.I. du Pont de Nemours & Co.,* 366 U.S. 316, 326 (1961).

4.9(c).[9] Your comment will be kept confidential only if the FTC General Counsel 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/hsrdivestiturestudypra2,* 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 ''Remedy Study, P143100'' on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), 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 J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

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 July 16, 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.* For supporting documentation and other information underlying the PRA discussion in this Notice, see *http://www.reginfo.gov/public/jsp/PRA/praDashboard.jsp.*

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5806.

Appendix

Interviews and special orders requesting sales data

Date first accepted by the commission	Docket No.	Matter name
1. 04/20/06	C 4164	Boston Scientific Corp/Guidant Corp.
2. 07/07/06	C 4165	Hologic, Inc./Fischer Imaging.
3. 07/18/06	C 4163	Linde/BOC.
4. 08/18/06	C 4173	EPCO/TEPPCO.
5. 10/03/06	C 4188	The Boeing Company/Lockheed Martin Corp.
6. 10/17/06	C 4170	Thermo Electron/Fisher Scientific.
7. 12/28/06	C 4181	General Dynamics OTS.
8. 01/25/07	C 4183	Kinder Morgan Inc.
9. 08/09/07	C 4196	Jarden Corporation/K2, Inc.
10. 09/15/07	C 4202	Fresenius AG/American Renal Association.
11. 10/09/07	C 4201	Kyphon, Inc./Disc-o-tech.
12. 10/26/07	C 4210	Compagnie de Saint-Gobain/Owens Corning.
13. 04/28/08	C 4228	Talx Corporation.
14. 05/05/08	C 4219	Agrium Inc./UAP Holding Corporation.
15. 06/30/08	C 4233	Carlyle Partners/JP Morgan.
16. 07/17/08	C 4224	Pernod Ricard/V&S Spirits.
17. 07/30/08	C 4225	McCormick & Company/Unilever Group.
18. 09/15/08	C 4236	Fresenius SE/Daiichi Sankyo.
19 09/16/08	C 4257	Reed Elsevier PLC/ChoicePoint Inc.
20. 12/23/08	C 4244	Inverness Medical Innovations, Inc./ACON.
21. 01/23/09	C 4243	Dow Chemical/Rohm & Haas.
22. 01/29/09	C 4251	Getinge AB/Datascope Corp.
23. 02/26/09	C 4254	Lubrizol/Lockhart Chemical.
24. 04/02/09	C 4253	BASF/Ciba Specialty Chemicals.
25. 09/25/09	C 4273	K&S AG/Dow Chemical.
26. 11/24/09	C 4274	Panasonic/Sanyo.
27. 01/27/10	C 4283	Danaher Corp/MDS.
28. 02/26/10	C 4301	PepsiCo Inc./Pepsi Bottling.
29. 05/07/10	D 9342	MDR (The Dunn & Bradstreet Corp)/QED.
30. 05/14/10	C 4292	Varian, Inc./Agilent, Inc.
31. 06/30/10	C 4293	Pilot/Flying J.
32. 07/14/10	C 4297	AEA Investors/Wilh.Werhahn.
33. 07/16/10	C 4300	Fidelity/LandAmerica.
34. 07/28/10	C 4298	NuFarm/A.H. Marks Holdings, Ltd.
35. 09/27/10	C 4305	Coca-Cola/Coca-Cola Enterprise.
36. 10/11/10	C 4307	Simon Property Group/Prime Outlets.
37. 12/29/10	C 4314	Keystone/Compagnie de Saint-Gobain.
38. 05/26/11	C 4328	Irving/Exxon Mobil.
39. 10/28/11	C 4340	IMS Health/SDI Health.
40. 12/08/11	C 4341	LabCorp/Orchid Cellmark.
41. 01/11/12	C 4346	Amerigas/ETP.
42. 02/29/12	C 4349	Carpenter/HHEP-Latrobe.
43. 03/05/12	C 4350	Western Digital/Hitachi.
44. 04/26/12	C 4368	CoStar/Loopnet.

[9] 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).

Date first accepted by the commission	Docket No.	Matter name
45. 05/01/12	C 4355	Kinder Morgan/El Paso.
46. 06/11/12	C 4363	Johnson & Johnson/Synthes.
47. 08/06/12	C 4366	Renown Health/Reno Heart Physicians.
48. 10/12/12	C 4381	Magnesium Elektron.
49. 10/31/12	C 4380	Corning, Inc.
50. 11/15/12	C 4376	Hertz Global Holdings.
51. 11/26/12	C 4377	Robert Bosch.

Questionnaires

Supermarkets and drug stores		
1. 06/04/07	C 4191	Rite Aid/Eckerd.
2. 06/05/07	D 9324	Whole Foods.
3. 11/27/07	C 4209	A&P/Pathmark.
4. 08/04/10	C 4295	Topps.
5. 06/15/12	C 4367	Giant/Safeway.
Funeral homes		
6. 11/22/06	C 4174	SCI/Alderwoods.
7. 11/24/09	C 4275	SCI/Palm.
8. 3/25/10	C 4284	SCI/Keystone.
Hospitals and other clinics		
9. 03/30/06	C 4159	Fresenius AG.
10. 10/07/09	D 9338	Carilion Clinic.
11. 11/25/10	C 4309	Universal/PSI.
12. 07/21/11	C 4339	Cardinal/Biotech.
13. 09/02/11	C 4334	Davita/DSI.
14. 02/28/12	C 4348	Fresenius AG.
15. 10/5/12	C 4372	Universal/Ascend.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–14707 Filed 6–15–15; 8:45 am]

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FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission; Comment Request; Extension

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The FTC intends to ask the Office of Management and Budget (''OMB'') to extend for an additional three years the current Paperwork Reduction Act (''PRA'') clearance for the FTC's enforcement of the information collection requirements in four consumer financial regulations enforced by the Commission. Those clearances expire on June 30, 2015.

DATES: Comments must be filed by July 16, 2015.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Regs BEMZ, PRA Comments, P084812'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/RegsBEMZpra2* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC–5610 (Annex J), 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 J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Carole Reynolds or Thomas Kane, Attorneys, Division of Financial Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington, DC 20580, (202) 326–3224.

SUPPLEMENTARY INFORMATION: The four regulations covered by this notice are:

(1) Regulations promulgated under the Equal Credit Opportunity Act, 15 U.S.C. 1691 *et seq.* (''ECOA'') (''Regulation B'') (OMB Control Number: 3084–0087);

(2) Regulations promulgated under the Electronic Fund Transfer Act, 15 U.S.C. 1693 *et seq.* (''EFTA'') (''Regulation E'') (OMB Control Number: 3084–0085);

(3) Regulations promulgated under the Consumer Leasing Act, 15 U.S.C. 1667 *et seq.* (''CLA'') (''Regulation M'') (OMB Control Number: 3084–0086); and

(4) Regulations promulgated under the Truth-In-Lending Act, 15 U.S.C. 1601 *et seq.* (''TILA'') (''Regulation Z'') (OMB Control Number: 3084–0088).

The FTC enforces these statutes as to all businesses engaged in conduct these laws cover unless these businesses (such as federally chartered or insured depository institutions) are subject to the regulatory authority of another federal agency.

Under the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''), Public Law 111–203, 124 Stat. 1376 (2010), almost all rulemaking authority for the ECOA, EFTA, CLA, and TILA transferred from the Board of Governors of the Federal Reserve System (Board) to the Consumer Financial Protection Bureau (CFPB) on July 21, 2011 (''transfer date''). To

implement this transferred authority, the CFPB published interim final rules for new regulations in 12 CFR part 1002 (Regulation B), 12 CFR part 1005 (Regulation E), 12 CFR part 1013 (Regulation M), and 12 CFR part 1026 (Regulation Z) for those entities under its rulemaking jurisdiction.[1] Although the Dodd-Frank Act transferred most rulemaking authority under ECOA, EFTA, CLA, and TILA to the CFPB, the Board retained rulemaking authority for certain motor vehicle dealers [2] under all of these statutes and also for certain interchange-related requirements under EFTA.[3]

As a result of the Dodd-Frank Act, the FTC and the CFPB now share the authority to enforce Regulations B, E, M, and Z for entities for which the FTC had enforcement authority before the Act, except for certain motor vehicle dealers. Because of this shared enforcement jurisdiction, the two agencies have divided the FTC's previously-cleared PRA burden between them,[4] except that the FTC has assumed all of the part of that burden associated with motor vehicle dealers (for brevity, referred to in the burden summaries below as a ''carve-out'').[5] The division of PRA burden hours not attributable to motor vehicle dealers is reflected in the CFPB's PRA clearance requests to OMB, as well as in the FTC's burden estimates below.

As a result of the Dodd-Frank Act, the FTC generally has sole authority to enforce Regulations B, E, M, and Z regarding certain motor vehicle dealers predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both, that, among other things, assign their contracts to unaffiliated third parties.[6] Because the FTC has exclusive jurisdiction to enforce these rules for such motor vehicle dealers and retains its concurrent authority with the CFPB for other types of motor vehicle dealers, and in view of the different types of motor vehicle dealers, the FTC is including for itself the entire PRA burden for all motor vehicle dealers in the burden estimates below.

The regulations impose certain recordkeeping and disclosure requirements associated with providing credit or with other financial transactions. Under the PRA, 44 U.S.C. 3501–3521, Federal agencies must get OMB approval for each collection of information they conduct or sponsor. ''Collection of information'' includes agency requests or requirements to submit reports, keep records, or provide information to a third party. *See* 44 U.S.C. 3502(3); 5 CFR 1320.3(c).

All four of these regulations require covered entities to keep certain records, but FTC staff believes these records are kept in the normal course of business even absent the particular recordkeeping requirements.[7] Covered entities, however, may incur some burden associated with ensuring that they do not prematurely dispose of relevant records (*i.e.,* during the time span they must retain records under the applicable regulation).

The regulations also require covered entities to make disclosures to third-parties. Related compliance involves set-up/monitoring and transaction-specific costs. ''Set-up'' burden, incurred only by covered new entrants, includes their identifying the applicable required disclosures, determining how best to comply, and designing and developing compliance systems and procedures. ''Monitoring'' burden, incurred by all covered entities, includes their time and costs to review changes to regulatory requirements, make necessary revisions to compliance systems and procedures, and to monitor the ongoing operation of systems and procedures to ensure continued compliance. ''Transaction-related'' burden refers to the time and cost associated with providing the various required disclosures in individual transactions.

The required disclosures do not impose PRA burden on some covered entities because they make those disclosures in their normal course of activities. For other covered entities that do not, their compliance burden will vary widely depending on the extent to which they have developed effective computer-based or electronic systems and procedures to communicate and document required disclosures.[8]

Calculating the burden associated with the four regulations' disclosure requirements is very difficult because of the highly diverse group of affected entities. The ''respondents'' included in the following burden calculations consist of, among others, credit and lease advertisers, creditors, owners (such as purchasers and assignees) of credit obligations, financial institutions, service providers, certain government agencies and others involved in delivering electronic fund transfers (''EFTs'') of government benefits, and lessors.[9] The burden estimates represent FTC staff's best assessment, based on its knowledge and expertise relating to the financial services industry, of the average time to complete the aforementioned tasks associated with recordkeeping and disclosure. Staff considered the wide variations in covered entities' (1) size and location; (2) credit or lease products offered, extended, or advertised, and their particular terms; (3) EFT types used; (4) types and frequency of adverse actions taken; (5) types of appraisal reports utilized; and (6) computer systems and electronic features of compliance operations.

The cost estimates that follow relate solely to labor costs, and they include the time necessary to train employees how to comply with the regulations. Staff calculated labor costs by multiplying appropriate hourly wage rates by the burden hours described above. The hourly rates used were $56 for managerial oversight, $42 for skilled technical services, and $17 for clerical work. These figures are averages drawn

[1] 12 CFR part 1002 (Reg. B) (76 FR 79442, Dec. 21, 2011); 12 CFR part 1005 (Reg. E) (76 FR 81020, Dec. 27, 2011); 12 CFR part 1013 (Reg. M) (76 FR 78500, Dec. 19, 2011); 12 CFR part 1026 (Reg. Z) (76 FR 79768, Dec. 22, 2011).

[2] Generally, these are dealers ''predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.'' *See* Dodd-Frank Act, sec. 1029(a)–(c).

[3] *See* Dodd-Frank Act, sec. 1075 (these requirements are implemented through Board Regulation II, 12 CFR part 235, rather than EFTA's implementing Regulation E).

[4] The CFPB also factored into its burden estimates respondents over which it has jurisdiction but the FTC does not.

[5] See Dodd-Frank Act sec. 1029 (a), as limited by subsection (b). Subsection (b) does not preclude CFPB regulatory oversight regarding, among others, businesses that extend retail credit or retail leases for motor vehicles in which the credit or lease offered is provided directly from those businesses, rather than unaffiliated third parties, to consumers. It is not practicable, however, for PRA purposes, to estimate the portion of dealers that engage in one form of financing versus another (and that would or would not be subject to CFPB oversight). Thus, FTC staff's ''carve-out'' for this PRA burden analysis reflects a general estimated volume of motor vehicle dealers. This attribution does not change actual enforcement authority.

[6] *See* Dodd-Frank Act, sec 1029(a)-(c).

[7] PRA ''burden'' does not include ''time, effort, and financial resources'' expended in the ordinary course of business, regardless of any regulatory requirement. *See* 5 CFR 1320.3(b)(2).

[8] For example, large companies may use computer-based and/or electronic means to provide required disclosures, including issuing some disclosures en masse, *e.g.,* notice of changes in terms. Smaller companies may have less automated compliance systems but may nonetheless rely on electronic mechanisms for disclosures and recordkeeping. Regardless of size, some entities may utilize compliance systems that are fully integrated into their general business operational system; if so, they may have minimal additional burden. Other entities may have incorporated fewer of these approaches into their systems and thus may have a higher burden.

[9] The Commission generally does not have jurisdiction over banks, thrifts, and federal credit unions under the applicable regulations.

from Bureau of Labor Statistics data.[10] Further, the FTC cost estimates assume the following labor category apportionments, except where otherwise indicated below: recordkeeping—10% skilled technical, 90% clerical; disclosure—10% managerial, 90% skilled technical.

The applicable PRA requirements impose minimal capital or other non-labor costs. Affected entities generally already have the necessary equipment for other business purposes. Similarly, FTC staff estimates that compliance with these rules entails minimal printing and copying costs beyond that associated with documenting financial transactions in the ordinary course of business.

On April 2, 2015, the FTC sought public comment on the information collection requirements associated with these four regulations. 80 FR 17749. The Commission received a comment from the National Automobile Dealers Association (''NADA'') pertaining to regulatory burden affecting Regulations B, M, and Z. The comment repeats many of the points NADA made in its comments submitted in 2012 when the FTC last sought renewed OMB clearance regarding the FTC's enforcement oversight of the recordkeeping and disclosure provisions of these regulations issued by the Federal Reserve Board and Consumer Financial Protection Bureau.[11]

As before, NADA asserts that the FTC's burden estimates greatly underestimate its members' [12] regulatory burdens under these rules, particularly those under Regulations B, M, and Z. Despite the FTC's prior and continuing explanation in its **Federal Register** Notices regarding the terms ''setup,'' ''monitoring,'' and ''transaction-related,'' NADA has misinterpreted FTC estimates of *disclosure time per transaction* as the estimated time the FTC accords to *monitoring to review compliance*.[13] Rather, FTC estimates of ''monitoring'' burden address covered entities' time and costs to review changes to regulatory requirements, make necessary revisions to compliance systems and procedures, and to monitor the ongoing operation of systems and procedures *to ensure continued compliance.* ''Transaction-related'' burden, by contrast, refers to the *disclosure time and cost per individual transaction,* thus, generally, of much lesser magnitude than ''monitoring'' (or ''setup'') burden. And, as stated in the FTC's April 27, 2012 **Federal Register** Notice—and as still applicable here—the population of affected motor vehicle dealers is one component of a much larger universe of such entities.[14]

In addition, NADA's comment states that, for both Regulations Z and M, respectively, the estimates that assumed an average of two advertising transactions per respondent for credit, and forty per respondent for leasing, are not adequate, and that dealers advertise hundreds, if not thousands, of vehicles per year with many ads being subject to Regulations Z or M.

However, the FTC's estimates of transaction time and volume are intended as averages: for Regulation Z, highly diverse entities and types of transactions are covered, and for both regulations, some respondents may have more covered ads, and others may have fewer (if any). Moreover, the number of vehicles advertised is not the issue for compliance with the requirements; rather, the question is whether specific terms used in the advertisements trigger the disclosure responsibilities of these regulations.[15] Some entities' advertisements may not include terms that are covered by these requirements at all, or they may be subject to exceptions such that disclosures are inapplicable.[16]

Nonetheless, in recognition of motor vehicle dealers' substantially greater proportion of overall covered entities under Regulation M, the FTC estimates for that regulation have been partially revised in response to some of NADA's comments. This is covered in more detail in the discussion of Regulation M and related burden calculation tables.[17]

The following discussion and tables present FTC estimates under the PRA of recordkeeping and disclosure average time and labor costs, excluding that which the FTC believes entities incur customarily in the ordinary course of business[18] and information compiled and produced in response to FTC law enforcement investigations or prosecutions.[19]

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[10] These inputs are based broadly on mean hourly data found within the ''Bureau of Labor Statistics, Economic News Release,'' March 25, 2015, Table 1, ''National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2014.'' *http://www.bls.gov/news.release/ocwage.t01.htm.*

[11] NADA's 2015 comment and related 2012 comment are available at *https://ftcpublic.commentworks.com/ftc/RegsBEMZpra2.* The remaining (two) commenters' submissions were not relevant to the statutes and regulations at issue.

[12] NADA states that it represents approximately 16,000 new car and truck dealers, both domestic and import, with over 32,500 separate franchises. *Id.*

[13] In NADA's 2015 comment, it misread the 15 second and 60 second estimates the FTC accorded to disclosure time per lease and credit advertisement, respectively, as the time the FTC estimated for dealer monitoring of advertisements for respective compliance under Regulations M and Z. In actuality, the FTC estimate for the latter monitoring category, and as reappearing in the Regulation M and Z disclosure hour tables in this Notice, is 30 minutes for lease advertising and 30 minutes for closed-end credit advertising.

[14] See 77 FR 25170, 25174.

[15] Further, to facilitate compliance, both regulations permit the use of illustrative transactions to make the necessary disclosures. That is, where a range of terms is possible or offered, the ad may use examples of typical transactions and include the required disclosures, rather than stating a wide list of transactions and terms for multiple vehicles. See 12 CFR 1013.7(d)(1)–1, Supp. 1, and 12 CFR 213.7(d)(1)–1, Supp. 1, CFPB and FRB Regulation M Official Staff Commentaries, respectively (leases); 12 CFR 1026.24(d)(2)–5, Supp. 1, and 12 CFR 226.24(d)(2)–5, Supp. 1, CFPB and FRB Regulation Z Official Staff Commentaries, respectively (credit).

[16] For example, some advertisements may promote sale prices rather than credit or lease terms, and are not subject to Regulations Z or M. Other ads generally may promote the availability of financing or leasing without specific terms, such as ''welcome college graduates and military.'' Some ads may offer terms that do not trigger advertising responsibilities under Regulations Z or M, such as ''take years to repay'' or ''we offer long-term leasing.'' Still other ads may promote terms that are subject to exceptions under Regulation Z, and disclosures would not be required, such as ''no downpayment required,'' in credit ads.

[17] The FTC has retained its burden and cost estimates for Regulations B and Z. As noted above, these regulations apply to a wide variety of entities and transactions. Some entities provide disclosures in the ordinary course of business—which is not included in PRA burden; others have minimal setup burden and few transactions covered by the requirements, while other entities may have more setup and transaction-related burden. The FTC's estimates reflect these complex considerations. Moreover, based on the FTC's administrative experience in this enforcement area, some dealers use the same or similar advertisements for many of their franchises or locations— an approach that can facilitate compliance by limiting the number of applicable advertisements for which disclosures are provided, and hence, costs.

In addition, we note that the report developed for NADA and attached to NADA's comment by the Center for Automotive Research (''CAR Report'') addresses the impact on franchised automobile dealerships related to many federal statutes, regulations, and requirements. NADA stated these requirements cover diverse issues but that the regulations in this matter still ''represent a material portion of dealers' regulatory obligations.'' *See, e.g.,* NADA comment, CAR Report at 2, 3, 19–34. However, NADA's specific points refer to a generalized concern about regulatory burden for automobile dealers. Because franchised automobile dealers are a component of a broad, highly diverse population of credit entities and transactions, we believe that the estimates for Regulations B and Z remain reasonable, bearing in mind the complexity of this assessment for such a wide-ranging group.

[18] *See supra* note 7 and accompanying text.

[19] *See* 5 CFR 1320.4(a) (excluding information collected in response to, among other things, a federal civil action or ''during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities'').

FTC enforcement initiatives are based on diverse statutory and regulatory requirements. Some actions are brought in partnership with other federal and state agencies and encompass matters enforced by those agencies, not solely issues related to Regulations M and Z. Further, even where Regulations M and Z matters also are involved in FTC actions, or are in the broader initiative or

1. Regulation B

The ECOA prohibits discrimination in the extension of credit. Regulation B implements the ECOA, establishing disclosure requirements to assist customers in understanding their rights under the ECOA and recordkeeping requirements to assist agencies in enforcement. Regulation B applies to retailers, mortgage lenders, mortgage brokers, finance companies, and others.

Recordkeeping

FTC staff estimates that Regulation B's general recordkeeping requirements affect 530,080 credit firms subject to the Commission's jurisdiction, at an average annual burden of 1.25 hours per firm for a total of 662,600 hours.[20] Staff also estimates that the requirement that mortgage creditors monitor information about race/national origin, sex, age, and marital status imposes a maximum burden of one minute each (of skilled technical time) for approximately 2.9 million credit applications (based on industry data regarding the approximate number of mortgage purchase and refinance originations), for a total of 48,333 hours.[21] Staff also estimates that recordkeeping of self-testing subject to the regulation would affect 1,375 firms, with an average annual burden of one hour (of skilled technical time) per firm, for a total of 1,375 hours, and that recordkeeping of any corrective action as a result of self-testing would affect 10% of them, *i.e.,* 138 firms, with an average annual burden of four hours (of skilled technical time) per firm, for a total of 552 hours.[22] Keeping records of race/national origin, sex, age, and marital status requires an estimated one minute of skilled technical time.

Disclosure

Regulation B requires that creditors (*i.e.,* entities that regularly participate in the decision whether to extend credit under Regulation B) provide notices whenever they take adverse action, such as denial of a credit application. It requires entities that extend mortgage credit with first liens to provide a copy of the appraisal report or other written valuation to applicants.[23] Finally, Regulation B also requires that for accounts which spouses may use or for which they are contractually liable, creditors who report credit history must do so in a manner reflecting both spouses' participation. Further, it requires creditors that collect applicant characteristics for purposes of conducting a self-test to disclose to those applicants that: (1) Providing the information is optional; (2) the creditor will not take the information into account in any aspect of the credit transactions; and (3) if applicable, the information will be noted by visual observation or surname if the applicant chooses not to provide it.[24]

Burden Totals

Recordkeeping: 712,860 hours (637,310 + 75,550 carve-out for motor vehicles); $15,031,620 ($13,550,520 + $1,481,100 carve-out for motor vehicles), associated labor costs

Disclosures: 1,166,563 hours (1,036,040 + 130,523 carve-out for motor vehicles); $50,628,816 ($44,964,122 + $5,664,694 carve-out for motor vehicles), associated labor costs

REGULATION B—DISCLOSURES—BURDEN HOURS

Disclosures	Setup/monitoring [1]			Transaction-related [2]			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Credit history reporting	132,520	.25	33,130	66,260,000	.25	276,083	309,213
Adverse action notices	530,080	.75	397,560	106,016,000	.25	441,733	839,293
Appraisal reports/written valuations	5,000	1	5,000	1,450,000	.50	12,083	17,083
Self-test disclosures	1,375	.5	688	68,750	.25	286	974
Total							1,166,563

[1] The estimates assume that all applicable entities would be affected, with respect to appraisal reports and other written valuations (with the FTC having approximately one-half of that amount). An increase in burden is noted due to changed rules requiring provision of appraisals reports as well as other written valuations, for first lien mortgages. The former ''Appraisal disclosure'' item was deleted; the information is now supplied by the rule.

[2] The transaction-related figures reflect a decrease in mortgage transactions, compared to prior FTC estimates. The figures assume that approximately three-quarters of applicable mortgage transactions (.75 x 2,900,000, or 2,175,000) would not otherwise provide this information, and that another 725,000 transactions (not closed, etc.) would be affected; the FTC would have one-half of the total, or 1,450,000.

enforcement sweep of automobile actions, the actions frequently include charges of unfair and/or deceptive practices under Section 5 of the FTC Act, 15 U.S.C. 45(a), and/or may involve warranty violations under the Magnuson Moss Warranty Act, 15 U.S.C. 2301–2312, and other issues not pertinent to this PRA submission. *See, e.g.,* FTC, Press Release, *FTC, Multiple Law Enforcement Partners Announce Crackdown on Deception, Fraud in Auto Sales, Financing and Leasing,* Mar. 26, 2015, *available at https://www.ftc.gov/news-events/press-releases/2015/03/ftc-multiple-law-enforcement-partners-announce-crackdown.* The FTC also frequently issues business ''blog'' guidance with its enforcement initiatives to guide and facilitate compliance. *See, e.g.,* Lesley Fair, *Operation Ruse Control: Six tips if cars are up your alley,* FTC BUSINESS CENTER BLOG (Mar. 26, 2015), *available at https://www.ftc.gov/news-events/blogs/business-blog/2015/03/operation-ruse-control-6-tips-if-cars-are-your-alley;* Lesley Fair, ''*Advertise auto promotions car-fully,''* FTC BUSINESS CENTER BLOG (Dec. 23, 2014), *available at https://www.ftc.gov/news-events/blogs/business-blog/2014/12/advertise-auto-promotions-car-fully.*

[20] Section 1071 of the Dodd-Frank Act amends the ECOA to require financial institutions to collect and report information concerning credit applications by women- or minority-owned businesses and small businesses, effective on the July 21, 2011 transfer date. Both the CFPB and the Board have exempted affected entities from complying with this requirement until a date set by the prospective final rules these agencies issue to implement the Dodd-Frank Act's requirements. The Commission will address PRA burden for its enforcement of these requirements after the CFPB and the Board have issued the associated final rules.

[21] Regulation B contains model forms that creditors may use to gather and retain the required information.

[22] In contrast to banks, for example, entities under FTC jurisdiction are not subject to audits for compliance with Regulation B; rather they may be subject to FTC investigations and enforcement actions. This may impact the level of self-testing (as specifically defined by Regulation B) in a given year, and staff has sought to address such factors in its burden estimates.

[23] While the rule also requires the creditor to provide a short written disclosure regarding the appraisal process, the disclosure is now provided by the CFPB, and is thus not a ''collection of information'' for PRA purposes. *See* 5 CFR 1320.3(c)(2) and CFPB, Final Rule, Disclosure and Delivery Requirements for Copies of Appraisals and Other Written Valuations Under the Equal Credit Opportunity Act (Regulation B), 78 FR 7216, 7247 (Jan. 31, 2013). Accordingly, it is not included in burden estimates below.

[24] The disclosure may be provided orally or in writing. The model form provided by Regulation B assists creditors in providing the written disclosure.

REGULATION B—RECORDKEEPING AND DISCLOSURES—COST [25]

Required task	Managerial		Skilled Technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
General recordkeeping	0	$0	66,260	$2,782,920	596,340	$10,137,780	$12,920,700
Other recordkeeping	0	0	48,333	2,029,986	0	0	2,029,986
Recordkeeping of self-test	0	0	1,375	57,750	0	0	57,750
Recordkeeping of corrective action	0	0	552	23,184	0	0	23,184
Total Recordkeeping	.....	.....	.....	.....	.....	.....	15,031,620
Disclosures:							
Credit history reporting	30,921	1,731,576	278,292	11,688,264	0	0	13,419,840
Adverse action notices	83,929	4,700,024	755,364	31,725,288	0	0	36,425,312
Appraisal reports ...	1,708	95,648	15,375	645,750	0	0	741,398
Self-test disclosure	97	5,432	877	36,834	0	0	42,266
Total Disclosures	.....	.....	.....	.....	.....	.....	50,628,816
Total Recordkeeping and Disclosures	.....	.....	.....	.....	.....	.....	65,660,436

2. Regulation E

The EFTA requires that covered entities provide consumers with accurate disclosure of the costs, terms, and rights relating to EFT and certain other services. Regulation E implements the EFTA, establishing disclosure and other requirements to aid consumers and recordkeeping requirements to assist agencies with enforcement. It applies to financial institutions, retailers, gift card issuers and others that provide gift cards, service providers, various federal and state agencies offering EFTs, etc. Staff estimates that Regulation E's recordkeeping requirements affect 327,460 firms offering EFT services to consumers and that are subject to the Commission's jurisdiction, at an average annual burden of one hour per firm, for a total of 327,460 hours.

Burden Totals

Recordkeeping: 327,460 hours (312,500 + 15,040 carve-out); $6,385,470 ($6,092,190 + $293,280 carve-out), associated labor costs

Disclosures: 7,179,270 hours (7,162,563 + 16,707 carve-out); $311,588,654 ($310,863,566 + $725,088 carve-out), associated labor costs

REGULATION E—DISCLOSURES—BURDEN HOURS

Disclosures	Setup/Monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Initial terms	50,000	.5	25,000	500,000	.02	167	25,167
Change in terms	12,500	.5	6,250	16,500,000	.02	5,500	11,750
Periodic statements	50,000	.5	25,000	600,000,000	.02	200,000	225,000
Error resolution	50,000	.5	25,000	500,000	5	41,667	66,667
Transaction receipts	50,000	.5	25,000	2,500,000,000	.02	833,333	858,333
Preauthorized transfers [1]	257,520	.5	128,760	6,438,000	.25	26,825	155,585
Service provider notices	50,000	.25	12,500	500,000	.25	2,083	14,583
Govt. benefit notices	5,000	.5	2,500	50,000,000	.25	208,333	210,833
ATM notices	250	.25	63	50,000,000	.25	208,333	208,396
Electronic check conversion [2]	57,520	.5	28,760	1,150,400	.02	383	29,143
Payroll cards	125	.5	63	500,000	3	25,000	25,063
Overdraft services ..	50,000	.5	25,000	2,500,000	.02	833	25,833

[25] NADA's comment, in part, refers to dealer burden related to credit reports and the provision of credit score disclosures, which fall under the Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.,* and the Risk-Based Pricing Rule, 16 CFR part 640. They are not the subject of this PRA submission.

REGULATION E—DISCLOSURES—BURDEN HOURS—Continued

Disclosures	Setup/Monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Gift cards [3]	25,000	.5	12,500	1,250,000,000	.02	416,667	429,167
Remittance transfers [4]							
Disclosures	5,000	1.25	6,250	100,000,000	.9	1,500,000	1,506,250
Error resolution	5,000	1.25	6,250	125,000,000	.9	1,875,000	1,881,250
Agent compliance	5,000	1.25	6,250	100,000,000	.9	1,500,000	1,506,250
Total							7,179,270

[1] Preauthorized transfer respondents and transactions have decreased slightly.
[2] Electronic check conversion respondents and transactions have decreased slightly.
[3] Gift card entities and transactions under FTC jurisdiction (which excludes banks and bank transactions) have decreased.
[4] Remittance transfer respondents now focus primarily on those that may offer services and are responsible for legal requirements (not separate inclusion of their offices). Legal changes have eased compliance, but they require system changes causing an increase in setup burden and a decrease in transaction burden. Remittance transfers have increased substantially but error resolutions have increased to a smaller degree due to changes in legal requirements. The resulting transaction burden in each category for remittance transfers has increased due to the upswing in transaction volume.

REGULATION E—RECORDKEEPING AND DISCLOSURES—COST

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
Recordkeeping	0	$0	32,746	$1,375,332	294,714	$5,010,138	$6,385,470
Disclosures:							
Initial terms	2,517	140,952	22,650	951,300	0	0	1,092,252
Change in terms	1,175	65,800	10,750	451,500	0	0	517,300
Periodic statements	22,500	1,260,000	202,500	8,505,000	0	0	9,765,000
Error resolution	6,667	373,352	60,000	2,520,000	0	0	2,893,352
Transaction receipts	85,833	4,806,648	772,500	32,445,000	0	0	37,251,648
Preauthorized transfers	15,558	871,248	140,027	5,881,134	0	0	6,752,382
Service provider notices	1,458	81,648	13,125	551,250	0	0	632,898
Govt. benefit notices	21,083	1,180,648	189,750	7,969,500	0	0	9,150,148
ATM notices	20,840	1,167,040	187,556	7,877,352	0	0	9,044,392
Electronic check conversion	2,914	163,184	26,229	1,101,618	0	0	1,264,802
Payroll cards	2,506	140,336	22,557	947,394	0	0	1,087,730
Overdraft services	2,583	144,648	23,250	976,500	0	0	1,121,148
Gift cards	85,833	2,403,352	386,250	16,222,500	0	0	18,626,852
Remittance transfers:							
Disclosures	150,625	8,435,000	1,355,625	56,936,250	0	0	65,371,250
Error resolution	188,125	10,535,000	1,693,125	71,111,250	0	0	81,646,250
Agent compliance	150,625	8,435,000	1,355,625	56,936,250	0	0	65,371,250
Total Disclosures							311,588,654
Total Recordkeeping and Disclosures							317,974,124

3. Regulation M

The CLA requires that covered entities provide consumers with accurate disclosure of the costs and terms of leases. Regulation M implements the CLA, establishing disclosure requirements to help consumers comparison shop and understand the terms of leases and recordkeeping requirements. It applies to vehicle lessors (such as auto dealers, independent leasing companies, and manufacturers' captive finance companies), computer lessors (such as computer dealers and other retailers),

furniture lessors, various electronic commerce lessors, diverse types of lease advertisers, and others.

Staff estimates that Regulation M's recordkeeping requirements affect approximately 32,577 firms within the FTC's jurisdiction leasing products to consumers at an average annual burden of one hour per firm, for a total of 32,577 hours.

In its June 1, 2015 comment, NADA asserts that ''daily compliance burdens at a dealership often must be handled by managerial, not clerical staff.'' [26] NADA also asserts that ''[m]any dealers are small businesses that do not benefit from sophisticated records retention or computer systems, and cannot leverage robust compliance structures. Even larger dealer groups often do not have the economy of scale necessary to justify in-house legal counsel, compliance staff, or other expert or technical resources. As a result, they rely heavily on outside counsel, consultants, and computer and other experts to help them to comply with their regulatory obligations—and pay the concomitant fees associated with those third party services.''

While Regulation M covers not only NADA's membership of franchised car and truck dealers, but also independent motor vehicle dealers and non-motor vehicle dealers, NADA's constituency comprises a significantly large proportion of the overall affected population to warrant a reassessment of and adjustment to FTC staff's prior estimates of labor cost burden under Regulation M. It is not practicable, however, to make projections about and provide estimates regarding the additional or alternative use of such outside sources to maintain regulatory compliance (neither has NADA attempted to do so in its comment). Instead, the FTC's revised labor cost estimates increase apportionment to managerially performed tasks from 10% to 90%, and remove ''clerical'' support, while allocating the remaining 10% to skilled technical staff.[27] It is worth noting that in NADA's survey of its members in 2012—reincorporated in NADA's 2015 comment—the purported average response for labor apportionment for all facets of complying with Regulation M was no more than 61.5% for managerial staff, 24.7% for technical staff, and 13.9% for clerical staff. Accordingly, FTC staff believes that its reapportionment of labor costing under Regulation M is a fair response to these varying propositions and conditions.

Burden Totals [28]

Recordkeeping: 32,577 hours (5,000 + 27,577 carve-out); $1,778,700 ($273,000 + $1,505,700 carve-out), associated labor costs

Disclosures: 73,933 hours (2,986 + 70,947 carve-out); $4,036,732 ($163,030 + $3,873,702 carve-out), associated labor costs

REGULATION M—DISCLOSURES—BURDEN HOURS

Disclosures	Setup/monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction (minutes)	Total transaction burden (hours)	
Motor Vehicle Leases [1]	27,577	1	27,577	4,000,000	.50	33,333	60,910
Other Leases [2]	5,000	.50	2,500	100,000	.25	417	2,917
Advertising [3]	15,181	.50	7,591	603,490	.25	2,515	10,106
Total							73,933

[1] This category focuses on consumer vehicle leases. Vehicle leases are subject to more lease disclosure requirements (pertaining to computation of payment obligations) than other lease transactions. (Only consumer leases for more than four months are covered.) *See* 15 U.S.C. 1667(1); 12 CFR 1013.2(e)(1). While the number of respondents for vehicle leases has decreased, the number of vehicle lease transactions has increased, with market changes, from past FTC estimates. Additionally, leases up to $54,600 (plus an annual adjustment) are now covered. The resulting total burden has increased.

[2] This category focuses on all types of consumer leases other than vehicle leases. It includes leases for computers, other electronics, small appliances, furniture, and other transactions. (Only consumer leases for more than four months are covered.) *See* 15 U.S.C. 1667(1); 12 CFR 1013.2(e)(1). The number of respondents has decreased, based on market changes in companies and types of transactions they offer; the number of such transactions has also declined, based on types of transactions offered that are covered by the CLA. Leases up to $54,600 (plus an annual adjustment) are now covered. The resulting total burden has decreased.

[3] Respondents for advertising have increased as have lease advertisements, based on market changes, from past FTC estimates. More types of lease advertisements are occurring. The resulting total burden has increased.

REGULATION M—RECORDKEEPING AND DISCLOSURES—COST

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Total (hours)	Cost ($17/hr.)	
Recordkeeping	29,319	$1,641,864	3,258	$136,836	0	0	$1,778,700
Disclosures:							

[26] However, the only apportioning in the FTC's estimates to clerical staff was for recordkeeping. The remaining attributions, for disclosure, had been to managerial (10%) and skilled technical (90%) staff.

[27] As noted above, although NADA made these same assertions for Regulations B and Z as it had for Regulation M, NADA's members comprise a significantly smaller proportion of those regulations' covered entities than they do for Regulation M. In FTC staff's view, to adopt the same revised assumptions and adjustments for those regulations as made here for Regulation M would unduly skew the results for Regulations B and Z. Accordingly, the FTC has retained its prior analysis regarding those regulations. *See supra* note 17.

[28] Recordkeeping and disclosure burden estimates for Regulation M are more substantial for motor vehicle leases than for other leases, including burden estimates based on market changes and regulatory definitions of coverage. As noted above, for purposes of burden calculations, and in view of the different types of motor vehicle dealers, the FTC is including the entire PRA burden for all motor vehicle dealers in the burden estimates below.

REGULATION M—RECORDKEEPING AND DISCLOSURES—COST—Continued

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Total (hours)	Cost ($17/hr.)	
Motor Vehicle Leases	54,819	3,069,864	6,091	255,822	0	0	3,325,686
Other Leases	2,625	147,000	292	12,264	0	0	159,264
Advertising	9,095	509,320	1,011	42,462	0	0	551,782
Total Disclosures							4,036,732
Total Recordkeeping and Disclosures							5,815,432

4. Regulation Z

The TILA was enacted to foster comparison credit shopping and informed credit decision making by requiring creditors and others to provide accurate disclosures regarding the costs and terms of credit to consumers. Regulation Z implements the TILA, establishing disclosure requirements to assist consumers and recordkeeping requirements to assist agencies with enforcement. These requirements pertain to open-end and closed-end credit and apply to various types of entities, including mortgage companies; finance companies; auto dealerships; private education loan companies; merchants who extend credit for goods or services; credit advertisers; acquirers of mortgages; and others. New requirements have been established in the mortgage area, including for high cost mortgages, higher-priced mortgage loans,[29] ability to pay of mortgage consumers, mortgage servicing, loan originators, and certain integrated mortgage disclosures.

FTC staff estimates that Regulation Z's recordkeeping requirements affect approximately 530,080 entities subject to the Commission's jurisdiction, at an average annual burden of 1.25 hours per entity with .25 additional hours per entity for 5,000 entities (ability to pay), and 5 additional hours per entity for 5,000 entities (loan originators).

Burden Totals

Recordkeeping: 688,850 hours (613,650 + 75,200 carve-out); $13,432,575 ($11,966,175 + $1,466,400 carve-out), associated labor costs

Disclosures: 13,008,452 hours (11,964,361 + 1,044,091 carve-out); $553,563,761 ($508,250,213 + $45,313,548 carve-out), associated labor costs

REGULATION Z—DISCLOSURES—BURDEN HOURS

Disclosures[1]	Setup/monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent[2] (hours)	Total setup/monitoring burden (hours)	Number of transactions	Average burden per transaction[3] (minutes)	Total transaction burden (hours)	
Open-end credit:							
Initial terms	45,000	.75	33,750	20,000,000	.375	125,000	158,750
Rescission notices[4]	1,500	.5	750	8,000	.25	33	783
Subsequent disclosures	10,000	.75	7,500	62,500,000	.188	195,833	203,333
Periodic statements	45,000	.75	33,750	1,750,000,000	.0938	2,735,833	2,769,583
Error resolution	45,000	.75	33,750	4,000,000	6	400,000	433,750
Credit and charge card accounts	25,000	.75	18,750	12,500,000	.375	78,125	96,875
Settlement of estate debts	45,000	.75	33,750	1,000,000	.375	6,250	40,000
Special credit card requirements	25,000	.75	18,750	12,500,000	.375	78,125	96,875
Home equity lines of credit[5]	1,500	.5	750	10,000	.25	42	792

[29] While Regulation Z also requires the creditor to provide a short written disclosure regarding the appraisal process for higher-priced mortgage loans, the disclosure is now provided by the CFPB. As a result, it is not a ''collection of information'' for PRA purposes; it is therefore excluded from the burden estimates below. *See* 5 CFR 1320.3(c)(2), and CFPB, Final Rule, Appraisals for Higher-Priced Mortgage Loans, 78 FR 10368, 10430 (Feb. 13, 2013), and Supplemental Final Rule, Appraisals for Higher-Priced Mortgage Loans, 78 FR 78520, 78575 (Dec. 26, 2013).

REGULATION Z—DISCLOSURES—BURDEN HOURS—Continued

Disclosures [1]	Setup/monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent [2] (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction [3] (minutes)	Total transaction burden (hours)	
Home equity lines of credit—high cost mortgages [6]	500	2	1,000	5,000	2	167	1,167
College student credit card marketing—ed. institutions	2,500	.5	1,250	250,000	.25	1,042	2,292
College student credit card marketing—card issuer reports	300	.75	225	18,000	.75	225	450
Posting and reporting of credit card agreements	25,000	.75	18,750	12,500,000	.375	78,125	96,875
Advertising	100,000	.75	75,000	300,000	.75	3,750	78,750
Sale, transfer, or assignment of mortgages [7]	1,500	.5	750	1,750,000	.25	7,292	8,042
Appraiser misconduct reporting	625,000	.75	468,750	12,500,000	.375	78,125	546,875
Mortgage servicing [8]	2,500	.5	1,250	500,000	.5	4,167	5,417
Loan originators [9]	2,500	2	5,000	25,000	5	2,083	7,083
Closed-end credit:							
Credit disclosures [10]	380,080	.75	285,060	163,054,320	2.25	6,114,537	6,399,597
Rescission notices [11]	5,000	.5	2,500	7,500,000	1	125,000	127,500
Redisclosures	200,000	.5	100,000	1,000,000	2.25	37,500	137,500
Integrated mortgage disclosures [12]	5,000	10	50,000	15,000,000	3.5	875,000	925,000
Variable rate mortgages [13]	5,000	1	5,000	500,000	1.75	14,583	19,583
High cost mortgages [14]	3,000	1	3,000	75,000	2	2,500	5,500
Higher priced mortgages [15]	3,000	1	3,000	25,000	2	833	3,833
Reverse mortgages [16]	7,500	.5	3,750	35,000	1	583	4,333
Advertising [17]	248,360	.5	124,180	2,483,600	1	41,393	165,573
Private education loans	100	.5	50	50,000	1.5	1,250	1,300
Sale, transfer, or assignment of mortgages	100,000	.5	50,000	5,000,000	.25	20,833	70,833
Ability to pay/ qualified mortgage [18]	5,000	.75	3,750	0	0	0	3,750
Appraiser misconduct reporting	625,000	.75	468,750	12,500,000	.375	78,125	546,875
Mortgage servicing [19]	5,000	1	5,000	1,000,000	2.25	37,500	42,500
Loan originators [20]	2,500	2	5,000	25,000	5	2,083	7,083

REGULATION Z—DISCLOSURES—BURDEN HOURS—Continued

Disclosures [1]	Setup/monitoring			Transaction-related			Total burden (hours)
	Respondents	Average burden per respondent [2] (hours)	Total setup/ monitoring burden (hours)	Number of transactions	Average burden per transaction [3] (minutes)	Total transaction burden (hours)	
Total open-end credit	.....	.....	.....	.....	.....	.....	4,547,692
Total closed-end credit	.....	.....	.....	.....	.....	.....	8,460,760
Total credit ..	.....	.....	.....	.....	.....	.....	13,008,452

[1] Regulation Z requires disclosures for closed-end and open-end credit. TILA and Regulation Z now cover credit up to $54,600 plus an annual adjustment (except that real estate credit and private education loans are covered regardless of amount), generally causing an increase in transactions. In some instances noted below, market changes have reduced estimated PRA burden. In other instances noted below, changes to Regulation Z have increased estimated PRA burden. The overall effect of these competing factors, combined with the FTC sharing with the CFPB estimated PRA burden (for all but motor vehicle dealers) yields a net increase from the FTC's prior reported estimate for open-end credit and for closed-end credit.

[2] Burden per respondent in some categories has increased compared to prior FTC estimates, due to changes in rules.

[3] Burden per transaction in some categories has increased compared to prior FTC estimates, due to changes in rules.

[4] Respondents for mortgages involving rescission have decreased, as have transactions.

[5] Respondents for home equity lines of credit have decreased, as have transactions.

[6] Regulation Z high cost mortgage rules now cover certain open-end mortgages, and a new counseling rule also applies.

[7] Respondents for sale, transfer or assignment of mortgages have decreased.

[8] Regulation Z has expanded various mortgage servicing requirements for prompt crediting and payoff responses.

[9] Regulation Z includes new loan originator compensation requirements.

[10] Respondents for credit disclosures have decreased, as have transactions.

[11] Respondents for mortgages involving rescission have decreased.

[12] Regulation Z now has integrated mortgage disclosure requirements for loan estimates and loan closing documents, with other requirements.

[13] Respondents for variable rate mortgages have decreased but Regulation Z has expanded mortgage disclosure requirements affecting subsequent disclosures, increasing burden.

[14] Regulation Z high rate/high fee mortgages are now called "high cost" mortgages. Respondents in high cost mortgages have decreased, but the rules cover more types of mortgages and include a counseling requirement, increasing burden. However, these types of transactions have decreased, reducing total burden.

[15] Respondents for higher priced mortgages have decreased. However, Regulation Z now has certain appraisal requirements for higher-priced mortgages, increasing burden. However, these types of transactions have decreased, reducing total burden.

[16] Reverse mortgage respondents and transactions have decreased.

[17] Advertising respondents have increased, as have transactions, causing an increased total burden.

[18] Regulation Z now includes ability to pay rules that affect setup costs.

[19] Regulation Z has expanded various mortgage servicing requirements for prompt crediting and payoff responses. It also requires periodic statements (or a coupon book, for fixed-rate mortgages).

[20] Regulation Z includes new loan originator compensation requirements.

REGULATION Z—RECORDKEEPING AND DISCLOSURES—COST

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
Recordkeeping	0	$0	68,885	$2,893,170	619,965	$10,539,405	$13,432,575
Open-end credit Disclosures:							
Initial terms	15,875	889,000	142,875	6,000,750	0	0	6,889,750
Rescission notices	78	4,368	705	29,610	0	0	33,978
Subsequent disclosures	20,333	1,138,648	183,000	7,686,000	0	0	8,824,648
Periodic statements	276,958	15,509,648	2,492,625	104,690,250	0	0	120,199,898
Error resolution	43,375	2,429,000	390,375	16,395,750	0	0	18,824,750
Credit and charge card accounts	9,688	474,712	87,187	2,615,610	0	0	3,090,322
Settlement of estate debts	4,000	196,000	36,000	1,080,000	0	0	1,276,000
Special credit card requirements	9,688	474,712	87,187	2,615,610	0	0	3,090,322
Home equity lines of credit	458	22,442	4,126	123,780	0	0	146,222

REGULATION Z—RECORDKEEPING AND DISCLOSURES—COST—Continued

Required task	Managerial		Skilled technical		Clerical		Total cost ($)
	Time (hours)	Cost ($56/hr.)	Time (hours)	Cost ($42/hr.)	Time (hours)	Cost ($17/hr.)	
Home equity lines of credit—high cost mortgages ..	117	6,552	1050	44,100	0	0	50,662
College student credit card marketing—ed institutions	229	11,221	2,063	61,890	0	0	73,111
College student credit card marketing—card issuer reports	45	2,205	405	12,150	0	0	14,355
Posting and reporting of credit card agreements	9,688	474,712	87,187	2,615,610	0	0	3,090,322
Advertising	7,875	385,875	70,875	2,126,250	0	0	2,512,125
Sale, transfer, or assignment of mortgages	823	40,327	7,407	222,210	0	0	262,537
Appraiser misconduct reporting	54,687	2,679,663	492,188	14,765,640	0	0	17,445,303
Mortgage servicing	542	30,352	4,875	204,750	0	0	235,102
Loan originators	708	39,648	6,375	267,750	0	0	307,398
Total open-end credit	.....	.....	.....	.....	.....	.....	186,366,805
Closed-end credit Disclosures:							
Credit disclosures	639,960	35,837,760	5,759,637	241,904,754	0	0	277,742,514
Rescission notices	12,750	714,000	114,750	4,819,500	0	0	5,533,500
Redisclosures	13,750	770,000	123,750	5,197,500	0	0	5,967,500
Integrated mortgage disclosures	92,500	5,180,000	832,500	34,965,000	0	0	40,145,000
Variable rate mortgages	1,958	109,648	17,625	740,250	0	0	849,898
High cost mortgages	550	30,800	4,950	207,900	0	0	238,700
Higher priced mortgages	383	21,448	3,450	144,900	0	0	166,348
Reverse mortgages	433	24,248	3,900	163,800	0	0	188,048
Advertising	16,557	927,192	149,016	6,258,672	0	0	7,185,864
Private education loans	130	7,280	1,170	49,140	0	0	56,420
Sale, transfer, or assignment of mortgages	7,083	396,648	63,750	2,677,500	0	0	3,074,148
Ability to pay/qualified mortgage	375	21,000	3,375	141,750	0	0	162,750
Appraiser misconduct reporting	54,687	3,062,472	492,188	20,671,896	0	0	23,734,368
Mortgage servicing	4,250	238,000	38,250	1,606,500	0	0	1,844,500
Loan originators	708	39,648	6,375	267,750	0	0	307,398
Total closed-end credit ...	.....	.....	.....	.....	.....	.....	367,196,956
Total Disclosures	.....	.....	.....	.....	.....	.....	553,563,761
Total Recordkeeping and Disclosures	.....	.....	.....	.....	.....	.....	566,996,336

Request for Comment: You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before July 16, 2015. Write ''Regs BEMZ, PRA Comments, P084812'' 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 doesn't include any sensitive health information, like medical records or other individually identifiable health information. In addition, don't include any ''[t]rade secret or any commercial or financial information . . . which is privileged or confidential'' as provided 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, don't 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)).[30] 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/RegsBEMZpra2,* by following the instructions on the web-based form. When 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 ''Regs BEMZ, PRA Comments, P084812'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex J), 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 J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

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 July 16, 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.* For supporting documentation and other information underlying the PRA discussion in this Notice, see *http://www.reginfo.gov/public/jsp/PRA/praDashboard.jsp.*

Comments on the information collection requirements subject to review under the PRA should additionally be submitted to OMB. If sent by U.S. mail, they should be addressed to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5806.

Christian S. White,

Acting Principal Deputy General Counsel.

[FR Doc. 2015–14802 Filed 6–15–15; 8:45 am]

BILLING CODE 6750–01–P

[30] 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), CFR 4.9(c), 16 CFR 4.9(c).

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0075] [Docket 2015–0083; Sequence 6]

Information Collection; Government Property

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning government property.

DATES: Submit comments on or before August 17, 2015.

ADDRESSES: Submit comments identified by Information Collection 9000–0075 by any of the following methods:

- Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for Information Collection 9000–0075—Government Property. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0075: Government Property''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0075; Government Property'' on your attached document.
- Mail: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Flowers/IC 9000–0075.

Instructions: Please submit comments only and cite Information Collection 9000–0075, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, Office of Acquisition Policy, GSA (202) 501–1448 or email *curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Government property, as used in FAR Part 45, means all property owned or leased by the Government. Government property includes both Government-furnished property and contractor-acquired property. Government property includes material, equipment, special tooling, special test equipment, and real property. Government property does not include intellectual property and software.

This part prescribes policies and procedures for providing Government property to contractors; contractors' management and use of Government property; and reporting, redistributing, and disposing of contractor inventory.

This clearance covers the following requirements:

(a) FAR 52.245–1(f)(1)(ii) requires contractors to document the receipt of Government property.

(b) FAR 52.245–1(f)(1)(ii)(A) requires contractors to submit report if overages, shortages, or damages and/or other discrepancies are discovered upon receipt of Government-furnished property.

(c) FAR 52.245–1(f)(1)(iii) requires contractors to create and maintain records of all Government property accountable to the contract.

(d) FAR 52.245–1(f)(1)(iv) requires contractors to periodically perform, record, and report physical inventories during contract performance, including upon completion or termination of the contract.

(e) FAR 52.245–1(f)(1)(vii)(B) requires contractors to investigate and report all incidents of Government property loss as soon as the facts become known.

(f) FAR 52.245–1(f)(1)(viii) requires contractors to promptly disclose and report Government property in its possession that is excess to contract performance.

(g) FAR 52.245–1(f)(1)(ix) requires contractors to disclose and report to the Property Administrator the need for replacement and/or capital rehabilitation.

(h) FAR 52.245–1(f)(1)(x) requires contractors to perform and report to the Property Administrator contract property closeout.

(i) FAR 52.245–1(f)(2) requires contractors to establish and maintain source data, particularly in the areas of recognition of acquisitions and dispositions of material and equipment.

(j) FAR 52.245–1(j)(2) requires contractors to submit inventory disposal schedules to the Plant Clearance Officer via the Standard Form 1428, Inventory Disposal Schedule.

(k) FAR 52.245–9(d) requires a contractor to identify the property for which rental is requested.

B. Annual Reporting Burden

Number of Respondents: 11,375.

Responses per Respondent: 1,057.

Total Responses: 12,023,375.

Average Burden Hours per Response: .3092.

Total Burden Hours: 3,717,627.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulations (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20006, telephone 202–501–4755.

Please cite OMB Control No. 9000–0075, Government Property, in all correspondence.

Dated: June 11, 2014.

Edward Loeb,

Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Govenrmentwide Policy.

[FR Doc. 2015–14721 Filed 6–15–15; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0027; Docket 2015–0001; Sequence 1]

Submission to OMB for Review; General Services Administration Acquisition Regulation; Contract Administration, Quality Assurance (GSA Forms 1678 and 308)

AGENCY: Office of Acquisition Policy, General Services Administraton (GSA).

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the General Services Administration will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding contract administration and quality assurance. A notice published in the **Federal Register** at 80 FR 13003 on March 12, 2015. No comments were received.

DATES: Submit comments on or before: July 16, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Dana Munson, Procurement Analyst, General Services Acquisition Policy Division, at 202–357–9652 or via email to *dana.munson@gsa.gov.*

ADDRESSES: Submit comments identified by Information Collection 3090–0027, Contract Administration and Quality Assurance (GSA Forms 1678 and 308), by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB Control number 3090–0027. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0027, Contract Administration and Quality Assurance (GSA Forms 1678 and 308)''. Follow the instructions on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0027, Contract Administration and Quality Assurance (GSA Forms 1678 and 308)'', on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20406. ATTN: Ms. Flowers/IC 3090–0027, Contract Administration and Quality Assurance (GSA Forms 1678 and 308).

Instructions: Please submit comments only and cite Information Collection 3090–0027, Contract Administration and Quality Assurance (GSA Forms 1678 and 308), in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

SUPPLEMENTARY INFORMATION:

A. Purpose

Under certain contracts, because of reliance on contractor inspection in lieu of Government inspection, GSA's Federal Acquisition Service requires documentation from its contractors to effectively monitor contractor

performance and ensure that it will be able to take timely action should that performance be deficient.

B. Annual Reporting Burden

Based on current research, the number of respondents and estimated average response time per respondent for GSA form 308 is adjusted to more accurately reflect current review and response times. This adjustment also affects the total number of estimated hours, the estimated annualized cost to the public, and the estimated annualized cost to the government.

Respondents: 4,604.
Responses per Respondent: 24.
Total Responses: 110,496
Hours per Response: .17.
Total Burden Hours: 18,785.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20406, telephone 202–501–4755. Please cite OMB Control No. 3090–0027, Contract Administration, Quality Assurance (GSA Forms 1678 and 308), in all correspondence.

Dated: June 11, 2015.

Jeffrey A. Koses,

Director, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–14722 Filed 6–15–15; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC)

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces, the following meeting of the aforementioned committee:

Times and Dates:
8:30 a.m.–5:00 p.m., July 15, 2015 (OPEN)
8:30 a.m.–5:00 p.m., July 16, 2015 (CLOSED)

Place: Centers for Disease Control and Prevention, 4770 Buford Highway, Chamblee Campus, Building 106, Conference Room 1–B, Atlanta, GA 30341

Status: Portions of the meeting as designated above 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.

Purpose: The Board of Scientific Counselors makes recommendations regarding policies, strategies, objectives, and priorities; and reviews progress toward injury prevention goals and provides evidence in injury prevention-related research and programs. The Board also provides advice on the appropriate balance of intramural and extramural research, the structure, progress and performance of intramural programs. The Board is designed to provide guidance on extramural scientific program matters, including the: (1) Review of extramural research concepts for funding opportunity announcements; (2) conduct of Secondary Peer Review of extramural research grants, cooperative agreements, and contracts applications received in response to the funding opportunity announcements as it relates to the Center's programmatic balance and mission; (3) submission of secondary review recommendations to the Center Director of applications to be considered for funding support; (4) review of research portfolios, and (5) review of program proposals. The board shall provide guidance on the National Center of Injury Prevention and Control's programs and research activities by conducting scientific peer review of intramural research and programs within the National Center for Injury Prevention and Control; by ensuring adherence to Office of Management and Budget requirements for intramural peer review; and by monitoring the overall direction, focus, and success of the National Center for Injury Prevention and Control.

Matters for Discussion: The BSC, NCIPC will discuss, research strategies needed to guide the Center's focus, updates on the current research portfolio review and the Pediatric mild-Traumatic Injury Workgroup. There will be 15 minutes allotted for public comments at the end of the open session.

On the second day of the meeting, the BSC, NCIPC will meet to conduct a Secondary Peer Review of extramural research grant applications received in response to five (5) Funding Opportunity Announcements (FOAs): CE15–001, Research Grants for Preventing Violence and Violence Related Injury (R01) Documents; CE15–002, The CDC National Centers of Excellence in Youth Violence Prevention Cycle 1; CE15–003, Evaluating Structural, Economic, Environmental, or Policy Primary Prevention Strategies for Intimate Partner Violence and Sexual Violence; CE15–004, Evaluating Innovative and Promising Strategies to Prevent Suicide among Middle-Aged Men; and CE15–005, Research to Evaluate the CDC Heads Up Initiative in Youth Sports. Applications will be assessed as they relate to the Center's mission and programmatic balance. Recommendations from the secondary review will be voted upon and the application will be forwarded to the Center Director for consideration for funding support.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Gwendolyn H. Cattledge, Ph.D., M.S.E.H., Deputy Associate Director for Science and Designated Federal Official, NCIPC, CDC, 4770 Buford Highway, NE., Mailstop F–63, Atlanta, GA 30341, Telephone (770) 488–1430.

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.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–14750 Filed 6–15–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–15–15AMG; Docket No. CDC–2015–0040]

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 FoodNet Population Survey which is a telephone-based survey to gather information to estimate the total number of acute diarrheal illnesses in the U.S. and assess the frequency of exposures commonly associated with foodborne illness.

DATES: Written comments must be received on or before August 17, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0040 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

FoodNet Population Survey—Existing Collection In Use Without an OMB Control Number—National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Foodborne illnesses represent a significant public health burden in the United States. It is estimated that each year, 48 million Americans (1 in 6) become ill, 128,000 are hospitalized, and 3,000 die as the result of a foodborne illness. Since 1996, the Foodborne Diseases Active Surveillance Network (FoodNet) has conducted active population-based surveillance for *Campylobacter, Cryptosporidium, Cyclospora, Listeria, Salmonella,* Shiga toxin-producing *Escherichia coli* O157 and non-O157, *Shigella, Vibrio,* and *Yersinia* infections. Data from FoodNet serves as the nation's ''report card'' on food safety by monitoring progress toward CDC Healthy People 2020 objectives.

Evaluation of efforts to control foodborne illnesses can only be done effectively if there is an accurate estimate of the total number of illness that occur and if these estimates are recalculated and monitored over time. Estimates of the total burden start with accurate and reliable estimates of the number of acute gastrointestinal illness episodes that occur in the general community. To more precisely estimate this and to describe the frequency of important exposures associated with illness, FoodNet created the Population Survey.

The FoodNet Population Survey is a survey of persons residing in the surveillance area. Data are collected on the prevalence and severity of acute gastrointestinal illness in the general population, describe common symptoms associated with diarrhea, and determine the proportion of persons with diarrhea who seek medical care. The survey also collects data on exposures (*e.g.* food, water, animal contact) commonly associated with foodborne illness. Information about food exposures in the general public has proved invaluable during outbreak investigations. The ability to compare exposures reported by outbreak cases to the 'background' exposure in the general population allows investigators to more quickly pinpoint a source and enact control measures.

To date, five 12-month cycles of the survey have been completed: 1996–1997, 1998–1999, 2000–2001, 2002–2003, and 2006–2007. Data has been shared with participating state health departments and multiple programs at CDC, is available to the public through a summary report posted to the FoodNet Web site, and also available via individual data requests. More than two dozen manuscripts highlighting population survey data have been published.

CDC seeks approval for an OMB Control number to continue this important work. There is no cost to the 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.)
U.S. General Population	Population Survey	18,000	1	20/60	6,000
Total					6,000

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. 2015–14709 Filed 6–15–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee (HICPAC)

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) announce the following meeting for the aforementioned committee:

Times and Dates:

9:00 a.m.–5:00 p.m., July 16, 2015
9:00 a.m.–12:00 p.m., July 17, 2015

Place: CDC, 1600 Clifton Rd., Global Communications Center, Building 19, Auditorium B, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available. Please register for the meeting at *www.cdc.gov/hicpac.*

Purpose: The Committee is charged with providing advice and guidance to the Director, Division of Healthcare Quality Promotion, the Director, National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), the Director, CDC, and the Secretary, Health and Human Services regarding (1) the practice of healthcare infection prevention and control; (2) strategies for surveillance, prevention, and control of infections, antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of CDC guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

Matters for Discussion: The agenda will include updates on CDC's activities for prevention and control of healthcare associated infections (HAIs), updates on hospital antimicrobial stewardship activities, an update on Draft Guideline to Prevent Surgical Site Infections, infection control practice improvements, and environmental infection control.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Erin Stone, M.S., HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, l600 Clifton Road NE., Mailstop A–07, Atlanta, Georgia 30333 Telephone (404) 639–4045. Email: *hicpac@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 CDC and the Agency for Toxic Substances and Disease Registry.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–14751 Filed 6–15–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 80 FR 30076, dated May 26, 2015) is amended to reflect the reorganization of the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the title and the mission and function statements for the *National Personal Protective Technology Laboratory (CCL)* and insert the following:

The National Personal Protective Technology (NPPTL) (CCL) prevents work-related injury, illness and death by advancing the state of knowledge and application of personal protective technologies (PPT) including instrumentation, respiratory protective devices (RPD), and a diversity of personal protective equipment (PPE) used for the protection of American workers. To accomplish this mission, NPPTL leads and coordinates the National Institute for Occupational Safety and Health's (NIOSH) programs, projects, and policies related to PPT across the Institute. NPPTL: (1) Identifies the need for research, conducts and coordinates research to support the development of new technologies, performance, quality and reliability standards, Federal regulations, safety and health criteria, and Institute policy; (2) conducts a variety of laboratory and field investigations relating to the development and evaluation of innovative technologies; (3) directs, implements, and provides national guidance related to conformity assessment programs and functions (*e.g.* inspection, testing, certification, quality assurance, surveillance); (4) provides national leadership serving on national and international PPT consensus standard setting committees; (5) develops and promulgates standards and regulations; (6) produces and disseminates scientific reports and national guidance documents including research, laboratory and field studies, safety and health investigations, scientific criteria, and national guidance; (7) designs and implements information technology functions including national or program databases, trusted sources for public information and social marketing; and (8) coordinates program support functions including budget, facilities, growth initiatives, and communications, and scientific support functions such as Committee on Personal Protective Equipment and Institute of Medicine evaluations, special projects, non-respiratory PPE conformity assessment, and federal and consensus standards across NIOSH.

Research Branch (CCLE). (1) Conducts hypothesis testing-based PPT research with an emphasis on respiratory protection, protective clothing, and ensemble research; (2) encourages and conducts research related to innovative technologies to improve the use and usability of existing and new PPT products; (3) conducts laboratory and field research projects to measure performance, quality, reliability, and efficacy of the materials, components, and sub-systems used in PPT as well as complete equipment systems, especially for new or emerging hazards, and recommends criteria to improve the selection, care, maintenance, and use of PPT; (4) investigates emerging hazards and personal exposures to identify worker PPT needs and technology gaps; (5) conducts research to identify and recommend effective integration strategies and evidence-based test methods for PPT for use in PPT standards; (6) recommends performance, quality, reliability, and efficacy criteria; (7) studies and improves human/technology interfaces to better understand and mitigate barriers to effective PPT selection, care, maintenance, and use; (8) conducts laboratory and field-based research into the biomechanical, physiological, and psychological stressors and worker responses to PPT; (9) conducts research, developing interventions, and identifies innovative methods (*e.g.,* new software tools, information technology, social marketing, training methods, practices,

equipment, etc.) of increasing end-user compliance with proper selection, care, maintenance, and use of PPT; (10) provides systematic collection, analysis, and interpretation of PPT use practices, including investigation of barriers to effective PPT use; (11) produces and disseminates technical information, research findings, training materials, and recommendations for PPT to improve protection of workers; (12) evaluates and disseminates PPT performance trends published through the post market surveillance activities; and (13) identifies and implements an effective communication and outreach program for stakeholders within the NIOSH sectors to inform end users of proper selection, care, maintenance, and use of PPT.

Conformity Verification and Standards Development Branch (CCLG). (1) Administers the Department of Health and Human Services Title 42 Code of Federal Regulations (CFR), Part 84-Respiratory Protective Devices conformity assessment functions (*i.e.* inspection, testing, certification, documentation control, quality assurance, and surveillance) including: (a) Processing respirator approval applications by verifying conformance with Federal regulations and national consensus standards such as performance, quality, reliability, and documentation requirements to determine the effectiveness of respirators used during entry into or escape from hazardous atmospheres, (b) issuing or revoking NIOSH certificates of approval, (c) evaluating and maintaining official records on NIOSH-certified respirators including the establishment of NPPTL and national databases, (d) recommending NIOSH policy relating to RPD conformity verification criteria for traditional and innovative respirator technologies and applications, and, (e) investigating and processing Freedom-of-Information-Act requests; (2) establishes and administers an internal audit program to evaluate the conformity assessment functions of NPPTL; (3) maintains official files of policies, standards, standard operating and test procedures used as the basis for granting a NIOSH certificate of approval; (4) provides national recommendations for effective conformity assessment programs associated with non-respiratory PPT; (5) assesses research findings and translates them into effective conformity assessment recommendations for NIOSH policy, standards, regulations, and surveillance practices, for new protective technologies or special applications of existing technologies; (6) leads NIOSH participation in the development and promulgation of national and international consensus standards, conformity assessment program criteria and guidance, establishment of Federal regulations where necessary, and assesses of economic impact of Federal regulations; (7) prepares criteria for proper selection, recommends national guidance for effective use (*e.g.* cautions, limitations, and restrictions of use) and maintenance, and provides technical support; (8) plans and conducts public meetings to solicit or provide information concerning technology and conformity assessment practices; and (9) prepares and disseminates national reports related to conformity assessment of PPT.

Evaluation and Testing Branch (CCLH). (1) Conducts evaluations and tests in accordance with prescribed standard test procedures of RPD in support of NIOSH conformity assessment functions that lead to a NIOSH certificate of approval or its revocation; (2) conducts quality management system in-plant manufacturing-site evaluations including post market surveillance, and documents finding and recommendations in proper reports; (3) conducts evaluation and testing of PPT for various purposes, and prepares reports for dissemination to the public; (4) provides testing support to the NPPTL research and standards development initiatives; (5) develops evaluation methodologies, and unique test procedures to address new protective technologies or special applications of existing technologies; (6) conducts post market evaluations of NIOSH-certified RPD including the long-term field evaluation program, and prepares technical information and reports to improve standards for certification, selection, care, and use; (7) administers and conducts surveillance of field deployed PPT to evaluate conformance to applicable regulation, consensus standards, and NIOSH policy; (8) conducts investigations of PPT associated with complaints of nonconformance and/or concerns related to adverse health and safety including evaluations and analysis associated with NIOSH-certified respirators (*e.g.* certified product investigation process), and evaluating respirators and protective clothing submitted in conjunction with the NIOSH Fire Fighter Fatality Investigation and Prevention Program investigations conducted by the Division of Safety Research ; and (9) maintains and improves laboratory capabilities to perform evaluation and testing of PPT including innovative technologies, implements a laboratory quality program (*e.g.,* ISO 17025) to ensure quality and continuous improvement of PPT evaluations and tests, administers and maintains a chain of custody program to secure technologies or products obtained for evaluation and testing, and conducts an internal audit function to assure evaluation and testing are carried out in accordance policy and standard procedures.

James Seligman,

Acting Chief Operating Officer, Centers for Disease Control and Prevention.

[FR Doc. 2015–14686 Filed 6–15–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention (CDC)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned committee:

Time and Date:

1:30 p.m.–2:30 p.m. (EDT), July 17, 2015

Place: This meeting will be held by teleconference. To participate in the teleconference, please dial (877) 930–8819 and enter code 1579739.

Status: Open to the public, limited only by the availability of telephone ports. The public is welcome to participate during the public comment period, tentatively scheduled from 2:20 p.m. until 2:25 p.m.

Purpose: The Advisory Committee to the Director, CDC, shall advise the Secretary, HHS, and the Director, CDC, on policy and broad strategies that will enable CDC to fulfill its mission of protecting health through health promotion, prevention, and preparedness. The committee recommends ways to prioritize CDC's activities, improve results, and address health disparities. It also provides guidance to help CDC work more effectively with its various private and public sector constituents to make health protection a practical reality.

Matters for Discussion: The Advisory Committee to the Director will receive an update from the External Laboratory Safety Workgroup.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Carmen Villar, MSW, Designated Federal Officer, ACD, CDC, 1600 Clifton Road NE., M/S D–14, Atlanta, Georgia 30333;

Telephone (404) 639–7158; Email: *GHickman@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.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–14749 Filed 6–15–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Applications for New Awards; Independent Living Administration

AGENCY: Administration for Community Living, Department of Health and Human Services.

ACTION: Notice.

Overview Information:

Independent Living Administration—Centers for Independent Living.

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 93.432.

Note: This notice invites applications for separate competitions. For funding and other key information for this competition, see the chart in the *Award Information* section of this notice.

DATES: Applications Available: June 16, 2015.

Note: On July 22, 2014, President Obama signed the Workforce Innovation Opportunity Act (WIOA). WIOA was effective immediately. One provision of WIOA transferred the Centers for Independent Living (CIL) program from the Department of Education to the Administration for Community Living (ACL) in the Department of Health and Human Services. In addition, the CIL program will be placed in Independent Living Administration (ILA) within ACL. For FY 2015, all CIL program notices will be published as ACL notices, and ACL will make all CIL awards. ILA will post previously-approved application kits to grants.gov, and CIL applications submitted to grants.gov.

Date of Pre-Application Meeting: July 7, 2015.

Deadline for Notice of Intent to Apply: July 21, 2015.

Deadline for Transmittal of Applications: August 17, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Center for Independent Living program provides support for planning, conducting, administering, and evaluating centers for independent living (centers) that comply with the standards and assurances in section 725 of part C of title VII of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA, Pub. L. 113–128, consistent with the design included in the State plan for establishing a statewide network of centers.

Program Authority: 29 U.S.C. 796f–1.

Applicable Regulations: (a) The Department of Health and Human Services General Administrative Regulations in 45 CFR part 75 (b) Audit Requirements for Federal Awards in 45 CFR part 75 Subpart F; (c) 45 CFR part 75 Non-procurement Debarment and Suspension; (d) 45 CFR part 75 Requirement for Drug-Free Workplace (Financial Assistance); The regulations for this program in 45 CFR part 350.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

II. Award Information

Type of Award: Discretionary grant.

Estimated Available Funds: $249,142.

Estimated Number of Awards: 2.

States and outlying areas	Estimated available funds	Estimated number of awards
American Samoa	$154,046	1
Guam	95,096	1

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* To be eligible for funding, an applicant must—

(a) Be a consumer-controlled, community-based, cross-disability, nonresidential, private nonprofit agency;

(b) Have the power and authority to—

(1) Carry out the purpose of part C of title VII of the Act and perform the functions listed in section 725(b) and (c) of the Act and subparts F and G of 34 CFR part 366 within a community located within a State or in a bordering State; and

(2) Receive and administer—

(i) Funds under 34 CFR part 366;

(ii) Funds and contributions from private or public sources that may be used in support of a center; and

(iii) Funds from other public and private programs;

(c) Be able to plan, conduct, administer, and evaluate a center consistent with the standards and assurances in section 725(b) and (c) of the Act and subparts F and G of 34 CFR part 366;

(d) Either—

(1) Not currently be receiving funds under part C of chapter 1 of title VII of the Act; or

(2) Propose the expansion of an existing center through the establishment of a separate and complete center (except that the governing board of the existing center may serve as the governing board of the new center) at a different geographical location;

(e) Propose to serve one or more of the geographic areas that are identified as unserved or underserved by the States and Outlying Areas listed under *Estimated Number of Awards;* and

(f) Submit appropriate documentation demonstrating that the establishment of a new center is consistent with the design for establishing a statewide network of centers in the State plan of the State or Outlying Area whose geographic area or areas the applicant proposes to serve.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via grants.gov, or by contacting Veronica Hogan: U.S. Department of Health and Human Services, 400 Maryland Avenue SW., Room 5044, PCP, Washington, DC 20202–2800.

Telephone: (202) 245–7378 or by email: *veronica.hogan@acl.hhs.gov.*

If you request an application from Veronica Hogan, be sure to identify the competition as follows: CFDA number 93.432.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

3. *Submission Dates and Times:*

Applications Available: June 16, 2015.

Deadline for Transmittal of Applications: August 17, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: September 14, 2015.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the HHS, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov. and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www.acl.gov/Funding_Opportunities/Grant_Apps/Register.aspx#SAM.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Community Living and Participation, and Health, CFDA 93.432, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Centers for Independent Living competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 93.432).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov

system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Health and Human Services Supplemental Information for SF 424A, Budget Information—Non-Construction Programs, and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (a.

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system;

and

• No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Veronica Hogan, U.S. Department of Health and Human Services, 550 12th Street SW., Room 5044, Potomac Center Plaza (PCP), Washington, DC 20202–2800. FAX: (202) 245–7593.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Health and Human Services, Administration for Community Living, ATTN: Veronica Hogan, 550 12th Street SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Administrator of the Administration for Community Living of the U.S. Department of Health and Human Services.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Health and Human Services, Administration for Community Living, ATTN: Veronica Hogan, 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245-6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 366.27 and are listed in the application package.

2. *Review and Selection Process:* Final award decisions will be made by the Administrator, ACL. In making these decisions, the Administrator will take into consideration: Ranking of the review panel; reviews for programmatic and grants management compliance; the reasonableness of the estimated cost to the government considering the available funding and anticipated results; and the likelihood that the proposed project will result in the benefits expected. Under Section 75.205, item (3) history of performance is an item that is reviewed.

In addition, in making a competitive grant award, the Administrator of the Administration for Community Living also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Health and Human Services 45 CFR part 75.

3. *Special Conditions:* Under current 45 CFR part 75 the Administrator of the Administration for Community Living may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 45 CFR parts 75, as applicable has not fulfilled the conditions of a prior grant; or us otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we send you a Notice of Award (NOA); or we may send you an email containing a link to access an electronic version of your NOA. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the NOA. The NOA also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 45 CFR part 75 should you receive funding under the competition. This does not apply if you have an exception under 45 CFR part 75.

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Administrator of the Administration for Community Living. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Administrator of the Administration for Community Living under 45 CFR part 75. All ILA grantees will submit their annual and final reports through the ILA online reporting system and as designated in the terms and conditions of your NOA. The Administrator of the Administration for Community Living may also require more frequent performance reports under 45 CFR part 75. For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Pursuant to the Government Performance and Results Act of 1993 (GPRA), the Department measures outcomes in the following three areas to evaluate the overall effectiveness of projects funded under this competition: (1) The effectiveness of individual services in enabling consumers to access previously unavailable transportation, appropriate accommodations to receive health care services, or assistive technology resulting in increased independence in at least one significant life area; (2) the effectiveness of individual services designed to help consumers move out of institutions and into community-based settings; and (3) the extent to which projects are participating in community activities to expand access to transportation, health care, assistive technology, and housing for individuals with disabilities in their communities. Grantees will be required to report annually on the percentage of their consumers who achieve their individual goals in the first two areas and on the percentage of their staff, board members, and consumers involved in community activities related to the third area.

5. *Continuation Awards:* In making a continuation award the Administrator of the Administration for Community Living may consider, under 45 CFR part 75, the extent to which a grantee has made ''substantial progress toward meeting the objective in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Administrator also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department. Continuation funding is also subject to availability of funds.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Veronica Hogan, U.S. Department of Health and Human Services, 550 12th Street SW., Room 5044, PCP, Washington, DC 20202–2800. Telephone: (202) 245–7378 or by email: *veronica.hogan@acl.hhs.gov.*

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or computer disc) by

contacting the *Electronic Access to This Document:* The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: June 10, 2015.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2015–14706 Filed 6–15–15; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: HHS–OS–0990–New–30D]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, has submitted an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB) for review and approval. The ICR is for a new collection. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public on this ICR during the review and approval period.

DATES: Comments on the ICR must be received on or before July 16, 2015.

ADDRESSES: Submit your comments to *OIRA_submission@omb.eop.gov* or via facsimile to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the Information Collection Request Title and document identifier HHS–OS–0990–New–30D for reference.

Information Collection Request Title: Healthy People User Study.

Abstract

Healthy People is a national health promotion and disease prevention initiative managed out of the Office of the Assistant Secretary for Health (OASH), Office of Disease Prevention and Health Promotion (ODPHP). HHS/OS/OASH/ODPHP is seeking OMB approval to conduct a short survey using a self-administered questionnaire of state, local, and tribal organizations; *Healthy People* Consortium organizations; and *Healthy People* webinar attendees. The survey will be administered via a web-based platform.

The *Healthy People* initiative has provided a comprehensive set of data-driven, national disease prevention and health promotion objectives with 10-year targets aimed at improving the health of all Americans since 1979. *Healthy People 2020 (HP2020)* is the fourth iteration of the *Healthy People* initiative. Its overarching goals are: To attain high-quality, longer lives free of preventable disease, disability, injury, and premature death; to achieve health equity, eliminate disparities, and improve the health of all groups; to create social and physical environments that promote good health for all; and to promote quality of life, healthy development, and health behaviors across all life stages. *HP2020* consists of over 1200 objectives organized under 42 topic areas.

Likely Respondents: *Healthy People* State Coordinators, State Health Department Senior Deputy Directors, local and tribal health organizations, *Healthy People* Consortium organizations, and *Healthy People* webinar attendees.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Type of respondent	Number of respondents	Number responses per respondent	Average burden per response (hours)	Total burden hours
Healthy People State Coordinators (Frame A)	59	1	18/60	18
Senior Deputy Directors (Frame A*)	57	1	18/60	17
Local Health Organizations (Frame B)	375	1	18/60	113
Tribal Health Organizations (Frame C)	100	1	18/60	30
Tribal Area Health Boards (Frame D)	11	1	18/60	3
Healthy People Consortium Organizations (Frame E)	250	1	18/60	75
Healthy People Webinar Attendees (Frame F)	250	1	18/60	75
Total	1,102			331

Darius Taylor,

Information Collection Clearance Officer.

[FR Doc. 2015–14684 Filed 6–15–15; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel; PAR–13–375: Nutrigenetics and Nutrigenomics Approaches for Nutrition Research.

Date: July 8, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Gregory S. Shelness, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, RKL2 BG RM 6156, 6701 Rockledge Drive, Bethesda, MD 20892–7892, (301) 435–0492, *shelnessgs@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowship: Surgical Sciences, Biomedical Imaging and Bioengineering.

Date: July 8, 2015.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Weihua Luo, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, 301–435–1170, *luow@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Non-HIV Diagnostics, Food Safety, Sterilization/Disinfection, and Bioremediation.

Date: July 9–10, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marine's Memorial Club & Hotel, 609 Sutter Street, San Francisco, CA 94102.

Contact Person: Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, RM 3200, MSC 7808, Bethesda, MD 20892, 301–435–1167, *pandyaga@mai.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business PAR Panel: Safe and Effective Instruments and Devices for Use in Neonatal and Pediatric Care Settings.

Date: July 9, 2015.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John Firrell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892, 301–435–2598, *firrellj@csr.nih.gov*.

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS-associated Opportunistic Infections and Cancer Study Section.

Date: July 10, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Denver at Colorado Convention Center, 650 15th St., Denver, CO 80202.

Contact Person: Eduardo A. Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR13–309–311: Translational Research in Pediatric and Obstetric Pharmacology and Therapeutics.

Date: July 10, 2015.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael Knecht, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6176, MSC 7892, Bethesda, MD 20892, (301) 435–1046, *knechtm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business-Hematology.

Date: July 13, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Bukhtiar H. Shah, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, 301–806–7314, *shahb@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; HIV/AIDS Innovative Research Applications.

Date: July 14–15, 2015.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Jingsheng Tuo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, Bethesda, MD 20892, 301–451–8754, *tuoj@nei.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846– 93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 10, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–14665 Filed 6–15–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Vascular and Hematology Integrated Review Group; Hypertension and Microcirculation Study Section.

Date: June 15–16, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington, DC, Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: Ai-Ping Zou, MD, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301–408–9497, *zouai@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 11, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–14731 Filed 6–15–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Meeting

Pursuant to section 10(a) 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 open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Institute on Aging Special Emphasis Panel; MITOCHONDRIAL DYSFUNCTION IN AGING.

Date: July 23, 2015.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To provide concept review of proposed contract proposals.

Place: National Institute on Aging, Gateway Building, 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: ISIS S. Mikhail, MD, MPH, DRPH National Institute on Aging Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, 301–402–7704, *MIKHAILI@MAIL.NIH.GOV*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: June 10, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–14667 Filed 6–15–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; 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 Environmental Health Sciences Special Emphasis Panel; Environmental Science Conference Support Review.

Date: July 8, 2015.

Time: 11:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27709, (Telephone Conference Call).

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, (919) 541–0670, *worth@niehs.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: June 10, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–14664 Filed 6–15–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel PAR–13–231: Phenotyping Embryonic Lethal Knockout Mice.

Date: June 26, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Maqsood A. Wani, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2114, MSC 7814, Bethesda, MD 20892, 301–435–2270, *wanimaqs@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel Pediatric Pharmacogenetics and Genetics of Human Diseases.

Date: July 7, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard Panniers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435–1741, *pannierr@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Fellowship: Surgical Sciences, Biomedical Imaging and Bioengineering.

Date: July 8, 2015.

*Time:*11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Inna Gorshkova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–435–1784, *gorshkoi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Fellowships: Infectious Diseases and Microbiology.

Date: July 9–10, 2015.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.

Contact Person: Alexander D. Politis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3210, MSC 7808, Bethesda, MD 20892, (301) 435–1150, *politisa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel AREA Review: Molecular Mechanisms in Prokaryotes, Mice and Human.

Date: July 9, 2015.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard Panniers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435–1741, *pannierr@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: June 11, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–14732 Filed 6–15–15; 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 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK–R01 Application Telephone SEP.

Date: July 8, 2015.

Time: 2:30 p.m. to 4:30 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: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 761, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@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 10, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–14666 Filed 6–15–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Primary and Behavioral Health Care Integration Program (OMB No. 0930–0340)—Revision

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services, (CMHS) is requesting a revision from the Office of Management and Budget (OMB) for data collection activities associated with their Primary and Behavioral Health Care Integration (PBHCI) Program. Specifically, SAMHSA is requesting approval to only collect information on grantee quarterly reports.

The purpose of the PBHCI grant program is to improve the overall wellness and physical health status of people with serious mental illnesses (SMI), including individuals with co-occurring substance use disorders, by supporting communities to coordinate and integrate primary care services into publicly-funded community mental health and other community-based behavioral health settings. The program's goal is to improve the physical health status of adults with serious mental illnesses (and those with co-occurring substance use disorders) who have or are at risk for co-occurring primary care conditions and chronic diseases. The program's objective is to support the triple aim of improving the health of those with SMI; enhancing the client's experience of care (including quality, access, and reliability); and reducing/controlling the per capita cost of care.

New questions added to the quarterly report will include information on the selected evidence based practices (EBPs) for nutrition and tobacco cessation (including the number of participants and their outcomes), identifying the selected blood pressure treatment protocol (one of four recommended by the Centers for Disease Control and Prevention), and updating the chart on the identified sub-population(s) on physical health indicators in the disparities impact statement section of the quarterly report.

This information collection is needed to provide SAMHSA with sufficient information to monitor grantee performance and to assess whether integrated primary care services produce improvements in the physical health of the SMI population receiving services from community-based behavioral health agencies.

Collection of the information included in this request is authorized by Section 505 of the Public Health Service Act (42 U.S.C. 290aa–4)—Data Collection. Authorization for the PBHCI program is provided under Section 5604 of H.R. 3590, the Affordable Care Act (ACA), which authorizes SAMHSA to provide awards for the co-location of primary and specialty care in community-based mental health settings.

The table below reflects the annualized hourly burden.

Instrument	Number of respondents	Responses per respondent	Total responses	Hours per response per respondent	Total hour burden
Grantee Quarterly Report	172	4	688	2	1,376

Written comments and recommendations concerning the proposed information collection should be sent by July 16, 2015 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2015–14729 Filed 6–15–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Family Treatment Drug Court Services Evaluation (OMB No. 0930–0330)—Reinstatement

In 2010, the Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Substance Abuse Treatment (CSAT), provided funding to 12 existing Family Treatment Drug Courts (FTDCs) for enhancement and/or expansion of their FTDC's capabilities to provide psycho-social, emotional and mental health services to children (0–17 years) and their families who have methamphetamine use disorders and involvement in child protective services. This program was authorized in House Report 111–220 accompanying HR 3293 in 2010. The Committee language stated that ''these grants will support a collaborative approach, including treatment providers, child welfare specialists, and judges, to provide community-based social services for the children of methamphetamine-addicted parents,'' and were to be awarded to Family Dependency Treatment Drug Courts.

SAMHSA is requesting to reinstate OMB approval of instruments used in the Children Affected by Methamphetamine (CAM) grant program through 2020 for a new cohort of grantees under the new program name of Family Treatment Drug Courts, or FTDCs. The continued use of these instruments will allow SAMHSA to collect data on The FTDC grantees that is not otherwise captured: The national evaluation of the FTDC project will collect data on: (1) Child Outcomes; (2) Parent/Caregiver Outcomes; and (3) Family Functioning. The results from this data collection will serve to inform future decisions regarding funding by SAMHSA as well as establish an evidence base for the practices undertaken for other localities and programs implementing Family Treatment Drug Courts. The overall reporting burden is estimated at 720.5 hours.

Providing children's services in an FTDC was a new activity for FTDCs and the grantees. The purpose of the evaluation was to monitor the grantees progress and to measure their performance on child, family and adult outcomes. These outcomes were compared to referent data available at the local and or State level, and to pre-post measures for family functioning. Previous data collection efforts have measured occurrence of maltreatment and substance exposed newborns. The child/youth indicators related to permanency assess whether they remain in their home, the length of stay in foster care (if they are out of their home), the proportion who re-enter foster care, the proportion who were reunified, the length of time to reunification and whether the children and youth exit services with adoption or legal guardianship if they are not reunified with their parents. The adult indicators related to recovery include substance use, access to treatment, treatment outcomes, employment and criminal behavior. The results of the evaluations were used by grantees to measure the progress of their programs, and aided their efforts to sustain the activities once the grants ended.

To the greatest extent possible, the data elements are operationally defined using standard definitions in child welfare and substance abuse treatment. *The use of standard data definitions will reduce the data collection burden on grantees as these variables are collected through data collection procedures that currently exist through all publically funded child welfare and substance abuse treatment systems.* The FTDC performance measures are data currently collected by programs as part of their normal operations (*e.g.,* placement status in child welfare services, substance abuse treatment entry dates). Thus, minimal data collection from clients will be required as the grantees will be abstracting existing data. The only new information collected will be from the North Carolina Family Assessment Scale (NCFAS) assessment obtained from participants during the intake and discharge interviews. If needed, the FTDC staff member may supplement this information by obtaining information from other staff that interact with the client (*i.e.,* the social worker familiar with the family) or during a home visit (if this is part of their program activities).

It should be re-emphasized that the FTDC projects are expansions or enhancements of FTDC partnerships that currently have existing relationships (and information sharing/confidentiality agreements) in place. It is through this existing information sharing forum that the FTDC grantees will be able to obtain the requisite child welfare and substance abuse treatment performance measures. The grantees will use electronic abstraction and secondary data collection for elements that are already being collected by counties and States in their reporting requirements of Federally-mandated data.

Table 1 presents the estimated total cost burden associated with the collection of the FTDC data elements. The following estimates represent the number of anticipated participants

based on experience with the previous CAM program. There are two sources of data collection burden for the performance system. First, FTDC staff extracts data from secondary sources for the child, parent/caregiver and family functioning data elements for biannual data uploads. The total number of responses is two per year; with each upload taking approximately 16 hours at each site. In addition to the data extraction, FTDC staff will complete 2 administrations (intake and discharge) of the NCFAS for each family (approximately 267 families per year based on estimates extrapolated from the CAM program). The NCFAS takes approximately .75 hours to complete per family per administration. The estimated total cost of the time FTDC staff will spend completing data collection is $15,952 per year (total number of staff hours, 720.5 hours, multiplied by $22.14, the estimated average hourly wages for social work professionals as published by the Bureau of Labor Statistics, 2013). See Table 1.

TABLE 1—ANNUALIZED HOUR BURDEN

Form/instrument	Number of records	Responses per record	Total responses	Hours per response	Total hour burden
FTDC Form—Biannual extraction of extant data × 10 grantees	10	2	20	16	320
NCFAS—Administered twice for each family	267	2	534	.75	400.5
Total	277		554		720.5

Note: The estimated response burden includes the extractions and uploads to the FTDC Form and administration the North Carolina Family Assessment Form.

Written comments and recommendations concerning the proposed information collection should be sent by July 16, 2015 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2015–14733 Filed 6–15–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Notification of Intent To Use Schedule III, IV, or V Opioid Drugs for the Maintenance and Detoxification Treatment of Opiate Addiction Under 21 U.S.C. 823(g)(2) (OMB No. 0930–0234)—Extension

The Drug Addiction Treatment Act of 2000 (''DATA,'' Pub. L. 106–310) amended the Controlled Substances Act (21 U.S.C. 823(g)(2)) to permit practitioners (physicians) to seek and obtain waivers to prescribe certain approved narcotic treatment drugs for the treatment of opiate addiction. The legislation sets eligibility requirements and certification requirements as well as an interagency notification review process for physicians who seek waivers. The legislation was amended in 2005 to eliminate the patient limit for physicians in group practices, and in 2006, to permit certain physicians to treat up to 100 patients.

To implement these provisions, SAMHSA developed a notification form (SMA–167) that facilitates the submission and review of notifications. The form provides the information necessary to determine whether practitioners (*i.e.,* independent physicians) meet the qualifications for waivers set forth under the new law. Use of this form will enable physicians to know they have provided all information needed to determine whether practitioners are eligible for a waiver.

However, there is no prohibition on use of other means to provide requisite information. The Secretary will convey notification information and determinations to the Drug Enforcement Administration (DEA), which will assign an identification number to qualifying practitioners; this number will be included in the practitioner's registration under 21 U.S.C. 823(f).

Practitioners may use the form for three types of notification: (a) New, (b) immediate, and (c) to notify of their intent to treat up to 100 patients. Under ''new'' notifications, practitioners may make their initial waiver requests to SAMHSA. ''Immediate'' notifications inform SAMHSA and the Attorney General of a practitioner's intent to prescribe immediately to facilitate the treatment of an individual (one) patient under 21 U.S.C. 823(g)(2)(E)(ii). Finally, the form may be used by physicians with waivers to certify their need and intent to treat up to 100 patients.

The form collects data on the following items: Practitioner name; state medical license number and DEA registration number; address of primary location, telephone and fax numbers; email address; name and address of group practice; group practice employer identification number; names and DEA registration numbers of group practitioners; purpose of notification new, immediate, or renewal; certification of qualifying criteria for treatment and management of opiate dependent patients; certification of capacity to refer patients for appropriate counseling and other appropriate ancillary services; certification of maximum patient load, certification to use only those drug products that meet the criteria in the law. The form also notifies practitioners of Privacy Act considerations, and permits practitioners to expressly consent to disclose limited information to the

SAMHSA Buprenorphine Physician Locator.

Since July 2002, SAMHSA has received over 25,000 notifications and has certified almost 27,000 physicians. Fifty-none percent of the notifications were submitted by mail or by facsimile, with approximately forty-one percent submitted through the Web based online system. Approximately 60 percent of the certified physicians have consented to disclosure on the

SAMHSA Buprenorphine Physician Locator.

Respondents may submit the form electronically, through a dedicated Web page that SAMHSA will establish for the purpose, as well as via U.S. mail.

There are no changes to the forms and burden hours.

The following table summarizes the estimated annual burden for the use of this form.

Purpose of submission	Number of respondents	Responses per respondent	Burden per response (hr.)	Total burden (hrs)
Initial Application for Waiver	1,500	1	.083	125
Notification to Prescribe Immediately	50	1	.083	4
Notice to Treat up to 100 patients	500	1	.040	20
Total	2,050			149

Written comments and recommendations concerning the proposed information collection should be sent by July 16, 2015 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2015–14727 Filed 6–15–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer at (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information 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; 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.

Proposed Project: Survey of State Underage Drinking Prevention Policies and Practices—(OMB No. 0930–0316)—Revision

The *Sober Truth on Preventing Underage Drinking Act* (the ''STOP Act'')[1] states that the ''Secretary [of Health and Human Services] shall . . . annually issue a report on each state's performance in enacting, enforcing, and creating laws, regulations, and programs to prevent or reduce underage drinking.'' The Secretary has delegated responsibility for this report to SAMHSA. Therefore, SAMHSA has developed a *Survey of State Underage Drinking Prevention Policies and Practices* (the ''*State Survey*'') to provide input for the state-by-state report on prevention and enforcement activities related to underage drinking component of the *Annual Report to Congress on the Prevention and Reduction of Underage Drinking* (''*Report to Congress*'').

The STOP Act also requires the Secretary to develop ''a set of measures to be used in preparing the report on best practices'' and to consider categories including but not limited to the following:

Category #1: Sixteen[2] specific underage drinking laws/regulations enacted at the state level (*e.g.,* laws prohibiting sales to minors; laws related to minors in possession of alcohol);

Category #2: Enforcement and educational programs to promote compliance with these laws/regulations;

Category #3: Programs targeted to youths, parents, and caregivers to deter underage drinking and the number of individuals served by these programs;

Category #4: The amount that each state invests, per youth capita, on the prevention of underage drinking broken into five categories: (a) Compliance check programs in retail outlets; (b) Checkpoints and saturation patrols that include the goal of reducing and deterring underage drinking; (c) Community-based, school-based, and higher-education-based programs to prevent underage drinking; (d) Underage drinking prevention programs that target youth within the juvenile justice and child welfare systems; and (e) Any other state efforts or programs that target underage drinking.

Congress' purpose in mandating the collection of data on state policies and programs through the *State Survey* is to provide policymakers and the public with currently unavailable but much needed information regarding state underage drinking prevention policies and programs. SAMHSA and other

[1] Public Law 109–422. It is assumed Congress intended to include the District of Columbia as part of the *Report to Congress.*

[2] Nine additional policies have been added to the Report to Congress pursuant to Congressional appropriations language or the Secretary's authority granted by the STOP Act.

Federal agencies that have underage drinking prevention as part of their mandate will use the results of the *State Survey* to inform federal programmatic priorities. The information gathered by the *State Survey* will also establish a resource for state agencies and the general public for assessing policies and programs in their own state and for becoming familiar with the programs, policies, and funding priorities of other states.

Because of the broad scope of data required by the STOP Act, SAMHSA relies on existing data sources where possible to minimize the survey burden on the states. SAMHSA uses data on state underage drinking policies from the National Institute of Alcohol Abuse and Alcoholism's Alcohol Policy Information System (APIS), an authoritative compendium of state alcohol-related laws. The APIS data is augmented by SAMHSA with original legal research on state laws and policies addressing underage drinking to include all of the STOP Act's requested laws and regulations (Category #1 of the four categories included in the STOP Act, as described above, page 2).

The STOP Act mandates that the *State Survey* assess ''best practices'' and emphasize the importance of building collaborations with federally recognized tribal governments (''tribal governments''). It also emphasizes the importance at the federal level of promoting interagency collaboration and to that end established the Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD). SAMHSA has determined that to fulfill the Congressional intent, it is critical that the *State Survey* gather information from the states regarding the best practices standards that they apply to their underage drinking programs, collaborations between states and tribal governments, and the development of state-level interagency collaborations similar to ICCPUD.

SAMHSA has determined that data on Categories #2, #3, and #4 mandated in the STOP Act (as listed on page 2) (enforcement and educational programs; programs targeting youth, parents, and caregivers; and state expenditures) as well as states' best practices standards, collaborations with tribal governments, and state-level interagency collaborations *are not available from secondary sources* and therefore must be collected from the states themselves. The *State Survey* is therefore necessary to fulfill the Congressional mandate found in the STOP Act.

The *State Survey* is a single document that is divided into four sections, as follows:

(1) Enforcement programs to promote compliance with underage drinking laws and regulations (as described in Category #2 above, page 2);

(2) Programs targeted to youth, parents, and caregivers to deter underage drinking (as described in Category #3 above, page 2);

(3) State interagency collaboration to implement prevention programs, state best-practice standards, and collaborations with tribal governments (as described above, page 4);

(4) The amount that each state invests on the prevention of underage drinking in the categories specified in the STOP Act (see description of Category #4, above, page 2) and descriptions of any dedicated fees, taxes, or fines used to raise these funds.

The number of questions in each section is as follows:

Section 1: *31 questions*
Section 2A: *30 questions* [3]
Section 2B: *7 questions*
Section 2C: *6 questions*
Section 2D: *15 questions*
TOTAL: *89 questions*

It is anticipated that respondents will actually respond to only a subset of this total. This is because the survey is designed with ''skip logic,'' which means that many questions will only be directed to a subset of respondents who report the existence of particular programs or activities.

This latest version of the survey has been revised slightly. There are no new questions, nor were any deleted. All revisions are for the purpose of clarifying the existing questions. The total number of questions remains the same, so no additional time burden should be placed on the respondents. All questions continue to ask only for readily available data.

The changes can be summarized as follows:

Some global changes have been made; for example, the current HHS and SAMHSA style guides are applied so that ''state'' and ''federal'' are not capitalized. In addition, some instruction sentences are put in bold font, in response to frequent questions from respondents for clarification of these questions. These include questions about the time period for which they are asked to report specific data, or the type of prevention programs that should be included in responses.

In addition, the following specific changes are recommended as clarifications or improvements of existing questions:

Part 1, Enforcement:

A question requesting the total number of licensees in the state has been moved up to become the second question. It was previously located in the set of questions about state compliance checks, but was skipped if the respondent answered that the state does do not do compliance checks. The number of licensees is a general piece of information that could be very useful in analyzing survey response data, and therefore should be collected from all states, regardless of whether they conduct compliance checks.

The wording of the question asking for the number of random compliance checks conducted by the state has been changed, and a definition of random checks is included. The current wording is confusing,[4] and has often elicited an answer that reflects *all* licenses in the state, rather than the actual number of random checks. Respondents have also requested clarification of the definition of random checks.

Part 2A, Programs:

Two changes have been made to shorten the length of program descriptions, in which states describe their underage drinking prevention programs. The program descriptions are the lengthiest portion of the survey response and are significant contributors to the length of the *Report to Congress.* In addition, the length of the responses may pose a burden on state respondents. The two changes are:

(a) The instructions in the section have been modified to state: ''Please briefly describe the program, including primary purpose, population served, and methods used.''

(b) The number of programs reported on has been reduced from 15 to 10. In the 2014 survey, 43 states (84%) reported 10 or fewer programs. The burden on respondents from those eight states that report more than 10 programs could be reduced by limiting the responses to 10 programs.

Part 2D, Expenditures:

In response to the question about expenditures on school-based prevention programs, some respondents have reported *all* expenditures for K–12, which resulted in artificially inflated data. The following statement has been added to the instructions: ''If it is not possible to distinguish funds expended specifically for the prevention of underage drinking from a general fund

[3] Note that the number of questions in Section 2A is an estimate. This section asks states to identify their programs that are specific to underage drinking prevention. For each program identified there are six follow-up questions. Based on the average number of programs per state reported in the survey's four year history, it is anticipated that states will report an average of five programs for a total of 30 questions.

[4] ''Please provide number of licensees subject to random compliance checks/decoy operations.''

targeted to an activity or program listed below, please check 'These data are not available in my state.' ''

To ensure that the *State Survey* obtains the necessary data while minimizing the burden on the states, SAMHSA has conducted a lengthy and comprehensive planning process. It has sought advice from key stakeholders (as mandated by the STOP Act) including hosting an all-day stakeholders meeting, conducting two field tests with state officials likely to be responsible for completing the *State Survey,* and investigating and testing various *State Survey* formats, online delivery systems, and data collection methodologies.

Based on these investigations, SAMHSA collects the required data using an online survey data collection platform (SurveyMonkey). Links to the four sections of the survey are distributed to states via email. The *State Survey* is sent to each state governor's office and the Office of the Mayor of the District of Columbia. Based on the experience from the last four years of administering the *State Survey,* it is anticipated that the state governors will designate staff from state agencies that have access to the requested data (typically state Alcohol Beverage Control [ABC] agencies and state Substance Abuse Program agencies). SAMHSA provides both telephone and electronic technical support to state agency staff and emphasizes that the states are only expected to provide data that is readily available and are not required to provide data that has not already been collected. The burden estimate below takes into account these assumptions.

The estimated annual response burden to collect this information is as follows:

Instrument	Number of respondents	Responses/ respondent	Burden/ response (hrs)	Annual burden (hrs)
State Questionnaire	51	1	17.7	902.7

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 *or* email her a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by August 17, 2015.

Summer King,

Statistician.

[FR Doc. 2015–14728 Filed 6–15–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2015–0019]

National Infrastructure Advisory Council

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: Committee Management; Notice of an Open Federal Advisory Committee Meeting.

SUMMARY: The National Infrastructure Advisory Council will meet on Tuesday, June 30, 2015, at The Auditorium, 2451 Crystal Drive (first floor), Arlington, VA 22202. This meeting will be open to the public.

DATES: The National Infrastructure Advisory Council will meet on June 30, 2015 from 1:30 p.m.–4:30 p.m. EDT. The meeting may close early if the committee has completed its business. For additional information, please consult the National Infrastructure Advisory Council Web site, *www.dhs.gov/NIAC,* or contact the National Infrastructure Advisory Council Secretariat by phone at (703) 235–2888 or by email at *NIAC@hq.dhs.gov.*

ADDRESSES: The Auditorium, 2451 Crystal Drive, First Floor, Arlington, VA 22202. Members of the public will register at the table at the door to the meeting room. For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact the person listed under **FOR FURTHER INFORMATION CONTACT** below as soon as possible. To facilitate public participation, we are inviting public comment on the issues to be considered by the Council as listed in the ''Summary'' section below. Comments must be submitted in writing no later than 12:00 p.m. on June 30, 2015, in order to be considered by the Council in its meeting. The comments must be identified by ''DHS–2015–0019,'' and may be submitted by any *one* of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting written comments.
- *Email: NIAC@hq.dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* (703) 603–5098.
- *Mail:* Nancy Wong, National Protection and Programs Directorate, Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0607, Arlington, VA 20598–0607.

Instructions: All written submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Written comments received will be posted without alteration at *www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the National Infrastructure Advisory Council, go to *www.regulations.gov.* Enter ''NIAC 2015'' in the search line and the Web site will list all relevant documents for your review. Members of the public will have an opportunity to provide oral comments on the topics on the meeting agenda below, and on any previous studies issued by the National Infrastructure Advisory Council. We request that comments be limited to the issues and studies listed in the meeting agenda and previous National Infrastructure Advisory Council studies. All previous National Infrastructure Advisory Council studies can be located at *www.dhs.gov/NIAC.* Public comments may be submitted in writing or presented in person for the Council to consider. Comments received by Nancy Wong after 12:00 p.m. on June 29, 2015, will still be accepted and reviewed by the members, but not necessarily by the time of the meeting. In-person presentations will be limited to three minutes per speaker, with no more than 15 minutes for all speakers. Parties interested in making in-person comments should register on the Public Comment Registration list available at the meeting location no later than 15 minutes prior to the beginning of the meeting.

FOR FURTHER INFORMATION CONTACT: Nancy Wong, National Infrastructure Advisory Council, Designated Federal Officer, Department of Homeland Security, (703) 235–2888.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C.

Appendix. The National Infrastructure Advisory Council shall provide the President, through the Secretary of Homeland Security, with advice on the security and resilience of the Nation's critical infrastructure sectors. The NIAC will meet to discuss issues relevant to critical infrastructure security and resilience as directed by the President.

The meeting will commence at 1:30 p.m. EDT. At this meeting, the Council will receive an unclassified briefing from government officials on the implementation progress of recommendations in the Council's 2012 report on ''Intelligence Information Sharing.'' The Council will receive and deliberate on the Transportation Resiliency Working Group draft report and recommendations. A government official will provide the Council a briefing on climate impacts to infrastructure systems to support the development of the council's new study (to be presented by senior Federal government representatives following the presentation) to provide recommendations on improving infrastructure security and resilience to climate-related hazards. Finally, the Administration will provide the Council with additional new taskings for the coming year. All presentations and the draft transportation resilience report will be posted no later than one week prior to the meeting on the Council's public Web page—*www.dhs.gov/NIAC, in the section titled, ''Meeting Resources''.*

Public Meeting Agenda

I. Opening of Meeting
II. Roll Call of Members
III. Opening Remarks and Introductions
IV. Approval of March 20, 2015 Meeting Minutes
V. Government Progress Report on 2012 Intelligence Information Sharing Recommendations
VI. Working Group Presentation on Transportation Resilience Report and Recommendations
VII. Public Comment: Topics Limited to Agenda Topics and Previously Issued National Infrastructure Advisory Council Studies and Recommendations
VIII. Discussion and Deliberation on the Transportation Resilience Report and Recommendations
IX. Government Presentation on Climate Impacts to Infrastructure Systems
X. Discussion and Recommendations on Scope of Climate Impact Topic of Study
XI. Discussion of Additional Administration-Identified Taskings for Coming Year
XII. Closing Remarks

Nancy J. Wong,

Designated Federal Officer for the National Infrastructure Advisory Council.

[FR Doc. 2015–14673 Filed 6–15–15; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–R–2015–N042; FXRS12610200000–156–FF02R06000]

Brazoria National Wildlife Refuge, Brazoria County, TX; Notice of Intent To Prepare an Environmental Assessment or an Environmental Impact Statement on a Proposed Right-of-Way Permit Application for Pipelines Crossing the Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are in the process of considering an application from Praxair, Inc. (Praxair) for a right-of-way (ROW) permit to construct, operate, and maintain two pipelines within an existing maintained pipeline corridor crossing the Brazoria National Wildlife Refuge (NWR) in Brazoria County, Texas. The Service requests comments on environmental issues and announces the opening of the scoping process, which will inform the decision to prepare either an environmental assessment (EA) or environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended. This notice provides an opportunity for input from other Federal and State agencies, local government, Native American Tribes, nongovernmental organizations, the public, and other interested parties on the scope of the NEPA analysis, pertinent issues which should be addressed, and the alternatives to be analyzed.

DATES: To ensure consideration of written comments on the issues and possible alternatives to be addressed in the documents, they must be received no later than July 16, 2015.

ADDRESSES: Comments, questions, and requests for further information may be submitted by U.S. mail to Project Leader, Texas Mid-coast NWR Complex, U.S. Fish and Wildlife Service, 2547 County Road 316, Brazoria, TX 77422; by email at *jennifer_sanchez@fws.gov*; by phone at (979) 964–4011; or by fax to (979) 964–4021.

SUPPLEMENTARY INFORMATION: We are in the process of considering an application from Praxair, Inc. (Praxair) for a right-of-way (ROW) permit to construct, operate, and maintain a 24-inch carbon steel pipeline for transport of nitrogen, and a 14-inch carbon steel pipeline for transport of hydrogen, within an existing maintained 4.25-mile pipeline corridor crossing the Brazoria National Wildlife Refuge (NWR) in Brazoria County, Texas. We request comments on environmental issues and announce the opening of the scoping process, which will inform our decision to prepare either an environmental assessment (EA) or environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, in conjunction with preparation of a plan of operations for the proposed new pipelines. The decision to initially prepare an EA or EIS will be, in part, contingent on the complexity of issues identified during, and following, the scoping phase of the NEPA process.

This notice provides an opportunity for input from other Federal and State agencies, local government, Native American Tribes, nongovernmental organizations, the public, and other interested parties on the scope of the NEPA analysis, pertinent issues which should be addressed, and the alternatives to be analyzed. The NEPA document will include an analysis of environmental consequences of the proposed action and alternatives, including direct and indirect impacts, as well as an assessment of the overall cumulative effects resulting from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions. The NEPA document will also include proposed measures for avoiding or minimizing adverse impacts to refuge resources during construction and operations, as well as a proposal for compensatory mitigation for replacement of lost habitat values through land conservation and protection as part of the NWR. We will use this NEPA document in our decision-making process to determine whether the proposed new pipelines are an appropriate and compatible use of lands in the National Wildlife Refuge System (NWRS), as well as whether processing of the application for a Pipeline ROW Permit should proceed to the next step. The public will also have a chance to review and comment on the draft EA or EIS when it is available (a notice of availability will be published in the **Federal Register**).

Proposed Project

Praxair proposes to use a combination of conventional, open trenching, and subsurface Horizontal Directional Drilling (HDD) in its construction methods to cross the Refuge lands. The proposed two pipelines would be constructed at the same time, near the center of an existing maintained 4.25-mile pipeline corridor and between existing pipelines. The existing pipeline corridor pre-dates Fish and Wildlife Service (FWS) ownership of the land in fee title, and extends from Farm-to-Market Road 2004 on the northeast end to Austin Bayou on the southwest end. Construction of the proposed pipelines would require a 100-foot-wide temporary right-of-way, including 70 feet of temporary workspace used during construction activities, and a 30-foot-wide right-of-way after construction is complete. Praxair is working with Service staff in the development of its proposed plan of operations in order to determine construction methods and develop measures to avoid or minimize potential adverse impacts during construction activities. However, some impacts are unavoidable and can reasonably be anticipated during pipeline construction, operations, and maintenance activities. Conventional trenching for simultaneous construction of the proposed two pipelines would require excavation of an open trench approximately 5.5 to 6 feet deep, 8 feet wide at the bottom, and 19 feet wide at the surface, with an approximately 45-degree slope on the sides, depending on soil conditions. Workspace required for HDD sites would be 300 feet by 300 feet.

Other past, present, and reasonably foreseeable future actions occurring on the Brazoria NWR that could contribute to cumulative impacts include: (1) Construction of a 12-inch propane pipeline within the same corridor, completed in May 2014; (2) construction of a 12-inch ethane pipeline within the same corridor, tentatively scheduled to begin May 2015; (3) a 3–D seismic survey which will encompass the entire refuge, tentatively scheduled to begin second or third quarter of 2016. These actions have been previously approved and permitted.

Refuge Background

The Refuge System is the only system of federally owned lands managed chiefly for the conservation of wildlife. Most national wildlife refuges are strategically located along major bird migration corridors, ensuring that ducks, geese, and songbirds have rest stops on their annual migrations. The Refuge System is the world's largest collection of lands and waters set aside specifically for the conservation of wildlife and ecosystem protection.

The mission of the Refuge System is ''*to administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans''* (National Wildlife Refuge System Improvement Act of 1997, Pub. L. 105–57).

The Brazoria NWR encompasses approximately 44,500 acres and includes the largest contiguous salt marsh and coastal prairie habitats and managed fresh water wetlands on the Texas Mid-coast NWR Complex (Complex). The Complex is comprised of three refuges: Brazoria NWR, San Bernard NWR, and Big Boggy NWR, which consist of a vital complex of salt and freshwater marshes, sloughs, ponds, coastal prairies, and bottomland hardwood forests that provide habitat for a wide variety of resident and migratory wildlife.

The goals established for the Complex include the following:

- To contribute to conservation efforts and to foster the ecological integrity of the Gulf Coast Prairies and Marshes Ecoregion through proven and innovative management practices across the Complex.
- To conserve, restore, enhance, and protect Complex habitats by implementing appropriate management programs to benefit native flora and fauna, including threatened and endangered species and other species of concern.
- To protect, maintain, and enhance populations of migratory birds and resident fish and wildlife, including Federal and State threatened and endangered species.
- To develop and implement quality wildlife-dependent recreation programs that are compatible with each refuge's purposes and foster enjoyment and understanding of the Complex's unique wildlife and plant communities.
- To provide administrative and public use facilities needed to carry out each refuge's purposes and meet management objectives.

Public Involvement

The public's ideas and comments are an important part of the planning process, and we invite public participation. We encourage the public to provide comments, which will help us determine the issues and formulate alternatives. We will be accepting comments via U.S. mail, email, and telephone during the open comment period (see **DATES** and **ADDRESSES**), as well as through personal contacts throughout the planning process. However, written comments are preferred.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authorities

NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations; and the National Wildlife Refuge System Administration Act of 1966 (Refuge Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Refuge Improvement Act).

Dated: June 5, 2015.

Joy Nicholopoulos,

Acting Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2015–14714 Filed 6–15–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO35000.L14300000.FR0000]

Renewal of Approved Information Collection; OMB Control No. 1004–0029

AGENCY: Bureau of Land Management, Interior.

ACTION: 60-Day Notice and Request for Comments.

SUMMARY: In compliance with the Paperwork Reduction Act, the Bureau of Land Management (BLM) invites public comments on, and plans to request approval to continue, the collection of information from applicants for a land patent under the Color-of-Title Act. The Office of Management and Budget (OMB) has assigned control number 1004–0029 to this information collection.

DATES: Submit comments on the proposed information collection by August 17, 2015.

ADDRESSES: Comments may be submitted by mail, fax, or electronic

mail. Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street, NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: to Jean Sonneman at 202–245–0050.

Electronic mail: *Jean_Sonneman@blm.gov.*

Please indicate ''Attn: 1004–0029'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Flora Bell, at 202–912–7347. Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, to leave a message for Ms. Bell.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act, 44 U.S.C. 3501–3521, require that interested members of the public and affected agencies be given an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d) and 1320.12(a)). This notice identifies an information collection that the BLM plans to submit to OMB for approval. The Paperwork Reduction Act provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

The BLM will request a 3-year term of approval for this information collection activity. Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany our submission of the information collection requests to OMB.

The following information is provided for the information collection:

Title: Color-of-Title Application (43 CFR Subparts 2540 and 2541).

Forms

- Form 2540–1, Color-of-Title Application;
- Form 2540–2, Color-of-Title Conveyances Affecting Color or Claim of Title; and
- Form 2540–3, Color-of-Title Tax Levy and Payment Record.

OMB Control Number: 1004–0029.

Abstract: The Color-of-Title Act (43 U.S.C. 1068, 1068a, and 1068b) provides for the issuance of a land patent to a tract of public land of up to 160 acres, where the claimant shows peaceful, adverse possession of the tract in good faith for more than 20 years, as well as sufficient improvement or cultivation of the land. The information covered in this submission enables the BLM to determine whether or not such a claimant has made a showing that is sufficient under the pertinent statutory and regulatory criteria.

Frequency of Collection: Once.

Estimated Number and Description of Respondents Annually: 5 individuals, 1 group, and 1 association.

Estimated Reporting and Recordkeeping ''Hour'' Burden Annually: 12 hours.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: $70 ($10 per application).

The following table details the individual components and respective hour burdens of this information collection request:

A. Type of response	B. Number of responses	C. Time per response	D. Total hours (Column B × Column C)
Color-of-Title Application/Individuals	5	2	10
Color-of-Title Application/Groups	1	2	2
Color-of-Title Application/Corporations	1	2	2
Totals	7		12

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2015–14712 Filed 6–15–15; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO35000.L14300000.ES0000]

Renewal of Approved Information Collection; OMB Control No. 1004–0012

AGENCY: Bureau of Land Management, Interior.

ACTION: 60-Day Notice and Request for Comments.

SUMMARY: In compliance with the Paperwork Reduction Act, the Bureau of Land Management (BLM) invites public comments on, and plans to request approval to continue, the collection of information from applicants for land for recreation and public purposes. The Office of Management and Budget (OMB) has assigned control number 1004–0012 to this information collection.

DATES: Please submit comments on the proposed information collection by August 17, 2015.

ADDRESSES: Comments may be submitted by mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: to Jean Sonneman at 202–245–0050.

Electronic mail: *Jean_Sonneman@blm.gov.*

Please indicate ''Attn: 1004–0012'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Flora Bell, at 202–912–7347. Persons who use a telecommunication device for the deaf may call the Federal

Information Relay Service at 1–800–877–8339, to leave a message for Ms. Bell.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act, 44 U.S.C. 3501–3521, require that interested members of the public and affected agencies be given an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d) and 1320.12(a)). This notice identifies an information collection that the BLM plans to submit to OMB for approval. The Paperwork Reduction Act provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

The BLM will request a 3-year term of approval for this information collection activity. Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany our submission of the information collection requests to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The following information pertains to this request:

Title: Application for Land for Recreation or Public Purposes (43 CFR 2740 and 2912).

OMB Control Number: 1004–0012.

Summary: The Bureau of Land Management (BLM) uses the information collection to decide whether or not to lease or sell certain public lands to applicants under the Recreation and Public Purposes Act, 43 U.S.C. 869 to 869–4. The Act authorizes the Secretary of the Interior to lease or sell, for recreational or public purposes, certain public lands to State, Territory, county, and local governments; nonprofit corporations; and nonprofit associations.

Frequency of Collection: Once.

Forms: Form 2740–1, Application for Land for Recreation or Public Purposes.

Description of Respondents: 21 State, Territory, country and local governments; 1 nonprofit association; and 1 nonprofit corporation.

Estimated Annual Responses: 23.

Estimated Annual Burden Hours: 920 hours (40 hours per application).

Estimated Annual Non-Hour Costs: $2,300 ($100 per application).

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer, Bureau of Land Management.

[FR Doc. 2015–14710 Filed 6–15–15; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–MWR–MIMI–17964; PPMWMIMIA0/PPMPSPD1Z.YM0000]

Establishment of a New Recreation Fee Area at Minuteman Missile National Historic Site

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service plans to establish fees for the tour of the Launch Control Facility Delta-01. The proposed amenity fee is intended to provide enhanced tour reservation services through the Recreation.gov system. This reservation service would replace the existing first-come first-serve system for providing tour tickets. The park will use the revenue to fund preservation maintenance requirements of the Launch Control Facility Delta-01 site, potentially increase staff to accommodate the increase in visitation and implement a tour reservation system through Recreation.gov.

DATES: We will begin collecting fees on December 16, 2015.

FOR FURTHER INFORMATION CONTACT: Eric Leonard, Superintendent, Minuteman Missile National Historic Site, 24545 Cottonwood Road, Philip, South Dakota 57567; telephone (605) 433–5552; or by email at *eric_leonard@nps.gov.*

SUPPLEMENTARY INFORMATION: This notice is to comply with Section 804 of the Federal Lands Recreation Enhancement Act of 2004 (Pub. L. 108–447). The act requires agencies to give the public 6 months advance notice of the establishment of a new recreation fee area. The guided tour fee structure will be $6 per adult; $4 for ages 13 to 16; and no charge for children 12 years of age and under. The Delta-09 Missile Launch Facility (missile silo), including self-guided and limited guided tours, will remain a fee-free area. These fees were determined through a comparability study of similar sites in the area at Federal, state, and private recreation areas. In accordance with NPS public involvement guidelines, the park engaged numerous individuals, organizations, and local, state, and Federal government representatives while planning for the implementation of this fee.

Dated: April 28, 2015.

Lena McDowall,

Chief Financial Officer.

[FR Doc. 2015–14723 Filed 6–15–15; 8:45 am]

BILLING CODE 4310–MA–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2015–0001; OMB Control Number 1014–0021; 15XE1700DX EEEE500000 EX1SF0000.DAQ000]

Information Collection Activities: Operations in the Outer Continental Shelf for Minerals Other Than Oil, Gas, and Sulphur; Submitted for Office of Management and Budget (OMB) Review; Comment Request

ACTION: 30-Day notice.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Safety and Environmental Enforcement (BSEE) is notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under *Operations in the Outer Continental Shelf for Minerals Other than Oil, Gas, and Sulphur.* This notice also provides the public a second opportunity to comment on the revised paperwork burden of these regulatory requirements.

DATE: You must submit comments by July 16, 2015.

ADDRESSES: Submit comments by either fax (202) 395–5806 or email (*OIRA_Submission@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1014–0021). Please provide a copy of your comments to BSEE by any of the means below.

- Electronically go to *http://www.regulations.gov.* In the Search box, enter BSEE–2015–0001 then click

search. Follow the instructions to submit public comments and view all related materials. We will post all comments.

• Email *cheryl.blundon@bsee.gov,* fax (703) 787–1546, or mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Cheryl Blundon; 45600 Woodland Road, Sterling, VA 20166. Please reference ICR 1014–0021 in your comment and include your name and return address.

FOR FURTHER INFORMATION CONTACT: Cheryl Blundon, Regulations and Standards Branch, (703) 787–1607, to request additional information about this ICR. To see a copy of the entire ICR submitted to OMB, go to *http://www.reginfo.gov* (select Information Collection Review, Currently Under Review).

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 282, *Operations in the Outer Continental Shelf for Minerals Other than Oil, Gas, and Sulphur.*

OMB Control Number: 1014–0021.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1334 and 43 U.S.C. 1337(k)), authorizes the Secretary of the Interior to implement regulations to grant leases of any mineral other than oil, gas, and sulphur to qualified parties. This regulation governs mining operations within the OCS and establishes a comprehensive leasing and regulatory program for such minerals. This regulation has been designed to: (1) Recognize the differences between the OCS activities associated with oil, gas, and sulphur discovery and development and those associated with the discovery and development of other minerals; (2) facilitate participation by States directly affected by OCS mining activities; (3) provide opportunities for consultation and coordination with other OCS users and uses; (4) balance development with environmental protection; (5) insure a fair return to the public; (6) preserve and maintain free enterprise competition; and (7) encourage the development of new technology.

The authorities and responsibilities described above are among those delegated to the Bureau of Safety and Environmental Enforcement (BSEE). Therefore, this ICR addresses the regulations at 30 CFR 282, Operations in the Outer Continental Shelf for Minerals Other than Oil, Gas, and Sulphur. It should be noted that there has been no activity in the OCS for minerals other than oil, gas and sulphur for many years and no information collected. However, because these are regulatory requirements, the potential exists for information to be collected; therefore, we are renewing this collection of information.

Responses are mandatory or are required to obtain or retain a benefit. No questions of a sensitive nature are asked. The BSEE protects information considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and DOIs implementing regulations (43 CFR 2), and under the regulations at and §§ 282.5, 282.6, and 282.7.

BSEE will use the information required by 30 CFR 282 to determine if lessees are complying with the regulations that implement the mining operations program for minerals other than oil, gas, and sulphur. Specifically, BSEE will use the information:

• To ensure that operations for the production of minerals other than oil, gas, and sulphur in the OCS are conducted in a manner that will result in orderly resource recovery, development, and the protection of the human, marine, and coastal environments.

• To ensure that adequate measures will be taken during operations to prevent waste, conserve the natural resources of the OCS, and to protect the environment, human life, and correlative rights.

• To determine if suspensions of activities are in the national interest, to facilitate proper development of a lease including reasonable time to develop a mine and construct its supporting facilities, and to allow for the construction or negotiation for use of transportation facilities.

• To identify and evaluate the cause(s) of a hazard(s) generating a suspension, the potential damage from a hazard(s) and the measures available to mitigate the potential for damage.

• For technical evaluations that provide a basis for BSEE to make informed decisions to approve, disapprove, or require modification of the proposed activities.

Frequency: On occasion and as required by regulations.

Description of Respondents: Potential respondents comprise OCS Federal oil, gas, or sulphur lessees and/or operators.

Estimated Reporting and Recordkeeping Hour Burden: The estimated annual hour burden for this information collection is a total of 56 hours and $100,000 non-hour cost burdens. The following chart details the individual components and estimated hour burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BURDEN TABLE

Citation 30 CFR 282	Reporting or recordkeeping requirement *	Non-hour cost burden		
		Hour burden	Average number of annual responses	Annual burden hours
Subpart A—General				
5	Request non-disclosure of data and information	10	1 request	10
6	Governor(s) of adjacent State(s) request for proprietary data, information, samples, etc., and disclosure agreement with BSEE.	1	1 submission	1
7	Governor of affected State requests negotiation to settle jurisdictional controversy, etc.; enters into an agreement with BSEE.	1	1 request	1
Subtotal			3 Responses	12 Hours
Subpart B—Jurisdiction and Responsibilities of Director				
11(d)(1);	Request consolidation/unitization of two or more leases or lease portions into a single mining unit.	1	1 request	1

BURDEN TABLE—Continued

Citation 30 CFR 282	Reporting or recordkeeping requirement *	Non-hour cost burden		
		Hour burden	Average number of annual responses	Annual burden hours
11(d)(4)	State requests different method of allocating production	1	1 request	1
12(f); 13(d); 28(c)	Request approval(s) of applicable applications and/or plans; including environmental information, monitoring program, and various requests for approval; submit modifications as appropriate.	20	1 request	20
12(h)	Request departures from the operating requirements	Burden covered under 30 CFR 250, Subpart A, 1014–0022.		0
13(b), (f)(2); 31	Request suspension or temporary prohibition or production or operations; include all documentation—or any other information BSEE may require.	2	1 request	2
13(d); 13(e)(2)	Submit a Delineation, Testing, or Mining Plan or revised Plan	BOEM requirement covered under 30 CFR 582, 1010–0081.		
13(e)	Submit site-specific study plan and results	8	1 study	8
		1 study × $100,000 = $100,000		
14	Submit response copy of Form BSEE–1832 indicating date violations (INCs) corrected, etc..	2	1 response	2
Subtotal			6 Responses	34 Hours
		$100,000 Non-Hour Cost Burden		
Subpart C—Obligations and Responsibilities of Lessees				
27(b)	Request use of new or alternative technologies, techniques, etc.	1	1 request	1
27(c)	Notify BSEE of death or serious injury; fire, exploration, or other hazardous event, pollution etc.; submit report.	1	1 notification	1
27(d)(2)	Request reimbursement for furnishing food, quarters, and transportation for BSEE representatives (no requests received in many years; minimal burden).	2	1 request	2
27(e)	Identify vessels, platforms, structures, etc. with signs	1	1 sign	1
27(f)(2)	Log all drill holes susceptible to logging; submit copies of logs to BSEE.	3	1 log	3
27(h)(3–4)	Mark equipment; record items lost overboard; notify BSEE	1	1 notification	1
27(k)	Enter weight or quantity and quality of each mineral produced	BOEM requirement covered under 30 CFR 582, 1010–0081.		0
28(d)	Demonstrate effectiveness procedure(s) for mitigating environmental impacts.	1	1 demonstration	1
Subtotal			7 Responses	10 Hours
Subpart E—Appeals				
50	File an appeal	Burden exempt under 5 CFR 1320.4(a)(2), (c).		0
Total Burden			16 Responses	56 Hours
			$100,000 Non-Hour Cost Burden	

* In the future, BSEE may require some requirements to be submitted electronically.

Estimated Reporting and Recordkeeping Non-Hour Cost Burden: We have identified one non-hour cost burden associated with the collection of information for a total of $100,000. There is a cost to industry to submit site-specific study plan and the results. We have not identified any other non-hour cost burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.,)* provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.,*) requires each agency ''. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed

collection of information . . .'' Agencies must specifically solicit comments to: (a) Evaluate whether the collection is necessary or useful; (b) evaluate the accuracy of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of technology.

To comply with the public consultation process, on March 26, 2015, we published a **Federal Register** notice (80 FR 16019) announcing that we would submit this ICR to OMB for approval. The notice provided the required 60-day comment period. In addition, § 282.0 provides the OMB Control Number for the information collection requirements imposed by the 30 CFR 282, regulations. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We received four comments in response to the **Federal Register**. None of the comments received were germane to the paperwork burden of this information collection renewal.

Public Availability of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: May 27, 2015.

Robert W. Middleton,

Deputy Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2015–14696 Filed 6–15–15; 8:45 am]

BILLING CODE 4310–VH–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. AA1921–167 (Fourth Review)]

Pressure Sensitive Plastic Tape From Italy; Notice of Commission Determination To Conduct a Full Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with a full review pursuant to the Tariff Act of 1930 (''The Act'') to determine whether revocation of the antidumping duty finding on pressure sensitive plastic tape from Italy would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the review will be established and announced at a later date.

DATED: *Effective Date:* June 5, 2015.

FOR FURTHER INFORMATION CONTACT: Carolyn Esko (202–205–3002), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On June 5, 2015, the Commission determined that it should proceed to a full review in the subject five-year review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that the domestic interested party group response to its notice of institution (80 FR 11224, March 2, 2015) was adequate and that the respondent interested party group response to its notice of institution was inadequate. The Commission also found that other circumstances warranted conducting a full review. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: June 11, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–14755 Filed 6–15–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On June 9, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Idaho in the lawsuit entitled *United States* v. *Clearwater Paper Corporation,* Civil Action No. 15–00200.

Defendant Clearwater Paper Corporation (Clearwater) owns and operates a paper and pulp mill in Lewiston, Idaho. The proposed Consent Decree settles the claims for penalties and injunctive relief based on the following Clean Air Act violations: (1) Violations of Subparts A and BB of the federal New Source Performance Standards (NSPS), 40 CFR part 60; (2) violations of Subpart S of the National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR part 63; and (3) violations of Clearwater's Title V permit that incorporates these NESHAP and NSPS requirements. *See* 42 U.S.C. 7401 *et seq.* Under the proposed Consent Decree, Clearwater will install necessary equipment to cease ongoing violations by September 30, 2015. Clearwater will also pay a civil penalty of $300,000.

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. *Clearwater Paper Corporation,* D.J. Ref. No. 90–5–2–1–10620. 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 $7.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan M. Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–14705 Filed 6–15–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Proposed Extension of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed extension of the existing collection: Health Insurance Claim Form (OWCP–1500). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before August 17, 2015.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone/fax (202) 354–9647, Email *ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) is the agency responsible for administration of the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101 *et seq.,* the Black Lung Benefits Act (BLBA), 30 U.S.C. 901 *et seq.,* and the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA), 42 U.S.C. 7384 *et seq.* All three of these statutes require that OWCP pay for medical treatment of beneficiaries: BLBA also requires that OWCP pay for medical examinations and related diagnostic services to determine eligibility for benefits under that statute. Form OWCP–1500 is used by OWCP and contractor bill processing staff to process bills for medical services provided by medical professionals other than medical services provided by hospitals, pharmacies and certain other medical providers. To consider the appropriateness of the requested payment in a timely fashion, it is essential that provider bills be submitted on a standard form that will capture the critical data elements needed to evaluate the bill, such as procedure and diagnosis codes. This information collection is currently approved for use through December 31, 2015.

II. Review Focus

The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility and clarity of the information to be collected; and

* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the approval of the extension of this currently approved information collection in order to carry out its responsibility to provide payment for certain covered medical services to eligible employees who are covered under FECA, BLBA or EEOICPA.

Type of Review: Extension.

Agency: Office of Workers' Compensation Programs.

Title: Health Insurance Claim Form.

OMB Number: 1240–0044.

Agency Number: OWCP–1500.

Affected Public: Individuals or households, businesses or other for-profit.

Total Respondents: 58,923.

Total Responses: 2,777,034.

Time per Response: 1–7 minutes.

Estimated Total Burden Hours: 260,873.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 8, 2015.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, US Department of Labor.

[FR Doc. 2015–14678 Filed 6–15–15; 8:45 am]

BILLING CODE 4510–CR–P

OFFICE OF MANAGEMENT AND BUDGET

Announcement of Requirements and Registration for the Digital Service Contracting Professional Training and Development Program Challenge

AGENCY: Office of Management and Budget.

ACTION: Notice.

SUMMARY: The U.S. Digital Service and Office of Federal Procurement Policy (OFPP), as part of the Office of Management and Budget (OMB), give notice of the availability of the ''Digital Service Contracting Professional Training and Development Program'' prize competition and rules. Through a multi-phased challenge, participants are eligible for prize money up to $360,000.00 under this competition.

In August 2014, the U.S. Digital Service was launched to bring in the country's brightest digital talent to

transform how government works for American citizens and businesses by dramatically improving the way government builds and buys digital services.

On December 4, 2014, Anne Rung, Administrator for Federal Procurement Policy, issued a memorandum titled Transforming the Marketplace: Simplifying Federal Procurement to Improve Performance, Drive Innovation, and Increase Savings.[1] In this memorandum, Administrator Rung lays out several initiatives for driving greater innovation and strengthening Federal acquisition practices, one of which is building digital information technology (IT) acquisition expertise.

As part of this initiative, OFPP and the U.S. Digital Service are working together to focus on improving the process of IT acquisition, and specifically the acquisition of digital services. OFPP and the U.S. Digital Service recognize the need for improving and simplifying the digital experiences that citizens and businesses have with the Government. Strengthening digital services expertise in the Government is a key component of being able to reduce the risk of failed acquisitions and systems, and save taxpayer dollars. The Digital Service Contracting Professional Training and Development Program prize competition seeks to spur innovation in the training and development of Federal Contracting Professionals who are fundamental to the success of digital service acquisitions. Through program concept white papers, up to three design presentations, and a pilot program, the effectiveness and feasibility of innovative training and development program approaches will be explored.

ADDRESSES: Questions about this prize competition may be emailed to *Challenge@omb.eop.gov.*

Prize Competition Managers:
Traci Walker—US Digital Service, OMB
Joanie Newhart—OFPP, OMB

SUPPLEMENTARY INFORMATION:

Objective

The goal of this prize competition is to develop a Digital Service Contracting Professional Training and Development Program for the Federal Government, which will be used to add a digital service core-plus specialization for contracting professionals under the Federal Acquisition Certification in Contracting (FAC–C) Program issued by OFPP.[2] The final results of the challenge will be provided to Federal training institutions, such as the Federal Acquisition Institute (FAI) and Defense Acquisition University (DAU), for those institutions to implement and maintain the program. This program will be one of many initiatives to foster transformative change in the Federal Digital Service acquisition culture.

No formal contract to any challenge participant will be awarded as a direct result of this prize competition.

The optimal comprehensive training and development program, intended for Federal Contracting Professionals, specifically Contracting Officers and Contract Specialists, will enable them to understand and apply strategic thinking, industry best practices, market place conditions, and appropriate acquisition strategies to the procurement of digital supplies and services. An ideal training and development program will be no longer than 6 months in total, and may include strategies such as rotational assignments, mentoring, in-classroom training, and detail assignments woven into an innovative approach to accomplish the stated objectives. A definition of a successful digital service buyer, novel ideas, leading-edge approaches, and iterative methodologies are highly encouraged in response to this Challenge.

Digital services, as defined by OMB, refers to ''the delivery of digital information (data or content) and transactional services (*e.g.,* online forms, benefits applications) across a variety of platforms, devices, and delivery mechanisms (*e.g.,* Web sites, mobile applications, and social media).'' Digital services may be delivered to customers either internal or external to the Government, or both.[3]

The primary outcomes of this Digital Service Contracting Professional Training and Development Program are that participating Federal contracting professionals:

- Become digital service procurement experts;
- Are equipped with the knowledge necessary to be imbedded within agency Digital Service teams to serve as a business advisor to the team, its customers, and its stakeholders; and
- Have the knowledge to lead agency training, workshops, and consultations in order to expand digital service procurement expertise within their agency and the government.

Specifically, the program must teach Federal Contracting Professionals how to:

(1) Understand and procure digital services and supplies utilizing concepts such as those described in the Digital Services Playbook[4] and the TechFAR[5] (*e.g,* DevOps, UX, Design Services, Agile Software Development, Open Source, Cloud, Iaas, SaaS, and PaaS);

(2) Appropriately measure the success of these contracts based on industry standards;

(3) Accurately describe and define the value received; and

(4) Encourage the use of commercial practices and innovative approaches (*e.g.* modular contracting, broad agency announcements, challenges and prizes) to ensure procurements can capture flexible and rapidly changing technology advancements.

The prize challenge will include three phases. Phase I asks for participants to submit a white paper that describes their concept for a training and development program that will meet the stated objectives. Up to three Phase I submissions will be selected as finalists and move to Phase II. These finalists are awarded $20,000 each in prize money to design in more detail their proposed concept program. At the end of Phase II, these finalists will present their in-depth program designs at an oral presentation and a one hour mock classroom training to a panel of Federal senior leaders. One winner will be selected and moves to Phase III, which requires that participant to develop and pilot its program for approximately 30 students. In Phase III, up to $250,000 in milestone payments will be provided to assist the participant in developing their proposed pilot for a training and development program that can be easily adopted and implemented by the Government. Upon completion of Phase III, the finalist can win up to $50,000 in additional prize money for developing a program that fully met the stated objectives.

The pilot will be held in the Washington, DC area with local students. However, approaches for the proposed program that include virtual components to allow participation of students outside of the Washington, DC area (with some in-person sessions required) and/or self-pacing are highly encouraged, but must also demonstrate cost effectiveness.

[1] Available at *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/simplifying-federal-procurement-to-improve-performance-drive-innovation-increase-savings.pdf.*

[2] *http://www.fai.gov/drupal/sites/default/files/2006-1-20-OMB-Memo-FAC-C-Certification.pdf.*

[3] http://www.whitehouse.gov/digitalgov/digital-services-governance-recommendations.

[4] https://playbook.cio.gov/.

[5] https://github.com/WhiteHouse/playbook/blob/gh-pages/_includes/techfar-online.md.

Eligibility and Rules for Participating in the Challenge

- To be eligible to win a prize under this Challenge, an individual or entity:
  - Shall have registered to participate in the Challenge under the rules promulgated by OMB and published in this Notice;
  - Shall have complied with all the requirements in this Notice;
  - In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States. Non-U.S. citizens and non-permanent residents are not eligible to win a monetary prize (in whole or in part);
  - In the case of an individual, whether participating singly or in a group, must be at least 18 years old at the time of entry;
  - May not be a Federal entity;
  - OMB reserves the right to disqualify and remove any submission that is deemed, in the judging panel's discretion, inappropriate, offensive, defamatory, and/or demeaning;
  - May not be a Federal employee acting within the scope of his/her employment, and further, and may not work on his or her submission(s) during assigned duty hours;
  - May not be an employee of the US Digital Service, OFPP, a judge of the Challenge, or any other party involved with the design, production, execution, or distribution of the Challenge or the immediate family of such a party (*i.e.,* spouse, parent, step-parent, child, or step-child).
- Federal grantees may not use Federal funds to develop their Challenge submissions unless use of such funds is consistent with the purpose of their grant award and specifically requested to do so due to the Challenge design.
- Federal contractors may not use Federal funds from a contract to develop their Challenge submissions or to fund efforts in support of their Challenge submission.
- Submissions must not infringe upon any copyright or any other rights of any third party. Each participant warrants that he or she is the sole author and owner of the work and that the work is wholly original. It is the responsibility of the participant to obtain any rights necessary to use, disclose, or reproduce any intellectual property owned by third parties and incorporated in the entry for all anticipated uses of the submission. Submissions must not violate or infringe upon the rights of other parties, including, but not limited to, privacy, publicity or intellectual property rights, or material that constitutes copyright or license infringement.
- By participating in this Challenge, each individual (whether competing singly or in a group) and entity agree to assume any and all risks and waive claims against the Federal Government and its related entities (as defined in the COMPETES Act [6]), except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in the Challenge, whether the injury, death, damage, or loss arises through negligence or otherwise.
- Based on the subject matter of the Challenge, the type of work that it will possibly require, as well as an analysis of the likelihood of any claims for death, bodily injury, or property damage, or loss potentially resulting from Challenge participation, no individual (whether competing singly or in a group) or entity participating in the Challenge is required to obtain liability insurance or demonstrate financial responsibility in order to participate in this Challenge.
- By participating in this Challenge, each individual (whether competing singly or in a group) or entity agrees to indemnify the Federal Government against third party claims for damages arising from or related to Challenge activities.
- An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during the Challenge if the facilities and employees are made available to all individuals and entities participating in the Challenge on an equitable basis.
- Each individual (whether competing singly or in a group) or entity retains title and full ownership in and to their submission and each participant expressly reserves all intellectual property rights (*e.g.,* copyright) in their submission. However, each participant grants to the Federal Government, and others acting on behalf of the Federal Government, a royalty-free non-exclusive worldwide license to use, copy for use, and display publicly all parts of the submission for the purposes of the Challenge and future training and development programs. This license may include posting or linking to the submission on the official OMB Web site and making it available for use by the public.
- OMB reserves the right, in its sole discretion, to (a) cancel, suspend, or modify the Challenge, and/or (b) not award any prizes if no entries are deemed worthy.
- Each individual (whether competing singly or in a group) or entity agrees to follow applicable local, State, and Federal laws and regulations.
- Each individual (whether participating singly or in a group) and entity participating in this Challenge must comply with all terms and conditions of these rules, and participation in this Challenge constitutes each participant's full and unconditional agreement to abide by these rules. Winning is contingent upon fulfilling all requirements herein.
- The Federal government will not provide any travel expenses for participants in the pilot projects.
- Prizes awarded under this Challenge will be paid by electronic funds transfer and may be subject to Federal income taxes. Payment will comply with the Internal Revenue Service withholding and reporting requirements, where applicable. Any entrant on the Excluded Parties List will not be selected as a finalist or prize winner.

Registration and Submission Process

All submissions must include information addressing all of the mandatory elements. Any submission not including all information will not be eligible for award.

All submissions must be in English. Each submission must consist of a PDF file. The PDF documents must be formatted to be no larger than 8.5″ by 11.0″, with at least 1 inch margins. The participant must not use OFPP's or OMB's logo or official seal, or the logo of the U.S. Digital Service in the submission, and must not claim Federal Government endorsement.

Certification: Each submission must include a cover letter that the individual or every member of the team responding has read and consents to be governed by the Challenge Rules and meets the eligibility requirements. This cover letter must be signed and dated by all participants. The following statement must be included:

''I have read and understand the OMB Challenge Rules (''Rules'') for the Digital Service Contracting Professional Training and Development Program prize competition. I hereby agree to abide by such Terms and Rules.

I hereby agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in

[6] *https://www.congress.gov/110/plaws/publ69/PLAW–110publ69.pdf.*

the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in this prize challenge, whether the injury, death, damage, or loss arises through negligence or otherwise.

I hereby agree to indemnify the Federal Government against third party claims for damages arising from or related to challenge activities.

I certify that I am over the age of 18 and a United States Citizen or a permanent resident.

I hereby grant to the Federal Government, and others acting on behalf of the Federal Government, a royalty-free non-exclusive worldwide license to use, copy for use, and display publicly all parts of the submission for the purposes of the Challenge. This license may include posting or linking to the submission on the official OMB Web site and making it available for use by the public.''

Submission Requirements and Pilot Implementation

This Challenge will be conducted in three phases.

Phase I: Program Concept

Challenge participants will have one month from the date of this Notice to submit a program concept. Those submissions must comply with the requirements provided below. Up to three Phase I submissions may be selected as finalists. The names of the finalists will be posted on the Challenge.gov Web site as will the names of any participants receiving an honorary mention. Honorary mentions may be given to highly ranked submissions that were not identified as one of the final three finalists.

Phase II: Detailed Program Design

The Phase I finalists will receive $20,000 each and will have one month from the date of this award, to transform their program concepts into a detailed program designs, which meet the requirements provided below. One finalist will be selected as the winner of the challenge. The winner's name will be posted on Challenge.gov.

Phase III: Pilot

The challenge winner receives up to $250,000 in milestone payments and will have five months to develop and implement their design with up to 30 government contracting students. Milestone payments will be made based on mutually agreed upon deliverables throughout the pilot based on the accepted design. An initial milestone payment will be determined to assist with the startup costs of the pilot.

OMB will select and provide students for the pilot project. The students in the pilot project will be selected from contracting professionals who are certified at the Federal Acquisition Certification—Contracting (FAC–C) or Defense Acquisition Workforce Improvement Act (DAWIA) Level II or above.[7] These pilot students are the target demographic for the program, are influential early adopters of new and innovative acquisition strategies, and will have some experience in IT acquisition. These students will have managerial commitment and approval to fully participate and meet the requirements of the pilot; however it is anticipated that pilot participants will be not required to be 100% assigned to the pilots for the entire length of the program, and will remain in their current jobs during the pilot.

Assignment: In order to help judge the effectiveness of the training and development program, as part of the pilot, the Federal contracting students will be expected to complete a ''live'' digital service assignment, which could be an actual project, procurement, or agency engagement. OMB will work with the Phase II winner to determine which assignment is best-suited for its specific pilot based on its proposed design.

Phase I Program Concept

Each submission for this Challenge shall consist of a white paper describing the concept for a training and development program that will meet the stated objectives. It must include a concept overview that describes how the proposed program will improve the ability of Contracting Specialists/Officers to purchase digital services. The white paper must detail how the solution will create a competent digital buying contracting workforce and how this workforce will help agencies buy digital services better. The white paper must also include:

- Outline of major content focus areas with their performance objectives;
- Suggested instructional strategies for each content area;
- Overall expected program outcomes and how the concept will meet them.
- A clear description of what innovative training and development approaches are proposed along with the benefits of those approaches to this program.
- The type of Government stakeholder input required if the design is selected for the pilot in Phase III.
- The anticipated cost of the pilot and proposed program and any expected intangible benefits related to the program, or ways to utilize virtual components and/or quantities of scale strategies to leverage the program across the government for Federal Contracting Professionals.
- A concept for defining and evaluating how well the students have achieved the objectives of the program, including a comprehensive survey for the students and a description of how the digital assignment outcome will be assessed.

Phase II: Program Design

The finalists chosen in Phase I shall prepare a detailed program design, including the following three sections:

- Program Description
  - More details on the major content focus areas with their performance objectives,
  - Comprehensive Syllabus
  - Defined instructional strategies and educational method for each content area,
  - Mock-ups or prototypes,
  - Proposed speaker lists,
  - How a digital assignment will be incorporated into the program,
  - An understanding of how the program components will achieve the desired program outcomes,
- Assessment Plan
  - More details on the planned assessment of how well the students have achieved the objectives of the program;
  - A remediation plan for trainees who do not achieve the goals; and
  - A concept for a Capstone or Practical Skills Test that might be required for certification.
- Anticipated Cost To Implement Program
  - The estimated investment required to implement both the pilot and the resulting program. The pilot would be estimated on a basis of 30 students as will the resulting program. If the pilot is a scaled-down version of the fully-implemented program, the differentiation must be explained.
  - Any expected intangible benefits related to the program, or ways to leverage quantities of scale strategies to facilitate a widespread adoption of the program in the government.

Phase II Oral Proposal

This program design will be presented to the judges through oral proposals. Additionally, a one hour mock classroom training shall be provided to the judges in order for the challengers to demonstrate one aspect of their

[7] Additional information on the FAC–C program is available at www.fai.gov and the DAWIA program at *https://dap.dau.mil/career/cont/Pages/Certification.aspx.*

proposed design. It will be up to the challenger to determine which aspect and method of delivery will best encompass the concept of their proposed design.

Phase III: Program Development and Pilot

In this phase, the training and development program is developed and major components are piloted by the Phase II winner with up to 30 students to validate the content, feasibility, instructional strategies, and expected outcomes of the training program. There shall be complete lesson plans, participant materials, mock-ups and prototypes, and training aids to test during the pilot delivery. The pilot program delivery is the ''test drive'' of the proposed challenge solution to determine whether it meets expected outcomes. In addition to the students assigned to the pilot, OMB will provide key stakeholders and government subject matter experts who can provide other limited assistance required to develop and pilot the program as requested by the challenger in Phases I and II. OMB will assist the Phase II winner with the identification of current Procurements/Projects/Digital Service teams that students will be assigned to work on during the course of the pilot. The nature of the assignment chosen will be based on a discussion between the Phase II winner and OMB during pilot program preparation. Sample assignments might include:

- Conducting a solicitation from Request For Proposal to Award to establish a Federal-wide Blanket Purchase Agreement.
- Working with a Digital Service Agency team on drafting a Request for Proposal.
- Assisting GSA's 18F with a consulting effort and resulting acquisition.
- Drafting a Digital Service Agency team's acquisition strategy for multiple projects/acquisitions.

Submission shall include an end user survey to be delivered to the students based on the proposed program concept which will be used to determine how confident the participants are in their ability to apply the knowledge and skills learned.

Final Submission: Results of Pilot and Update of Proposed Program

Upon completion of the pilot, the following information shall be provided to OMB by January 31, 2016 to help OMB judge the outcome of the proposed training and development program:

○ Results of the assessment of how well the students achieved the objectives of the proposed program, and update of the proposed remediation plan and concept for a Capstone or Practical Skills Test that might be required for certification;

○ Any logistical problems that surfaced in the execution of the pilot (this could relate to scheduling challenges, absenteeism on behalf of the participants, physical or logical roadblocks encountered), including what was done to resolve the problems, or what should be done if a scaled program were to be implemented to ensure success;

○ The pilot's actual cost breakdown including contract services, equipment, facilities, hardware, software, training materials, as it relates to the proposed submission (this could include return on investment evaluations and alternative analyses);

○ An accountability report that captures how well the pilot was executed (pilot's projected cost breakdown compared to the actual cost breakdown) and how quality was measured to get the expected results of the pilot.

○ The documented program design incorporating lessons learned and any changes made to the design initially proposed;

○ The final estimated investment required to implement the proposed program; and

○ A description of how Return on Investment (ROI) should be monitored (*e.g.,* linkage to performance metrics, etc.).

Evaluation Process

The evaluation process will begin by removing those that are not responsive to this Challenge or not in compliance with all rules of eligibility. Judges will examine all responsive and compliant submissions, and rate the entries. Judges will determine the most meritorious submissions based on these ratings and select up to three finalists to include in Phase II—Program Design.

Honorable Mentions may be included as non-monetary prizes and announced along with the winners on Challenge.gov.

Phase I: Program Concept Submission

The judging panel will rate each submission based upon the effectiveness of the overall concept to help foster transformative change in the Federal Digital Service acquisition culture, the viability of the proposed program, the anticipated cost and its reasonableness, the effectiveness of the proposed assessment of the pilot, the innovativeness of the approach, and its potential for achieving the objectives of the program.

Phase II: Program Design

Evaluation will be based on the following criteria:

Overall Effectiveness of the Proposed Program Design

○ This factor examines the quality of the design and the mock classroom experience and how it demonstrates how the proposed training solution will help participants learn the skills and concepts that are desired outcomes for this program. It also examines the creativity and innovativeness of the program.

Overall Assessment Capability

○ This factor examines the effectiveness of the proposed assessment capability, including whether the data collection, tracking, and analysis methods proposed demonstrate the participants' ability to meet the program objectives.

Feasibility of Implementation

○ This factor examines whether the relative cost of implementation is reasonable and commensurate with the caliber of the proposed solution and whether the concept can be scaled and modified to suit local resources and constraints in terms of number of participants.

Scores from each criterion will be weighted equally.

Phase III: Pilot Development and Implementation

Evaluation of the effectiveness of the proposed program will be based on the final submission and on the following criteria:

Results of Assessment of Pilot and Proposed Program

○ This criteria examines whether the skills students learned through the pilot met the objectives of the program and whether or not students demonstrated confidence in their ability to apply the knowledge and skills learned. This includes whether the students indicated an understanding of how to procure Digital Services utilizing concepts such as those described in the Digital Service Playbook and the TechFAR, how to appropriately measure the success of contracts, how to accurately describe and define the value received, and how to encourage the use of commercial practices and innovative approaches to ensure procurements can capture flexible and rapidly changing technology advancements.

○ This criteria also examines the likelihood of the proposed program to meet the program objectives.

Expected Return on Investment

○ This criteria examines the benefits of the pilot and the proposed program as compared to the cost. Judges may examine the cost effectiveness of the proposed program compared to alternatives. Judges may examine expected intangible benefits related to the pilot.

○ This criteria also examines the accountability report.

The winner of the challenge will be eligible for an additional prize of $50,000.00 based upon the results of the evaluation of the final submission.

Authority: 15 U.S.C. 3719.Dated:

Dated: June 9, 2015.

Joanie F. Newhart,

Office of Federal Procurement Policy, OMB.

[FR Doc. 2015–14683 Filed 6–15–15; 8:45 am]

BILLING CODE 3110–05–P

NATIONAL TRANSPORTATION SAFETY BOARD

Public Availability of FY 2013 Service Contract Inventory Analysis, FY 2014 Service Contract Inventory, FY 2014 Service Contract Inventory Supplement, and FY 2014 Service Contract Inventory Planned Analysis for the National Transportation Safety Board

AGENCY: National Transportation Safety Board.

ACTION: Notice of Public Availability of FY 2013 Service Contract Inventory Analysis, FY 2014 Service Contract Inventory, FY 2014 Service Contract Inventory Supplement, and FY 2014 Service Contract Inventory Planned Analysis.

SUMMARY: In accordance with Section 743 of Division C of the Consolidated Appropriations Act of 2010 (Pub. L. 111–117), the National Transportation Safety Board is publishing this notice to advise the public of the availability of the FY 2013 Service Contract Inventory Analysis, the FY 2014 Service Contract Inventory, the FY 2014 Service Contract Inventory Supplement, and the FY 2014 Service Contract Inventory Planned Analysis. The FY 2013 inventory analysis provides information on specific service contract actions that were analyzed as part of the FY 2013 inventory. The FY 2014 inventory provides information on service contract actions over $25,000 that was made in FY 2014. The inventory 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 on November 5, 2010 by the Office of Management and Budget's Office of Federal Procurement Policy (OFPP). OFPP's guidance is available at *http://www.whitehouse.gov/sites/default/files/omb/procurement/memo/service-contract-inventories-guidance-11052010.pdf.* The FY 2014 inventory supplement provides information collected from contractors on the amount invoiced and the direct labor hours expended on covered service contracts. The FY 2014 inventory planned analysis provides information on which functional areas will be reviewed by the agency. The National Transportation Safety Board has posted its FY 2014 inventory, FY 2014 inventory supplement; FY 2014 planned analysis, and FY 2013 inventory analysis at the following link: *http://www.ntsb.gov/about/employment/Pages/open.aspx.*

FOR FURTHER INFORMATION CONTACT: Questions regarding the service contract inventory should be directed to Peter M. Hazlinsky, Chief, Acquisition and Lease Management Division, NTSB at 202–314–6205 or *matt.hazlinsky@nts.gov.*

Dated: June 11, 2015.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2015–14719 Filed 6–15–15; 8:45 am]

BILLING CODE 7533–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0119]

Information Collection: Financial Protection Requirements and Indemnity Agreements

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of the Office of Management and Budget's (OMB's) approval for an existing collection of information. The information collection is entitled, ''Financial Protection Requirements and Indemnity Agreements.''

DATES: Submit comments by August 17, 2015. Comments received after this date will be considered if it is practical to do so, however, the Commission will only ensure consideration for comments received on, or before, this date.

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

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0119. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Tremaine Donnell, Office of Information Services, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

l. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0119 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0119.

• *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 supporting statement is available in ADAMS under Accession No. ML15104A625.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

• *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without

charge by contacting the NRC's Clearance Officer, Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV*.

B. Submitting Comments

Please include Docket ID NRC–2015–0119 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

ll. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request approval from OMB on the information collection summarized below.

1. *The title of the information collection:* 10 CFR part 140, ''Financial Protection Requirements and Indemnity Agreements.''

2. *OMB approval number:* 3150–0039.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* N/A.

5. *How often the collection is required or requested:* On occasion, as needed for the licensees to meet their responsibilities called for in Sections 170 and 193 of the Atomic Energy Act of 1954.

6. *Who will be required or asked to respond:* Licensees authorized to operate reactor facilities in accordance with part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), or a holder of a combined license under 10 CFR part 52, and licensees authorized to construct and operate a Uranium enrichment facility in accordance with 10 CFR parts 40 and 70.

7. *The estimated number of annual responses:* 102.

8. *The estimated number of annual respondents:* 101.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 803.

10. *Abstract:* Information submitted by licensees pursuant to 10 CFR part 140 enables the NRC to assess (a) the financial protection required of licensees and for the indemnification and limitation of liability of certain licensees and other persons pursuant to Section 170 of the Atomic Energy Act of 1954, as amended, and (b) the liability insurance required of Uranium enrichment facility licensees pursuant to Section 193 of the Atomic Energy Act of 1954, as amended.

lll. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 11th day of June, 2015.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2015–14716 Filed 6–15–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–263; NRC–2014–0207]

Northern States Power Company—Minnesota; Monticello Nuclear Generating Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Northern States Power Company, a Minnesota corporation, doing business as Xcel Energy, to withdraw its application dated June 17, 2014, for a proposed amendment to Renewed Facility Operating License No. DPR–22, for the Monticello Nuclear Generating Plant. The proposed amendment would have revised the required pressure for operability of the Alternate Nitrogen System as specified in Technical Specification Surveillance Requirement 3.5.1.3.b.

ADDRESSES: Please refer to Docket ID NRC–2014–0207 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–2014–0207. 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 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: Terry A. Beltz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3049, email: *Terry.Beltz@nrc.gov*.

SUPPLEMENTARY INFORMATION: The NRC has granted the request of Northern States Power Company—Minnesota (the licensee) to withdraw its application dated June 17, 2014 (ADAMS Accession No. ML14168A486), for a proposed amendment to the Monticello Nuclear Generating Plant, located in Wright County, Minnesota.

The proposed amendment would have revised the required pressure for operability of the Alternate Nitrogen System as specified in Technical Specification Surveillance Requirement 3.5.1.3.b.

The NRC published a Biweekly Notice in the **Federal Register** on September 30, 2014 (79 FR 58822), that gave notice that this proposed amendment was under consideration by the NRC. However, by letter dated May 29, 2015 (ADAMS Accession No. ML15149A405), the licensee requested to withdraw the proposed amendment.

Dated at Rockville, Maryland, this 10th day of June 2015.

For the Nuclear Regulatory Commission.

Terry A. Beltz,

Senior Project Manager, Plant Licensing Branch III–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–14794 Filed 6–15–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0116]

Information Collection: NRC Form 244, Registration Certificate—Use of Depleted Uranium Under General License

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''NRC Form 244, Registration Certificate—Use of Depleted Uranium Under General License.''

DATES: Submit comments by August 17, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0116. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Tremaine Donnell, Office of Information Services, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0116 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0116.
- *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 supporting statement and is available in ADAMS under Accession No. ML15075A299.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV*.

B. Submitting Comments

Please include Docket ID NRC–2015–0116 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 244, ''Registration Certificate—Use of Depleted Uranium Under General License.''

2. *OMB approval number:* 3150–0031.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 244.

5. *How often the collection is required or requested:* Within 30 days after the first receipt or acquisition of depleted uranium. Any changes in information furnished by the registrant in the NRC Form 244 shall be reported in writing to the Director, Office of Nuclear Material Safety and Safeguards, with a copy to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in appendix D of 10 CFR part 20; this report shall be submitted within 30 days after the effective date of such change.

6. *Who will be required or asked to respond:* Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established in 10 CFR 40.25(a).

7. *The estimated number of annual responses:* 9.4 responses (1.3 NRC licensee responses and 8.1 Agreement State licensee responses).

8. *The estimated number of annual respondents:* 7.2 respondents (1 NRC licensee and 6.2 Agreement State licensees).

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 9.4 hours (1.3 NRC licensee hours and 8.1 Agreement State licensee hours).

10. *Abstract:* Part 40 of Title 10 of the *Code of Federal Regulations* (10 CFR), establishes requirements for the receipt, possession, use and transfer of radioactive source and byproduct materials. Section 40.25 established a general license authorizing the use of depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device. The NRC Form 244 is used to report the receipt and transfer of depleted uranium, as required by § 40.25. The registration information required by the NRC Form 244 enables the NRC to make a determination on whether the possession, use, or transfer of depleted uranium source and byproduct material is in conformance with the NRC's regulations for the protection of public health and safety.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 11th day of June, 2015.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2015–14717 Filed 6–15–15; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75143; File No. SR–C2–2015–013]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Automated Improvement Mechanism Order Allocations

June 10, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 3, 2015, C2 Options Exchange, Incorporated (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 amend Rule 6.51 relating to the functionality of its Automated Improvement Mechanism (''AIM''). The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its AIM auction Rule 6.51 to provide that in instances where an Initiating Participant electronically submits an order that it represents as agent (''Agency Order'') into an AIM Auction (''Auction''), which the Initiating Participant is willing to automatically match (''auto-match'') as principal the price and size of all Auction responses up to an optional designated limit price and there is only one competing Participant at the final Auction price level, the Initiating Participant may be allocated up to fifty percent (50%) of the size of the order. The Exchange also proposes to add language in Rule 6.51 to more fully describe the manner in which any remaining contracts will be allocated at the conclusion of an Auction and make other non-substantive changes to Rule 6.51 to update terminology in the Rule. This is a competitive filing that is substantially and materially based on the price improvement auction rules of BOX Options Exchange, LLC (''BOX''),[3] Nasdaq PHLX MKT (''PHLX''),[4] and NYSE MKT LLC (''NYSE MKT'').[5] Also, the filing is, in all material respects, substantially similar to Chicago Board Options Exchange, Incorporated (''CBOE'') filing, SR–CBOE–2015–043, which was recently filed with the Securities and Exchange Commission (the ''Commission'').[6]

Pursuant to Rule 6.51(b)(3), upon conclusion of an Auction, an Initiating Participant will retain certain priority and trade allocation privileges for both Agency Orders that the Initiating Participant seeks to cross at a single price (''single-price submissions'') and Agency Orders that the Initiating Participant[7] is willing to automatically

[3] *See* BOX Rule 7150(h).

[4] *See* PHLX Rule 1080(n).

[5] *See* NYSE MKT Rule 9.71.1NY(c).

[6] *See* Securities and Exchange Act Release No. 74864 (May 4, 2015), 80 FR 26601 (May 8, 2015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Automated Improvement Mechanism Order Allocation) (SR–CBOE–2015–043); *see also* CBOE Rule 6.74A.

[7] Rule 6.51(b)(3)(F) currently contains a typographical error in that it provides that if only one Market-Maker matches the Initiating Participant's single price submission then the Initiating Participant may be allocated up to 50% of the order. Under Rule 6.51(b)(1)(D), however, responses to RFRs may be submitted by all Participant that have subscribed to receive auction messages, not only Market-Makers. As described below, this typographical error would be changed upon the operability of the instant filing.

match, as principal, the price and size of all Auction responses (''auto-match submissions''). Under current Rule 6.51(b)(3)(F), if the best competing Auction response price equals the Initiating Participant's single-price submission, the Initiating Participant's single-price submission shall be allocated the greater of one contract or a certain percentage of the order, which percentage will be determined by the Exchange and may not be larger than 40%. However, if only one competing Participant matches the Initiating Participant's single price submission then the Initiating Participant may be allocated up to 50% of the order.

Similarly, current Rule 6.51(b)(3)(G) provides that if the Initiating Participant selects the auto-match option for the Auction, the Initiating Participant shall be allocated its full size at each price point until a price point is reached where the balance of the order can be fully executed. At such price point, the Initiating Participant shall be allocated the greater of one contract or a certain percentage of the remainder of the order, which percentage will be determined by the Exchange and may not be larger than 40%. Notably, unlike the single-price submission rules in Rule 6.51(b)(3)(F), current Rule 6.51(b)(3)(G) provides that an Initiating Participant would only receive an allocation of up to 40% for orders that are matched at the final price level by only one competing Participant when the auto-match option is selected for the Agency Order. The Exchange believes this result to be inconsistent within the Rules and that Initiating Participants that price orders more aggressively using the auto-match option should receive allocations at least equal to Participants that select the single-price submission option for an Auction.

Accordingly, the Exchange proposes to amend Rule 6.51(b)(3)(G) to provide that if only one competing Participant is present at the final Auction price, then the Initiating Participant may be allocated up to 50% of the remainder of the Agency Order at the final Auction price level. As discussed above, current Rule 6.51(b)(3)(G) provides that an Initiating Participant will receive an allocation of up to 40% for orders that are matched at the final price level by only one competing Participant when the auto-match option is selected by the Initiating Participant for the Auction. The Exchange believes this result to be inconsistent within the Rules and believes that Initiating Participants that price orders more aggressively using the auto-match option should receive allocations at least equal to those that select the single-price submission option. The Exchange also believes proposed rule change will more closely align the language in Rule 6.51(b)(3)(G) with the language in Rule 6.51(b)(3)(F) and will thus, provide additional internal consistency within the Rules by harmonizing order allocations of single-price submissions and auto-match Auction orders in instances where there is only one competing order at the final Auction price level. Furthermore, the proposed rule change will bring the Exchange's AIM rules in line with the Rules of other competitor exchanges with which the Exchange competes for order flow.

The Exchange notes that the proposed rule change would not affect the priority of public customer orders under Rule 6.51(b)(3)(B). Public customer orders in the book would continue to have priority even in cases in which a public customer order is resting in the book at the final Auction price. For example, suppose that the national best bid (''NBB'') for a particular option is $1.00 and the national best offer (''NBO'') for the option is $1.20 and that the NBB is an order to buy 10 contracts resting in the book on C2. The minimum increment in the option series is $0.01. An Initiating Participant at C2 submits an auto-match Agency Order to sell 100 options contracts in the series. The Auction begins and, during the auction, one competing Participant submits an Auction response to buy 50 contracts at $1.00. The Auction then concludes. In this case, the public customer order resting in the book would have priority and be allocated 10 contracts with the remaining 90 contracts being allocated 50/50 to the responding Participant and the Initiating Participant, 45 contracts each.

Similarly, a public customer order resting in the book at a final Auction price level worse than the best Auction response will also retain priority in the book. Accordingly, assume again that the national best bid (''NBB'') for a particular option is $1.00 and the national best offer (''NBO'') for the option is $1.20 and that the NBB is an order to buy 10 contracts resting in the book on C2. The minimum increment in the option series is $0.01. An Initiating Participant at C2 submits an auto-match Agency Order to sell 100 options contracts in the series. The Auction begins and during the Auction, one competing Participant (''P1'') submits an Auction response to buy 20 contracts at $1.02, a second Participant (''P2'') submits an Action response to buy 20 contracts at $1.01, and a third Participant (''P3'') submits an Auction response to buy 20 contracts at $1.00. The Auction then concludes. In this case, P1 and the Initiating Participant would each be allocated 20 contracts at $1.02 and P2 and the Initiating Participant would each be allocated 20 contracts at $1.01 since the Initiating Participant is willing to match the price and size at each improved price level. The remaining 20 contracts would be allocated 10 to the public customer order resting in the book at $1.00 because the public customer would retain priority at that price level with the remaining 10 contracts being allocated 50/50 to P3 and the Initiating Participant, 5 contracts each.[8]

The Exchange believes that increasing the Initiating Participant's allocation priority for auto-match submissions that only have one competing order at the final price level fairly distributes the order when there are only two counterparties to the Agency Order involved in the Auction at the final Auction price, and that doing so is reasonable because of the value that Initiating Participants provide to the market. Initiating Participants selecting the auto-match option for Agency Orders guarantee an execution at the NBBO or at a better price, and are subject to a greater market risk than single-price submissions while the order is exposed to other AIM participants. As such, the Exchange believes that the value added from Initiating Participants, guaranteeing execution of Agency Orders at a price equal to or better than the NBBO in combination with the additional market risk of initiating auto-match submissions warrants an allocation priority of at least the same percentage as Initiating Participants that submit single-price orders into AIM. The Exchange also believes that the proposed rule change, like other price improvement allocation programs currently offered by competitor exchanges, will benefit investors by attracting more order flow as well as increasing the frequency that

[8] The Exchange notes that an unrelated public customer market or marketable limit order on the opposite side of the market from the Agency Order that is received during an Auction will end the Auction and trade against the Agency Order at the midpoint of the best RFR response and the NBBO on the other side of the market from the RFR responses. *See* Rule 6.51(b)(3)(D). For example, assume that the NBBO is $1.00–$1.20. An Initiating Participant submits a matched Agency Order to sell 100 options contracts at in the series at $1.10. The Auction begins and during the Auction, one competing Participant submits an Auction response to buy 100 contracts at $1.15. Assume that after the first response is received, an unrelated public customer order to buy 100 contracts at $1.20 is received. This would conclude the auction early after which the public customer order would trade 100 contracts with the Agency Order at $1.17 (*i.e.* the midpoint between the best RFR response ($1.15) and the NBBO on the other side of the market from the RFR responses ($1.20)).

Participants initiate Auctions, which may result in greater opportunities for customer order price improvement. Moreover, as discussed above, the proposed rule change is consistent with the rules of other exchanges, including CBOE.[9]

The Exchange also proposes to add text to Rules 6.51(b)(3)(F) and (G) to describe the manner in which remaining contracts would be allocated at the conclusion of an Auction under the scenarios therein. Specifically, the Exchange proposes to amend paragraphs (F) and (G) to provide that (subject to public customer priority), after the Initiating Participant has received an allocation of up to 40% of the Agency Order (or 50% of the Agency Order if there is only one other RFR response), contracts shall be allocated among remaining quotes, orders, and auction responses (*i.e.* interests other than the Initiating Participant) at the final auction price in accordance with the matching algorithm in effect for the subject class. If all RFR Responses are filled (*i.e.* no other interests remain), any remaining contracts will be allocated to the Initiating Participant at the single-price submission price for single-price submissions or, for auto-match submissions, to the Initiating Participant at the auction start price as specified under Rule 6.51(b)(1)(A). The Exchange believes that this additional language would add clarity in the Rules with respect to how remaining odd-lots will be allocated at the conclusion of an Auction.[10]

For example, suppose that the NBBO for a particular option is $1.00–$1.20. The minimum increment for the series is $0.01 and the matching algorithm in effect for the option class is pro rata. An Initiating Participant submits a matched Agency Order to sell 5 contracts at $1.10. The Auction begins and, during the auction, one competing Participant (''P1'') submits an Auction response to buy 5 contracts at $1.10, followed by another Participant (''P2'') submitting an Auction response to buy 5 contracts at $1.10. The Auction concludes. In this case, under proposed Rule 6.51(b)(3)(F), the Initiating Participant would receive an allocation up to 40%, or, in this case, 2 contracts at $1.10. P1 and P2 would then receive 1 contract each at $1.10 according to the pro rata allocation algorithm in place for the class with P1, as the first responder, receiving the final 1 contract at the final auction price of $1.10.[11]

Similarly, suppose that the NBBO for a particular option is $1.00–$1.20. The minimum increment for the series is $0.01 and the matching algorithm in effect for the option class is pro rata. An Initiating Participant submits a matched Agency Order to sell 5 contracts at $1.10. The Auction begins and, during the auction, one competing Participant (''P1'') submits an Auction response to buy 1 contract at $1.10, followed by another Participant (''P2'') submitting an Auction response to buy 1 contract at $1.10. The Auction concludes. In this case, under proposed Rule 6.51(b)(3)(F), the Initiating Participant would receive an allocation up to 40%, or, in this case, 2 contracts at $1.10. P1 and P2 would then receive 1 contract each at $1.10 according to the pro rata allocation algorithm in place for the class. With no other RFR responder interest for the Auction, however, proposed Rule 6.51(b)(3)(F) will simply make clear that if all RFR Responses are filled (*i.e.* no other interests remain), any remaining contracts will be allocated to the Initiating Participant at the single-price submission price. In this case, the final 1 contract would be allocated to the Initiating Participant at $1.10.

Remaining odd-lots for auto-match submissions would be similarly allocated under proposed Rule 6.51(b)(3)(G), except that if all RFR Responses are filled (*i.e.* no other interests remain), any remaining contracts will be allocated to the Initiating Participant at the auction start price as specified under Rule 6.51(b)(1)(A). Accordingly, suppose that the NBBO for a particular option is $1.00–$1.20. The minimum increment for the series is $0.01 and the matching algorithm in effect for the option class is pro rata. An Initiating Participant submits an auto-matched Agency Order to sell 5 contracts. In this case, because no Auction stop price is specified, the Auction would begin at the NBBO, or $1.20.[12] Assume that the Auction begins and, during the auction, one competing Participant (''P1'') submits an Auction response to buy 1 contracts at $1.18, followed by another Participant (''P2'') submitting an Auction response to buy 1 contract at $1.17. The Auction concludes. In this case, P2 and the Initiating Participant would each receive 1 contract at $1.17 and P1 and the Initiating Participant would each receive 1 contract at $1.18. Because all RFR Responses would then be filled (*i.e.* no other interests remain), any remaining contracts will be allocated to the Initiating Participant at the Auction start price or, in this case, 1 contract at $1.20.

The Exchange notes that the proposed amendments are based on, and consistent with, the rules of other competitor exchanges as well as a recent filing of CBOE.[13] The Exchange believes that the value added from Initiating Participants guaranteeing execution of Agency Orders at a price equal to or better than the NBBO warrants (to the extent that the Initiating Participants is on the final Auction price), an Auction allocation priority of at least the same percentage of the order as any competing Auction responses. The Exchange also believes that the proposed rule change, like other price improvement allocation programs currently offered by competitor exchanges, will benefit investors by attracting more order flow as well as increasing the frequency that Participants initiate Auctions, which may result in greater opportunities for customer order price improvement.

Additionally, the Exchange is proposing to add additional clarifying language to Rule 6.51. Specifically, the Exchange proposes correct a typographical error in the second sentence of Rule 6.51(b)(3)(F), deleting the term ''Market-Maker'' and replacing it with the term ''competing Participant'' to make clear that all Participants that subscribe to receive auction messages on the Exchange may respond to Auctions and thus, may be present at the final Auction price. The Exchange notes that the proposed language is consistent with the current Rule and would also be consistent with the rule text of Rule 6.51(b)(1)(D), which provides that ''[r]esponses to RFRs may be submitted by Participants.'' The Exchange also proposes to add a comma after the word submission in the second sentence of Rule 6.51(b)(3)(F) for

[9] *See, e.g.,* BOX Rule 7150(h); NYSE MKT Rule 9.71.1NY(c)(5)(B). *See also* Securities and Exchange Act Release No. 74864 (May 4, 2015), 80 FR 26601 (May 8, 2015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Automated Improvement Mechanism Order Allocation) (SR–CBOE–2015–043); CBOE Rule 6.74A.

[10] The Exchange notes that such remaining contracts are currently allocated to the Initiating Participant in excess of the up to 40% (50% if there is only one other Market-Marker or Participant representing an Agency Order) of the order that the Initiating Participant may receive under the Exchange's existing Rules pursuant to the provision that the Initiating Participant will be allocated the greater of one contract or up to 40% (50% if there is only one other Market-Marker or Participant representing an Agency Order) at the final Auction price.

[11] *See* Rules 6.12(a).

[12] *See* Rule 6.51(b)(1)(A).

[13] *See, e.g.,* NYSE MKT Rule 9.71.1NY(c)(5); PHLX Rule 1080(n)(ii)(E). *See also* Securities and Exchange Act Release No. 74864 (May 4, 2015), 80 FR 26601 (May 8, 2015) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Automated Improvement Mechanism Order Allocation) (SR–CBOE–2015–043); CBOE Rule 6.74A.

grammatical purposes. The Exchange strives for transparency in its Rules and believes these non-substantive changes will provide greater clarity for market participants. The Exchange believes that these changes are non-controversial as they simply clarify the Exchange's already existing AIM rules.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[14] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [15] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule changes protect investors by fairly distributing the allocation of the AIM order between the Initiating Participant and Participants that respond to price improvement auctions, and clarifying the Rules with respect to the distribution of AIM orders when only there are only two counterparties to an Auction and/or the number of contracts remaining at the final Auction price cannot be evenly distributed at the end of an Auction. The Exchange believes that the proposed rule changes, like other price improvement programs currently offered by competing exchanges, will benefit investors by attracting more order flow as well as increasing the frequency that Participants submit orders to Auction, which may result in greater opportunity for price improvement for customers. Moreover, the proposed rule change is consistent with the Rules of other exchanges. With respect to the proposed clarifying additions to Rule 6.51, the Exchange believes that the proposed changes will benefit market participants by adding additional transparency and clarity to the Rules.

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 proposed changes are meant to more fairly distribute the order allocation when there are only two counterparties to an Auction auto-match order. The Exchange does not believe that this change will discourage any market participants from entering into the AIM, as the auto-match option of the AIM is more aggressive in terms of risk and therefore, increasing the allocation to up to 50% of the remainder for the Initiating Participant when there is only one competing order at the final price level is a more fair and reasonable allocation mechanism and would likely only increase the number of Participants that select the auto-match option to initiate Auctions.

Furthermore, the Exchange notes that the proposed rule change is a competitive response to similar provisions in the price improvement auction rules of BOX, PHLX, and NYSE MKT.[17] The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish more uniform price improvement auction rules on the various exchanges. The Exchange is also seeking the proposed rule change to align the allocation priorities for AIM single-price and auto-match submissions for Initiating Participants when there is only one competing order at the final price level within its rules. As mentioned earlier, auto-match submissions carry more risk than single-price submissions and as a result, should be given at least the same allocation priority as single-price submissions. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish more uniform price improvement auction rules on the various exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [18] and Rule 19b–4(f)(6) [19] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–C2–2015–013 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–C2–2015–013. This file number should be included on the subject line if email is used. To help the

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *Id.*

[17] *See* BOX Rule 7150; NYSE MKT Rule 971.1NY, PHLX Rule 1080.

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such short time as designated by the Commission. The Exchange has satisfied this requirement.

Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2015–013 and should be submitted on or before July 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14672 Filed 6–15–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75141; File No. SR–NASDAQ–2015–060]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Chapter VI, Section 18 of the Exchange's Options Rules

June 10, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1], and Rule 19b–4[2] thereunder, notice is hereby given that, on June 4, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II 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 amend Chapter VI, Section 18 of the Exchange's options rules.

The text of the proposed rule change is below; proposed new language is italicized; proposed deletions are in brackets.

* * * * *

NASDAQ Stock Market Rules

* * * * *

Options Rules

* * * * *

Chapter VI Trading Systems

* * * * *

Sec. 18 Order Price Protection

Order Price Protection (''OPP'') is a feature of the System that prevents certain day limit, good til cancelled, and immediate or cancel orders at prices outside of pre-set standard limits from being accepted by the System. OPP applies to all options but does not apply to market orders or Intermarket Sweep Orders.

(a) OPP is operational each trading day after the opening until the close of trading, except during trading halts. [The Exchange may also temporarily deactivate OPP from time to time on an intraday basis at its discretion if it determines that volatility warrants deactivation. Participants will be notified of intraday OPP deactivation due to volatility and any subsequent intraday reactivation by the Exchange through the issuance of system status messages.]

(b) OPP will reject incoming orders that exceed certain parameters according to the following algorithm:

(i) If the *better of the* NBBO *or the internal market BBO (the ''Reference BBO'')* on the contra-side of an incoming order is greater than $1.00, orders with a limit more than 50% through such contra-side [NBBO] *Reference BBO* will be rejected by the System upon receipt. For example, if the [NBBO] *Reference BBO* on the offer side is $1.10, an order to buy options for more than $1.65 would be rejected. Similarly, if the [NBBO] *Reference BBO* on the bid side is $1.10, an order to sell options for less than $0.55 will be rejected.

(ii) If the [NBBO] *Reference BBO* on the contra-side of an incoming order is less than or equal to $1.00, orders with a limit more than 100% through such contra-side [NBBO] *Reference BBO* will be rejected by the System upon receipt. For example, if the [NBBO] *Reference BBO* on the offer side is $1.00, an order to buy options for more than $2.00 would be rejected. However, if the [NBBO] *Reference BBO* of the bid side of an incoming order to sell is less than or equal to $1.00, the OPP limits set forth above will result in all incoming sell orders being accepted regardless of their limit.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend and correct Chapter VI, Section 18 of the NOM Rulebook which describes Order Price Protection (''OPP''), a feature of the NOM trading system that prevents certain day limit, good till cancelled, and immediate or cancel orders at prices outside of pre-set standard limits from being accepted by the System. The amendments also remove language providing for the temporary deactivation of OPP from time to time on an intraday basis at the Exchange's discretion if the Exchange determines that volatility warrants deactivation.

OPP applies to all options but does not apply to market orders or Intermarket Sweep Orders. OPP is operational each trading day after the opening until the close of trading, except during trading halts. Chapter VI, Section 18 also currently provides that the Exchange may temporarily deactivate OPP from time to time on an intraday basis at its discretion if it determines that volatility warrants deactivation. Participants are notified of

[20] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

intraday OPP deactivation due to volatility and any subsequent intraday reactivation by the Exchange through the issuance of system status messages.

OPP rejects incoming orders that exceed certain parameters. Currently, Chapter VI, Section 18(b) establishes those parameters with reference to the NBBO. It states that if the NBBO on the contra-side of an incoming order is greater than $1.00, orders with a limit more than 50% through such contraside NBBO will be rejected by the system upon receipt. For example, the rule provides that if the NBBO on the offer side is $1.10, an order to buy options for more than $1.65 would be rejected. Similarly, the rule states that if the NBBO on the bid side is $1.10, an order to sell options for less than $0.55 will be rejected. The rule provides that if the NBBO on the contra-side of an incoming order is less than or equal to $1.00, orders with a limit more than 100% through such contra-side NBBO will be rejected by the system upon receipt. For example, under the rule if the NBBO on the offer side is $1.00, an order to buy options for more than $2.00 would be rejected. However, the rule provides that if the NBBO of the bid side of an incoming order to sell is less than or equal to $1.00, the OPP limits set forth above will result in all incoming sell orders being accepted regardless of their limit.

The Exchange has determined that a discrepancy exists between this rule description of how the OPP process works and how the system actually functions in cases where Price Improving Orders are present. Price Improving Orders may be submitted in $0.01 increments on NOM rather than at the minimum price variation (''MPV'').[3] These Price Improving Orders are considered part of the Exchange's internal market BBO at their non-MPV limit and are displayed at the allowable MPV price as part of the NBBO. While Chapter VI, Section 18 states that the NBBO is used for OPP determinations as described above, the system is actually basing OPP determinations on the better of (a) the NBBO, or (b) the Exchange's internal market BBO, which may differ from the NBBO due to the presence of Price Improving Orders. The Exchange is proposing to correct this discrepancy by deleting the term ''NBBO'' in each instance where it appears in Chapter VI, Section 18 and replacing it with the term ''Reference BBO'' which will be defined in the rule as the better of the NBBO or the internal market BBO.

Finally, the Exchange is removing from Chapter VI, Section 18 the statements that the Exchange may temporarily deactivate OPP from time to time on an intraday basis at its discretion if it determines that volatility warrants deactivation, and that members will be notified of intraday OPP deactivation due to volatility and any subsequent intraday reactivation by the Exchange through the issuance of system status messages. The Exchange currently lacks the technology to implement intraday OPP deactivation and is deleting the language which suggests that it has such capability.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by amending and correcting the rule text to that it accurately reflects the functioning of the trading system. The amendments concerning the Reference BBO and the elimination of references to intraday deactivation of the OPP are both intended to improve the accuracy of the rule. The Exchange believes that the amendments should promote just and equitable principles of trade as well as protect investors and the public interest by making clear how OPP determinations are actually made on the Exchange and by eliminating the potential for confusion inherent in the statement that the Exchange may temporarily deactivate OPP on an intraday basis when in fact it lacks the technical capacity to do so. Calculating OPP on the basis of the better of the NBBO or the internal market BBO rather than solely on the basis of the NBBO protects investors and the public interest by extending the benefits of OPP to orders received in instances where the internal market BBO is better than the NBBO.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, as the amendments to Chapter VI, Section 18 will apply uniformly to all market participants availing themselves of the OPP feature. Nor will the proposal impose a burden on competition among the options exchanges, because of the vigorous competition for order flow among the options exchanges. To the extent that market participants disagree with the particular approach taken by the Exchange herein, market participants can easily and readily direct order flow to competing venues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[4] and Rule 19b–4(f)(6) thereunder.[5]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[6] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)[7] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it would allow the Exchange to immediately correct the inaccuracy with respect to the NBBO described above, as well as eliminate language suggesting the Exchange possesses the capability to temporarily deactivate OPP on an intraday basis when in fact this is not the case. The Exchange believes that the public interest would not be served by preserving these inaccuracies in its rules during a notice and comment period for

[3] *See* Chapter VI, Section 1, which provides that Price Improving Orders are orders to buy or sell an option at a specified price at an increment smaller than the minimum price variation in the security. Price Improving Orders may be entered in increments as small as one cent. Price Improving Orders that are available for display shall be displayed at the minimum price variation in that security and shall be rounded up for sell orders and rounded down for buy orders.

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has determined to waive the five-day pre-filing period in this case.

[6] 17 CFR 240.19b–4(f)(6).

[7] 17 CFR 240.19b–4(f)(6).

this proposed rule change. The Commission believes that waiving the 30-day operative delay [8] is consistent with the protection of investors and the public interest and designates the proposal operative on filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2015–060 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–060. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–060 and should be submitted on or before July 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14670 Filed 6–15–15; 8:45 am]

BILLING CODE 8011–01–P

[8] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75142; File No. SR–Phlx–2015–48]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Exchange's Pricing Schedule Under Section VIII With Respect to Execution and Routing of Orders in Securities Priced at $1 or More Per Share

June 10, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1], and Rule 19b–4 [2] thereunder, notice is hereby given that, on June 1, 2015, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule under Section VIII, entitled ''NASDAQ OMX PSX FEES,'' with respect to execution and routing of orders in securities priced at $1 or more per share.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the charges assessed and credits provided for the execution of securities priced at $1 or more. Specifically, the Exchange is amending what it assesses a member organization entering order that executes in NASDAQ OMX PSX System (''PSX''), and it is eliminating the additional credit provided to a member firm with a displayed quotes/order with a size of 2,000 or more shares.

The Exchange currently assesses a member organization a charge of $0.0029 per share executed for an order entered by a member organization that executes on PSX, regardless of the exchange that the security is listed on. The Exchange had previously applied different charges for execution of an order based on listing venue, but recently harmonized the charge for all orders that execute on PSX.[3] The Exchange is now proposing to reduce the charge assessed a member organization for receiving an execution on PSX in a Nasdaq-listed security from $0.0029 per share executed to $0.0028 per share executed. The Exchange is also proposing to reduce the charge for receiving an execution on PSX in New York Stock Exchange (''NYSE'')-listed securities and securities listed on

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 74880 (May 6, 2015), 80 FR 27207 (May 12, 2015) (SR–NASDAQ–2015–45).

exchanges other than Nasdaq or NYSE from $0.0029 per share executed to $0.0027 per share executed.

The Exchange is also proposing to eliminate the additional credit it provides for certain displayed quotes and orders. Currently, the Exchange provides a $0.0001 credit per share executed in addition to other credits provided for displayed quotes and orders, if the order size is at least 2,000 shares. Orders modified by the PSX participant entering the order or by the PSX System processes so that after such modification the unexecuted order size is below 2,000 shares will no longer qualify for the credit. The credit is designed to provide additional incentive to PSX participants to provide market improving participation in the form of displayed orders and quotes. The Exchange has observed that the credit has not significantly improved market quality, so it is eliminating it accordingly.

2. Statutory Basis

The Exchange believes that the proposed rule changes are consistent with the provisions of Section 6 of the Act,[4] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed reduction in the charge currently assessed for execution on PSX is reasonable because the two new reduced charges are designed to attract order flow to PSX, thereby increasing liquidity to the benefit of all market participants. The Exchange believes that reducing the charge assessed for NYSE-listed securities and securities listed on exchanges other than Nasdaq or NYSE more than it is reducing the charge for Nasdaq-listed securities is reasonable because it is reflective of the Exchange's desire to provide greater incentive to market participants to enter orders into the PSX System in NYSE-listed securities and securities listed on exchanges other than Nasdaq or NYSE. The Exchange believes that the proposed reduction to the charge assessed for execution of an order on PSX is consistent with an equitable allocation of fees and is not unfairly discriminatory because the lower charges apply to all member organizations that enter orders that execute in PSX, based on the listing venue of the security. Moreover, the Exchange believes that assessing different charges based on the listing venue of the security is consistent with an equitable allocation of fees and is not unfairly discriminatory because it is reflective of the Exchange's use of fees and credits to provide incentive to market participants to improve market quality. In the instant case, the Exchange is reducing the charge assessed for orders that execute in PSX in NYSE-listed securities and securities listed on exchanges other than Nasdaq or NYSE more than it is reducing the analogous charge for the execution of orders Nasdaq-listed securities in an effort to provide greater incentive to all market participants to remove liquidity in securities listed on NYSE and securities listed on exchanges other than Nasdaq or NYSE.

The Exchange believes that eliminating the additional $0.0001 per share executed credit provided to market participants that enter displayed quotes and orders with an order size of 2,000 or more shares is reasonable because the credit has not had a significant impact in improving market quality in displayed orders and quotes. The Exchange must always assess the effectiveness of its transaction pricing in the form credits and reduced charges in improving market quality. To the extent such pricing does not significantly or efficiently achieve the goal of attracting liquidity and improving market quality, the Exchange will, as is the case here, eliminate the incentive pricing. The Exchange believes that eliminating the additional $0.0001 per share executed credit is consistent with an equitable allocation of fees and is not unfairly discriminatory because it will apply to all PSX participants equally. In this regard, the Exchange notes that the additional credit was available to any PSX participant that chose to enter orders or quotes that qualified for the credit. Additionally, the Exchange notes that PSX participants will continue to receive a credit of $0.0020 per share executed for a displayed quote or order, and may be eligible to receive other higher credits for displayed quotes and orders if they meet the criteria of each credit.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[6] Phlx notes that it operates in a highly competitive market in which market participants can readily favor dozens of different competing exchanges and alternative trading systems if they deem charges at a particular venue to be excessive, or credit opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its charges and credits to remain competitive with other exchanges. Because competitors are free to modify their own charges and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which changes to charges and credits in this market may impose any burden on competition is extremely limited.

In this instance, the Exchange is proposing to reduce the charge assessed for removing liquidity from PSX and eliminating an ineffective credit that has not significantly improved market quality. These changes do not impose a burden on competition because participation in PSX is optional and is the subject of competition from other exchanges. The reduced charges are reflective of the Exchange's intent to increase the order flow on PSX. Eliminating an ineffective credit frees the Exchange to apply different pricing incentives to attract liquidity to PSX. For these reasons, the Exchange does not believe that any of the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets. Moreover, because there are numerous competitive alternatives to the use of the Exchange, it is likely that the PSX will lose market share as a result of the changes if they are unattractive to market participants.

Accordingly, Phlx does not believe that the proposed rule changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4) and (5).

[6] 15 U.S.C. 78f(b)(8).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[7] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2015–48 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number *SR–Phlx–2015–48.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2015–48 and should be submitted on or July 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14671 Filed 6–15–15; 08:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75139; File No. SR–NYSE–2015–28]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the Price List To Revise Fees and Credits for Mid-Point Passive Liquidity Orders and Non Displayed Reserve Orders and To Revise Credits Applicable to Certain Transactions at the Open, Certain Designated Market Maker Transactions, and Certain Supplemental Liquidity Provider Transactions

June 10, 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 27, 2015, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') 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 self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to revise (i) fees and credits for Mid-Point Passive Liquidity Orders and Non-Displayed Reserve Orders; (ii) credits applicable to certain transactions at the open; (iii) credits applicable to certain Designated Market Maker transactions; and (iv) credits applicable to Supplemental Liquidity Providers. The Exchange proposes to implement the fee change effective June 1, 2015. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to revise (i) fees and credits for Mid-Point Passive Liquidity (''MPL'') Orders and Non-Displayed Reserve Orders; (ii) credits applicable to certain transactions at the open; (iii) credits applicable to certain Designated Market Maker (''DMM'') transactions; and (iv) credits applicable to Supplemental Liquidity Providers (''SLPs'').

MPL Orders and Non-Displayed Reserve Orders

An MPL Order is an undisplayed limit order that trades at the mid-point of the best protected bid (''PBB'') and best protected offer (''PBO''), as such terms are defined in Regulation NMS Rule 600(b)(57) (together, ''PBBO'').

The Exchange currently charges $0.0025 per share for all MPL Orders, not designated as ''retail'' under Rule 13, for securities priced $1.00 or more that remove liquidity from the

Exchange. The Exchange proposes to amend its Price List to increase the charge for such MPL Orders from $0.0025 per share to $0.0027 per share.

The proposed change would not affect transaction fees for MPL Orders that remove liquidity from the Exchange and that are designated with a ''retail modifier'' as defined in Rule 13.[4]

The Exchange currently provides a credit of $0.0020 per share for executions of MPL Orders that provide liquidity for securities priced $1.00 or more. With respect to market participants, including floor brokers and SLPs, but not DMMs, the Exchange proposes to amend its Price List to replace the credit of $0.0020 per share for MPL Orders that provide liquidity for securities priced $1.00 or more with the following credits:

- A $0.0030 per share transaction credit for MPL Orders that provide liquidity from a member organization that has Adding ADV in MPL Orders that is at least 1.5 million shares, excluding any liquidity added by a Designated Market Maker (''MPL Order Tier'').[5]
- A $0.0015 per share transaction credit for MPL Orders that provide liquidity from a member organization that does not meet the above Adding ADV threshold.

Because the credits for MPL Orders that add liquidity would be as specified above, the Exchange also proposes to add, to each of the descriptions of the Non-Tier Adding Credit, Tier 1 Adding Credit, Tier 2 Adding Credit, Tier 3 Adding Credit, the Equity per Share Credit for retail orders, and the Credit per Share for execution of orders sent to floor brokers, language that excludes MPL orders from the applicable credit. For SLP Tier 1, SLP Tier 2, and SLP Tier 3 (as defined below in ''SLPs''), the Exchange also proposes to add language that excludes MPL Orders from the applicable credit.

In addition, the Exchange proposes to amend its Price List to increase the transaction credit for DMMs in securities with a per share price of $1.00 or more of $0.0020 per share for MPL Orders that provide liquidity to the Exchange to $0.0030 per share for MPL Orders that provide liquidity to the Exchange. For clarity, the Exchange is proposing to specify this credit for liquidity by adding MPL Orders separately in the Price List under the section entitled ''Fees and Credits applicable to Designated Market Makers (''DMMs'').'' Further, the Exchange is proposing to include language that excludes MPL orders from the other DMM per share rebates for adding liquidity.

Finally, the Exchange currently provides a credit of $0.0010 per share for executions of Non-Displayed Reserve Orders for market participants, other than SLPs, that provide liquidity. The Exchange proposes to eliminate that credit. Accordingly, the Exchange is proposing to add to each of the descriptions of the Non-Tier Adding Credit, Tier 1 Adding Credit, Tier 2 Adding Credit, Tier 3 Adding Credit, and the Equity per Share Credit for retail orders language that excludes Non-Displayed Reserve Orders from the applicable credit.

Credits for Execution of Certain Orders at the Opening

The Exchange proposes to amend its Price List for certain executions at the opening.

For securities priced $1.00 or more, the Exchange currently charges a fee of $0.0010 per share for executions at the opening or at the opening only orders, subject to a monthly fee cap of $20,000 per member organization for such executions. The Exchange proposes to raise the monthly fee cap for transaction fees for at the opening or at the opening only orders to $30,000 per member organization for securities priced $1.00 or greater.[6] The $0.0010 per share fee for executions at the opening or at the opening only orders would not be changed. DMMs currently are not charged for executions at the opening and would continue to not be charged.

DMMs

The section of the Exchange's Price List entitled ''Fees and Credits applicable to Designated Market Makers (''DMMs'')'' sets out different monthly rebate amounts to DMMs depending on the average daily consolidated volume of the security and the DMM quoting percentage in any month in which the DMM meets the Less Active Securities Quoting Requirement. The DMM meets the ''Less Active Securities Quoting Requirement'' when a security has a consolidated ADV of less than 1,000,000 shares per month in the previous month and a stock price of $1.00 or more, and the DMM quotes at the National Best Bid or Offer (''NBBO'') in the applicable security at least 15% of the time in the applicable month.

The term ''ADV'' in this section currently is defined as ''average daily consolidated volume.'' The Exchange proposes to change the name of the term to ''Security CADV'' to clarify that the term refers to consolidated volume for the applicable security, and to remove any confusion with the term ''ADV'' as defined and used elsewhere in the Price List. The Exchange proposes to make conforming changes to use the term ''Security CADV'' in place of ''ADV'' throughout this section of the Price List.

The Exchange also proposes to change the monthly rebate amounts to DMMs depending on the Security CADV and the DMM quoting percentage. The monthly rebate payable to DMMs for securities with a Security CADV of 100,000 up to 250,000 shares in the previous month is currently $250 when the DMM quotes at the NBBO 20% of the time or more in an applicable security and $200 if the DMM quotes at the NBBO at least 15% and up to 20% of the time in an applicable month in an applicable security. For these securities, the Exchange proposes monthly rebates as follows:

- $450 rebate if the DMM quotes at the NBBO 50% of the time or more in an applicable security.
- $375 rebate if the DMM quotes at the NBBO at least 40% and up to 50% of the time in an applicable month in an applicable security.
- $300 rebate if the DMM quotes at the NBBO at least 30% and up to 40% of the time in an applicable month in an applicable security.
- $225 rebate if the DMM quotes at the NBBO at least 20% and up to 30% of the time in an applicable month in an applicable security.
- $150 rebate if the DMM quotes at the NBBO at least 15% and up to 20% of the time in an applicable month in an applicable security.

The current monthly rebate payable to DMMs for securities with a Security CADV of less than 100,000 shares in the previous month is $175 when the DMM quotes at the NBBO 20% of the time or more in an applicable security and $125 if the DMM quotes at the NBBO at least 15% and up to 20% of the time in an applicable month in an applicable security. For these securities, the Exchange proposes monthly rebates as follows:

- $400 rebate if the DMM quotes at the NBBO 50% of the time or more in an applicable security.
- $325 rebate if the DMM quotes at the NBBO at least 40% and up to 50%

[4] MPL Orders that remove liquidity from the Exchange and that are designated with a ''retail'' modifier as defined in Rule 13 would continue not to be charged transaction fees.

[5] Footnote 2 to the Price List defines ADV as ''average daily volume'' and ''Adding ADV'' as ADV that adds liquidity to the Exchange during the billing month. The Exchange is not proposing to change these definitions.

[6] The existing pricing for executions at the opening in securities priced below $1.00 would also remain unchanged (*i.e.,* 0.3% of the total dollar value of the transaction).

of the time in an applicable month in an applicable security.

• $250 rebate if the DMM quotes at the NBBO at least 30% and up to 40% of the time in an applicable month in an applicable security.

• $175 rebate if the DMM quotes at the NBBO at least 20% and up to 30% of the time in an applicable month in an applicable security.

• $100 rebate if the DMM quotes at the NBBO at least 15% and up to 20% of the time in an applicable month in an applicable security.

In addition, the Exchange proposes to add monthly rebates to the Price List for securities with a Security CADV of 250,000 up to 1,500,000 shares in the previous month, which would apply, as with the other two categories of rebates, in any month in which the DMM meets the Less Active Securities Quoting Requirement in an applicable security, and as follows:

• $500 rebate if the DMM quotes at the NBBO 50% of the time or more in an applicable security.

• $425 rebate if the DMM quotes at the NBBO at least 40% and up to 50% of the time in an applicable month in an applicable security.

• $350 rebate if the DMM quotes at the NBBO at least 30% and up to 40% of the time in an applicable month in an applicable security.

• $275 rebate if the DMM quotes at the NBBO at least 20% and up to 30% of the time in an applicable month in an applicable security.

• $200 rebate if the DMM quotes at the NBBO at least 15% and up to 20% of the time in an applicable month in an applicable security.

Finally, as noted above, because the Exchange is proposing to list separately the credit to DMMs for liquidity adding MPL Orders, the Exchange is proposing to exclude MPL orders from the other DMM per share rebates for adding liquidity listed in this section.

SLPs

SLPs are eligible for certain credits when adding liquidity to the Exchange. The amount of the credit is currently determined by the ''tier'' for which the SLP qualifies, which is generally based on the SLP's level of quoting and the ADV of liquidity added by the SLP in assigned securities.

Currently, when adding liquidity to the NYSE in securities with a share price of $1.00 or more, an SLP is eligible for a credit of $0.0023 per share traded if the SLP (1) meets the 10% average or more quoting requirement in assigned securities pursuant to Rule 107B and (2) adds liquidity for assigned SLP securities in the aggregate [7] of an ADV [8] of more than 0.20% of NYSE CADV,[9] or an SLP that is also a DMM and subject to Rule 107B(i)(2)(a),[10] more than 0.15% of NYSE CADV (''SLP Tier 3''). In the case of Non-Displayed Reserve Orders, the SLP credit is $0.0018 and in the case of MPL Orders, the credit is $0.0020. For less active SLP securities (*i.e.* securities with an ADV in the previous month of 500,000 share or less per month (''Less Active SLP Securities'')), the SLP is eligible for a per share credit of $0.0028; $0.0023 if a Non-Displayed Reserve Order; or $0.0020 if an MPL Order.

Similarly, an SLP adding liquidity in securities with a per share price of $1.00 or more is eligible for a per share credit of $0.0026 if the SLP: (1) Meets the 10% average or more quoting requirement in an assigned security pursuant to Rule 107B; and (2) adds liquidity for all assigned SLP securities in the aggregate of an ADV of more than 0.35% of NYSE CADV, or for an SLP that is also a DMM and subject to Rule 107B(i)(2)(a), more than 0.30% of NYSE CADV [11] (''SLP Tier 2''). In the case of Non-Displayed Reserve Orders, the SLP credit is $0.0021 and in the case of MPL Orders, the credit is $0.0020. For Less Active SLP Securities, the SLP is eligible for a per share credit of $0.0031; 0.0026 if a Non-Displayed Reserve Order; or $0.0020 if an MPL Order.

An SLP adding liquidity in securities with a per share price of $1.00 or more is eligible for a per share credit of $0.0029 if the SLP: (1) Meets the 10% average or more quoting requirement in an assigned security pursuant to Rule 107B; and (2) adds liquidity for all for assigned SLP securities in the aggregate of an ADV of more than 0.55% of NYSE CADV, or for an SLP that is also a DMM and subject to Rule 107B(i)(2)(a), more than 0.50% of NYSE CADV, the SLP is eligible for a per share credit of $.0029 (''SLP Tier 1''). In the case of Non-Displayed Reserve Orders, the credit is $0.0024 and in the case of MPL Orders, the credit is $0.0020. For Less Active SLP Securities, the SLP is eligible for a per share credit of $0.0034; $0.0029 if a Non-Displayed Reserve Order; or $0.0020 if an MPL Order.

Finally, an SLP adding liquidity in securities with a per share price of $1.00 or more that does not qualify for the credits described above is eligible for the applicable rate for the base SLP tier, which would be the rate that applies to the non-SLP activity of the member organization, *i.e.* the non-Tier Adding Credit, Tier 3 Adding Credit, Tier 2 Adding Credit or Tier 1 Adding Credit (''SLP Non-Tier''). In the case of Non-Displayed Reserve Orders, the credit is $0.0010 and in the case of MPL Orders, the credit is $0.0020.

The Exchange proposes to add defined terms identifying each of tiers for SLP credits, as defined above, in the Price List, as SLP Tier 1, SLP Tier 2, SLP Tier 3 and SLP Non-Tier.

The Exchange proposes to increase for SLP Tier 1 and SLP Tier 2 the ADV percentage requirement for SLPs and for SLPs that are also DMMs and subject to Rule 107B(i)(2)(A). The ADV percentage requirement for SLPs for SLP Tier 1 and SLP Tier 2 would increase from 0.55% to 0.90% and 0.35% to 0.45%, respectively. The ADV percentage requirement for SLPs that are also DMMs and subject to Rule 107B(i)(2)(A) for SLP Tier 1 and SLP Tier 2 would increase from 0.50% to 0.85% and 0.30% to 0.40%, respectively. The Exchange does not propose to change the ADV percentage requirement for SLP Tier 3.

The Exchange proposes, for each SLP tier, to decrease the credit for a Non-Displayed Reserve Order by $0.0010. Specifically, for Non-Displayed Reserve Orders the SLP Tier 1 credit would decrease from $0.0024 to $0.0014; the SLP Tier 2 credit would decrease from $0.0021 to $0.0011; the SLP Tier 3 credit would decrease from $0.0018 to $0.0008; and the SLP Non-Tier credit would decrease from $0.0010 to no credit.

The Exchange proposes to decrease the credit for a Non-Displayed Reserve Order for Less Active SLP Securities by $0.0010 for each SLP tier: specifically, for SLP Tier 1, from $0.0029 to $0.0019; for SLP Tier 2, from $0.0026 to $0.0016; and for SLP Tier 3, from $0.0023 to $0.0013.

The proposed changes to the credits applicable to MPL Orders are as set

[7] Under Rule 107B, an SLP can be either a proprietary trading unit of a member organization (''SLP-Prop'') or a registered market maker at the Exchange (''SLMM''). For purposes of the 10% average or more quoting requirement in assigned securities pursuant to Rule 107B, quotes of an SLP-Prop and an SLMM of the same member organization are not aggregated. However, for purposes of adding liquidity for assigned SLP securities in the aggregate, shares of both an SLP-Prop and an SLMM of the same member organization are included.

[8] The defined term, ''ADV,'' used here as defined in footnote 2 to the Price List. *See supra* note 5.

[9] NYSE CADV is defined in the Price List as the consolidated average daily volume of NYSE-listed securities.

[10] Rule 107B(i)(2)(A) prohibits a DMM from acting as a SLP in the same securities in which it is a DMM.

[11] In determining whether an SLP meets the requirement to add liquidity in the aggregate of an ADV of more than 0.35% or 0.30% depending on whether the SLP is also a DMM, the SLP may include shares of both an SLP-Prop and an SLMM of the same member organization.

forth in ''MPL Orders and Non-Displayed Reserve Orders'' above.

The above proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that members and member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[13] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

MPL Orders and Non-Displayed Reserve Orders

The Exchange believes that the proposed increase to the fee for executions of MPL Orders that remove liquidity and the proposed changes to the credits for MPL Orders that provide liquidity are reasonable. MPL Orders provide opportunities for market participants to interact with orders priced at the midpoint of the PBBO, thus providing price improving liquidity to market participants and increasing the quality of order execution on the Exchange's market, which benefits all market participants. These changes should encourage additional utilization of MPL Orders on the Exchange.

Specifically, the Exchange believes that the proposed change for MPL Orders that remove liquidity from the Exchange if the security is priced $1.00 or more from $0.0025 per share to $0.0027 per share is reasonable because the charge would be the same as the $0.0027 fee proposed for other executions that remove liquidity. The resulting fee is also reasonable because would be lower than the rates on the NASDAQ Stock Market, LLC (''NASDAQ''). For example, NASDAQ charges $0.0030 per share to execute against resting midpoint liquidity, which is greater than both the existing $0.0025 per share rate and the proposed $0.0027 per share rate that would apply to MPL Orders.[14]

The Exchange believes that the proposed additional tier of credits for MPL Orders is reasonable because the proposed MPL Order Tier credit of $0.0030 per share that would apply if the member organization has Adding ADV in MPL Orders that is at least 1.5 million shares would relate to volume that provides liquidity, which would be identical to the type of volume to which the credit would apply.

In addition, the Exchange believes the decrease in the non-tier MPL Order credit to $0.0015 is reasonable as it is greater than the non-tier credit that is available on NASDAQ for midpoint liquidity, which is currently $0.0014 for Tape A and B securities and $0.0010 per share for Tape C securities.[15]

The Exchange also believes that the proposed changes are equitable and not unfairly discriminatory because all market participants—customers, Floor brokers, DMMs, and SLPs—may use MPL Orders on the Exchange and because customers, Floor brokers and SLPs that use MPL Orders would be subject to the same fee or credit.

Finally, the Exchange believes that the proposed change to the credit for DMMs for MPL Orders that provide liquidity to the Exchange to $0.0030 per share is reasonable because DMMs cannot trade in securities they are not a DMM in and therefore the minimum volume requirement of the MPL Order Tier should not apply. Moreover, the requirement is equitable and not unfairly discriminatory because it would apply equally to all DMM firms.

The Exchange believes the proposed changes should incentivize additional utilization of MPL Orders on the Exchange. MPL Orders provide opportunities for market participants to interact with orders priced at the midpoint of the PBBO, thus providing price improving liquidity to market participants and increasing the quality of order execution on the Exchange's market, which benefits all market participants. The proposed change is equitable and not unfairly discriminatory because MPL Orders increase the quality of order execution on the Exchange's market, which benefits all market participants. The Exchange also believes that the proposed changes are equitable and not unfairly discriminatory because all market participants—customers, Floor brokers, DMMs, and SLPs—may use MPL Orders on the Exchange and because all market participants that use MPL Orders may receive credits for MPL Orders, as is currently the case.

The Exchange believes that the proposed rule change to reduce the credit for Non-Displayed Reserve Orders that provide liquidity is reasonable, equitable and not unfairly discriminatory because it is intended to incentivize member organizations to submit additional amounts of displayed liquidity to the Exchange during the trading day. For example, the proposed higher credits applicable to member organization for executions other than Non-Displayed Reserve Orders would incentivize member organizations to instead provide displayed liquidity on the Exchange. The Exchange believes that the proposed lower credit is equitable and not unfairly discriminatory because it would apply equally to all member organizations.

Credits for Certain Executions at the Opening

The Exchange believes that it is reasonable to increase the monthly fee cap for fees for executions at the opening or executions at the opening only orders to $30,000 because members and member organizations benefit from the substantial amounts of liquidity that are present on the Exchange during such time. In addition, the Exchange believes that the proposed cap is reasonable because the proposed cap and the current fee rate together are comparable to those for executions at the opening on other markets.[16]

The proposed increased fee cap is equitable and not unfairly discriminatory because, even at such an increased level, this pricing would continue to encourage robust levels of liquidity at the opening, which benefits all market participants. The proposed increase will encourage the submission of additional liquidity to a national securities exchange, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organization from the substantial amounts of liquidity that are present on the Exchange during the opening. Moreover, the requirement is equitable and not unfairly discriminatory because it would apply equally to all similarly situated member organizations.

DMMs

The Exchange believes that the proposed higher monthly credit of $300, $375, and $450 for each security that has a consolidated ADV of more than 100,000 and less than 250,000 shares during the month when the DMM quotes at the NBBO in the applicable security at least 30%, 40%, and 50%, of the time, respectively, in the applicable month is reasonable because of the

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] *See* NASDAQ Rule 7018(a).

[15] *See supra* note 14.

[16] For example, NASDAQ charges $0.0015 per share for certain orders executed in the NASDAQ Opening Corss [sic] and applies at $20,000 fee cap per month per firm for such executions. *See* Nasdaq Rule 7018(e).

proposed higher quoting requirement associated with this increase in the credit. The Exchange believes that the proposed lower monthly credit of $150 and $225 for each security that has a consolidated ADV of more than 100,000 and less than 250,000 shares during the month when the DMM quotes at the NBBO in the applicable security between 15% and 20% and 20% to 30% of the time, respectively, in the applicable month is reasonable because of the proposed higher credit available based on higher quoting, which should encourage greater quoting. The Exchange believes that the proposal would increase the incentive to add liquidity across thinly-traded securities where there may be fewer liquidity providers. Moreover, the requirement is equitable and not unfairly discriminatory because it would apply equally to all DMM firms.

The Exchange believes that the proposed higher monthly credit of $250, $325, and $400 for each security that has a consolidated ADV of less than 100,000 shares during the month when the DMM quotes at the NBBO in the applicable security at least 30%, 40%, and 50%, of the time, respectively, in the applicable month is reasonable because of the proposed higher quoting requirement associated with this increase in the credit. The Exchange believes that the proposed lower monthly credit of $100 each security that has a consolidated ADV of less than 100,000 shares during the month when the DMM quotes at the NBBO in the applicable security between 15% and 20% of the time in the applicable month is reasonable because of higher credit available based on higher quoting, which should encourage greater quoting. The Exchange also believes that it is reasonable to retain a $175 credit for each security that has a consolidated ADV of less than 100,000 shares during the month when the DMM quotes at the NBBO in the applicable security at least 20% and up to 30% of the time in the applicable month as this is the rate currently charged and it would apply equally to all DMM firms. The Exchange believes that the proposal would increase the incentive to add liquidity across thinly-traded securities where there may be fewer liquidity providers. Moreover, the requirement is equitable and not unfairly discriminatory because it would apply equally to all DMM firms.

The Exchange believes that the proposed monthly credit of $200, $275, $350, $425, and $500 for each security that has a consolidated ADV of more than 250,000 and less than 1,500,000 shares during the month when the DMM quotes at the NBBO in the applicable security at least 15%, 20%, 30%, 40%, and 50%, of the time, respectively, in the applicable month is reasonable because of the proposed higher quoting requirement associated with this credit. The Exchange also believes that the higher credits for each security that has a consolidated ADV of more than 250,000 and less than 1,500,000 shares during the month when the DMM quotes at the NBBO of the time in the applicable month is reasonable in light of higher trading volumes in the applicable securities relatively to those securities that have a consolidated ADV of less than 250,000 shares. The Exchange believes that the proposal would increase the incentive to add liquidity across thinly-traded securities where there may be fewer liquidity providers. Moreover, the requirement is equitable and not unfairly discriminatory because it would apply equally to all DMM firms.

SLPs

The Exchange believes that the proposal to add defined terms for the SLP Tiers to the Price List is reasonable because the change will make the Price List clearer and easier to understand.

The Exchange believes that proposal to increase the ADV percentage requirement for SLPs that are also DMMs and subject to Rule 107B(i)(2)(A) is reasonable because the higher requirements would incentivize member organizations to provide additional amounts of liquidity on the Exchange. The Exchange believes that the higher requirements are reasonable given the higher credits—$0.0029 per share for SLP Tier 1 and $0.026 per share for SLP Tier 2—relative to the credit applicable to member organizations other than SLPs, and that the lower requirements for SLP Tier 3 and the SLP Non-Tier are, similarly, reasonable given the lower credits for those tiers The Exchange believes that the proposed higher ADV percentage requirements for SLP Tier 1 and SLP Tier 2 are equitable and not unfairly discriminatory because they would apply equally to all SLPs.

Further, the Exchange believes that the proposed rule change to reduce the credit for Non-Displayed Reserve Orders that provide liquidity is reasonable, equitable and not unfairly discriminatory because it is intended to incentivize SLPs to submit additional amounts of displayed liquidity to the Exchange during the trading day. This decrease in the credits for Non-Displayed Reserve Orders for SLPs is the same decrease as proposed for the credits applicable to Non-Displayed Reserve Orders for other member organizations. Once again, the Exchange believes that the proposed lower credit is equitable and not unfairly discriminatory because it would apply equally to all SLPs.

The Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition. For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[17] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed change would contribute to the Exchange's market quality by promoting price discovery and ultimately increased competition. For the same reasons, the proposed change also would not impose any burden on competition among market participants. Pricing for executions at the opening would remain at the same relatively low levels and would continue to reflect the benefit that market participants receive through the ability to have their orders interact with other liquidity at the opening.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of member organizations or competing order execution venues to maintain their competitive standing in the financial markets.

[17] 15 U.S.C. 78f(b)(8).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [18] of the Act and subparagraph (f)(2) of Rule 19b–4 [19] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [20] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2015–28 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–NYSE–2015–28. 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 NYSE's principal office and on its Internet Web site at *www.nyse.com*. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR– NYSE–2015–28 and should be submitted on or before July 7,2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14668 Filed 6–15–15; 8:45 am]

BILLING CODE 8011–01–P

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(2).

[20] 15 U.S.C. 78s(b)(2)(B).

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Federal Register *citation of previous announcement: [80 FR 32638, June 9, 2015].*

STATUS: Closed Meeting.

PLACE: 100 F Street NE., Washington, D.C.

DATE AND TIME OF PREVIOUSLY ANNOUNCED MEETING: June 11, 2015 at 2:00 p.m.

CHANGE IN THE MEETING: Additional Item.

The following matter will also be considered during the 2:00 p.m. Closed Meeting scheduled for Thursday, June 11, 2015: A matter related to pending litigation

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions as set forth in 5 U.S.C. 552b(c)(3), (5), (7), (9)(B) and and (10) and 17 CFR 200.402(a)(3), (5), (7), (9)(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Stein, as duty officer, voted to consider the items 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.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: June 11, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–14834 Filed 6–12–15; 11:15 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75140; File No. SR–MIAX–2015–37]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Fee Schedule

June 10, 2015.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 29, 2015, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 is filing a proposal to amend the MIAX Options Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the MIAX Options Fee Schedule (the ''Fee Schedule'') to modify the fees for MEI Ports to Market Makers. Specifically, the Exchange proposes to adopt the following fees for MEI Ports: (i) $5,000 for MM Assignments in up to 5 option classes or up to 10% of option classes by volume; (ii) $10,000 for MM Assignments in up to 10 option classes or up to 20% of option classes by volume; (iii) $14,000 for MM Assignments in up to 40 option classes or up to 35% of option classes by volume; (iv) $17,500 for MM Assignments in up to 100 option classes or up to 50% of option classes by volume; and (v) $20,500.00 for MM Assignments in over 100 option classes or over 50% of option classes by volume up to all option classes listed on MIAX. In each of the proposed categories above, the stated fee applies if the lesser of the two applicable measurements is met.

Currently, MIAX assesses monthly MEI Port Fees on Market Makers based upon the number of MIAX matching engines [3] used by the Market Maker. MEI Port users are allocated two Full Service MEI Ports [4] and two Limited Service MEI Ports [5] per matching engine to which they connect. The Exchange currently assesses a fee of $2,500 per month on Market Makers for the first matching engine they use; $1,200 per month for each of matching engines 2 through 5; and $700 per month for each of matching engines 6 and above. For example, a Market Maker that wishes to make markets in just one symbol would require the two MEI Ports in a single matching engine; a Market Maker wishing to make markets in all symbols traded on MIAX would require the two MEI Ports in each of the Exchange's matching engines. The Exchange also currently charges $50 per month for each additional Limited Service MEI Port per matching engine for Market Makers in addition to the two Limited Service MEI Ports per matching engine that are allocated with the Full Service MEI Ports. The Full Service MEI Ports, Limited Service MEI Ports and the additional Limited Service MEI Ports all include access to MIAX's primary and secondary data centers and its disaster recovery center.

The Exchange notes that another competing exchange charges substantially more [sic] for the use of similar ports.[6] The Exchange established the current rates in an effort to increase the Exchange's revenues from non-transaction fee sources and also more closely align the fees with the rates charged by another competing options exchange.[7] The Exchange now proposes to modify its fees charged to Market Makers in order to provide objective criteria for MMs of different sizes and business models to be assessed a MEI Port fee that best matches their quoting activity on the Exchange. Accordingly, the Exchange proposes to modify the fees charged to Market Makers for use of MEI Ports. Specifically, the Exchange proposes to adopt the following fees for MEI Ports: (i) $5,000 for MM Assignments in up to 5 option classes or up to 10% of option classes by volume; (ii) $10,000 for MM Assignments in up to 10 option classes or up to 20% of option classes by volume; (iii) $14,000 for MM Assignments in up to 40 option classes or up to 35% of option classes by volume; (iv) $17,500 for MM Assignments in up to 100 option classes or up to 50% of option classes by volume; and (v) $20,500.00 for MM Assignments in over 100 option classes or over 50% of option classes by volume up to all option classes listed on MIAX. For the calculation of the monthly MEI Port fees that apply to MMs, the number of classes is defined as the greatest number of classes the MM was assigned to quote in on any given day within the calendar month and the class volume percentage is based on the total national average daily volume in classes listed on MIAX in the prior calendar quarter [8]. Newly listed option classes are excluded from the calculation of the monthly MEI Port fee until the calendar quarter following their listing, at which time the newly listed option classes will be included in both the per class count and the percentage of total national average daily volume. The Exchange will assess MMs the monthly MEI Port fee based on the greatest number of classes listed on MIAX that the MM was assigned to quote in on any given day within a calendar month and the applicable fee rate that is the lesser of either the per class basis or percentage of total national average daily volume measurement. For example, if MM1 elects to quote the top 40 option classes which consist of 58% of the total national average daily volume in the prior quarter, the Exchange would assess $14,000 to MM1 for the month which is the lesser of 'up to 40 classes' and 'above 50% of classes by volume up to all classes listed on MIAX'. If the 40 option classes were located on 5 matching engines, MM1 would receive two Full Service MEI Ports and two Limited Service MEI Ports for each of the 5 matching engines for a total of ten Full Service MEI Ports and ten Limited Service MEI Ports for $14,000 per month.[9] If MM2 elects to quote the bottom 1000 option classes which consist of 10% of the total national average daily volume in the prior quarter, the Exchange would assess $5,000 to MM2 for the month which is

[3] A ''matching engine'' is a part of the MIAX electronic system that processes options quotes and trades on a symbol-by-symbol basis. Some matching engines will process option classes with multiple root symbols, and other matching engines will be dedicated to one single option root symbol (for example, options on SPY will be processed by one single matching engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated matching engine. A particular root symbol may not be assigned to multiple matching engines.

[4] Full Service MEI Ports provide Market Makers with the ability to send Market Maker quotes, eQuotes, and quote purge messages to the MIAX System. Full Service MEI Ports are also capable of receiving administrative information. Market Makers are limited to two Full Service MEI Ports per matching engine.

[5] Limited Service MEI Ports provide Market Makers with the ability to send eQuotes and quote purge messages only, but not Market Maker Quotes, to the MIAX System. Limited Service MEI Ports are also capable of receiving administrative information. Market Makers initially receive two Limited Service MEI Ports per matching engine.

[6] *See* NASDAQ OMX PHLX LLC (''PHLX'') Pricing Schedule, Section VII. PHLX assesses specialists and market makers Active SQF Port Fee of $1,250 per port per month. Active SQF Port Fees are capped at $42,000 per month.

[7] *See* Securities Exchange Act Release No. 74633 (April 2, 2015), 80 FR 18894 (April 8, 2015) (SR–MIAX–2015–25).

[8] The Exchange will use the following formula to calculate the percentage of total national average daily volume that the MM assignment is for purposes of the MEI Port fee for a given month. MM assignment percentage of national average daily volume = [total volume during the prior calendar quarter in a class in which the MM was assigned]/[total national volume in classes listed on MIAX in the prior calendar quarter]

[9] The Exchange notes that, as currently, the MEI Port fee would allow the MM to obtain access to MIAX's primary and secondary data centers and its disaster recovery center.

the lesser of 'above 100 classes' and 'up to 10% of classes by volume'. If the 1000 option classes were located on 15 matching engines, MM2 would receive two Full Service MEI Ports and two Limited Service MEI Ports for each of the 15 matching engines for a total of thirty Full Service MEI Ports and thirty Limited Service MEI Ports for $5,000 per month.[10] The Exchange will continue to charge $50 per month for each additional Limited Service MEI Port per matching engine for Market Makers in addition to the two Limited Service MEI Ports per matching engine that are allocated with the Full Service MEI Ports. As currently, the Full Service MEI Ports, Limited Service MEI Ports and the additional Limited Service MEI Ports all include access to MIAX's primary and secondary data centers and its disaster recovery center.

The purpose of the proposed fees is to incentivize market participants to register as Market Makers on the Exchange, to provide liquidity, and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity. The proposed fee levels and criteria are based upon a business determination of current MM assignments and trading volume. The Exchange notes that it determines the number of options classes allocated to a matching engine, and as such chooses how many MEI Ports are necessary to support MM assignments. The Exchange notes that while MMs in general terms have control over the number of MM assignments that they are assigned and quote, MMs do not have control over the number of matching engines that those MM assignments may be spread across. The Exchange believes that the proposal gives MMs more freedom to focus on MM assignments in their determinations for fees versus the number of matching engines. The Exchange believes that the proposed fee rates and criteria provide an objective and flexible framework that will encourage MMs to be assigned and quote in option classes with lower total national average daily volume while also equitably allocating the fees in a reasonable manner amongst MM assignments to account for quoting and trading activity.

The Exchange proposes to implement the fee changes beginning June 1, 2015.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[11] in general, and furthers the objectives of Section 6(b)(4) of the Act[12] in particular, in that it is an equitable allocation of reasonable fees and other charges.

The Exchange believes that the proposed fees are reasonable, equitable and not unfairly discriminatory. The proposed fees are reasonable in that they are within the range of comparable fees at other competing options exchanges.[13] As such, the proposal is reasonably designed to continue to compete with other options exchange by incentivizing market participants to register as Market Makers on the Exchange in a manner that enables the Exchange to improve its overall competitiveness and strengthen its market quality for all market participants. The proposed fees are fair and equitable and not unreasonably discriminatory because they apply equally to all Market Makers regardless of type and access to the Exchange is offered on terms that are not unfairly discriminatory. The Exchange designed the fee rates in order to provide objective criteria for MMs of different sizes and business models to be assessed a MEI Port fee that best matches their quoting activity on the Exchange. The Exchange notes that trading volume and quoting activity in the options market tends to be concentrated in the top ranked options classes; with the vast majority of options classes being thinly quoted and traded. The Exchange believes that the proposed fee rates and criteria provide an objective and flexible framework that will encourage MMs to be assigned and quote in option classes with lower total national average daily volume while also equitably allocating the fees in a reasonable manner amongst MM assignments to account for quoting and trading activity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange believes that the proposal increases both intermarket and intramarket competition by enabling MMs to qualify for lower MEI Port fees rates on the Exchange in a manner that is designed to provide objective criteria for MMs of different sizes and business models to be assessed a MEI Port fee that best matches their quoting activity on the Exchange yet still be in the range of comparable fees on other exchanges. The Exchange believes that the proposal will increase competition amongst MMs of different sizes and business models by encouraging MMs to be assigned and quote in option classes with lower total national average daily volume. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and in order to attract market participants to use its services. The Exchange believes that the proposal reflects this competitive environment because it increases the Exchange's fees in a manner that continues to encourage market participants to register as Market Makers on the Exchange, to provide liquidity, and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[14] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[10] *See id.*

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(4).

[13] *See supra* note 6.

[14] 15 U.S.C. 78s(b)(3)(A)(ii).

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–MIAX–2015–37 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2015–37. 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–MIAX–2015–37 and should be submitted on or before July 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–14669 Filed 6–15–15; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14344 and #14345]

Oklahoma Disaster Number OK–00081

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Oklahoma (FEMA–4222–DR), dated 06/04/2015.

Incident: Severe Storms, Tornadoes, Straight Line Winds, and Flooding.

Incident Period: 05/05/2015 through 06/04/2015.

Effective Date: 06/04/2015.

Physical Loan Application Deadline Date: 08/03/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 03/04/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Oklahoma, dated 06/04/2015, is hereby amended to establish the incident period for this disaster as beginning 05/05/2015 and continuing through 06/04/2015.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2015–14789 Filed 6–15–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14334 and #14335]

Texas Disaster Number TX–00447

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Texas (FEMA–4223–DR), dated 05/29/2015.

Incident: Severe Storms, Tornadoes, Straight-Line Winds and Flooding.

Incident Period: 05/04/2015 and continuing.

Effective Date: 06/05/2015.

Physical Loan Application Deadline Date: 07/28/2015.

EIDL Loan Application Deadline Date: 02/29/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Texas, dated 05/29/2015 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans): Bastrop; Blanco; Caldwell; Denton; Eastland; Fort Bend; Gaines; Guadalupe; Henderson; Hidalgo; Johnson; Milam; Montague; Navarro; Rusk; Smith; Travis; Wichita; Williamson; Wise.

Contiguous Counties: (Economic Injury Loans Only):

Texas: Anderson; Andrews; Archer; Austin; Baylor; Bell; Bexar; Bosque; Brooks; Brown; Burleson; Burnet; Callahan; Cameron; Cherokee; Clay; Collin; Comanche; Cooke; Dallas; Dawson; Ellis; Erath; Falls; Fayette; Freestone; Gillespie; Gonzales; Grayson; Gregg; Harrison; Hill; Hood; Jack; Kendall; Kenedy; Lee; Limestone; Llano; Martin; Nacogdoches; Palo Pinto; Panola; Parker; Robertson; Shackelford; Shelby; Somervell; Starr; Stephens; Tarrant; Terry; Upshur; Wharton; Wilbarger; Willacy; Wilson; Yoakum.

New Mexico: Lea.

Oklahoma: Cotton; Jefferson; Love; Tillman.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–14776 Filed 6–15–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. Chapter 35 requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with such requirements.

DATES: Submit comments on or before August 17, 2015.

ADDRESSES: Send all comments to Stephen Morris, Online Media Coordinator, Office of Communications and Public Liaison, Small Business Administration, 409 3rd Street, Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Natale Goriel, Online Media Coordinator, (503) 326–5207, *Natale.goriel@sba.gov,* or Curtis B. Rich, SBA PRA Officer, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: In an effort to streamline the National Small Business Week nomination process, the SBA has put together nomination forms based on the criteria for each National Small Business Week award. The nomination forms will help the public more easily submit nomination packages to the SBA.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: National Small Business Week Awards Nomination Forms.

Description of Respondents: General public.

Form Number: NA.

Total Estimated Annual Responses: 200.

Total Estimated Annual Hour Burden: 1 hour.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2015–14724 Filed 6–15–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14336 and #14337]

Texas Disaster Number TX–00448

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Texas (FEMA–4223–DR), dated 05/29/2015.

Incident: Severe Storms, Tornadoes, Straight Line Winds and Flooding.

Incident Period: 05/04/2015 and continuing.

Effective Date: 06/09/2015.

Physical Loan Application Deadline Date: 07/28/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 02/29/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of TEXAS, dated 05/29/2015, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Angelina, Archer, Atascosa, Bastrop, Baylor, Blanco, Bowie, Burleson, Caldwell, Cass, Cherokee, Clay, Comal, Comanche, Denton, Fannin, Fayette, Garza, Gillespie, Grayson, Harrison, Henderson, Hood, Houston, Jasper, Johnson, Kaufman, Kendall, Lamar, Lee, Liberty, Lynn, Madison, Milam, Montague, Nacogdoches, Newton, Polk, Refugio, Rusk, Sabine, San Jacinto, Travis, Tyler, Uvalde, Walker, Wharton, Williamson, Wilson, Wise, Zavala

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–14735 Filed 6–15–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14330 and #14331]

Oklahoma Disaster Number OK–00092

AGENCY: U.S. Small Business Administration

ACTION: Amendment 3

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of OKLAHOMA (FEMA–4222–DR), dated 05/26/2015.

Incident: Severe Storms, Tornadoes, Straight Line Winds, and Flooding.

Incident Period: 05/05/2015 through 06/04/2015.

DATES: *Effective Date:* 06/04/2015.

Physical Loan Application Deadline Date: 07/27/2015.

EIDL Loan Application Deadline Date: 02/26/2016.

ADDRESSES: Submit completed loan applications to: U.S. SMALL BUSINESS ADMINISTRATION, PROCESSING AND DISBURSEMENT CENTER, 14925 KINGSPORT ROAD, FORT WORTH, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of OKLAHOMA, dated 05/26/2015 is hereby amended to establish the incident period for this disaster as beginning 05/05/2015 and continuing through 06/04/2015.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Joseph P. Loddo,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2015–14725 Filed 6–15–15; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14346 and #14347]

Guam Disaster #GU–00004

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the Territory of Guam (FEMA–4224–DR), dated 06/05/2015.

Incident: Typhoon Dolphin.

Incident Period: 05/13/2015 through 05/16/2015.

Effective Date: 06/05/2015.

Physical Loan Application Deadline Date: 08/04/2015.

Economic Injury (Eidl) Loan Application Deadline Date: 03/07/2016.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/05/2015, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Area: Guam.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 143468 and for economic injury is 143478.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–14777 Filed 6–15–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9170]

Issuance of a Presidential Permit To Reconfigure, Expand, Operate, and Maintain a Vehicle and Pedestrian Border Crossing Called ''Calexico West'' in Calexico, California, at the International Boundary Between the United States and Mexico

SUMMARY: The Department of State issued a Presidential Permit to the General Services Administration (GSA) on June 9, 2015, authorizing the GSA to reconfigure, expand, operate, and maintain a vehicle and pedestrian border crossing called ''Calexico West'' in Calexico, California, at the international boundary between the United States and Mexico. In making this determination, the Department provided public notice of the proposed permit (76 FR 19825, April 8, 2011), offered the opportunity for comment, and consulted with other federal agencies, as required by Executive Order 11423, as amended.

FOR FURTHER INFORMATION CONTACT: Contact the Mexico Border Affairs Unit, via email at *WHA-BorderAffairs@state.gov,* by phone at 202 647–9895, or by mail at Office of Mexican Affairs—Room 3924, Department of State, 2201 C St. NW., Washington, DC 20520. Information about Presidential permits is available on the Internet at *http://www.state.gov/p/wha/rt/permit/.*

SUPPLEMENTARY INFORMATION: The following is the text of the issued permit:

PRESIDENTIAL PERMIT

AUTHORIZING THE GENERAL SERVICES ADMINISTRATION TO RECONFIGURE, EXPAND, OPERATE, AND MAINTAIN A VEHICLE AND PEDESTRIAN BORDER CROSSING CALLED ''CALEXICO WEST'' IN CALEXICO, CALIFORNIA, AT THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND MEXICO

By virtue of the authority vested in me as Under Secretary for Economic Growth, Energy, and the Environment under Executive Order 11423, 33 FR 11741 (1963), as amended by Executive Order 12847 of May 17, 1993, 58 FR 29511 (1993), Executive Order 13284 of January 23, 2003, 68 FR 4075 (2003), and Executive Order 13337 of April 30, 2004, 69 FR 25299 (2004) and Department of State Delegation of Authority number 118–2 of January 26, 2006; having considered the environmental effects of the proposed action consistent with the National Environmental Policy Act of 1969, as amended (83 Stat. 852, 42 U.S.C. 4321 *et seq.*) and other statutes relating to environmental concerns; having considered the proposed action consistent with the National Historic Preservation Act of 1966, as amended (80 Stat. 917, 16 U.S.C. 470f *et seq.*); and having requested and received the views of various federal departments and other interested persons; I hereby grant permission, subject to the conditions herein set forth, to the United States General Services Administration (GSA) (hereinafter referred to as the ''permittee''), to reconfigure, expand, and continue to operate and maintain a privately owned vehicle and pedestrian Land Port of Entry (hereinafter referred to as ''Calexico West''), in Calexico, CA.

* * * * *

The term ''facilities'' as used in this permit means the land, structures, and appurtenant installations that form the Calexico West Land Port of Entry. The facilities include approximately 2.34 acres located on the southern edge of the Calexico, CA, downtown area.

This permit is subject to the following conditions:

Article 1. The facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions and requirements of this permit and any amendment thereof. This permit may be terminated upon a determination of the Executive Branch that the Calexico West Land Port of Entry shall be closed. This permit may be amended by the Secretary of State or the Secretary's delegate in consultation with the permittee and, as appropriate, other Executive Branch agencies; the permittee's obligation to implement such an amendment is subject to the availability of funds. The permittee shall make no substantial change in the location of the facilities or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary's delegate.

Article 2. The permittee shall comply with all applicable federal laws and regulations regarding the construction, operation and maintenance of the facilities. Further, the permittee shall

comply with nationally recognized codes to the extent required under 40 U.S.C. 3312(b). The permittee shall cooperate with state and local officials to the extent required under 40 U.S.C. 3312(d).

Article 3. In the event that the Calexico West Land Port of Entry is permanently closed and is no longer used as an international crossing, this permit shall terminate and the permittee may manage, utilize, or dispose of the facilities in accordance with its statutory authorities.

Article 4. The permittee is a federal agency that is responsible for managing and operating the Calexico West Land Port of Entry, as authorized by applicable federal laws and regulations. This permit shall continue in full force and effect for only so long as the permittee shall continue the operations hereby authorized.

Article 5. The permittee shall immediately notify the United States Department of State of any decision to transfer custody and control of the facilities or any part thereof to any other any agency or department of the United States Government. Said notice shall identify the transferee agency or department and seek the approval of the United States Department of State for the transfer of the permit. In the event of approval by the Department of State of such transfer of custody and control to another agency or department of the United States Government, the permit shall remain in force and effect, and the facilities shall be subject to all the conditions, permissions and requirements of this permit and any amendments thereof. The permittee may transfer ownership or control of the facilities to a non-federal entity or individual only upon the prior express approval of such transfer by the United States Department of State, which approval may include such conditions, permissions and requirements that the Department of State, in its discretion, determines are appropriate and necessary for inclusion in the permit, to be effective on the date of transfer.

Article 6. (1) The permittee or its agent shall acquire and maintain such right-of-way grants or easements and permits as may become necessary and appropriate.

(2) The permittee shall maintain the facilities and every part thereof in a condition of good repair for their safe operation, and in compliance with prevailing environmental standards and regulations.

Article 7. (1) The permittee shall take or cause to be taken all appropriate measures to prevent or mitigate adverse impacts on, or disruption of, the human environment in connection with the construction, operation and maintenance of the facilities, including avoidance, minimization and mitigation measures and the mitigation monitoring and enforcement program adopted by the permittee in the Record of Decision issued in connection with the Final Environmental Impact Statement.

(2) Before issuing the notice to proceed for construction, the permittee shall obtain the concurrence of the U.S. Section of the International Boundary and Water Commission.

Article 8. The permittee shall file any applicable statements and reports that might be required by applicable federal law in connection with this project.

Article 9. The permittee shall not issue a notice to proceed for construction work until the Department of State has provided notification to the permittee that the Department has completed its exchange of diplomatic notes with the Government of Mexico regarding authorization of construction. The permittee shall provide written notice to the Department of State at such time as the construction authorized by this permit is begun, and again at such time as construction is completed, interrupted for more than ninety days or discontinued.

Article 10. This permit is not intended to, and does not, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, in their individual or official capacities, or any other person.

In witness whereof, I, Catherine A. Novelli, Under Secretary for Economic Growth, Energy, and the Environment of the United States, have hereunto set my hand this 9th day of June, 2015, in the City of Washington, District of Columbia.

Catherine A. Novelli,

Under Secretary of State, United States Department of State.

Rachel M. Poynter,

Acting Director, Office of Mexican Affairs, Bureau of Western Hemisphere Affairs, U.S. Department of State.

[FR Doc. 2015–14804 Filed 6–15–15; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF STATE

[Delegation of Authority No. 385]

Delegation of the Authority To Submit Reports

By virtue of the authority vested in the Secretary of State by Section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a) and the Presidential Memorandum of February 19, 2015, I hereby delegate to the Under Secretary for Arms Control and International Security, to the extent authorized by law, the authority to submit the recurring report required by Subsection 10(c) of the Ukraine Freedom Support Act of 2014, Public Law 113–272, regarding noncompliance of Russia with the Intermediate-Range Nuclear Forces Treaty.

Notwithstanding this delegation of authority, the authorities delegated herein may be exercised by the Secretary, the Deputy Secretary, or the Deputy Secretary for Management and Resources. Any reference in this delegation of authority to any statute or delegation of authority shall be deemed to be a reference to such statute or delegation of authority as amended from time to time.

This delegation of authority shall be published in the **Federal Register**.

Dated: June 1, 2015.

John F. Kerry,

Secretary of State.

[FR Doc. 2015–14799 Filed 6–15–15; 8:45 am]

BILLING CODE 4710–35–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

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

ACTION: Notice of Unified Carrier Registration Plan Board of Directors Meeting.

Time and Date: The meeting will be held on July 9, 2015, from 12:00 Noon to 3:00 p.m., Eastern Daylight Time.

Place: This meeting will be open to the public via conference call. Any interested person may call 1–877–422–1931, passcode 2855443940, to listen and participate in this meeting.

Status: Open to the public.

Matters To Be Considered: The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan

and Agreement and to that end, may consider matters properly before the Board.

FOR FURTHER INFORMATION CONTACT: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors at (505) 827–4565.

Issued on: June 9, 2015.

Larry W. Minor,

Associate Administrator, Office of Policy, Federal Motor Carrier Safety Administration.

[FR Doc. 2015–14919 Filed 6–12–15; 4:15 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA–2015–0020]

Buy America Handbook; Conducting Pre-Award and Post-Delivery Audits for Rolling Stock Procurements

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Availability of Proposed Handbook and Request for Comments.

SUMMARY: The Federal Transit Administration (FTA) has placed in the docket and on its Web site proposed guidance, in the form of a handbook, on complying with FTA's Buy America pre-award and post-delivery audit requirements for rolling stock procurements, from the solicitation phase through final acceptance of the rolling stock. This proposed guidance explains and illustrates how to calculate domestic content of rolling stock, and it is intended for use by recipients of Federal funding, auditors, manufacturers, and suppliers (including subcontractors).

This proposed guidance explains to recipients how to verify and document their compliance with FTA's Buy America pre-award and post-delivery audit requirements. In addition, this proposed guidance encourages recipients, manufacturers, and suppliers to adopt certain best practices to ensure compliance with the pre-award and post-delivery audit requirements. By this notice, FTA invites public comment on this proposed guidance.

DATES: Comments must be submitted by August 17, 2015. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Please submit your comments by only one of the following methods, identifying your submission by DOT Docket Number FTA–2015–0020. All electronic submissions must be made to the U.S. Government electronic site at *http://www.regulations.gov.*

(1) *Federal e-Rulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.

(2) *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.

(3) *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

(4) *Fax:* 202–493–2251.

Instructions: You must include the agency name (Federal Transit Administration) and Docket number (FTA–2015–0020) for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA received your comments, include a self-addressed stamped postcard. All comments received will be posted without change to *www.regulations.gov* including any personal information provided and will be available to internet users. You may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477) or *http://DocketsInfo.dot.gov.*

Docket: For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time or to the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590 between 9:00 a.m. and 5:00 p.m. Eastern Standard Time, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For program questions, contact Patrick Centolanzi, FTA Office of Program Management, at (202) 366–0234 or *Patrick.Centolanzi@dot.gov.* For legal questions, contact Richard L. Wong, FTA Attorney-Advisor, at (202) 366–4011 or *Richard.Wong@dot.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Overview

The FTA's objective in implementing 49 CFR part 661 (Buy America Requirements) and 49 CFR part 663 (Pre-Award and Post-Delivery Audits of Rolling Stock Purchases) is to support and promote the United States (U.S.) manufacturing industry and U.S. jobs. As guidance on the pre-award and post-delivery audit requirements for rolling stock procurements, FTA published two separate Buy America handbooks in May 1995—*i.e.,* one for rail vehicle procurements and one for bus procurements.

Over the past three years, FTA has conducted Buy America Compliance Reviews, where they observed and monitored the pre-award and post-delivery audit processes for fourteen capital grants. One primary finding was that FTA should provide more guidance and clarity on conducting pre-award and post-delivery Buy America audits required in FTA's Buy America regulations (49 CFR parts 661 and 663).

The FTA is proposing to publish a new Buy America handbook, entitled *Conducting Pre-Award and Post-Delivery Audits for Rolling Stock Procurements* (Handbook), which would replace FTA's two Buy America handbooks on this subject from 1995. The proposed Handbook would apply comprehensively to rolling stock procurements that are subject to the pre-award and post-delivery audit requirements set forth in 49 CFR part 663.

This notice provides a section-by-section summary of the proposed Handbook. The proposed Handbook itself is not included in this notice; instead, an electronic version may be found on FTA's Web site, at *www.fta.dot.gov,* and in the docket, at *www.regulations.gov.* Paper copies of the proposed Handbook may be obtained by contacting FTA's Administrative Services Help Desk at (202) 366–4865. The FTA seeks comment on the proposed Handbook.

II. Section-by-Section Summary

A. Section 1—Introduction

Section 1 of the proposed Handbook is an introductory chapter that provides a brief overview of the pre-award and post-delivery audit requirements set forth in 49 CFR parts 661 and 663, summarizes the contents of each subsequent section, and includes lists of relevant legal references, definitions, and acronyms.

This section states that the purpose of the proposed Handbook is to assist

recipients,[1] auditors, manufacturers, and suppliers (including subcontractors) in understanding and correctly applying FTA's Buy America pre-award and post-delivery audit requirements for rolling stock procurements. This section sets forth the scope of the proposed Handbook, explaining that FTA's Buy America regulations and rulings shall take precedence over the contents of the proposed Handbook in the event of a conflict, and specifying that this new comprehensive Handbook would replace FTA's two handbooks on this subject, one for rail vehicles and one for buses, which FTA published in 1995.

The FTA seeks comment on the content of this section.

B. Section 2—Pre-Award Audit

Section 2 describes the pre-award audit requirements set forth in 49 CFR 663.21–27 and explains that the recipient must ensure that the pre-award audit is complete *before* the recipient enters into a formal contract for the purchase of rolling stock. Pursuant to 49 CFR 663.23, the pre-award audit must include: A Pre-Award Buy America Certification, a Pre-Award Purchaser's Requirements Certification, and, where appropriate, a Pre-Award Certification of Compliance with or Inapplicability of Federal Motor Vehicle Safety Standards (FMVSS).

This section outlines what responsibilities the recipient, manufacturer, and/or the supplier each bear with respect to the pre-award audit certifications. For example, this section explains that the recipient is required to obtain the pre-award Buy America certification of compliance from the bidder (*i.e.,* the manufacturer or supplier), and the recipient must keep the certification on file. This section also describes the documentation that recipients must review in determining whether or not the rolling stock to be purchased meets FTA's Buy America requirements.

This section describes best practices for ensuring compliance with the Pre-Award Buy America Certification requirements, including key steps that recipients should take early in the solicitation process, as well as procedures recipients and manufacturers should adopt for verifying compliance with the domestic content and U.S. final assembly requirements during the pre-award audit stage.

Moreover, this section explains that FTA, at its discretion, may grant a waiver of the Buy America requirements under certain enumerated circumstances.

Furthermore, this section describes recipients' obligations with respect to the Pre-Award Purchaser's Requirements Certification, including the documentation requirements set forth in 49 CFR 663.27. This section outlines various best practices that recipients should utilize to ensure compliance with 49 CFR 663.27, including procedures for verifying that the proposed manufacturer's bid complies with the recipient's solicitation specifications and that the proposed manufacturer has the capacity and capability to produce the transit vehicles the recipient is seeking to procure.

Finally, this section describes recipients' obligations with respect to completing a Pre-Award Certification of FMVSS Compliance or Inapplicability, if the procurement is for a motor vehicle(s), and this section explains what documentation the recipient must obtain from the manufacturer regarding FMVSS compliance or inapplicability.

The FTA seeks comment on the content of this section.

C. Section 3—Post-Delivery Audit

Section 3 describes the post-delivery audit requirements set forth in 49 CFR 663.31–39 and explains that the recipient must ensure that the post-delivery audit is complete after the formal contract has been signed but before title to the rolling stock is transferred to the recipient. Pursuant to 49 CFR 663.33, the post-delivery audit must include: a Post-Delivery Buy America Certification, a Post-Delivery Purchaser's Requirements Certification (based upon a review of the Resident Inspector's Report pursuant to 49 CFR 663.37), and a Post-Delivery Certification of FMVSS Compliance or Inapplicability, where appropriate. This section explains the requisite processes and documentation requirements for each of the post-delivery audit certifications listed above.

This section specifies that a post-delivery audit, as distinguished from a pre-award audit, must be based on *actual* production data from the manufacturer, including information provided by the supplier to the manufacturer, and the production data must demonstrate Buy America compliance.

This section explains that while the manufacturer can provide its domestic content calculations in terms of percentages rather than dollar figures, the recipient or the third-party auditor must review documentation of the actual costs in order to verify compliance during the post-delivery audit. This section notes, however, that the post-delivery audit report should not include the confidential data that was provided to the recipient or auditor.

This section also describes best practices to aid recipients, manufacturers, and suppliers in achieving compliance with the post-delivery audit requirements, including guidance on how to prepare the requisite Resident Inspector's Report and supporting documentation, in accordance with 49 CFR 663.37, and procedures for effectively verifying compliance with the domestic content and U.S. final assembly requirements.

Also, as a best practice, this section recommends that manufacturers should require their suppliers to provide sufficient documentation that demonstrates Buy America compliance (such as a signed and dated certification), and manufacturers should then ensure that the suppliers' documentation is valid. This section also recommends that the manufacturer should be prepared to provide relevant supplier information to the recipient or third-party auditors.

The FTA seeks comment on the content of this section.

D. Section 4—Domestic Content Calculations

This section provides proposed guidance and clarification on how to calculate domestic content correctly for rolling stock procurements in accordance with 49 CFR 661.11, providing guidance relevant to both the pre-award audit and the post-delivery audit.

In order to assist recipients, auditors, manufacturers, and suppliers in calculating domestic content, this section defines and clarifies the distinctions between components and subcomponents and between manufacturing and final assembly. Also, this section instructs Handbook readers to refer to Appendices B and C to 49 CFR 661.11 for lists of typical major vehicle components. These lists are intended to be illustrative, although non-exhaustive.

This section explains that calculation of domestic content is conducted at two levels—*i.e.,* at the vehicle level (which requires that the cost of the components produced in the U.S. must be more than 60 percent of the cost of all components) and at the component level (which requires that more than 60 percent of

[1] That is, recipients ''purchasing rolling stock to carry passengers in revenue service with funds made available under sections 3, 9, 18, and 16(b)(2) of the Federal Mass Transit Act, as amended; 23 U.S.C. 103(e)(4); and section 14 of the National Capital Transportation Act of 1969, as amended.'' *See* 49 CFR 663.3.

the subcomponents, by cost, must be of domestic origin for a component to be of domestic origin).

Importantly, this section provides a sample Domestic Content Worksheet with detailed step-by-step instructions for how to fill out the worksheet and calculate domestic content.

Moreover, this section describes best practices for handling special considerations that arise in domestic content calculations. For example, this section identifies typical non-recurring expenses (NREs) and instructs manufacturers to maintain evidence of the NREs for the pre-award and post-delivery audits. Also, this section provides guidance on exchange rates, transportation costs to the U.S. final assembly location, and tariff exemptions.

In addition, this section provides a sample Buy America certification form to be used by suppliers, with accompanying step-by-step instructions for completing the certification form.

The FTA seeks comment on the content of this section.

E. Section 5—Frequently Asked Questions

Section 5 addresses some of the most frequently asked questions (FAQs) about pre-award and post-delivery audits. Among numerous other topics, the FAQs concern what types of rolling stock are not subject to the pre-award and post-delivery audit requirements; how to calculate domestic content; and the responsibilities of the resident inspector.

The FTA seeks comment on the content of this section.

F. Appendices

The proposed Handbook contains four appendices. Appendix A contains domestic content calculation worksheets, including one worksheet for rail vehicles and one worksheet for buses.

Appendix B contains sample compliance checklists for recipients, manufacturers, and suppliers to use in order to ensure that the Pre-Award and Post-Delivery Buy America Certifications and Purchaser's Requirements Certifications are properly completed. This appendix also contains a sample Resident Inspector's Report, which the recipient must review before completing its Post-Delivery Purchaser's Requirements Certification.

Appendix C contains sample pre-award and post-delivery certificates and forms. These samples are intended to aid recipients, manufacturers, and suppliers in complying with the 49 CFR parts 661 and 663 requirements, and these samples may be utilized and filled out by these parties, where appropriate.

Appendix D contains a sample pre-award audit report and a sample post-delivery audit report, including necessary certifications and recommended supporting documentation.

The FTA seeks comment on the content of the appendices.

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2015–14711 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0072]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BLACK STRAP; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 16, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0072. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel BLACK STRAP is:

Intended Commercial Use of Vessel: ''Sightseeing sailing charter boat''.

Geographic Region: ''New Jersey, New York, Connecticut''.

The complete application is given in DOT docket MARAD–2015–0072 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: June 8, 2015.

Thomas M. Hudson, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–14793 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0075]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SASSY; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 16, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0075. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SASSY is:

Intended Commercial Use of Vessel: Sailing instruction charters.

Geographic Region: Massachusetts, Rhode Island, New York, Maine, Connecticut, New York, and Florida.

The complete application is given in DOT docket MARAD–2015–0075 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: June 8, 2015.

Thomas M. Hudson, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–14785 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0071]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SLICE OF LIFE III; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 16, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0071. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SLICE OF LIFE III is:

Intended Commercial Use of Vessel: ''Occasional Charter''.

Geographic Region: ''California''.

The complete application is given in DOT docket MARAD–2015–0071 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: June 8, 2015.

Thomas M. Hudson, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–14778 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0070]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SEAS THE MOMENT; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 16, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0070. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SEAS THE MOMENT is:

Intended Commercial Use of Vessel: ''group charter''.

Geographic Region: ''California''.

The complete application is given in DOT docket MARAD–2015–0070 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

By Order of the Maritime Administrator.

Dated: June 8, 2015.

Thomas M. Hudson, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–14791 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0073]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel GIZMO; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 16, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0073. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel GIZMO is:

Intended Commercial Use of Vessel: ''Occasional charter for parties and tourism, 4–6 times per year.''

Geographic Region: ''California, Washington State, Oregon.''

The complete application is given in DOT docket MARAD–2015–0073 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator
Dated: June 8, 2015.

Thomas M. Hudson, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–14782 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0074]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ANGELA–ARGO; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before July 16, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0074. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ANGELO–ARGO is:

Intended Commercial Use of Vessel: ''Charter service for SCUBA diving on the east coast of the U.S. and Caribbean. In Addition we would offer day trips for sightseeing.''

Geographic Region: ''New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Puerto Rico.'' The complete application is given in DOT docket MARAD–2015–0074 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

By Order of the Maritime Administrator.
Dated: June 8, 2015.

Thomas M. Hudson, Jr.,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–14784 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Pipeline Safety: Special Permit Renewal Requests

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: This Notice pertains to the renewal requests for Special Permits with the following Docket Numbers:

PHMSA–2008–0257 Texas Eastern Transmission.

PHMSA–2010–0063 Anchor Point Energy

SUMMARY: Pursuant to the Federal pipeline safety laws, PHMSA is publishing this notice of special permit renewal requests that we have received from two natural gas transmission pipeline operators, seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. This notice seeks public comments on these requests, including comments on any safety or environmental impacts the renewal of these special permits would have. For each listed Special Permit renewal request, an Environmental Assessment is available in the respective docket for review and comment. At the conclusion of the 30-day comment period, PHMSA will evaluate the comments received and the technical analysis of the renewal requests to determine whether to grant or deny the renewal requests.

DATES: Submit any comments regarding these special permit requests by July 16, 2015.

ADDRESSES: Comments should reference the specific docket number for which the comment applies. Comments may be submitted in the following ways:

- At the E-Gov Web site: *http://www.Regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- By Mail: Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- By Hand Delivery: DOT Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: At the beginning of your comments, please identify the docket number for the special permit renewal request you are commenting on. If you submit your comments by mail, please submit two copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov.*

Note: Please read the privacy statement published on *http://www.Regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.Regulations.gov.*

Contacts for general or technical information:

General: Kay McIver by telephone at (202) 366–0113; or by email at *kay.mciver@dot.gov.*

Technical: Steve Nanney by telephone at (713) 272–2855; or by email at *steve.nanney@dot.gov.*

SUPPLEMENTARY INFORMATION: PHMSA has received the following special permit renewal requests from two pipeline operators who seek relief from compliance with certain federal pipeline safety regulations. Each request includes a technical analysis provided by the respective operators, and filed under the original issued special permit number in the Federal Docket Management System (FDMS) at *http://www.Regulations.gov.* PHMSA invites interested persons to participate by reviewing these special permit renewal requests and submitting written comments, data or other views in the FDMS. Please include comments on any potential environmental impacts that may result if these special permit renewals are granted.

Details of Special Permit renewals received:

Docket Nos.	Requesters	Regulations	Nature of special permit
PHMSA–2008–0257	Texas Eastern Transmission, LP (TETLP)	49 CFR § 192.611	To reauthorize an increase in the maximum allowable operating pressure (MAOP) on the TETLP pipeline operation as defined in the original Special Permit issued on October 28, 2010. This special permit renewal will allow TETLP to increase the MAOP of the special permit segments to the alternative MAOP design factors specified in 49 CFR § 192.620, of up to 80 percent of the specified minimum yield strength (SMYS) in Class 1, 67 percent of SMYS in Class 2 location, and 56 percent of SMYS in Class 3 location, provided that certain alternative measures are implemented and numerous conditions and safety requirements are met as described in the Special Permit renewal conditions. The renewal request seeks to waive compliance from §§ 192.112(a)(1); 192.112(c); 192.112(d)(2)(i); 192.112(f)(1), and 192.620(d)(5)(iii) of the Federal Pipeline Safety Regulations. The original special permit did not include a waiver from the requirements of § 192.620(d)(11)(ii)(A). Since the special permit included dent response and repair criteria that differ from the criteria in § 192.620(d)(11)(ii)(A), TETLP requests that this section be noted in the special permit renewal. The Special Permit renewal pertains to the 36-inch, approximately 268 miles of Lines 1 and 2 TETLP pipelines starting from the Bedford Compressor Station in Pennsylvania to the Chambersburg, Compressor Station in Pennsylvania. There are no class 4 locations in the system and the current segments operate at an MAOP of 1,112 psig. The pipeline segments are located in Fayette, Somerset, Bedford, Fulton, Franklin, Adams, York and Lancaster Counties in Pennsylvania.
PHMSA–2010–0063	Cook Inlet Energy LLC (CIE) formerly issued to Anchor Point Energy	§ 192.121	To reauthorize the continued operation of 4.5-inch diameter, 8-mile reinforced thermoset plastic material FS LPJ (Fiberspar) pipeline built in the Kenai, Peninsula Borough near Anchor Point, Alaska. The renewal request seeks to waive compliance from § 192.121. The Anchor Point pipeline transports natural gas from the North Fork Unit and delivers it to a Sales Pipeline operated by Enstar Natural Gas Company. The MAOP of this pipeline is 1,328 psig. This special permit would only apply to Class 1 locations and areas outside of high consequence areas.

Before acting on the special permit renewal requests, PHMSA will evaluate all comments received on or before the comments closing date in its decision to grant or deny the renewal requests. Comments will be evaluated after this date only if it is possible to do so without incurring additional expense or delay.

Authority: 49 U.S.C. 60118 (c)(1) and 49 CFR 1.53.

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

Alan K. Mayberry,

Deputy Associate Administrator for Policy and Programs.

[FR Doc. 2015–14720 Filed 6–15–15; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Senior Executive Service Performance Review Board (PRB) and Executive Resources Board (ERB) Membership

AGENCY: Surface Transportation Board, DOT.

ACTION: Senior Executive Service Performance Review Board (PRB) and Executive Resources Board (ERB) Membership.

SUMMARY: Effective immediately, the membership of the PRB and ERB is as follows:

Performance Review Board

Leland L. Gardner, Chairman
Rachel D. Campbell, Member
Craig M. Keats, Member
Lucille Marvin, Alternate Member

Executive Resources Board

Rachel D. Campbell, Chairman
Lucille Marvin, Member
Joseph H. Dettmar, Member
William Huneke, Alternate Member

FOR FURTHER INFORMATION CONTACT: If you have any questions, please contact Paula Chandler at *paula.chandler@stb.dot.gov* or (202) 245–0340.

Dated: June 8, 2015.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2015–14697 Filed 6–15–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Application for Issue of United States Mortgage Guaranty Insurance Company Tax and Loss Bonds

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 ''Application For Issue Of United States Mortgage Guaranty Insurance Company Tax And Loss Bonds''.

DATES: Written comments should be received on or before August 17, 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 Dwayne Boothe, Branch Manager, Special Investments Branch; 200 Third Street Room 119, Parkersburg, WV 26106–1328, or *dwayne.boothe@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Titles: Application For Issue Of United States Mortgage Guaranty Insurance Company Tax And Loss Bonds.

OMB Number: 1530–0052 (Previously approved as 1535–0126 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 3871.

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: Business or other for-profit.

Estimated Number of Respondents: 33.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 8.

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 11, 2015.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2015–14692 Filed 6–15–15; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8932

AGENCY: Internal Revenue Service (IRS), Treasury.

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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8932, Credit for Employer Differential Wage Payments.

DATES: Written comments should be received on or before August 17, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Credit for Employer Differential Wage Payments.

OMB Number: 1545–2126.

Form Number: Form 8932.

Abstract: Taxpayers use Form 8932 to claim the credit for eligible differential wage payments you made to qualified employees during the tax year. The credit is available only to eligible small business employers. The credit is 20% of the first $20,000 of differential wage payments paid to each qualified employee.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations.

Estimated Number of Respondents: 21,100.

Estimated Time per Respondent: 2 hours 58 minutes.

Estimated Total Annual Burden Hours: 62,456.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: June 9, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–14680 Filed 6–15–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting for the Electronic Tax Administration Advisory Committee (ETAAC)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Meeting notice.

SUMMARY: An open meeting of the Electronic Tax Administration Advisory Committee (ETAAC) will be conducted at the Internal Revenue Service Building in Washington, DC. The ETAAC will discuss recommendations for electronic tax administration which will be published in their Annual Report to Congress by June 30, 2015. The IRS will respond to these recommendations.

DATES: *Meeting Date:* The meeting will be held on Thursday, June 25, 2015, beginning at 12:45 p.m. eastern time, ending at approximately 2:30 p.m.

FOR FURTHER INFORMATION CONTACT: Sean Parman at 202–317–6247 or Rose Smith at 202–317–6559, or email *etaac@irs.gov* to receive the meeting information. Please spell out all names if you leave a voice message.

SUPPLEMENTARY INFORMATION:

Background: The Internal Revenue Service established the Electronic Tax Administration Advisory Committee (ETAAC) in 1998 as a result of the Restructuring and Reform Act of 1998 (RRA'98). The primary purpose of ETAAC is to provide an organized public forum for discussion of electronic tax administration issues in support of the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. The ETAAC members convey the public's perceptions of the IRS electronic tax administration activities, offer constructive observations about current or proposed policies, programs, and procedures, and suggest improvements. The ETAAC's duties are to research, analyze, consider, and make recommendations on a wide range of electronic tax administrative issues and to provide input into the development and implementation of the strategic plan for electronic tax administration.

Meeting Access: The meeting will be open to the public. Interested members of the public may attend ETAAC's discussion of their recommendations. The public may also submit written comments about issues in electronic tax administration for the committee to consider analyzing later this fall to *etaac@irs.gov* no later than 12pm eastern on June 19, 2015. Written statements received after this date may not be provided to or considered by the ETAAC until its next meeting.

Dated: June 9, 2015.

David W. Parrish,

Director, Strategic and Analytic Services, Office of Online Services.

[FR Doc. 2015–14682 Filed 6–15–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8725.

AGENCY: Internal Revenue Service (IRS), Treasury.

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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8725, Excise Tax on Greenmail.

DATES: Written comments should be received on or before August 17, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Kerry Dennis at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3634, or through the Internet at *Kerry.Dennis@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Excise Tax on Greenmail.

OMB Number: 1545–1086.

Form Number: 8725.

Abstract: Form 8725 is used by persons who receive ''greenmail'' to compute and pay the excise tax on greenmail imposed under Internal Revenue Code section 5881. IRS uses the information to verify that the correct amount of tax has been reported.

Current Actions: There are no changes being made to the Form 8725 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 12.

Estimated Time per Response: 7 hours, 37 minutes.

Estimated Total Annual Burden Hours: 92.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: June 3, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–14679 Filed 6–15–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[CO–26–96]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, CO–26–96 (TD 8825), Regulations Under Section 382 of the Internal Revenue Code of 1986; Application of Section 382 in Short Taxable Years and With Respect to Controlled Groups (§ 1.382–8).

DATES: Written comments should be received on or before August 17, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Sara Covington, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Regulations under Section 382 of the Internal Revenue Code of 1986; Application of Section 382 in Short Taxable Years and With Respect to Controlled Groups.

OMB Number: 1545–1434.

Regulation Project Number: CO–26–96 (TD 8825).

Abstract: Internal Revenue Code section 382 limits the amount of income that can be offset by loss carryovers after an ownership change in a loss corporation. These regulations provide rules for applying section 382 in the case of short taxable years and with respect to controlled groups of corporations.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 3,500.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 875.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

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.

Approved: June 9, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–14681 Filed 6–15–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Rehabilitation Research and Development Service Scientific Merit Review Board; Notice of Meetings

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the subcommittees of the Rehabilitation Research and Development Service Scientific Merit Review Board will meet from 8 a.m. to 5 p.m. on the dates indicated below:

Subcommittee	Date(s)	Location
Musculoskeletal/Orthopedic Rehabilitation	August 4, 2015	VHA National Conference Center.
Rehabilitation Engineering & Prosthetics/Orthotics	August 4, 2015	VHA National Conference Center.
Career Development Award Program	August 4–5, 2015	VHA National Conference Center.
Brain Injury: TBI & Stroke	August 5, 2015	VHA National Conference Center.
Psychological Health & Social Reintegration	August 5, 2015	VHA National Conference Center.
Spinal Cord Injury	August 5, 2015	Social Reintegration VHA National Conference Center.
Aging & Neurodegenerative Disease	August 6, 2015	VHA National Conference Center.
Regenerative Medicine	August 6, 2015	VHA National Conference Center.
Sensory Systems/Communication Disorders	August 6, 2015	VHA National Conference Center.
VA–ORD Historically Black College and University Research Scientist Training Program.	August 7, 2015	*VA Central Office.

The addresses of the meeting sites are: (*Teleconference). VA Central Office, 1100 First Street NE., Washington, DC 20002. VHA National Conference Center, 2011 Crystal Drive, Arlington, VA 22202.

The purpose of the Board is to review rehabilitation research and development applications and advise the Director, Rehabilitation Research and Development Service, and the Chief Research and Development Officer on the scientific and technical merit, the mission relevance, and the protection of human and animal subjects.

The subcommittee meetings will be open to the public for approximately one-half hour at the start of each meeting to cover administrative matters and to discuss the general status of the program. Members of the public who wish to attend the open portion of the teleconference sessions may dial 1–800–767–1750, participant code 10172. The remaining portion of each subcommittee meeting will be closed to the public for the discussion, examination, reference to, and oral review of the research applications and critiques. During the closed portion of each subcommittee meeting, discussion and recommendations will include qualifications of the personnel conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as research information (the premature disclosure of which would likely compromise significantly the implementation of proposed agency action regarding such research projects). As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing the meeting is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

No oral or written comments will be accepted from the public for either portion of the meetings. Those who plan to attend the open portion of a subcommittee meeting should contact Tiffany Asqueri, Designated Federal Officer, Rehabilitation Research and Development Service, at Department of Veterans Affairs (10P9R), 810 Vermont Avenue NW., Washington, DC 20420, or email *tiffany.asqueri@va.gov* at least 5 days before the meeting. For further information, please call Mrs. Asqueri at (202) 443–5757.

Dated: June 11, 2015.

Rebecca Schiller,

Advisory Committee Management Officer.

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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Listing All Chimpanzees as Endangered Species; Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R9–ES–2010–0086; 4500030115]

RIN 1018–AZ52

Endangered and Threatened Wildlife and Plants; Listing All Chimpanzees as Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), determine endangered species status for all chimpanzees (*Pan troglodytes*) under the Endangered Species Act of 1973, as amended (Act). This rule eliminates the separate classification of captive and wild chimpanzees under the Act. We are also amending the rule issued under section 4(d) of the Act for primates, which is set forth at 50 CFR 17.40(c), by removing chimpanzees from that rule. This final rule implements the Federal protections provided by the Act for all chimpanzees, whether found in captivity or in the wild.

DATES: This rule is effective September 14, 2015.

ADDRESSES: This final rule is available on the Internet at *http://www.regulations.gov* and comments and materials received, as well as supporting documentation used in the preparation of this rule, will be available for public inspection, by appointment, during normal business hours at: U.S. Fish and Wildlife Service; 5275 Leesburg Pike; Falls Church, VA 22041.

FOR FURTHER INFORMATION CONTACT: Janine Van Norman, Chief, Branch of Foreign Species, Ecological Services Program, U.S. Fish and Wildlife Service; telephone 703–358–2171; facsimile 703–358–1735. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

I. Purpose of the Regulatory Action

We are listing all chimpanzees, whether in the wild or in captivity, as endangered under the Endangered Species Act of 1973, as amended (Act). We have determined that the Act does not allow for captive chimpanzees to be assigned separate legal status from their wild counterparts on the basis of their captive state, including through designation as a separate distinct population segment (DPS). It is also not possible to separate out captive chimpanzees for different legal status under the Act by other approaches. Therefore, we are eliminating the separate classification of chimpanzees held in captivity and listing the entire species, wherever found, as an endangered species under the Act.

II. Major Provision of the Regulatory Action

This action eliminates separate classifications for wild and captive chimpanzees under the Act. All chimpanzees, whether in the wild or in captivity, will be listed as one entity that is an endangered species in the List of Endangered and Threatened Wildlife at 50 CFR 17.11(h). This action will also remove the chimpanzee and paragraph (c)(3) from the rule issued under section 4(d) of the Act for primates, which is set forth at 50 CFR 17.40(c), and extend the Act's protections for endangered species to all chimpanzees.

Background

The Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), is a law that was passed to prevent extinction of species by providing measures to help alleviate the loss of species and their habitats. Before an animal or plant species can receive the protection provided by the Act, it must first be added to the Federal List of Endangered and Threatened Wildlife or the Federal List of Endangered and Threatened Plants; section 4 of the Act and its implementing regulations at 50 CFR part 424 set forth the procedures for adding species to these lists.

Previous Federal Actions

On October 19, 1976, we published in the **Federal Register** a rule listing the chimpanzee and 25 other species of primates under the Act (41 FR 45990); the chimpanzee and 13 of the other primate species were listed as threatened species. The chimpanzee was found to be a threatened species based on: (1) Commercial logging and clearing of forests for agriculture and the use of arboricides; (2) capture and exportation for use in research labs and zoos; (3) diseases, such as malaria, hepatitis, and tuberculosis contracted from humans; and (4) inadequacy of existing regulatory mechanisms. We simultaneously issued a rule under section 4(d) of the Act (''4(d) rule'') that the general prohibitions provided to the threatened species would apply except for live animals of these species held in captivity in the United States on the effective date of the rulemaking (November 18, 1976; 41 FR 45990), progeny of such animals, or the progeny of animals legally imported into the United States after the effective date of the rulemaking (November 18, 1976).

On November 4, 1987, we received a petition from the Humane Society of the United States, World Wildlife Fund, and Jane Goodall Institute, requesting that the chimpanzee be reclassified from a threatened species to an endangered species. On March 23, 1988 (53 FR 9460), we published in the **Federal Register** a finding, in accordance with section 4(b)(3)(A) of the Act, that the petition had presented substantial information indicating that the requested reclassification may be warranted and initiated a status review. We opened a comment period, which closed July 21, 1988, to allow all interested parties to submit comments and information.

On December 28, 1988 (53 FR 52452), we published in the **Federal Register** a finding that the requested reclassification was warranted with respect to chimpanzees in the wild. This decision was based on the petition and subsequent supporting comments that dealt primarily with the status of the species in the wild and not with the circumstances of captive populations. We did not propose reclassification of captive chimpanzees. We found that the 4(d) rule exempting captive chimpanzees in the United States from the general prohibitions may encourage propagation, providing surplus animals and reducing the incentive to remove animals from the wild. On February 24, 1989 (54 FR 8152), we published in the **Federal Register** a proposed rule to implement such reclassification. With publication of the proposed rule, we opened a 60-day comment period to allow all interested parties to submit comments and information.

On March 12, 1990, we published in the **Federal Register** (55 FR 9129) a final rule reclassifying the wild populations of the chimpanzee as endangered species. The captive chimpanzees remained classified as threatened species, and those within the United States continued to be covered by the 4(d) rule allowing activities otherwise prohibited.

On March 16, 2010, we received a petition dated the same day, from Meyer Glitzenstein & Crystal on behalf of The Humane Society of the United States, the American Association of Zoological Parks and Aquariums, the Jane Goodall Institute, the Wildlife Conservation Society, the Pan African Sanctuary Alliance, the Fund for Animals, Humane Society International, and the New England Anti-Vivisection Society

(hereafter referred to as ''petitioners'') requesting that captive chimpanzees (*Pan troglodytes*) be reclassified as endangered species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioners, as required by 50 CFR 424.14(a). The petition contained information on what the petitioners reported as potential threats to the species from habitat loss, poaching and trafficking, disease, and inadequate regulatory mechanisms. On October 12, 2010, we received a letter from Anna Frostic, Staff Attorney with the Humane Society of the United States, on behalf of the petitioners clarifying that the March 16, 2010, petition was a petition to list the entire species (*Pan troglodytes*) as an endangered species, whether in the wild or in captivity, pursuant to the Act.

On September 1, 2011, we published in the **Federal Register** a finding that the March 16, 2010, petition presented substantial scientific or commercial information indicating that the requested action may be warranted, and we initiated a status review (76 FR 54423).

On November 1, 2011, we published in the **Federal Register** a notice correcting an incorrect Docket Number given under the **ADDRESSES** section of the September 1, 2011, petition finding. We also gave notice that we were making the large volume of supporting documents submitted with the petition available to the public. To allow the public adequate time to review the supporting documents, we extended the period of time for submitting information to January 30, 2012 (74 FR 67401). On June 12, 2013, the Service published in the **Federal Register** a proposed rule to list all chimpanzees as an endangered species under the Act and remove chimpanzees from the 4(d) rule for primates set forth at 50 CFR 17.40(c) (78 FR 35201).

Summary of Changes From the Proposed Rule

We fully considered comments from the public and the peer reviewer on the proposed rule to determine our final listing status of chimpanzees. This final rule incorporates changes to our proposed rule based on the comments that we received that are discussed below and newly available scientific and commercial information. We made some technical corrections and incorporated additional information into our discussion of diseases. On the basis of an evaluation of the information we received or incorporated into this final rule we affirm our determination that listing the chimpanzee as an endangered species is warranted.

Evaluation of Captive Chimpanzees as a Separate Listable Entity

Under section 3(16) of the Act, we may consider for listing any species, which includes subspecies of fish, wildlife, and plants, or any distinct population segment (DPS) of vertebrate fish or wildlife that interbreeds when mature (16 U.S.C. 1532(16)). Such entities are considered eligible for separate listing status under the Act (and, therefore, referred to as listable entities) should we determine that they meet the definition of an endangered species or threatened species.

The Service was petitioned to list all chimpanzees, whether in the wild or in captivity, as endangered species. Essentially, this request is to eliminate the separate classification of captive chimpanzees from chimpanzees located in the wild. This petition raised questions regarding whether the Service has any discretion to differentiate the listing status of chimpanzees in captivity from those in the wild.

The Service has not had an absolute policy or practice with respect to this issue, but generally has included wild and captive animals together when it has listed species. The example set by the separate chimpanzee listings was used as support for two petitions the Service received in 2010 to delist U.S. captive and U.S. captive-bred members of three antelope species in the United States. In the 2005 listing determination for the scimitar-horned oryx (*Oryx dammah*), dama gazelle (*Gazella dama*), and addax (*Addax nasomaculatus*) (70 FR 52310, September 2, 2005), the Service found that a differentiation in the listing status of captive specimens of these antelopes in the United States was not appropriate. The petitioners, Exotic Wildlife Association, Safari Club International, and Safari Club International Foundation, asserted that the treatment by the Service of chimpanzees in 1990 warranted similar treatment for these antelope species. Because the Service had not specifically examined whether the current statute, regulations, and applicable policies provide any discretion to differentiate the listing status of specimens in captivity from those in the wild, we reviewed the issues raised by these petitions to ensure the Act is implemented appropriately. On June 5, 2013, we found that delisting U.S. captive and U.S. captive-bred members of the three antelope species was not warranted (78 FR 33790). In addition, on August 9, 2013, the U.S. District Court for the District of Columbia upheld the Service's decision to include U.S. captive-bred antelope in its 2005 listing of the three antelope species as endangered (see *Safari Club Int'l* v. *Jewell*, 960 F. Supp. 2d 17 (D.D.C. 2013)).

For similar reasons and as discussed below, we find that the Act does not allow for captive chimpanzees to be assigned separate legal status from their wild counterparts on the basis of their captive state, including through designation as a separate distinct population segment (DPS).[1] It is also not possible to separate out captive chimpanzees for different legal status under the Act by other approaches (see *Other Potential Approaches for Separate Legal Status*).

Provisions of the Act

The legal mandate of section 4(a)(1) is to determine ''whether any *species* is an endangered species or a threatened species . . .'' (emphasis added). In the Act, a ''species'' is defined to include any subspecies and any DPS of a vertebrate animal, as well as taxonomic species. Other than a taxonomic species or subspecies, captive specimens (of a vertebrate animal species) would have to qualify as a ''distinct population segment . . . which interbreeds when mature'' to qualify as a separate DPS.[2] Nothing in the plain language of the definitions of ''endangered species,'' ''threatened species,'' or ''species'' expressly indicates that captive chimpanzees can or cannot have separate status under the Act on the basis of their state of captivity. However, certain language in the Act is inconsistent with a determination of separate legal status for captive chimpanzees.

Under section 4(c)(1), the agency is to specify for each species listed ''over what portion of its range'' it is an

[1] As compared to populations that exist in the wild, ''captivity'' is defined as ''living wildlife . . . held in a controlled environment that is intensively manipulated by man for the purpose of producing wildlife of the selected species, and that has boundaries designed to prevent animal [sic], eggs or gametes of the selected species from entering or leaving the controlled environment. General characteristics of captivity may include but are not limited to artificial housing, waste removal, health care, protection from predators, and artificially supplied food'' (50 CFR 17.3).

[2] The analysis in this document addresses only where it is not disputed that the specimens are members of a wildlife species, such as chimpanzees. This analysis does not address situations where members of a species have been held in captivity for a sufficiently long period that they have developed into a separate domesticated form of the species, including where the domesticated form is sufficiently distinct to be considered a separate taxonomic species or subspecies (*e.g.*, domesticated donkey vs. the African wild ass).

endangered or threatened species.[3] ''Range,'' while not defined in the Act, consistently has been interpreted under the Act as the general geographical area of the species *in the wild.* Thus, chimpanzees held in captivity and analyzed as a separate listable entity have no ''range'' separate from that of the species to which they belong, at least as that term has been applied under the Act.

As demonstrated in various species' listings at 50 CFR 17.11 and 17.12, information in the ''Historic Range'' column is the range of the species in the wild. For none of these species does the ''range'' information include countries or geographic areas on the basis of where specimens are held in captivity, even though the Service knows that specimens of many of these species have long been held in facilities outside their native range, including in the United States.

Also, in analyzing the ''present or threatened destruction, modification, or curtailment of [a species'] habitat or *range*'' (emphasis added) (see section 4(a)(1)(A) of the Act), the Service has traditionally analyzed habitat threats in the native range of wild specimens and not included other geographic areas where specimens have been moved to and are being held in captivity. We are not aware of any Service listing decision where analysis of threats to the ''range'' has included geographic areas outside the native range where specimens are held in captivity.

In analyzing other threats to a species (see sections 4(a)(1)(B), 4(a)(1)(C), 4(a)(1)(D), and 4(a)(1)(E) of the Act), the Service has also limited its analysis to threats acting upon wild specimens within the native range of the species, and has not included analysis of ''threats'' to animals held in captivity except as those threats impact the potential for the captive population to contribute to recovery of the species in the geographic area where wild specimens are native.

In addition to the use of ''range'' in sections 4(a)(1) and 4(c)(1), the definitions of ''endangered species'' and ''threatened species'' found in section 3 of the Act also discuss the role of the species' range in listing determinations. The Act defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range,'' and a threatened species as ''any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The Service's 2014 Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37578; July 1, 2014) interprets ''range'' as the ''general geographical area within which that species can be found at the time [the Service] or [the National Marine Fisheries Service (NMFS)] makes any particular status determination. This range includes those areas used throughout all or part of the species' life cycle, even if they are not used regularly (*e.g.*, seasonal habitats). Lost historical range is relevant to the analysis of the status of the species, but it cannot constitute a significant portion of a species' range.'' The ''general geographical area within which that species can be found'' is broad enough to include geographic areas where animals have been moved by humans and are being held in captivity. However, the Service has not applied the term in this manner in the past and does not intend to do so in the future. ''Significant portion of its range'' (SPR) analyses have been and will be limited to geographic areas where specimens are found in the wild.

Thus, throughout the Act ''range'' has consistently been interpreted by the Service as being the natural range of the species *in the wild.*[4] For all the reasons discussed above, chimpanzees held in captivity should not have separate legal status under the Act because they have no ''range'' that is separate from the range of the species in the wild to which they belong, as that term is used in the Act.

Certain provisions in sections 9 and 10 of the Act show that Congress anticipated that captive animals would have the same legal status as their wild counterparts by providing certain exceptions for animals held in captivity. Section 9(b)(1) of the Act provides an exemption from certain section 9(a)(1) prohibitions for listed animals held in captivity or in a controlled environment as of the date of the species' listing (or enactment of the Act), provided the holding in captivity and any subsequent use is not in the course of a commercial activity. Section 9(b)(2) of the Act provides an exemption from all section 9(a)(1) prohibitions for raptors held in captivity or in a controlled environment as of 1978 and their progeny. Section 10(a)(1)(A) of the Act allows permits to ''enhance the *propagation* or survival'' of the species (emphasis added). This demonstrates that Congress recognized the value of captive-holding and propagation of listed specimens held in captivity, but intended that such specimens would be protected under the Act, with these activities generally regulated by permit.[5] If captive specimens could simply be excluded through the listing process, none of these exceptions and permits would be needed.

Purpose of the Act

Meaning of Section 2(b) of the Act

The full purposes of the Act, stated in section 2(b), are ''to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved [hereafter referred to as the first purpose], to provide a program for the conservation of such endangered species and threatened species [hereafter referred to as the second purpose], and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section [hereafter referred to as the third purpose].'' It has been stated, without explanation, that the language of section 2(b) of the Act supports protecting only specimens that occur in the wild. However, the purposes listed in section 2(b) indicate that the three provisions are intended to have independent meaning, with little to indicate that Congress' intent was to protect only specimens of endangered or threatened

[3] Even though the Service has taken the position in its significant portion of the range (SPR) policy (79 FR 37578) that the range information called for under section 4(c)(1) is for information purposes, this statutory language still informs the question of Congress' intent under the statute.

[4] *See also* Endangered Species Act: Hearings on H.R. 37, H.R. 470, H.R. 471, H.R. 1461, H.R. 1511, H.R. 2669, H.R. 2735, H.R. 3310, H.R. 3696, H.R. 3795, H.R. 4755, H.R. 2169 and H.R. 4758 Before the House Subcomm. on Fisheries and Wildlife Conservation and the Environment, House Comm. on Merchant Marine and Fisheries, 93d Cong. 198 (1973) (hereinafter 1973 Hearing on H.R. 37 and others) (Letter from S. Dillon Ripley, Secretary of Smithsonian Institute, to Chairman, House Comm. on Merchant Marine and Fisheries, April 23, 1973 (lauding H.R. 4758, the Administration's legislative proposal that contained a definition of ''endangered species'' substantially similar to the statutory definition eventually adopted by Congress in the 1973 Act: ''In effect the bill offers a great deal of flexibility by providing that a species may be placed on the list if the Secretary determines that it is presently threatened with extinction, not only in all of its *natural* range, but in a significant part thereof, as well.'') (emphasis added)).

[5] *See* Endangered Species Conservation Act of 1972: Hearing on S. 249, S. 3199 and S. 3818 Before the Senate Subcomm. on the Environment, Senate Comm. on Commerce, 92nd Cong. 211–12 (1972) (statement of Deborah Appel, Assistant to the Director for Public Information, National Audubon Society) (endorsing S. 3199, a bill considered by the Senate that contained similar language eventually adopted by Congress in the purpose section of the 1973 Act, but advising against a specific mandate requiring captive propagation because ''the capture of specimens for experiment in captive propagation may in itself endanger the chances of some rare species for survival in the wild.'').

species found in the wild. The treaties and conventions under the third purpose are expressly those listed in section 2(a)(4) of the Act, all of which are for the protection of wildlife and plants, and none of which is limited to protection of endangered or threatened specimens in the wild.[6] The first purpose calls for conservation of ecosystems, independent of conservation of species themselves (which is separately listed as the second purpose). This does focus on protection of native habitats (those inhabited by the species in the wild in its native range), as it is generally the ecosystems or habitats within which a species has evolved that are those upon which it ''depends.'' However, the phrase ''upon which endangered species and threatened species depend'' indicates only that ecosystem (*i.e.*, habitat) protection should be focused on that used by endangered and threatened species, and does not indicate that the sole focus of the Act is conservation of species within their native ecosystems. Several provisions in the Act provide authority to protect habitat, independent of authorities applicable to protection and regulation of specimens of listed species themselves. See, for example, section 5 (Land Acquisition), section 6 (Cooperation With the States), section 7 (Interagency Cooperation), and section 8 (International Cooperation).

It is the second purpose under section 2(b) of the Act that speaks to the conservation of species themselves that are endangered or threatened species. However, nothing in the language of the second purpose indicates that conservation programs should be limited to specimens located in the wild. The plain language of section 2(b) refers to ''species,'' with no distinction between wild specimens of the species as compared to captive specimens of the species. Thus, nothing in the plain language indicates that captive specimens should be excluded from the Act's processes and protections that would contribute to recovery (*i.e.*, ''conservation'') of the entire taxonomic species. It is true that the phrasing of the second purpose (''to provide a program for the conservation of *such* endangered species and threatened species'' (emphasis added)) links the second purpose of species recovery to the first purpose of ecosystem (*i.e.*, native habitat) protection, thus making the *goal* of the statute recovery of endangered and threatened species in their natural ecosystems. But there is nothing in the phrasing to indicate that the specific provisions of the statute for meeting this goal should be limited to specimens of the species located within the ecosystems upon which they depend.

Separate Legal Status Is Inconsistent With Section 2(b)

The potential consequences of captive chimpanzees having separate legal status under the Act on the basis of their captive state, particularly where captive specimens could have no legal protection while wild specimens are listed as an endangered species,[7] indicate that such separate legal status is not consistent with the section 2(b) purpose of conserving endangered and threatened species. Congress specifically recognized ''overutilization for commercial, recreational, scientific, or educational purposes'' as a potential threat that contributes to the risk of extinction for many species. If captive chimpanzees have separate legal status under the Act, particularly with no protections under the Act, the threat of overutilization would potentially increase. The United States is one of the world's largest markets for wildlife and wildlife products.[8] Poachers and smugglers would have increased incentive to remove animals from the wild and smuggle them into captive-holding facilities in the United States for captive propagation or subsequent commercial use, because once in captivity there would be no Act restrictions on use of the captive specimens or their offspring. This would be a particular issue for foreign species such as chimpanzees where States regulate native wildlife (and therefore captive domestic endangered or threatened specimens would continue to be regulated under State law), but often do not regulate use of nonnative wildlife. This could be a particularly lucrative trade for poachers and smugglers because many endangered and threatened species (particularly foreign species such as chimpanzees) can be at risk of extinction because of their high commercial value in trade (as trophies or pets, or for their furs, horns, ivory, shells, or medicinal or decorative use).

Once removed from the wild, species such as chimpanzees would potentially be subject to increased trade in ''laundered'' wild-caught specimens to feed U.S. or foreign market demand because protected wild specimens would be generally indistinguishable from unprotected captive specimens. Because there would be no restriction or regulation on the taking, sale, import, export, or transport in the course of commercial activities in interstate or foreign commerce of captive specimens by persons subject to U.S. jurisdiction, there would be a potential legal U.S. market in captive specimens and their progeny operating parallel to any illegal U.S. market (or U.S. citizen participation in illegal foreign markets) in wild specimens. With the difficulty of distinguishing captive from wild specimens, especially if they are broken down into their parts and products, illegal wild specimens of commercial value could likely easily be passed off as legal captive specimens and thus be traded as legal specimens. As the court found in *Safari Club Int'l* v. *Jewell,* listing captive members of the species along with the wild members ''avoids any confusion about the source of the [animals]'' and therefore is consistent with the purposes of the Act (960 F. Supp. 2d at 67).

Congress included the similarity-of-appearance provision in section 4(e) to allow the Service to regulate species under the Act where one species so closely resembles an endangered or threatened species that enforcement personnel cannot distinguish between the protected and unprotected species and this difficulty is a threat to the species. The Service's only option in the situations described above would be to complete separate similarity-of-appearance listings for captive animals not regulated under the Act. A similarity-of-appearance listing under the Act for such captive specimens would become the only means to make captive specimens subject to the same restrictions as listed wild specimens and thereby protect the wild populations from overutilization for commercial, recreational, scientific, or educational purposes.

Operation of Key Provisions of the Act

As described in the following subsections, operation of key provisions in sections 4 and 7 of the Act also indicate that it would not be consistent with Congressional intent or the purpose of the Act to treat captive chimpanzees as a separate listable entity on the basis of their captive state.

[6] Nor are these treaties and conventions limited to protection of species listed as endangered or threatened under the Act.

[7] If it were determined that captive chimpanzees can have separate legal status on the basis of their captive state, proponents of separate legal status could argue that these captive specimens do not qualify as endangered or threatened species at all because they do not face ''threats'' that create a substantial risk of extinction to the captive specimens such as those faced by the wild population, in which case captive chimpanzees would have no protections under the Act (see *Section 4: Listing Effects on Captive Animals*).

[8] See USFWS Office of Law Enforcement Annual Report for FY 2009 p. 7.

Section 4: Listing Effects on Captive Animals

The section 4 listing process is not well suited to analyzing threats to an entirely captive group of specimens that are maintained under controlled, artificial conditions, and the process could be lead to consequences that are not consistent with the purposes of the Act.

The majority of the section 4(a)(1) factors would be difficult to apply to captive specimens with a range independent of wild specimens because the five factors are not readily suited to evaluating specimens held in captivity. There may be situations where only disease threats (factor C) and other natural or manmade factors (factor E) would be applicable to consideration of purely captive groups of specimens. The present or threatened destruction, modification, or curtailment of habitat or range (factor A) may not be a threat for a listable entity consisting solely of captive specimens, because the physical environment under which captive specimens are held is generally readily controllable and, in many cases, optimized to ensure the physical health of the animal. Overutilization (factor B) is unlikely to be a factor threatening the continued existence of groups of captive specimens where both breeding and culling are managed to ensure the continuation of stock at a desired level based on ownership interest and market demand. Predation (factor C) may rarely be a factor for captive specimens because predators may be more readily controlled in captive situtions. In addition, human management may provide for all essential life functions, thereby eliminating selection or competition for mates, food, water resources, and shelter.

It is unclear how the ''inadequacy of existing regulatory mechanisms'' (factor D) would apply to captive specimens with a range independent of wild specimens because this factor generally applies in relationship to threats identified under the other factors. Regulatory mechanisms applicable to wild specimens usually include measures to protect natural habitat and laws that regulate activities such as take, sale, and import and export. However, there might be no regulatory mechanisms applicable when the group of specimens under consideration is in captivity (except perhaps general humane treatment or animal health laws).

That the section 4 process is not well suited to listings of entirely captive specimens is demonstrated by the previous listing action for the chimpanzee. The chimpanzee was originally listed in its entirety as a threatened species (41 FR 45990, October 19, 1976). On March 12, 1990 (55 FR 9129), the Service reclassified wild populations of chimpanzees as a separate endangered species, noting that wild populations had declined due to massive habitat destruction, excessive hunting and capture by people, and lack of effective national and international controls. But the reclassification rule never analyzed whether the newly designated DPS consisting of chimpanzees ''wherever found in captivity'' separately met the definition of a threatened species based on the five factors found in section 4(a)(1) of the Act. Instead, the rule discussed estimated numbers of animals in captivity and known captive-breeding programs, stating in response to a comment that some chimpanzee breeding groups were being managed in the United States with the objective of achieving self-sustainability. The five-factor analysis in both the proposed and final listing rules considered only information applicable to wild populations and within the taxonomic species' native range.

That the section 4 listing process is not well suited to separate consideration of captive specimens could result in consequences that would be contrary to the purposes of the Act. Because captive members of the species and wild members of the species would be under separate consideration for listing under the Act and therefore under separate five-factor analyses, some would argue that captive chimpanzees do not meet the definition of a threatened species or an endangered species under the statutory factors when the scope of the section 4 analysis would be the conditions under which the captive specimens are kept, not the conditions of the members of the species as a whole. They might argue that captive chimpanzees as well as captive members of other species do not meet the definition of an endangered species (in danger of extinction throughout all or a significant portion of its range) or a threatened species (likely to become endangered within the foreseeable future throughout all or a significant portion of its range) when the conditions for individual animals' survival are carefully controlled under human management and therefore not subject to ''threats,'' especially for species that readily breed in captivity, where breeding has resulted in large numbers of genetically diverse animals, or where there are no known uncontrollable conditions such as disease.

If wild specimens and captive specimens could qualify as separate listable entities and it was determined that captive chimpanzees do not qualify as a threatened species or an endangered species under the section 4 analysis because they do not face ''threats,'' captive chimpanzees would receive no assistance or protection under the Act even where wild populations continue to decline, even to the point of the taxonomic species being extirpated from the wild with the animals in captivity being the only remaining members of the species and survival of the entire taxonomic species being dependent on the survival of the captive animals. Indeed, we have been petitioned at least once in the past to delist captive members of three species—the three African antelope, one of which is extirpated from the wild—where the petitioner argued that captive members should be removed from the list because the captive animals had ''recovered.'' This would not be consistent with the purposes of the Act.

Section 4: Listing Effects on Wild Populations

If wild populations and captive chimpanzees could qualify as separate listable entities, and because the analysis for determining legal status of wild populations would be separate from the analysis for determining legal status of captive specimens, the wild population would likely qualify for delisting in the event that all specimens are extirpated from the wild (in other words, if they became extinct in the wild), thereby removing both incentives and protections for conservation of the species in the wild and the conservation of its ecosystem.

Under the Service's standard section 4 process, both captive and wild specimens of the species are members of the listed entity and have legal status as endangered or threatened species. In situations where all specimens in the wild are gone, either because they are extirpated due to threats or because, as a last conservation resort, the remaining wild specimens are captured and moved into captivity, the species remains listed until specimens from captivity can be reintroduced to the wild and wild populations are recovered. However, if captive specimens and wild populations could have separate legal status, once all members of the wild population were gone from the wild, the wild population could be petitioned for and would likely qualify for delisting under 50 CFR 424.11(d)(1) as a ''species'' that is now extinct. As shown above, the separate

captive members of the taxonomic species might not qualify for legal status as endangered or threatened species, due to the lack of ''threats.'' With no protected members of the species and therefore no authority to use funding or other provisions of the Act for the species, the Service would lose valuable tools for recovery of the species to the wild. This would clearly not be consistent with the purposes of the Act.

Section 7: Consultation

All Federal agencies have a legal obligation to ensure that their actions are not likely to jeopardize the continued existence of endangered and threatened species. This means that for separately listed captive endangered or threatened specimens, any Federal agency that is taking an action within the United States or on the high seas that may affect the captive listed species arguably would have a legal duty to consult with the Service. However, the section 7 consultation process is not well suited to analysis of adverse impacts posed to a purely captive group of specimens given that such specimens are maintained under controlled, artificial conditions.

Section 4: Designation of Critical Habitat

For any listed entity located within the United States or within U.S. jurisdictional territories or waters, we have a section 4 duty to designate critical habitat unless such designation is not prudent.[9] Although it is appropriate not to designate critical habitat for foreign species or to limit a critical habitat designation to natural habitats for U.S. species when a listing is focused on the species in the wild (even when some members of the species may be held in captivity within the United States), it is not clear how the Service would support not designating critical habitat when the listed entity would consist entirely of captive specimens (when the focus of captivity is within the United States). As with the consultation process, the critical habitat designation duty is not well suited for listings that consist entirely of captive specimens, especially given the anomaly of identifying the physical and biological features that would be essential to the conservation of a species consisting entirely of captive animals in a controlled environment. These complexities related to section 7 consultations and designation of critical habitat indicate that Congress did not intend the Service to treat captive specimens as separate listable entities on the basis of their captive state.

Legislative History

Legislative history surrounding the 1978 amendment of the definition of ''species'' in the Act indicates that Congress intended designation of a DPS to be used for wild vertebrate populations, not separation of captive specimens from wild members of the same taxonomic species. The original (1973) definition of species was ''any subspecies . . . and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature'' (Pub. L. 93–205). In 1978, Congress amended the Act to the Act's current definition of species, substituting ''any distinct population segment'' for ''any other group'' and ''common spatial arrangement'' following testimony on the inadequacy of the original definition, such as the exclusion of one category of populations commonly recognized by biologists: Disjunct allopatric populations that are separated by *geographic barriers* from other populations of the same species and are consequently reproductively isolated from them physically (See Endangered Species Act Oversight: Hearing Before Senate Subcommittee on Resource Protection, Senate Committee on Environment and Public Works, 95th Cong. 50 (July 7, 1977) (hereafter 1977 Oversight Hearing) (letter from Tom Cade, Program Director, The Peregrine Fund, to Director of the Service). Although there was discussion regarding population stocks and reproductive isolation generally, particularly in association with development of the 1973 definition,[10] discussions that provide additional context on the scope of the definition of ''species'' show that Congress thought of the population-based listing authority as appropriate for populations that are distinct for natural and evolutionary reasons. For example, one witness discussed ''species'' as associated with the concept of geographic reproductive isolation and including characteristics of a population's ability or inability to freely exchange genes *in nature* (See 1977 Oversight Hearing at 50 (Cade letter)). There is no evidence that Congress intended for the agency to use the authority to separately list groups of animals that have been artificially separated from other members of the species through human removal from the wild and maintenance in a controlled environment. Examples in testimony for which population-based listing authority would be appropriately used were all for wild populations (See 1973 Hearing on H.R. 37 and others at 307 (statement of Stephen Seater, Defenders of Wildlife); Endangered Species Act of 1973: Hearings on S. 1592 and S. 1983 Before the Senate Subcomm. on Environment, Senate Comm. on Commerce, 93d Cong. 98 (1973) (statement of John Grandy, National Parks and Conservation Assoc.); Endangered Species Authorization: Hearings on H.R. 10883 Before the House Subcomm. on Fisheries and Wildlife Conservation and the Environment, House Comm. on Merchant Marine and Fisheries, 95th Cong. 560 (1978) (statement of Michael Bean, Environmental Defense Fund)). No examples were given suggesting designation of captive vertebrates as a DPS.

Other Potential Approaches for Separate Legal Status

In addition to separate designation as ''species,'' there are two other approaches under which it could be argued that captive chimpanzees could be given separate legal status from their wild counterparts: (1) Directly excluding captive chimpanzees from the Act's protections, or (2) designating only wild chimpanzees as a DPS, with captive chimpanzees not included in the DPS. However, neither approach would be consistent with Congress' intent for the Act.

One court already determined that captive specimens of a listable entity cannot simply be excluded when they are members of the listable entity and the Service agrees with the court's reasoning in this case. The Service cannot exclude captive animals from a listing once these animals are determined to be part of the species. This case—*Alsea Valley Alliance* v. *Evans*— involved the listing of coho salmon by NMFS. NMFS's 1993 Hatchery Policy (58 FR 17573, April 5, 1993) stated that hatchery populations could be included in the listing of wild members of the same evolutionary significant unit (equivalent to a DPS), but only if the hatchery fish were ''essential to recovery.'' In 1998, NMFS listed only ''naturally spawned'' specimens when it listed an evolutionary significant unit (ESU) of coho salmon (63 FR 42587, August 10, 1998). This decision was challenged in court, and the Court found NMFS's

[9] Making a not determinable finding is also an option under section 4(b)(6) of the statute, but only delays the requirement to designate such critical habitat.

[10] *See* 1973 Hearing on H.R. 37 and others p. 286 (statement of John Grandy, National Parks and Conservation Assoc.) p. 307 (statement of Stephen Seater, Defenders of Wildlife), and pp. 299–300 (statement of Tom Garrett, Friends of the Earth).

listing decision invalid because it excluded hatchery populations (which are fish held in captivity) even though they were part of the same DPS (or ESU) (*Alsea Valley Alliance* v. *Evans,* 161 F. Supp. 2d 1154 (D. Or. 2001)). The Court held that ''Congress expressly limited the Secretary's ability to make listing distinctions below that of subspecies or a DPS of a species,'' which was the practical result of excluding all hatchery specimens. NMFS subsequently changed its Hatchery Policy in 2005, stating that all hatchery fish that qualify as members of the ESU would be considered part of the ESU, would be considered in determining whether the ESU should be listed as an endangered or threatened species, and would be included in any listing under the Act (70 FR 37204, June 28, 2005). NMFS's 2005 Hatchery Policy was upheld by the Ninth Circuit Court in *Trout Unlimited* v. *Lohn,* 559 F. 3d 946 (2009).

For the same reasons as discussed earlier in this document, the Service also cannot simply designate wild chimpanzees as a DPS, leaving all captive animals unlisted. Although this would avoid designating captive animals as a separate DPS and would not technically be excluding animals that otherwise have been found to be members of a DPS (and thereby avoid the error the court found in the *Alsea Valley Alliance* v. *Evans* decision), the result would be separate legal status and no legal protections for captive chimpanzees, and many of the same legal and conservation consequences discussed above would occur. For these reasons, we also find this outcome to be inconsistent with Congress' intent for the Act, primarily as inconsistent with the purposes of the Act.

Listing Evaluation

Now that we have determined that all chimpanzees, including captive and wild animals, should be considered as a single listable entity under the Act, we will next assess the status of the species and determine if the species meets the definition of endangered or threatened under the Act. In 1990, we determined that chimpanzees in the wild are endangered. This analysis considers new information in light of that previous determination and includes the extent to which captive chimpanzees create or contribute to threats to the species or remove or reduce threats to the species by contributing to the conservation of the species.

Species Information

Taxonomy and Species Description

In 1990, when the wild populations of chimpanzees were reclassified as endangered species, only three subspecies were recognized. Since that time, the correct taxonomic labeling for chimpanzees has been debated and includes the use of a two-subspecies system, a four-subspecies system, and the use of the species level without subspecific designations (Carlsen *et al.* 2012, p. 5; Morgan *et al.* 2011, p. 7; Plumptre *et al.* 2010, p. 2; Ghobrial *et al.* 2010, p. 2; Oates *et al.* 2008, unpaginated). Today, four subspecies are commonly recognized and include the Central African chimpanzee (*Pan troglodytes troglodytes*), East African chimpanzee (*P. t. schweinfurthii*), West African chimpanzee (*P. t. verus*), and Nigeria–Cameroon chimpanzee (*P. t. ellioti*) (Morgan *et al.* 2011, p. 7; Oates *et al.* 2009, pp. 78–80; Gonder *et al.* 2006, p. 1120; Gonder *et al.* 1997, p. 337).

Characteristics of the chimpanzee include an opposable thumb and prominent mouth. The skin on a chimpanzee's face, ears, palms, and soles of the feet are bare, whereas the rest of the body is covered with brown to black hair. Arms extend beyond the knees. This species walks ''on all four'' but is able to walk on just its legs for more than a kilometer (0.6 miles (mi)) (WWF n.d., unpaginated). The male stands over 1.2 meters (m) (4 feet (ft)) tall and weighs 59 kilograms (kg) (130 pounds (lb)); the female is closer to 0.9 m (3 ft) tall and weighs less than 45 kg (100 lb) (AZA 2000, p. 1).

Chimpanzees live in social communities that range from 5 to 150 individuals (Oates *et al.* 2008, unpaginated). A male dominance hierarchy forms the core of the community. Males work together to defend a home range and will occasionally attack and kill individuals from another community (Lonsdorf 2007, pp. 72, 74). These communities do not move around in a group like gorillas or monkeys, but rather spend most of their time in subgroups called parties (Pusey *et al.* 2007, p. 626; Plumptre *et al.* 2003, p. 9). Members of a community may join, or leave, at any time and parties may change frequently in size and composition depending on presence of receptive females, food availability, and activity of the party (Lonsdorf 2007, p. 72; Lehmann and Boesch 2004, p. 207; Humle 2003, p. 17; Plumptre *et al.* 2003, p. 9).

Males remain in the community in which they were born; however, once females become sexually mature, between the ages of 9 and 13, they leave the community to join a new one (Humle 2003, p. 16). Chimpanzees are slow breeders; females do not give birth until they are 12 years of age or older and only have one infant every 5 or 6 years. Infants are weaned around 4 years old, and stay with their mothers until they are about 8 to 10 years old (Lonsdorf 2007, p. 72; Kormos 2003, p. 1; Plumptre *et al.* 2003, pp. 8, 10, 13). The relationship between the mother and her offspring is critical; young may not survive being orphaned, even after they are weaned (Lonsdorf 2007, p. 72).

Essential Needs of the Species

The chimpanzee lives in a variety of moist and dry forest habitats including savanna woodlands, mosaic grassland forests, and tropical moist forests (Oates *et al.* 2008, unpaginated; Pusey *et al.* 2007, p. 626; GRASP 2005a, p. 6; Butynski 2003, p. 6). In general, chimpanzees need large areas to provide sufficient resources for feeding, nesting, and shelter (Carter 2003b, p. 158). However, home ranges may vary depending on the quality of habitat and community size; competition for food and predation risk may also play a role. Home ranges average 12.5 square kilometers (km^2) (8 square miles (mi^2)), but can range from 5–400 km^2 (3–249 mi^2) (Oates *et al.* 2008, unpaginated; Humle 2003, pp. 17–18).

Chimpanzees are omnivores; half their diet is ripe fruit, but they also feed on leaves, bark, stems, insects, and mammals, mostly red colobus (*Procolobus* spp.), but also black-and-white colobus (*Colobus guereza*), and occasionally blue duikers (*Philantomba monticola*) and red-tailed guenons (*Cercopithecus ascanius*). Diets vary seasonally and between populations, depending on food availability and habitat type (Oates 2013, pers. comm.; Oates *et al.* 2008, unpaginated; Pusey *et al.* 2007, p. 626; Humle 2003, pp. 13–14; Watts and Mitani 2002, p. 7).

Chimpanzees build arboreal nests in which they sleep at night and may rest during the day (Plumptre *et al.* 2003, p. 10; Humle 2003, p. 15). Nests are constructed by preparing a foundation of solid side branches; bending, breaking, and interweaving side branches crosswise; then bending smaller twigs in a circle around the rim. Chimpanzees exhibit strong preferences for certain tree species for nesting, independent of their availability in the habitat. Choice of nesting sites is variable across populations and communities of chimpanzees and is dependent on habitat structure, resource distribution, predation levels, and human disturbance. Chimps can be

deterred from nesting in certain areas where human habitation is concentrated. As a result, human presence influences nesting behavior and can put chimpanzees at risk of predators, as habitats where they relocate nests to avoid humans may not provide sufficient protection (Humle 2003, pp. 15–16).

Range and Population

Historically, this species may have spanned most of Equatorial Africa, from Senegal to southwest Tanzania, ranging over 25 countries (Butynski 2003, p. 6). Today, the chimpanzee is reported as extirpated in Benin, Togo, and Burkina Faso; however, there are a few recent reports of chimpanzees in eastern Togo and reports of chimpanzees migrating into Burkina Faso from Côte d'Ivoire during the rainy season. The species now occurs in a wide but discontinuous distribution over 22 countries in an area approximately 2,342,000 km^2 (904,000 mi^2) (Mitchell and Gonder 2013, p. 1; Oates 2013, pers. comm.; Carlsen *et al.* 2012, p. 5; Oates *et al.* 2008, unpaginated; Kormos and Boesch 2003, p. 1; Butynski 2003, pp. 6, 7; Brownell 2003a, p. 117; Brownell 2003b, p. 121).

Chimpanzees are thought to have numbered in the millions at the beginning of the 20th century, although there are no hard data to support this. Chimpanzee populations are believed to have declined by 66 percent, from 600,000 to 200,000 individuals before the 1980s (Kormos and Boesch 2003, p. 1). Since the 1980s, estimates for the chimpanzee have varied, but in general have increased over the past three decades (see Table 1) (Oates 2006, pp. 102–104; Butynski 2003, p. 10). Using the latest population estimates for each subspecies, the chimpanzee, today, totals between 294,800 and 431,100 individuals; although we note that this estimate does not factor in a recent calamitous decline in the chimpanzee population of Côte d'Ivoire (see below). The range countries and most recent population estimates for each subspecies are outlined in Table 2.

TABLE 1—HISTORICAL POPULATION ESTIMATES FOR CHIMPANZEE

Year	Estimated population	Source
1900	1,000,000	Teleki in Butynski 2003, p. 10; Oates 2006, p. 104.
1900	2,000,000	Goodall 2000 in Butynski 2003, p. 10.
1960	>1,000,000	Goodall 2000 in Butynski 2003, p. 10.
1979	20,000–200,000	Lee *et al.* 1988 in Oates 2006, p. 103.
1987	151,000–235,000	Teleki in Butynski 2003, p. 10; Oates 2006, p. 104.
1989	≤150,000	Goodall 2000 in Butynski 2003, p. 10.
1989	145,000–228,000	Teleki 1991 in Butynski 2003, p. 10.
2000	152,200–254,600	Butynski 2001 in Oates 2006, p. 104.
2003	173,000–300,000	Butynski 2003, p. 10.

TABLE 2—RANGE COUNTRIES AND POPULATION ESTIMATES FOR EACH CHIMPANZEE SUBSPECIES

Subspecies	Range countries	Population estimate	Reference
Eastern (*P.t. schweinfurthii*).	Burundi, Central African Republic, Democratic Republic of Congo, Rwanda, Sudan, Tanzania, Uganda.	200,000–250,000	Plumptre *et al.* 2010, p. 22.
Nigeria-Cameroon (*P.t. ellioti*).	Cameroon, Nigeria	3,500–9,000	Morgan *et al.* 2011, p. 4.
Central (*P.t. troglodytes*).	Angola, Cameroon, Central African Republic, Congo, The Democratic Republic of Congo, Equatorial Guinea, Gabon.	70,000–116,500	Butynski 2003, p. 8.
Western (*P.t. verus*)	Burikina Faso, Côte d'Ivoire, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Nigeria, Senegal, Sierra Leone.	21,300–55,600	Kormos and Boesch 2003, p. 3; Butynski 2003, p. 8.
Total		294,800–431,100	

As stated above, the chimpanzee population has appeared to increase since the 1980s. However, this estimated increase is believed to be a result of previous difficulties in producing accurate estimates combined with the more recent availability of new information, rather than an actual increase in chimpanzee numbers (Oates 2006, p. 104). Some of the difficulties associated with earlier estimates include: Few areas being adequately surveyed; some chimpanzee populations survived at densities too low for accurate detection; survey methods lacked precision to enable extrapolation to large areas of potential habitat; some surveys were outdated; and in many cases estimates were simply best guesses (Morgan *et al.* 2011, p. 9; Plumptre *et al.* 2010, pp. 5, 7, 9, 31, 41; Campbell *et al.* 2008, p. 904; Oates 2006, p. 102; Tutin *et al.* 2005, p. 6; GRASP 2005a, p. 7; Butynski 2003, p. 5; Kormos and Bakarr 2003, p. 29). When more careful surveys of chimpanzees are made, higher estimates are produced, indicating that previous estimates underestimated the size of surviving populations (Oates 2006, p. 104). Therefore, the estimated increase in chimpanzees is not evidence of steady increase in the population, but a result of inaccurate early estimates to which newer estimates are compared.

Despite the appearance of an increase in chimpanzee numbers, experts agree that chimpanzee populations are declining (Plumptre *et al.* 2010, p. 1; Greengrass 2009, pp. 77, 80–82; Kabasawa 2009, p. 37; Campbell *et al.* 2008, pp. 903–904; Oates *et al.* 2008, unpaginated; Oates 2006, p. 110; Tutin 2005, p. 2; GRASP 2005a, p. 3; Kormos and Boesch 2003, p. 2; Butynski 2003, p. 11; Nishida *et al.* 2001, pp. 45–46). Data to support a declining trend come from nationwide surveys of Gabon, Côte d'Ivoire, and Tanzania; data from long-term chimpanzee research sites; a

questionnaire survey of great ape field researchers; and the expansion and increasing intensity of threats (Junker *et al.* 2012, p. 3; Plumptre *et al.* 2010, p. 8; Oates 2006, pp. 105–106; Nishida *et al.* 2001, p. 45; Campbell *et al.* 2008, pp. 903–904; Tutin *et al.* 2005, p. 32). One of the greatest documented losses of chimpanzees comes from a 2007 survey of Côte d'Ivoire, which found a 90 percent decline in the total nest encounter rate since the last survey conducted in 1989–1990, indicating a significant loss of chimpanzees from a country once thought to be one of the final strongholds of the western chimpanzee (Campbell *et al.* 2008, p. 903). Many remaining populations are now small and isolated, and face serious threats (Oates 2006, pp. 104, 110). Furthermore, the chimpanzee is reported to already have been extirpated from three countries. Due to national populations fewer than 1,000 individuals, there is concern that the chimpanzee could soon be extirpated from Senegal, Ghana, and Guinea–Bissau (Carlsen *et al.* 2012, p. 5; Butynski 2003, p. 11).

In addition to wild populations, chimpanzees are held in captivity in several countries around the world, including African countries and the United States. We do not have detailed information on the number, subspecies, or location of captive chimpanzees. However, we did find information indicating that 70 chimpanzees are living in sanctuaries in Cameroon and Nigeria (Morgan *et al.* 2011, p. 9). Approximately 171 chimpanzees are living in sanctuaries throughout West Africa; another 478 chimpanzees in the region are known to be held outside of sanctuaries (*e.g.,* in homes or hotels) (Kormos and Boesch 2003, p. 4). Within the United States, approximately 2,000 chimpanzees are in captivity (ChimpCare 2013, unpaginated; Ross *et al.* 2008, p. 1,487).

Summary of Threats

Threats to the chimpanzee have intensified and expanded since 1990, when wild populations of the chimpanzee were listed as an endangered species. Across its range, high deforestation rates are destroying, degrading, and fragmenting forests the chimpanzee needs to support viable populations and provide food and shelter. Widespread poaching, capture for the pet trade, and outbreaks of disease are removing individuals needed to sustain viable populations; recovery from the loss of individuals is more difficult given the slow reproductive rates of chimpanzees. These actions are exacerbated by an increasing human population, the expansion of settlements, and increasing pressure on natural resources to meet the needs of the growing population (Morgan *et al.* 2011, p. 10; Plumptre *et al.* 2010, p. 2; Kabasawa 2009, p. 37; Campbell *et al.* 2008, p. 903; Lonsdorf 2007, p. 72; Unti 2007a, p. 4; Unti 2007b, p. 5; Bennett 2006, p. 885; Tutin *et al.* 2005, p. 1; GRASP 2005a, p. 3; Kormos 2003, pp. ix, 1; Kormos and Boesch 2003, p. 4; Nisbett *et al.* 2003, p. 97; Walsh *et al.* 2003, pp. 611–612; Carter *et al.* 2003, p. 38).

Deforestation, with consequent access and disturbance by humans, remains a major factor in the decline of chimpanzee populations across their range. Although some large forest blocks remain, commercial logging and the conversion of forests to agricultural land, especially for oil palm production, continue to severely reduce and fragment chimpanzee habitat (Morgan *et al.* 2011, pp. 12, 18, 19, 26, 31; Plumptre *et al.* 2010, p. 2; Oates *et al.* 2008, unpaginated; Unti 2007a, p. 4; Unti 2007b, p. 5; CBFP 2006, p. 16; Fa *et al.* 2006, p. 498; Tutin *et al.* 2005, pp. 1, 2, 10, 12, 14–17, 21–23; Humle 2003, p. 150; Carter *et al.* 2003, p. 38; Duvall *et al.* 2003, p. 47; Gippoliti *et al.* 2003, p. 57; Hanson-Alp *et al.* 2003, p. 83; Herbinger *et al.* 2003, pp. 106, 109; Kormos *et al.* 2003b, p. 71; Kormos *et al.* 2003c, p. 151; Magnuson *et al.* 2003, p. 113; Nisbett *et al.* 2003, pp. 95, 97; Oates *et al.* 2003, p. 129; Walsh *et al.* 2003, p. 613; Parren and Byler 2003, p. 135). As the human population and economic development have increased, pressure on forest resources has also increased. This increasing pressure has led to uncontrolled legal and illegal forest conversion within and outside of protected areas (*e.g.,* national parks and forest reserves), leaving them destroyed and fragmented (Greengrass 2009, pp. 77, 80; Campbell *et al.* 2008, p. 903; CBFP 2006, pp. 16, 33; Nasi *et al.* 2006, p. 14; Carter *et al.* 2003, p. 38; Duvall *et al.* 2003, p. 47; Herbinger *et al.* 2003, p. 109; Magnuson *et al.* 2003, p. 113; Oates *et al.* 2003, p. 129; Parren and Byler 2003, pp. 135, 137).

The natural protection once afforded to chimpanzees by large blocks of suitable habitat, isolated from human activities, is disappearing due to logging activity. Much of the chimpanzee's range is already allocated to logging concessions, and logging operations, both legal and illegal, are expanding (Morgan *et al.* 2011, pp. 12, 26; Laporte *et al.* 2007, p. 1451; Morgan and Sanz 2007, pp. 3, 5; CBFP 2006, p. 29; Hewitt 2006, p. 43; Nasi *et al.* 2006, p. 14; Tutin 2005, pp. 2, 4, 12, 30, 32; Kormos *et al.* 2003a, p. 29). Heavy pressures on timber resources have led to cutting cycles that occur too frequently in an area to allow for proper regrowth, resulting in rapid degradation of forests (Parren and Byler 2003, p. 135). In addition to clearing forests, logging operations often create a network of roads for transporting timber. These roads provide greater access to forests that were once inaccessible, facilitate the establishment of human settlements, and are accompanied by further deforestation from the conversion of forests to agriculture (Junker *et al.* 2012, p. 7; Morgan *et al,* 2011, p. 12; Plumptre *et al.* 2010, p. 2; Greengrass 2009, p. 80; Laporte *et al.* 2007, p. 1451; Hewitt 2006, p. 44; Duvall 2003, p. 143; Oates *et al.* 2003, p. 129; Parren and Byler 2003, pp. 133, 137–138).

Human population growth and agricultural expansion have destroyed and fragmented forests across the range of the chimpanzee and are two of the greatest threats to chimpanzee survival. The spread of large-scale commercial plantations, including oil palm plantations, results in additional land being cleared of most vegetation and planting crops in monocultures; plantations and farms have been established in suitable chimpanzee habitat, including within protected areas (Oates 2013, pers. comm.; Plumptre *et al.* 2010, p. 9; Greengrass 2009, p. 80; Unti 2007a, p. 4; Unti 2007b, p. 5; Tutin *et al.* 2005, p. 20; Duvall 2003, p. 143; Gippoliti *et al.* 2003, pp. 55, 57; Hanson-Alp *et al.* 2003, p. 83; Humle 2003, p. 147; Kormos *et al.* 2003b, p. 63; Magnuson *et al.* 2003, p. 113; Parren and Byler 2003, p. 138). In West Africa, most unreserved forests have been converted to cultivation (Parren and Byler 2003, p. 138). Agricultural practices are largely unsustainable and are encroaching into additional forested areas (Parren and Byler 2003, p. 133).

Chimpanzees are highly adaptive and occur in a variety of habitats, including primary, secondary, and regenerating forests, logged forests, and plantations; they have even been found living in close proximity to humans. However, the loss, or even the degradation, of the chimpanzee's traditional habitat can affect their survival by impacting the species' food resources, behavior, susceptibility to disease, and abundance and distribution (Morgan and Sanz 2007, p. 1; Carter *et al.* 2003, p. 36; Hanson-Alp *et al.* 2003, p. 83; Kormos and Boesch 2003, p. 18; Nisbett *et al.* 2003, p. 97; Parren and Byler 2003, p. 137).

Although chimpanzees feed on a wide variety of foods, their energy requirements, as large primates with

large home ranges, predispose them to a reliance on high-energy fruits (Greengrass 2009, p. 81). Removal, or lowering the quality, of habitat through logging activity or establishment of agricultural lands destroys the structure and composition of the forest, eliminating essential food sources, which can affect sociability, condition of individuals, and female reproductive success, and increase vulnerability to diseases or parasites and infant and juvenile mortality (Greengrass 2009, pp. 81–82). Even in areas with lower levels of logging where essential food sources were unaffected, chimpanzee densities have declined significantly and remained low for years. Clear-cutting results in total habitat loss, and because of severe soil erosion, the potential for future forest regeneration is also lost (Parren and Byler 2003, pp. 137–138).

The loss or reduction of food sources and the noise and disturbance from logging activity can cause chimpanzee communities to abandon their home range to find a new home range with sufficient resources and less human activity. These chimpanzees may enter another community's territory, which can lead to further competition for resources and conflict that can lead to death. As habitat is lost or fragmented and chimpanzee populations are forced into smaller forest fragments, lethal interactions with other chimpanzees may increase. Furthermore, chimpanzees may be cautious about reinhabiting previous home ranges where they were displaced by humans (Morgan *et al.* 2011, p. 12; Lonsdorf 2007, p. 74; Carter *et al.* 2003, p. 36; Parren and Byler 2003, pp. 137–138). If the displacement of chimpanzees forces them into suboptimal habitat, they may not have sufficient protection from predators, especially at night (Humle 2003, pp. 15–16).

The loss or reduction of food sources due to expanding logging, agriculture, and human settlements into chimpanzee habitat has also resulted in increased conflicts between humans and chimpanzees (Tacugama Sanctuary 2013, unpaginated; Unti 2007b, p. 5; Tweheyo *et al.* 2005, pp. 237–238, 244; Herbinger *et al.* 2003, p. 106; Humle 2003, p. 147; Kormos *et al.* 2003b, p. 71; Naughton-Treves *et al.* 1998, pp. 597, 600). Lack of sufficient wild food and an increase in farming and human presence have increased the occurrence of crop raiding to supplement the chimpanzee's diet. Crop raiding can cause substantial losses to farmers, reduce the tolerance of humans to chimpanzee presence, and increase killing chimpanzees to protect valuable crops or in retaliation for the destruction of crops (Tacugama Chimpanzee Sanctuary 2013, unpaginated; Oates *et al.* 2008, unpaginated; Bennett *et al.* 2006, p. 885; Tweheyo *et al.* 2005, p. 245; Duvall 2003, p. 144; Carter *et al.* 2003, p. 36; Gippoliti *et al.* 2003, p. 57; Humle 2003, pp. 147, 150; Parren and Byler 2003, p. 138; Naughton-Treves 1998, p. 597).

Unsustainable hunting for the bushmeat trade is one of the major causes of the decline in chimpanzees, and continues to be a major threat to the survival of chimpanzees in protected and unprotected areas (Ghobrial *et al.* 2011, pp. 1, 2, 11; Morgan *et al.* 2011, p. 10; Hicks *et al.* 2010, pp. 1, 3, 6, 11; Plumptre *et al.* 2010, p. 2; Kabasawa 2009, p. 37; Campbell *et al.* 2008, p. 903; Oates *et al.* 2008, unpaginated; Lonsdorf 2007, p. 74; Unti 2007b, p. 5; Tutin *et al.* 2005, pp. 1, 10–23, 27–28; Herbinger *et al.* 2003, p. 109; Humle 2003, p. 17; Kormos and Boesch 2003, pp. 2, 14, 16, 19; Kormos *et al.* 2003b, p. 63; Kormos *et al.* 2003c, p. 151; Magnuson *et al.* 2003, pp. 111, 113; Nisbett *et al.* 2003, p. 95; Oates *et al.* 2003, pp. 123, 129; Nishida *et al.* 2001, p. 47; Bowen-Jones 1998, p. 12). Growth in the human population in Africa has increased the demand for wild animal meat, or bushmeat. Expansion of logging activities, including the construction of logging roads, has facilitated a significant market, much of it illegal, for commercial bushmeat to meet this demand (Amati *et al.* 2009, p. 6; Kabasawa 2009, pp. 50–51; AV Oates *et al.* 2008, unpaginated; Fa *et al.* 2006, pp. 503, 506; Magazine 2003, p. 7; Kormos *et al.* 2003c, p. 151; Walsh *et al.* 2003, p. 613; Nishida *et al.* 2001, p. 47; Bowen-Jones 1998, pp. 1, 11). Logging roads and vehicles provide access to the forests and a means to export meat to markets and cities. Logging operations are accompanied by an onslaught of workers who are encouraged to hunt to provide for their own needs and commercial hunters who operate in forests to supply the needs of forestry workers and to trade outside of the forested areas (Plumptre *et al.* 2010, p. 2; Kormos *et al.* 2003c, p. 151; Nisbett *et al.* 2003, p. 95; Walsh *et al.* 2003, p. 613; Nishida *et al.* 2001, p. 47; Bowen-Jones 1998, p. 1). Furthermore, bushmeat trade is also an important livelihood and the primary source of protein for humans in much of the chimpanzee's range (Abwe and Morgan 2008, p. 26; Fa *et al.* 2006, p. 507; Bennett *et al.* 2006, p. 885; Kormos *et al.* 2003c, p. 155; Wilkie and Carpenter 1999, p. 927).

The intensity of hunting chimpanzees varies by country and region (Kormos *et al.* 2003c, pp. 151–152). Religious, traditional, and familial taboos against the killing of chimpanzees and the consumption of their meat exist in many areas (Hicks *et al.* 2010, p. 9; Plumptre *et al.* 2010, p. 2; Greengrass 2009, p. 81; Kabasawa 2009, p. 51; Unti 2007a, p. 4; Carter *et al.* 2003, pp. 31, 38; Duvall *et al.* 2003, p. 47; Gippoliti *et al.* 2003, pp. 55, 57; Humle 2003, p. 18; Kormos and Boesch 2003, pp. 10, 13; Kormos *et al.* 2003b, pp. 63, 71; Kormos *et al.* 2003c, pp. 152, 154; Nisbett *et al.* 2003, p. 95; Oates *et al.* 2003, p. 129;Waller and Reynolds 2001, p. 135; Bowen-Jones 1998, pp. 19, 27). However, these areas may be hunted by people from surrounding areas where there is demand for chimpanzee meat (Kormos *et al.* 2003b, p. 72). Furthermore, these traditions and beliefs are not necessarily being passed down to younger generations and cannot be relied on to protect chimpanzees in the future (Hicks *et al.* 2010, p. 9; Unti 2007a, p. 4; Oates *et al.* 2003, p. 129).

Despite the high demand for bushmeat, primates do not represent the majority of animals killed for the bushmeat trade (AV Magazine 2003, p. 7; Magnuson *et al.* 2003, p. 113; Walsh *et al.* 2003, p. 613; Nishida *et al.* 2001, p. 47; Bowen-Jones 1998, p. 1). In fact, studies have found that chimpanzee meat makes up only a small fraction of the meat found in markets; estimates from different regions have ranged from 0.01 to 3 percent (Kabasawa 2009, p. 38; Fa *et al.* 2006, p. 502; Herbinger *et al.* 2003, p. 106; Kormos and Boesch 2003, p. 2; Kormos *et al* 2003c, pp. 151–152). However, because the sale of ape meat is often hidden and the meat may be eaten in villages and never make it to markets, the proportion of chimpanzee meat in bushmeat markets could be greater than reported (Kabasawa 2009, p. 38; Kormos *et al.* 2003c, pp. 151–152; Bowen-Jones 1998, p. 21). Hunting pressure even at a low level is enough to result in the local extirpation of large chimpanzee populations. Low population densities and slow reproductive rates prevent chimpanzees from recovering easily from the loss of several individuals (Oates *et al.* 2008, unpaginated; Fa *et al.* 2006, p. 503; AV Magazine 2003, p. 7; Duvall *et al.* 2003, p. 47; Herbinger *et al.* 2003, p. 106; Kormos and Boesch 2003, p. 2; Kormos *et al.* 2003c, pp. 151, 153; Nisbett *et* al. 2003, p. 95; Magnuson *et al.* 2003, p. 113; Bowen-Jones 1998, p. 13).

Threats to the chimpanzee from habitat loss and commercial hunting have been exacerbated by civil unrest that has occurred in several chimpanzee range countries (Plumptre *et al.* 2010, pp. 4–5; Campbell *et al.* 2008, p. 903; CBFP 2006, p. 16; Hanson-Alp *et al.* 2003, p. 85; Nisbett *et al.* 2003, pp. 89,

95; Draulans and Van Krunkelsven 2002, pp. 35–36). During civil conflict, many people, including refugees, military groups, and rebels, take shelter in interior forests and protected areas (Plumptre *et al.* 2010, p. 4; CBFP 2006, p. 16). The presence of soldiers and displaced refugees increases the number of people that rely on bushmeat for protein. Not only do soldiers hunt, but they also supply locals with weapons and ammunition to hunt them (Plumptre *et al.* 2010, p. 5; Hanson-Alp *et al.* 2003, p. 85; Draulans and Van Krunkelsven 2002, pp. 35–36). Civil unrest has contributed to a significant loss of wildlife, including chimpanzees (Campbell *et al.* 2008, p. 903; Hanson-Alp *et al.* 2003, p. 85).

Capture of live chimpanzees for the pet trade has been one of the major causes of the decline in chimpanzees. Today, illegal capture and smuggling of chimpanzees continue for the pet trade across Africa and, to some extent, the international market (Ghobrial *et al.* 2010, pp. 1, 2, 11; Kabasawa 2009, pp. 37, 48–49; Oates *et al.* 2008, unpaginated; Carter 2003b, p. 157; Kormos and Boesch 2003, p. 4; Nisbett *et al.* 2003, p. 95). A recent increase in orphaned chimpanzees has been attributed to the growing bushmeat crisis. Killing a mother with an infant earns twice the income for the hunter; the mother's body is sold in the bushmeat trade while the infant enters the pet trade (Kabasawa 2009, p. 50; Carter 2003b, p. 157). Furthermore, hunters have found a lucrative market for pet chimpanzees with military personnel, police, government officials, and traditional chiefs (Hicks *et al.* 2010, p. 8; Draulans and Van Krunkelsven 2002, pp. 35–36). The intensity of trade differs among countries, but is reportedly a substantial problem in The Democratic Republic of the Congo, Côte d'Ivoire, Sierra Leone, Ghana, and Guinea (Hicks *et al.* 2010, pp. 3, 6, 11; Plumptre *et al.* 2010, p. 2; Unit 2007, p. 5; Unti 2007a, p. 4; Hanson-Alp *et al.* 2003, p. 84; Herbinger *et al.* 2003, p. 106; Kormos *et al.* 2003b, p. 72; Magnuson *et al.* 2003, p. 113). It is not possible to determine how many wild chimpanzees are captured for the pet trade, but the number of chimpanzees in sanctuaries that were either confiscated from owners by authorities, surrendered by owners after being informed about wildlife laws, or voluntarily donated or abandoned by owners indicates it is a significant problem. Since 2000, the number of chimpanzees in African sanctuaries has increased 59 percent (Kabasawa 2009, pp. 37, 44–45, 50).

The petitioners assert that the exploitation of chimpanzees in the U.S. entertainment and pet industries is seen around the world and misleads the public into believing chimpanzees are well protected in the wild and make good pets, further fueling the demand for chimpanzees. Studies suggest a link between seeing chimpanzees portrayed in the media and misperceptions about the species' status in the wild. This misperception may also affect conservation efforts (Ross *et al.* 2011, pp. 1, 4–5; Schroepfer *et al.* 2011, pp. 6–7; Ross 2008a, pp. 25–26; Ross *et al.* 2008b, p. 1487). However, we did not find evidence that this situation was a significant driver in the status of the species under the Act.

The effects of the pet trade are particularly devastating to wild populations because the mother and other family members may be killed to capture an infant. Researchers estimate that as many as 10 chimpanzees may be killed for every infant that enters the pet trade. Furthermore, the infant is likely to die of malnutrition, disease, or injury (Hicks *et al.* 2010, p. 8; Kabasawa 2009, p. 49; Lonsdorf 2007, p. 74; Carter 2003b, p. 157; Hanson-Alp *et al.* 2003, p. 84; Kormos and Boesch 2003, p. 4). The loss of even just a few individuals from a population can have devastating effects due to the slow reproductive rate of chimpanzees. Because so many chimpanzees may be killed to secure an infant, the pet trade has a significant draining effect on remaining populations, and threatens the survival of wild chimpanzees (Kabasawa 2009, p. 49; Carter 2003b, p. 157; Magnuson *et al.* 2003, p. 113).

Historically, wild chimpanzees were captured and exported to meet a significant demand for chimpanzees in biomedical research in countries around the world, significantly impacting chimpanzee distribution and abundance (Unti 2007a, p. 4; Unti 2007b, p. 5; Kormos *et al.* 2003b, p. 72). A substantial number of countries do not permit or conduct research on chimpanzees, and the international research community is no longer seeking access to wild chimpanzees (Hicks 2011, pers. comm.; Unti 2007a, p. 4; Unti 2007b, p. 5). Although some biomedical research on captive chimpanzees continues in the United States and Gabon, in the United States, there is a decreasing scientific need for chimpanzee studies due to the emergence of non-chimpanzee models and technologies (Institute of Medicine 2011, pp. 5, 66–67).

As previously stated, chimpanzees are held in captivity in several countries around the world, including African countries and the United States. Chimpanzees in captivity are bred and sold as pets, used in the entertainment industry (*e.g.*, movies, television, and advertisements), exhibited in hotels and roadside shows, used as party entertainment or animal encounters, displayed in zoos, and used for biomedical research. It is thought that self-sustaining breeding groups of captive chimpanzees provide surplus animals for research and other purposes, thereby reducing the demand for wild individuals. Although captive chimpanzees may have removed the demand for wild chimpanzees in biomedical research, given that threats to the chimpanzee have expanded and intensified, and capture for the illegal pet trade continues to be a major threat to remaining chimpanzee populations, it does not appear that the availability of captive chimpanzees has reduced any threats to the species.

National laws exist within all range countries to protect chimpanzees. In general, hunting, capture, possession, and commercial trade of chimpanzees are prohibited. Laws also protect chimpanzee habitat, including the establishment of protected areas, in many of the range countries. However, as evidenced by the continuing and increasing habitat destruction and hunting and trading of this species (Ghobrial *et al.* 2010, pp. 1, 2, 11; Hicks *et al.* 2010, pp. 8–9; Kabasawa 2009, p. 39; Laporte *et al.* 2009, p. 1451; Unti 2007a, pp. 4, 6, 10–11; Unti 2007b, p. 6, 8, 10; Bennett *et al.* 2006, p. 885; AV Magazine 2003, p. 7; Carter 2003a, p. 52; Carter 2003b, p. 157; Carter *et al.* 2003, pp. 31, 32, 38; Duvall *et al.* 2003, p. 47; Hanson-Alp *et al.* 2003, pp. 79, 87; Herbinger *et al.* 2003, pp. 100, 106; Kormos and Boesch 2003, p. 6; Kormos *et al.* 2003b, p. 64; Kormos *et al.* 2003c, p. 155; Magnuson *et al.* 2003, p. 112; Nisbett *et al.* 2003, pp. 90, 95; Oates *et al.* 2003, p. 123), even within protected areas, these laws are not often enforced. A lack of resources, limited training, limited personnel, lack of basic logistical support, corrupt officials, and weak legislation prevent government agencies charged with the protection of wildlife and forest management from providing effective protection (Hicks *et al.* 2010, p. 9; Unti 2007a, pp. 4, 6, 8; Unti 2007b, p. 7–10; Bennett *et al.* 2006, p. 887; AV Magazine 2003, p. 7; Duvall *et al.* 2003, p. 47; Hanson-Alp *et al.* 2003, pp. 79, 87; Magnuson *et al.* 2003, p. 112; Nisbett *et al.* 2003, p. 95; Oates *et al.* 2003, p. 125). Furthermore, penalties for violations are not adequate to serve as a deterrent (Unti 2007b, p. 8; Hanson-Alp *et al.* 2003, pp. 79; Kormos and Boesch 2003, p. 6; Kormos *et al.* 2003c, p. 155).

The chimpanzee is also protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an international agreement between governments to ensure that the international trade of CITES-listed plant and animal species does not threaten species' survival in the wild. Under this treaty, CITES Parties (member countries or signatories) regulate the import, export, and reexport of specimens, parts, and products of CITES-listed plant and animal species. Trade must be authorized through a system of permits and certificates that are provided by the designated CITES Management Authority of each CITES Party. All chimpanzee range countries are Parties to CITES.

The chimpanzee is listed in Appendix I of CITES. An Appendix-I listing includes species threatened with extinction whose trade is permitted only under exceptional circumstances, which generally precludes commercial trade. The import of an Appendix-I species generally requires the issuance of both an import and export permit. Import permits for Appendix-I species are issued only if findings are made that the import would be for purposes that are not detrimental to the survival of the species and that the specimen will not be used for primarily commercial purposes (CITES Article III(3)). Export permits for Appendix-I species are issued only if findings are made that the specimen was legally acquired and trade is not detrimental to the survival of the species, and if the issuing authority is satisfied that an import permit has been granted for the specimen (CITES Article III(2)).

Based on CITES trade data from 1990–2011, obtained from United Nations Environment Programme–World Conservation Monitoring Center (UNEP–WCMC) CITES Trade Database, there has been significant legal trade of chimpanzees and their parts, and products worldwide. However, legal trade in wild specimens, including live animals, bones, scientific specimens, and hair has been limited. Trade of these wild specimens for commercial purposes was reported for 14 live specimens, 121 scientific specimens, and 10 skulls. From 2002–2012, exports and re-exports of wild specimens from the United States have numbered 8 scientific specimens for scientific purposes. Imports of wild specimens into the United States have been limited and have included hairs, scientific specimens, a skull, and one unspecified specimen for personal, scientific, educational, and medical purposes.

As human settlements expand and populations of chimpanzees and their habitat are reduced, the frequency of interactions between chimpanzees and humans or human waste increases, leading to greater risks of disease transmission with a similar magnitude of impact on wild chimpanzee populations as habitat loss and poaching. A close genetic relationship allows for easy transmission of infectious diseases between chimpanzees and humans (Ryan and Walsh 2011, p. 1; Plumptre *et al.* 2010, p. 2; Oates *et al.* 2008, unpaginated; Lonsdorf 2007, p. 73; Tutin *et al.* 2005, p. 29; Formenty *et al.* 2003, p. 169; Huijbregts *et al.* 2003, p. 437). Rural communities that share the same habitat as chimpanzees have no access to health care and are not vaccinated against diseases that can spread through ape populations and result in high mortality rates. Additionally, exposure to humans through conservation and research activities, such as habituation, ecotourism, and reintroductions, can also increase the risk of disease transmission (Ryan and Walsh 2011, p. 2; Plumptre *et al.* 2010, p. 2; Köndgen *et al.* 2008, p. 260; Oates *et al.* 2008, unpaginated; Pusey *et al.* 2008, p. 738; Tutin *et al.* 2005, p. 29; Huijbregts *et al.* 2003, p. 437; Nishida *et al.* 2001, p. 48).

As discussed below, disease transmission is a major threat to remaining populations of the central and eastern chimpanzees (Fausther-Bovendo *et al.* 2012, p. 3; Ryan and Walsh 2011, p. 2; Morgan *et al.* 2011, p. 10; Plumptre *et al.* 2010, p. 2; Pusey *et al.* 2008, p. 743; GRASP 2005a, p. 7; Tutin *et al.* 2005, p. 2; Leendertz *et al.* 2004, p. 451; Walsh *et al.* 2003, p. 612). Five subtypes of the Ebola virus have been identified: Zaire, Sudan, Côte d'Ivoire, Bundibugyo, and Reston. All five are lethal to great apes. Repeated epidemics have resulted in dramatic declines in ape populations in Côte d'Ivoire, Gabon, Democratic Republic of the Congo, and the Republic of Congo. The Zaire strain alone has killed nearly one-third of the world's chimpanzees (Fausther-Bovendo *et al.* 2012, p. 1; Ryan and Walsh 2011, p. 2; Plumptre *et al.* 2010, p. 2; Köndgen *et al.* 2008, p. 261; Oates *et al.* 2008, unpaginated; Tutin *et al.* 2005, p. 29; Leendertz *et al.* 2004, p. 451; Huijbregts *et al.* 2003, pp. 437, 441; Walsh *et al.* 2003, pp. 612–613; Formenty *et al.* 2003, pp. 169–172).

Chimpanzees are naturally infected with simian immunodeficiency viruses (SIVs), the precursor to acquired immunodeficiency syndrome (AIDS), but it was long thought that SIVs were non-pathogenic (not capable of inducing disease) and did not generally cause AIDS. However, testing from 2000 to 2008 found that SIV is, in fact, pathogenic in wild chimpanzees. Chimpanzees infected with SIV showed AIDS-like symptoms and had a 10- to 16-fold increased chance of death than uninfected chimpanzees. Additionally, females were less likely to give birth and had higher infant mortality (Keele *et al.* 2009, pp. 517–518).

Other infectious diseases, including Marburg virus, polio, anthrax, pneumonia, human respiratory syncytical virus, and human metapneumovirus have resulted in widespread death of chimpanzees, even within national parks (Ryan and Walsh 2011, pp. 2, 3; Rudicell *et al.* 2010, pp. 1, 10; Oates *et al.* 2008, unpaginated; Köndgen *et al.* 2008, pp. 260–262; Pusey *et al.* 2008, pp. 740, 741; Williams *et al.* 2008, pp. 766, 768–770; Leendertz *et al.* 2004, pp. 451–452; Nishida *et al.* 2001, p. 48). Disease can have a particularly devastating impact to ape populations since they have little resilience to diseases. For example, recovery of a gorilla population from a single disease outbreak can range from 5 years for a low mortality (4 percent) respiratory disease outbreak to 131 years for an Ebola outbreak with high mortality (96 percent); this does not take into account other impacts to the populations such as additional disease outbreaks or Allee effects. Recovery for a chimpanzee population would be longer as they have a lower maximum population growth rate than gorillas (Ryan and Walsh 2011, pp. 2, 3).

There are several strategies that can be taken to protect wild chimpanzees from diseases. Some ''hands off'' approaches include educating governments about the cost of too much tourism, stricter enforcement of health guidelines for approaching habituated animals, excluding humans from protected areas, and health programs for staff and local populations. However, tourism is a substantial source of revenue, and enforcement of guidelines is often weak, making these strategies difficult to implement (Ryan and Walsh 2011, pp. 5–6; Pusey *et al.* 2008, p. 742).

A more interventionist approach is treatment and vaccination of wild apes via darting or oral baiting (Fausther-Bovendo *et al.* 2012, p. 4; Ryan and Walsh 2011, p. 5). At this time, treatment is not practical, as there are no licensed anti-viral drugs effective against Ebola and anti-viral drugs have limited effectiveness against respiratory viruses. Furthermore, a reactive type strategy, such as treatment, requires a sufficient monitoring system to detect symptoms and a veterinary infrastructure to effectively implement

treatment (Ryan and Walsh 2011, p. 6). However, one of the reasons the Kasekela community in Gombe National Park has maintained its size through periodic epidemic diseases is that efforts were made to treat sick chimpanzee when possible. Chimpanzees were given Ivermectin during a mange epidemic and antibiotics during a respiratory epidemic (Pusey *et al.* 2008, p. 741).

There have only been a few occasions in which wild apes have been vaccinated against diseases. Chimpanzees in the Kasekela community were given a polio vaccine in 1966, during a polio epidemic; gorillas were vaccinated during a measles outbreak in 2011; and a few gorillas were vaccinated against tetanus when immobilized for treatment of snare wounds (Ryan and Walsh 2011, p. 6; Walsh 2011, p. 3; Academy of Achievement 2009, p. 9; Pusey *et al.* 2008, p. 741). There are approximately 16 human vaccines that could potentially be used to protect wild apes, including chimpanzees (Ryan and Walsh 2011, p. 6). However, vaccines for great apes require the same standard of testing and ethical review as a vaccine for humans (Fausther-Bovendo *et al.* 2012, p. 5). Because management authorities place a strong emphasis on animal welfare, it is preferable that vaccines be tested on captive apes. Captive chimpanzees in the United States could be used to test vaccines before they are given to wild populations. In 2011, for the first time, captive chimpanzees were used in an experiment aimed to help wild chimpanzees. The experiment assessed the safety of an Ebola vaccine and its ability to trigger an immune response. Ultimately, the vaccine could be given to gorillas and chimpanzees in the wild to protect them against Ebola (Cohen 2011, unpaginated; Walsh 2011, p. 3). Similar experiments on vaccines and treatments against other diseases known to pose a high risk to wild apes, including respiratory pathogens, gastrointestinal parasites, SIV, and malaria, are planned for the future (Walsh 2011, p. 3). At this time, these types of experiments have been extremely limited and have not yet contributed to a reduction in any threats to chimpanzees from diseases.

Once a chimpanzee population has been reduced, whether by hunting, capture for the pet trade, or disease, its ability to recover is limited due to very slow reproductive rates and complex social behavior (Plumptre *et al.* 2010, p. 1; Kabasawa 2009, p. 49; Bennett *et al.* 2006, p. 885; Tutin *et al.* 2005, p. 32; Leroy *et al.* 2004, p. 389; Kormos *et al.* 2003c, pp. 151, 155; Wilkie and Carpenter 1999, p. 927). Even low levels of hunting can have a devastating effect on the population. The loss of reproductive-age female chimpanzees can be particularly devastating, further reducing the population's ability to recover from the loss (Carter 2003b, p. 157; Kormos *et al.* 2003b, p. 72). The occurrence of chimpanzees at low densities coupled with slow reproductive rates can lead to the rapid extinction of even large populations (Oates *et al.* 2008, unpaginated; Kormos and Boesch 2003, p. 2).

The current threats to the chimpanzee, as described above, are not likely to improve in the foreseeable future, resulting in a continuing decline of chimpanzee populations. Threats to this species are driven by the needs of an expanding human population. Within the range countries of the chimpanzee, the human population is expected to continue to increase and will inevitably increase the pressures on natural resources. Therefore, impacts to remaining populations of chimpanzees, as described above, from deforestation, hunting, commercial trade, and disease are likely to continue or even intensify (Morgan *et al.* 2011, p. 10; Ryan and Walsh 2011, p. 5; Plumptre *et al.* 2010, pp. 50, 71; Fitzherbert *et al.* 2008, pp. 538–539, 544; Oates *et al.* 2008, unpaginated; CBFP 2006, p. 33; Fa *et al.* 2006, p. 506; Hewitt 2006, pp. 44, 48–49; Nasi *et al.* 2006, p. 14; Carter *et al.* 2003, p. 38; Duvall 2003, p. 145; Parren and Byler 2003, p. 137; Nishida *et al.* 2001, p. 45; Wilkie and Carpenter 1999, pp. 927–928).

Continuing threats acting on chimpanzee populations, coupled with the species' inability to recover from population reductions, will likely lead to the loss of additional populations. Chimpanzees could be lost from an additional three countries due to threats acting on populations that are already below what is considered the minimum for a viable population (Carlsen *et al.* 2012, p. 5; Butynski 2003, p. 11; Kormos and Boesch 2003, p. 3). Many remaining populations are small and isolated, putting them at an increased risk of extinction (Morgan *et al.* 2011, p. 12).

Many management plans have been developed to conserve the chimpanzee (*e.g.,* Morgan *et al.* 2011; Plumptre *et al.* 2010; GRASP 2005a; GRASP 2005b; Tutin *et al.* 2005; Kormos and Boesch 2003; Kormos *et al.* 2003). These plans lay out goals and research needs to address the threats faced by chimpanzees. Development of forest management plans with the goal of sustainable forestry practices has increased (Hewitt 2006, p. 43; Nasi *et al.* 2006, pp. 17–19). However, implementation of these management plans faces challenges, and the effect of these plans has yet to be determined. There is no evidence that management plans have reduced threats to the species. Chimpanzees are found in numerous protected areas. In some cases, these areas provide adequate protection and support substantial populations of chimpanzees. Unfortunately, many protected areas have weak or nonexistent management with poor law enforcement and are illegally logged, converted to agricultural lands, and hunted (Campbell *et al.* 2011, p. 1). Furthermore, we have no evidence that enforcement of legislation to protect chimpanzees and their habitat, including protected areas, will improve.

Finding

Section 4 of the Act (16 U.S.C. 1533) and implementing regulations (50 CFR part 424) set forth procedures for adding species to, removing species from, or reclassifying species on the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, a species may be determined to be an endangered species or a threatened species based on any of the following five factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

As required by the Act, we conducted a review of the status of the species and considered the five factors in assessing whether the chimpanzee is in danger of extinction throughout all or a significant portion of its range or likely to become endangered within the foreseeable future throughout all or a significant portion of its range. We examined the best scientific and commercial information available regarding the past, present, and future threats faced by the chimpanzee. We reviewed the petition, information available in our files, and other available published and unpublished information.

One approach we can use to determine whether a species is an endangered species or a threatened species, as defined under the Act, is to evaluate the viability of the species. In this context, viability refers to the ability of a species to persist over the long term, and conversely, avoid

extinction over the long term. A species can be considered viable if it has a sufficient degree of resiliency, representation, and redundancy. However, a species that is deficient in one or more of these characteristics will have a lower probability of being viable and, therefore, a greater risk of extinction.

Species have certain needs at the individual, population, and species level that are to be met in order to be viable. Using the concepts of resiliency, representation, and redundancy, we can evaluate threats to these needs, determine the effect on the species, and gauge the probability of viability. In evaluating threats to the needs of the species and considering whether a species may warrant listing under any of the five factors, we look beyond the species' exposure to a potential threat or aggregation of threats under any of the factors, and evaluate whether the species responds to those potential threats in a way that causes actual impact to the species. The identification of threats that might impact a species negatively may not be sufficient to compel a finding that the species warrants listing. The information must include evidence indicating that the threats are operative and, either singly or in aggregation, affect the status of the species. Threats are significant if they drive, or contribute to, the risk of extinction of the species, such that the species warrants listing as an endangered species or a threatened species, as those terms are defined in the Act.

Resiliency describes the characteristics of a species and its habitat that allow it to recover from periodic disturbance. Species-level resiliency is measured through the resiliency of its collective populations. Healthy populations allow for recovery after stochastic events or periodic disturbances. Populations lacking healthy characteristics will be less likely to bounce back and are thus less resilient.

Chimpanzee habitat is continually subjected to disturbance. Chimpanzees need large areas to provide sufficient resources for food, nesting, and shelter. However, across its range, habitat that is needed to support viable chimpanzee populations is being fragmented and lost to logging operations and conversion to agriculture. Logging operations often create a network of roads for transporting timber. These roads provide greater access to forests that were once inaccessible, facilitate the establishment of human settlements, and are accompanied by further deforestation from the conversion of forests to agriculture. Additionally, agricultural practices are largely unsustainable and are encroaching into additional forested areas. As the human population and economic development have increased, pressure on forest resources has also increased. This increasing pressure has led to uncontrolled legal and illegal forest conversion within and outside of protected areas (*e.g.,* national parks and forest reserves), leaving them destroyed and fragmented. Cutting cycles that occur too frequently in an area to allow for proper regrowth, clear-cutting that results in total habitat loss, and severe soil erosion results in the loss of future forest regeneration and recovery of vital habitat.

The loss, or even the degradation, of the chimpanzee's traditional habitat can affect their survival by impacting the species' food resources, behavior, susceptibility to disease, and abundance and distribution. Removal, or lowering the quality, of habitat through logging activity or establishment of agricultural lands destroys the structure and composition of the forest, eliminating essential food sources, which can affect sociability, condition of individuals, and female reproductive success, and increases vulnerability to diseases or parasites and infant and juvenile mortality. Even in areas with lower levels of logging where essential food sources were unaffected, chimpanzee densities declined significantly and were unable to recover, remaining low for years.

Chimpanzee populations are also continually subjected to disturbance. Individuals needed to maintain viable populations are lost to hunting for the bushmeat trade, trade in pet chimpanzees, disease, and conflicts with humans. Hunting pressure even at a low level is enough to result in the local extirpation of large chimpanzee populations. The loss of reproductive-age female chimpanzees can be particularly devastating, further reducing the population's ability to recover from the loss. The pet trade has a significant draining effect on remaining populations, and threatens the survival of wild chimpanzees, because so many chimpanzees may be killed to secure one infant. Repeated epidemics have resulted in dramatic declines in ape populations in Côte d'Ivoire, Gabon, Democratic Republic of the Congo, and the Republic of Congo. The Zaire strain of the Ebola virus alone has killed nearly one-third of the world's chimpanzees. Disease, such as SIV increase the chance of death by 10- to 16-fold, decreases the likelihood of females giving birth, and increases infant mortality. Disease can have a particularly devastating impact to ape populations since they have little resilience to diseases. For example, recovery of a gorilla population from a single disease outbreak can range from 5 years for a low mortality (4 percent) respiratory disease outbreak to 131 years for an Ebola outbreak with high mortality (96 percent); this does not take into account other impacts to the populations such as additional disease outbreaks or Allee effects. Recovery for a chimpanzee population would be longer as they have a lower maximum population growth rate than gorillas.

Once a chimpanzee population has been reduced, whether by hunting, capture for the pet trade, or disease, its ability to recover is limited due to very slow reproductive rates and complex social behavior. Females do not give birth until 12 years of age and have only one infant every 5 to 6 years. Infants are weaned around 4 years old, and stay with their mothers until they are about 8 to 10 years old. Even after being weaned, young may not survive if orphaned. The occurrence of chimpanzees at low densities coupled with slow reproductive rates can lead to the rapid extinction of even large populations.

Continuing threats acting on chimpanzee habitat and populations, coupled with the loss of future forest regeneration and recovery of vital habitat and the species' inability to recover from population reductions, will lead to the loss of additional populations and is evidence that neither chimpanzees, nor its habitat, are resilient.

Representation is the species' ability to adapt to changing environmental conditions, whether natural or human caused. The species' adaptive capabilities are supported by the range in variation found within and between populations. Representation can be measured through the breadth of genetic diversity within and among populations and/or ecological diversity occupied by populations across the species range. In short, sufficient representation is having the genetic flexibility and/or inhabiting varying environmental conditions to allow the populations to respond to changing environmental conditions through adaptation. Species without diversity within and among populations are thought to be more likely to go extinct as conditions change.

Genetic diversity in chimpanzees is evident by the four-subspecies taxonomic classification. Determining intraspecific variation among natural populations is more difficult. Given that some chimpanzee populations are

small, isolated and continue to face threats, it is reasonable to conclude that these particular populations may have, or will experience, decreased genetic diversity. However, we found no information to suggest that genetic exchange is particularly low for the species as a whole or chimpanzee populations in general.

Chimpanzee habitats, diet, and choice of nesting sites vary across populations and communities. In regards to habitat, chimpanzees are highly adaptive, occurring in primary, secondary, and regenerating forests, logged forests, and plantations; they have even been found living in close proximity to humans. However, the loss, or even the degradation, of the chimpanzee's traditional habitat can affect their survival by impacting the species' food resources, behavior, susceptibility to disease, and abundance and distribution. Although chimpanzees feed on a wide variety of foods, their energy requirements, as large primates with large home ranges, predispose them to a reliance on high-energy fruits. Removal, or lowering the quality, of habitat through logging activity or establishment of agricultural lands destroys the structure and composition of the forest, eliminating essential food sources, which can affect sociability, condition of individuals, female reproductive success, and increase vulnerability to diseases or parasites and infant and juvenile mortality. Choice of nesting sites is variable across populations and communities of chimpanzees, but chimpanzees exhibit strong preferences for certain tree species for nesting, independent of their availability in the habitat. Chimps can also be deterred from nesting in certain areas where human habitation is concentrated. As a result, chimpanzees are at a greater risk of predation, as habitats where they relocate nests may not provide sufficient protection. Furthermore, the loss or reduction of food sources and the noise and disturbance from logging activity can cause chimpanzee communities to abandon their home range to find a new home range with sufficient resources and less human activity. These chimpanzees may enter another community's territory, which can lead to further competition for resources and conflict that can lead to death. As habitat is lost or fragmented and chimpanzee populations are forced into smaller forest fragments, lethal interactions with other chimpanzees may increase. Chimpanzees may also be cautious about reinhabiting previous home ranges where they were displaced by humans.

Chimpanzees are ecologically diverse across subspecies, populations, and communities. However, this species faces ongoing threats that impact the various habitat types and result in declining populations across its range. As stated above, these impacts are particularly devastating to populations as their ability to recover from these ongoing disturbances is limited due to very slow reproductive rates and complex social behavior. Therefore, we find that chimpanzees do not have sufficient representation to adapt to changing environmental conditions.

Redundancy is the ability of a species to withstand catastrophic events either by having populations that are unaffected or by having populations that can recover following such an event. Sufficient redundancy is having enough populations distributed across the landscape to provide a margin of safety for the species to withstand catastrophic events. This can be measured by the number of populations comprising the species and how they are distributed across the landscape. Additionally, because the species depends on its habitat, the ability of its habitat to withstand, or recover from, a catastrophic event should be considered.

Chimpanzee populations occur across 22 African countries. Affected populations, owing to the lack of resiliency, would be unlikely to recover after a catastrophic event, leaving the species more depleted and fragmented than its current state. Additionally, unaffected populations would continue to face ongoing threats, and owing to a lack of resiliency, will be unlikely to sufficiently recover from these continuous disturbances. Similarly, the habitat types occupied by chimpanzees across the 22 range countries are not likely to be all be directly impacted by a catastrophic event, but the ability of the habitat to recover, given the current threats acting on chimpanzee habitat and the lack of forest regeneration, is unlikely. Furthermore, unaffected habitat will continue to face threats and will be unable to recover due to heavy pressures to meet the demands and needs of the growing human population. Therefore, we find that chimpanzee populations do not represent sufficient redundancy to withstand a catastrophic event.

In summary, wild chimpanzees were listed as an endangered species in 1990 due to habitat loss, excessive hunting, capture for the pet trade, disease, and lack of effective national and international laws. Since then, threats to the chimpanzee have only expanded and intensified. The chimpanzee is a species whose declining and fragmented populations are not resilient to current ongoing disturbances. Despite the ecological diversity of the species, threats to the chimpanzee and its habitat are such that the representation is not sufficient to allow chimpanzees to adapt to the ongoing changes in its environment. In the event of a catastrophic event, the remaining populations would likely not recover due to ongoing threats. Due to the current, ongoing threats and impacts to the chimpanzee and its habitat, resiliency, representation, and redundancy are not sufficient to characterize the chimpanzee as a viable species. Laws exist throughout the range countries and internationally to protect the chimpanzee, but enforcement of national laws is lacking. Impacts to the chimpanzee and its habitat are expected to continue into the future as the human population continues to expand and pressures on natural resources to meet the demands of the human population increase.

Threats and the impact of these threats to the chimpanzee and its habitat are at a level that compromises the viability of the species. We do not find that the chimpanzee is likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Rather, we find that the chimpanzee (including consideration of all members, both captive and wild) is not a viable species and is currently in danger of extinction throughout all of its range. Therefore, we are retaining the status of the chimpanzee as an endangered species, but with this listing we are now including all members of the species in the endangered classification.

We also examined the chimpanzee to analyze if any other listable entity under the definition of ''species,'' such as subspecies or distinct population segments, may qualify for a different status. Because of the magnitude and uniformity of the threats throughout its range, we find that there are no other listable entities that may warrant a different determination of status. In addition, because we find that the chimpanzee is in danger of extinction throughout all of its range, consistent with our Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37578; July 1, 2014) it is not necessary to consider whether the species might qualify for a different status based on some ''significant portion of its range''

because if a species is endangered or threatened throughout its range, no portions of its range can qualify as ''significant.'' Therefore, on the basis of the best available scientific and commercial information, we have determined that the chimpanzee meets the definition of an endangered species under the Act. Consequently, we are revising the listing of chimpanzees under the Act so that all chimpanzees, wherever found, are listed as endangered species.

A rule normally becomes effective 30 days after publication of a final rule in the **Federal Register**; however, our final determination to list all chimpanzees as endangered species under the Act will become effective in 90 days (see **DATES**, above). We are delaying the effective date to allow time to process applications for ongoing activities involving chimpanzees that would require a permit under the Act. This will allow persons who qualify for a permit to avoid unnecessary suspension of their activities, which include important ongoing medical and scientific research. Delaying the effective date will not adversely affect wild populations of chimpanzees or significantly affect captive chimpanzees.

4(d) Rule

For threatened species, section 4(d) of the Act gives the Service discretion to specify the prohibitions and any exceptions to those prohibitions that are appropriate for the species, as well as include provisions that are necessary and advisable to provide for the conservation of the species. A 4(d) rule allows us to develop regulatory provisions that are tailored to the specific conservation needs of the threatened species and which may be more or less restrictive than the general provisions for threatened wildlife at 50 CFR 17.31 and 17.32. Because captive chimpanzees in the United States were previously classified as threatened species, they were exempt from the general prohibitions for threatened wildlife at 50 CFR 17.31 under a 4(d) rule for primates set forth at 50 CFR 17.40(c). However, because 4(d) rules can be applied only to threatened species, and we find that all chimpanzees, both wild and captive, are an endangered species, the 4(d) rule for captive chimpanzees can no longer be applied. Therefore, we are removing the chimpanzee, including a provision specific to the chimpanzee, from the 4(d) rule found at 50 CFR 17.40(c).

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and encourages and results in conservation actions by Federal and state governments, private agencies and groups, and individuals.

Section 7(a) of the Act, as amended, and as implemented by regulations at 50 CFR part 402, requires Federal agencies to evaluate their actions within the United States or on the high seas with respect to any species that is proposed or listed as endangered or threatened species and with respect to its critical habitat, if any is being designated. However, given that the chimpanzee is not native to the United States, we are not designating critical habitat for this species under section 4 of the Act.

Section 8(a) of the Act authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the Interior determines to be necessary or useful for the conservation of endangered and threatened species in foreign countries. Sections 8(b) and 8(c) of the Act authorize the Secretary to encourage conservation programs for foreign endangered species and to provide assistance for such programs in the form of personnel and the training of personnel.

In 2000, the U.S. Congress passed the Great Ape Conservation Act to protect and conserve the great ape species, including the chimpanzee, listed under both the Endangered Species Act and CITES. The Great Ape Conservation Act granted the Service the authority to establish the Great Ape Conservation Fund to provide funding for projects that aim to conserve great apes through law enforcement training, community initiatives, and other conservation efforts. The Service's Wildlife Without Borders program, through the Great Ape Conservation Fund, is supporting efforts to fight poaching and trafficking in great apes; to increase habitat protection by creating national parks and protected areas; and to engage the community through local initiatives to conserve the most threatened great ape species.

The Endangered Species Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to all endangered wildlife and to threatened wildlife that are not regulated through a 4(d) rule. These prohibitions, at 50 CFR 17.21 and 17.31, in part, make it illegal for any person subject to the jurisdiction of the United States to ''take'' (take includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or to attempt any of these) within the United States or upon the high seas; import or export; deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of commercial activity; or sell or offer for sale in interstate or foreign commerce any endangered or threatened wildlife species. To possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken in violation of the Act is also illegal. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered and threatened wildlife species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 for endangered wildlife and 17.32 for threatened wildlife. For endangered wildlife, a permit may be issued for scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities. For threatened species, a permit may be issued for the same activities, as well as zoological exhibition, education, and special purposes consistent with the Act.

Summary of Comments and Recommendations

We based this action on a review of the best scientific and commercial information available, including all information received during the public comment period. In the June 12, 2013, proposed rule, we requested that all interested parties submit information that might contribute to development of a final rule. We also contacted appropriate scientific experts and organizations and invited them to comment on the proposed listing. We received tens of thousands of comments.

We reviewed all comments we received from the public for substantive issues and new information regarding the proposed listing of this species, and we address those comments below. Overall, most commenters supported the proposed listing, but did not provide additional scientific or commercial data for consideration. We have not included responses to comments that supported the listing decision but did not provide specific information for consideration. Most of the commenters that did not support the proposed listing were affiliated with the biomedical industry and opposed the rule due to potential impacts on biomedical research. Additionally, we received comments opposing our finding that the Act does not allow for captive chimpanzees to be assigned separate legal status from their

wild counterparts on the basis of their captive state, including through designation as a separate distinct population segment.

Peer Review

In accordance with our policy published on July 1, 1994 (59 FR 34270), we solicited expert opinions from five individuals with scientific expertise that included familiarity with the species, the geographic region in which wild members of the species occur, and conservation biology principles. We received responses from one of the peer reviewers from whom we requested comments. The peer reviewer found the proposed rule generally accurate and comprehensive in its description of the biology, habitat, population trends, and distribution of chimpanzees, including the factors affecting the species. The peer reviewer provided comments for our consideration to improve the accuracy of the rule. Those comments are addressed below. Technical corrections suggested by the peer reviewer have been incorporated into this final rule. In some cases, a technical correction is indicated in the citations by ''personal communication'' (pers. comm.), which could indicate either an email or telephone conversation; in other cases, the research citation is provided.

Peer Reviewer Comments

(1) Comment: The peer reviewer provided technical corrections, including more appropriate citations, on the species' taxonomy, description, diet, and population estimates.

Our Response: We reviewed the recommended citations and made minor changes to the *Taxonomy and Species Description, Essential Needs of the Species,* and *Range and Population* sections.

(2) Comment: The Service's statement that chimpanzees have been lost from Benin, Togo, and Burkina Faso is too definitive, as there are a few recent, second-hand reports of chimpanzees in Togo, one of which has led a primatologist to plan a new survey to investigate.

Our Response: The loss of chimpanzees from Togo is widely reported in scientific literature; therefore, in the absence of a survey confirming the presence of chimpanzees in this country we will continue to rely on the best scientific data available, which indicates that chimpanzees have been extirpated from Togo. However, we acknowledge these recent reports in our *Range and Population* section.

(3) Comment: The peer reviewer disagrees that the chimpanzee could be extirpated from Nigeria. The current population of chimpanzees in just one national park in Nigeria, Gashaka-Gumti, appears to be over 1,000 individuals and is relatively well protected.

Our Response: In light of this information we have reevaluated our analysis of potential extirpation from specific countries. According to Carlsen *et al.* (2012, p. 5) and Butynski (2003, p. 11), the western chimpanzee is highly threatened; combined with national populations fewer than 1,000 chimpanzees, survival in Senegal, Guineau Bissau, and Ghana is a concern. Because the population in a well-protected national park in Nigeria is over 1,000 chimpanzees, we have revised our analysis under our *Range and Population* section. However, this did not change our finding that the chimpanzee meets the definition of an endangered species under the Act.

Public Comments

(4) Comment: The inclusion of non-native species under the Endangered Species Act is a misdirection of agency resources that does little to protect wild habitat and merely imposes regulatory burdens on those who maintain these in human care domestically.

Our Response: The Act requires the Service to determine if species qualify as endangered or threatened species regardless of whether a species is native to the United States. Benefits to the species include prohibitions on certain activities including import, export, take, and certain commercial activity in interstate or foreign commerce. By regulating these activities, the Act helps to ensure that people under the jurisdiction of the United States do not contribute to the further decline of listed species. Although the Act's prohibitions regarding listed species apply only to people subject to the jurisdiction of the United States, the Act can generate additional conservation benefits such as increased awareness of listed species, research efforts to address conservation needs, or funding for in-situ conservation of the species in its range countries.

(5) Comment: Several commenters oppose the elimination of the separate classification of chimpanzees held in captivity and the listing of the entire species, wherever found, as an endangered species under the Act, stating that it is unlikely to benefit chimpanzees in the wild and will have little effect on the major threats to chimpanzees.

Our Response: Our determination that the Act does not allow for captive chimpanzees to be assigned separate legal status from their wild counterparts is based on a detailed analysis on whether the current statute, regulations, and applicable policies provide any discretion to differentiate the listing status of specimens in captivity from those in the wild. Therefore, benefits to the species or the effect of the listing decision is not relevant to what constitutes a listable entity and is eligible for separate listing status under the Act. We did, however, consider to what extent captive chimpanzees contribute to or create threats to the species or reduce or remove any threats to the species as a whole.

(6) Comment: Commenters requested chimpanzees located in the United States to continue to be regulated under the existing rule issued under section 4(d) of the Act, or that the special rule for chimpanzees be revised in order to allow certain activities with chimpanzees to be undertaken without the administrative burden and delays associated with obtaining permits under the Act.

Our Response: Because special rules under section 4(d) authority can only apply to threatened species, the special rule that includes captive chimpanzees at 50 CFR 17.40(c) will no longer be available once this listing action and the accompanying removal of the special rule as applied to chimpanzees become effective.

(7) Comment: Several commenters oppose the listing of all chimpanzees as endangered species, and removal of chimpanzees from the 4(d) rule for primates, because essential biomedical research for both human and chimpanzee health, including critical research needed to develop preventions and treatments of infectious diseases in wild chimpanzee populations, that uses chimpanzees could be prohibited. Furthermore, the utilization of research chimpanzees is currently well-regulated under other Federal statutes, including the Animal Welfare Act (AWA), the Public Health Service Act, and the Chimp Act of 2000, as well as other Federal policies and guidelines.

Our Response: It is not our intent to prevent any biomedical research. However, research involving chimpanzees that could cause harm to the animal (*i.e.,* ''take'') will require a take permit under the Act. While take includes harassment of individual animals, our regulations specify that when captive animals are involved, harassment does not include animal husbandry practices that meet or exceed AWA standards, breeding procedures, or veterinary care that is not likely to result in injury (see the definition of harass at 50 CFR 17.3). In addition,

research that does not adversely affect chimpanzees, such as observations in behavioral research, are not considered take and will not require a permit. For activities that may result in a prohibited act such as a taking, permits may be issued for scientific purposes or to enhance the propagation or survival of the species. Enhancement may be direct, such as developing a vaccination to be administered to chimpanzees in the wild (*in situ*), or indirect such as contributions that are made to *in situ* conservation.

Additionally, the comment appears to imply that additional regulation under the Act is not needed for captive chimpanzees in the United States. Whether or not additional regulation is needed is not a factor considered when evaluating whether a species meets the definition of a threatened or endangered species. Having concluded that we had no discretion to treat captive chimpanzees as a separate listable entity from wild chimpanzees, the Service properly assessed the status of the ''species'' to determine if it met the definition of a ''threatened species'' or an ''endangered species'' due to any one or a combination of the five factors found in section 4(a)(1) of the Act. We properly applied the five factors under section 4(a)(1) to the species, including the extent to which captive chimpanzees create or contribute to the threats to the species or remove or reduce threats to the species. Having determined that all chimpanzees qualify as an ''endangered species,'' the Act's protections for endangered species are extended to all chimpanzees.

(8) Comment: There is no causal nexus between research with chimpanzees in the United States and the removal of specimens from the wild by ''poachers and smugglers,'' and the Service has provided no example of illegal trafficking attributable to research.

Our Response: In assessing whether captive chimpanzees actually create or contribute to the threat of overutilization to the species as part of its status review, the Service did not find evidence that captive animals used for research in the United States were contributing to or creating any threats to the species. In fact, the availability of captive chimpanzees may have removed the demand for wild chimpanzees in biomedical research.

(9) Comment: Several commenters are concerned that the permitting process may delay time-sensitive research.

Our Response: The Service intends to work with research institutions to minimize the time needed to authorize activities under the Act. However, it should be noted that the permitting process includes a 30-day comment period required by statute for permit applications involving endangered species. Given that it takes time to plan and implement any research studies, we do not believe the permitting process will be problematic or result in any critical delays in research.

(10) Comment: The Service should amend the permitting requirements so that details of requests for biomedical research permits are not required to be published in the **Federal Register**.

Our Response: We do not publish the details of permit applications in the **Federal Register**; we publish only a notice to the public that we have received a permit application. Information received as part of any application is available to the public, however, as a matter of public record.

(11) Comment: How many and for which type of biomedical research will the Service issue permits?

Our Response: All determinations of whether particular entities and particular activities qualify for permits under the Act are made on a case-by-case basis depending on the facts of the situation. We do not set a limit on the number of permits we issue; however, in the course of reviewing permit applications we may refer back to all applications we have received and issued for a particular species and activity. We cannot foresee what biomedical research would be authorized because up until the effective date of this rule (see DATES), permits for activities involving chimpanzees have not been required. Further, to list those activities prior to reviewing them during the course of the permitting procedure would be predecisional. We will issue permits for activities that meet the requirements of 50 CFR 17.22.

(12) Comment: The Service's proposed listing rule does not consider the inadequacy of existing regulatory mechanisms for permitting biomedical research with captive chimpanzees under the Act.

Our Response: The commenter appears to be referencing factor D and appears to maintain that inadequate permitting of research negatively impacts wild chimpanzees because such regulations impede research that has the potential to treat diseases that impact chimpanzees. As stated above, biomedical research involving chimpanzees that benefits chimpanzees in the wild would likely meet enhancement requirements and, therefore, would likely be authorized. Thus, the issue mentioned by the commenter is not applicable.

(13) Comment: The impact of this rule on the biomedical community will endanger human populations. The Service should include biomedical research aimed at improving human health within the definition of ''scientific purposes'' under the Act.

Our Response: The purposes of the Act are to conserve species and the ecosystems on which they depend, and any permit issued must meet the standards under section 10(a) and 10(d) of the Act. While not intended to impact research involving human health, there are requirements that must be met when endangered species, such as the chimpanzee, are involved. We will evaluate each application for a permit on a case-by-case basis to determine if it qualifies under the Act, including for scientific purposes. We will work with institutions applying for a permit to minimize adverse effects to research activities.

(14) Comment: An enhancement-of-survival permit for biomedical research on chimpanzees would require research programs to provide a conservation benefit to species in the wild, a huge imposition on research institutions' resources.

Our Response: The Service does not believe that requiring biomedical institutions to obtain authorization to carry out otherwise prohibited activities would impose a significant imposition on their resources. In discussions with a number of the institutions currently holding chimpanzees, it appears that there are ways these institutions could benefit chimpanzees in the wild through currently on-going activities or activities that could be reasonably developed. Behavioral studies, the development of veterinary treatments, and support for in-situ conservation efforts like orphan care, currently carried out by some institutions, all would support the issuance of an endangered species permit by the Service. The Service will continue to work with research institutions on ways to continue their current activities, while ensuring that the standards of the Act are met.

(15) Comment: Additional information on diseases and the threat they pose to the viability of wild chimpanzees was provided.

Our Response: We have incorporated additional information into our discussion of diseases, including the potential impact of disease outbreaks on chimpanzee populations and the potential for captive chimpanzees in the United States to be used to test vaccines for wild populations. This information did not change our finding that the chimpanzee meets the definition of an endangered species under the Act.

Rather, it provided additional support to our finding that disease is a threat to chimpanzees.

(16) Comment: The Service only used literature related to wild chimpanzees and included very limited scientific data related to captive chimpanzees, especially information on the use of captive chimpanzees in research to advance both human and chimpanzee health.

Our Response: Consistent with the Act, we assessed the status of the species to determine whether chimpanzees meet the definition of an endangered or threatened species and should be listed under the Act. This included assessing the extent to which captive chimpanzees create or contribute to threats to the species or remove or reduce threats to the species by contributing to the conservation of the species. We have included in our Summary of Threats section information on the potential for captive chimpanzees to contribute to a reduction in threats to chimpanzees from diseases. Because the use of captive chimpanzees in the advancement of human health does not impact chimpanzees, either positively or negatively, this information is not relevant in assessing the status of the species.

(17) Comment: Some commenters claimed listing all chimpanzees as endangered species would hurt conservation efforts to the extent that the Service would set limitations on the exhibition of endangered chimpanzees in zoological settings.

Our Response: The Act does not prohibit the exhibition of listed species. Listing all chimpanzees will not set any limitations on exhibition. The Service disagrees, however, that listing all chimpanzees as endangered would have any negative impact on conservation efforts. Instead, the listing will most likely promote greater participation in conservation efforts by zoological institutions and the public. Before the listing, individuals wishing to sell and engage in certain other commercial activities with captive chimpanzees could do so without providing any conservation benefits to the species. With this listing, otherwise prohibited activities, such as these commercial activities, will require authorization from the Service and this authorization can be issued only if the activity meets the requirements of the Act.

(18) Comment: The listing petition's general arguments regarding exhibitors' commercial gain from their exhibition of captive chimpanzees should have no bearing on Service's decision regarding the conservation status of captive chimpanzees under the Act. Furthermore, the Service should clarify that commercial gains from educational and entertainment activities are not illegal under the Act.

Our Response: The Service's listing determination is based upon an analysis of the best available scientific and commercial information relative to the statutory standards under the Act indicating that chimpanzees as a species meet the definition of an endangered species under the Act. Thus, the appropriate conservation status of the species was not based upon the issue mentioned by the commenter. Additionally, the Act and our implementing regulations set forth the prohibitions that apply to all endangered wildlife. These prohibitions make it illegal for any person who is subject to the jurisdiction of the United States to, among other things, sell or offer for sale an endangered species in interstate or foreign commerce or to deliver, receive, transport, carry, or ship an endangered species in interstate or foreign commerce in the course of a commercial activity. Services provided by persons who own captive chimpanzees such as those provided by circuses and appearances in movies, television, advertisements, or parties are not unlawful unless the person engages in one of the prohibited activities.

(19) Comment: The Service's differentiation between threatened and endangered species permits issued for the purpose of exhibition is misplaced because the Service's regulatory definition of ''enhancement of propagation or survival'' includes ''exhibition of living wildlife in a manner designed to educate the public about the ecological role and conservation needs of the affected species.'' Thus, in the event that the Service designates captive chimpanzees as endangered under the Act, the Service should expressly reaffirm that public exhibition continues to be permitted.

Our Response: The Act does not prohibit the exhibition of listed species. Therefore, the Service does not issue permits for public exhibition or education. However, the Act does regulate, among other things, import; export; sale and offer for sale in interstate and foreign commerce; and delivery, receipt, transport, carrying, and shipment in interstate or foreign commerce in the course of a commercial activity. As pointed out in the proposed rule, Section 10(a)(1)(A) of the Act for endangered species states that the Secretary may permit ''any act otherwise prohibited by section 9 for scientific purposes or to enhance the propagation or survival of the affected species . . .'' In addition, any permit issued under section 10(a)(1)(A) must, among other things, be consistent with the policies and purposes of the Act. Therefore, when considering whether a permit can be issued to authorize activities that would otherwise be prohibited with an endangered species, the purposes of the activity must be for either scientific purposes or for enhancement, not solely for educational or exhibition purposes.

The commenter is correct, however, in referencing that the definition of ''enhance the propagation or survival'' in the regulations (50 CFR 17.3) does identify exhibition of living wildlife as part of an overall approach to enhancement for captive wildlife. Specifically, the regulations state: *Enhance the propagation or survival,* when used in reference to wildlife in captivity, the following activities when it can be shown that such activities would not be detrimental to the survival of wild or captive populations of the affected species:

(a) Provision of health care, management of populations by culling, contraception, euthanasia, grouping or handling of wildlife to control survivorship and reproduction, and similar normal practices of animal husbandry needed to maintain captive populations that are self-sustaining and that possess as much genetic vitality as possible;

(b) Accumulation and holding of living wildlife that is not immediately needed or suitable for propagative or scientific purposes, and the transfer of such wildlife between persons in order to relieve crowding or other problems hindering the propagation or survival of the captive population at the location from which the wildlife would be removed;

(c) Exhibition of living wildlife in a manner designed to educate the public about the ecological role and conservation needs of the affected species.

This definition was established primarily in relation to the Captive-bred Wildlife Registration program (50 CFR 17.21(g)) to facilitate captive breeding of listed species as part of an overall captive management program. Therefore, public display in a manner designed to education the public about the ecological role of the species, along with being part of a captive breeding program that strives for a self-sustaining captive population that ensures maximum genetic diversity and vitality could be permitted under the Act.

(20) Comment: Several commenters opposed the proposed rule, and the

associated regulation of captive chimpanzees, stating that captive populations are essential for the perpetuation of global chimpanzee populations and repopulating African countries.

Our Response: The status of all chimpanzees as endangered does not affect the ability to maintain captive populations. The Act does not prohibit captive breeding of listed species.

(21) Comment: One commenter requested amending the Service's regulatory definition of the phrase ''industry and trade'' found in the Act's definition of the term ''commercial activity,'' as well as revising the Service's Captive-Bred Wildlife Regulations under 50 CFR 17.21(g) to require the agency to respond in the **Federal Register** to public comments received on applications for captive-bred wildlife registrations.

Our Response: The comment is outside the scope of this agency action to consider whether all chimpanzees should be listed as endangered species under the Act.

(22) Comment: Some commenters believed that this rulemaking was not the appropriate vehicle for issuing new agency policy regarding whether captive animals, in general, may be assigned separate legal status from their wild counterparts on the basis of their captive state. One commenter explained that the Service could not use a petition-specific determination to promulgate a new interpretive rule, and the law requires such action to be done via a more direct and thorough public process, not as an adjunct to a species listing petition. One commenter maintained that the Service's actions violated section 4(h) of the Act. Thus, these commenters indicated promulgation of such a policy or interpretive rule should be subject to separate public notice and comment procedures pursuant to the Administrative Procedure Act and the Endangered Species Act.

Our Response: The Service was petitioned to list all chimpanzees, whether in the wild or in captivity, as an endangered species, thereby eliminating the separate classification of captive chimpanzees from chimpanzees located in the wild. As explained in the preamble of our proposed listing rule, we therefore examined the question raised by the petition as to whether the Service has discretion under the Act to differentiate the listing status of chimpanzees in captivity from those in the wild. Because the Service had not specifically examined whether the Act, its implementing regulations, and applicable policies provide such discretion prior to receiving the petitions for chimpanzees and the African antelope, we reviewed the issue in order to ensure that we addressed each petition in accordance with the Act. Nonetheless, each assessment is specific to the petitioned species. The rule has been revised to clarify that the Service's analysis is specific to the issue of whether captive chimpanzees should have separate legal status on the basis of their captivity.

Furthermore, this listing decision does not establish new agency policy. In fact, this listing determination is consistent with the Service's general practice for captive members of a species to be afforded the same legal status under the Act as those members of the species in the wild.

In compliance with the Endangered Species Act and the Administrative Procedure Act, the Service's listing determination, which included its evaluation of whether captive chimpanzees may have separate legal status under the Act, was subject to public notice and comment. The Service was under no legal requirement, as suggested by the commenter, to subject the analysis used in evaluating this petition to an additional and separate rulemaking process or to develop agency guidelines such as those identified under section 4(h) of the Act.

(23) Comment: Commenters expressed concern that the Service's broad statements of policy regarding its legal authority to recognize exemptions from the Act for captive animals is beyond the scope of the petition. According to one commenter, the petition is specific to the listing of chimpanzees only, and the Service's proposal should be as well.

Our Response: Assuming that the commenters are characterizing the authority to designate separate legal status under the Act for captive animals as an ''exemption,'' the Service disagrees that the issue of designating separate legal status for captive chimpanzees is beyond the scope of the petition. Because the petition requested, in essence, the elimination of the separate classification for captive chimpanzees from chimpanzees located in the wild, the Service appropriately considered, as an initial matter, whether it had any discretion to designate legal status under the Act to captive members separate from their wild counterparts. Assessing whether the petitioned action involves an entity eligible for legal status under the Act is part of the Service's standard practice in making petition-findings. *See, e.g.,* 12-Month Findings on Petitions to Delist U.S. Captive Populations of the Scimitar-horned Oryx, Dama Gazelle, and Addax 78 FR 33790, 33791 (June 5, 2013) (including a discussion on the ''Evaluation of Listable Entities''); 12-Month Finding on a Petition to List 14 Aquatic Mollusks as Endangered or Threatened, 77 FR 57922, 57923 (September 18, 2012) (including a discussion on the ''Evaluation of Listable Entities''); 12-Month Finding on Petition to List the Wanton's Cave Meshweaver as Endangered or Threatened, 79 FR 47413, 47415 (August 13, 2014) (including a discussion on ''Evaluation of Listable Entities''); 90-Day Finding on a Petition to List Thermophilic Ostracod as Endangered or Threatened, 77 FR 9618, 9618 (February 17, 2012) (including a discussion on the ''Evaluation of Listable Entities''); 90-Day Finding on Petition to List Sphinx Date Palm, 77 FR 71757 (including a discussion on the ''Evaluation of Listable Entities''). Thus, the issue was properly part of the Service's petition-finding and determination to list all chimpanzees as an endangered species. In addition, as noted above the rule has been revised to clarify that the Service's analysis is specific to the issue of whether captive chimpanzees should have separate legal status on the basis of their captivity.

(24) Comment: One commenter stated that for a notice of a new policy to be effective, particularly one that modifies, or at least substantially impacts, the Captive-Bred Wildlife rule, it must alert the public that a change in policy is being considered.

Our Response: The commenter fails to identify any new policy or a change in policy being issued through this listing determination. As explained in the preamble of our proposed listing rule, the Service has not had an absolute policy or practice with respect to the designation of separate legal status under the Act for captive animals, but generally has included wild and captive animals together when it has listed species. Thus, this action does not involve a change in policy, nor does it involve any modification or impact to the Captive-Bred Wildlife rule. In fact, this listing action is consistent with the Service's general practice of listing captive and wild members of a species together. As part of the Service's evaluation of the petition to list all chimpanzees as endangered, this action included an examination of whether the agency has any discretion to differentiate the listing status of specimens in captivity from those in the wild. The Service's listing determination, including its analysis of whether captive chimpanzees may have separate legal status under the Act from

their wild counterparts, was subject to public notice and comment.

(25) Comment: The Service received comments that it should base this listing determination on the conservation status of the captive specimens, focusing on an assessment of whether the five factors require listing of captive chimpanzees, rather than a position or policy that the agency lacks authority to assign a separate legal status to all captive species by virtue of their captive status. Other commenters claimed that the Service's failure to analyze whether captive chimpanzees are an endangered species due to the five factors under section 4(a)(1) constituted a violation of the Act. Some commenters further contended that captive chimpanzees are not in danger of extinction due to any of the five factors set forth under section 4(a)(1) of the Act.

Our Response: Having concluded that we do not have discretion to treat captive chimpanzees as a separate listable entity from wild chimpanzees, the Service properly assessed the status of the ''species'' to determine if it met the definition of a ''threatened species'' or an ''endangered species'' due to any one or a combination of the five factors found in section 4(a)(1) of the Act. *See Trout Unlimited* v. *Lohn,* 559 F. 3d 946, 955–956 (9th Cir 2009) (distinguishing between two analytical phases of the listing process—the ''composition phase'' involving the ''neutral'' task of defining a ''species'' and the subsequent decision to list due to the factors under section 4(a)(1) of the Act). As part of the assessment of the status of the ''species,'' the Service examined the extent to which captive chimpanzees created or contributed to threats to the species or remove or reduce threats to the species by contributing to the conservation of the species. This approach of considering the contribution of captive members on their wild counterparts in a status assessment of the species has been upheld by the Ninth Circuit in *Trout Unlimited* v. *Lohn,* 559 F. 3d at 961 (upholding NMFS's 2005 Hatchery Policy which established that the effects of hatchery fish will be included in assessing the status of the entire Evolutionary Significant Unit in the context of their contributions to conserving natural self-sustaining populations). But having found for a number of reasons that the Service does not have the discretion to give captive chimpanzees separate legal status, it was both unnecessary and would be inappropriate to conduct a listing analysis on just captive chimpanzees.

(26) Comment: The proposed rule states that captive populations of wildlife do not have their own recognizable range and that a species' range consists only of those portions of the species' historic range where the species is found in the wild. This approach ignores the importance that adaptation plays in species conservation. If the Service refuses to recognize a species' range as the habitat in which the population currently lives, whether in the wild or in captivity, then the Service will be powerless to accommodate circumstances that change wildlife behavior patterns.

Our Response: It appears that the commenter may have misunderstood our interpretation of ''range.'' Nonetheless, we stand by our position noted in the proposed rule and this final rule that ''range'' has consistently been interpreted by the Service as being the natural range of the species in the wild. Furthermore, the Service's 2014 policy on the meaning of the phrase ''significant portion of its range'' (SPR) (79 FR 37577; July 1, 2014) defines ''range'' as the ''general geographic area within which that species can be found at the time [the Service] or [the National Marine Fisheries Service] makes any particular status determination,'' which we interpret also to apply to the range of the species in the wild. Therefore, the Service's definition of range does not ignore the importance of adaptation in species conservation. If circumstances change wildlife behavior patterns, changes in areas where the species is found in the wild would be considered part of its range.

(27) Comment: One commenter asserted that the Service's interpretation of the term ''range'' under section 4(c)(1) of the Act as including the general geographical area where the species is found in the wild would prevent the Service from complying with its statutory obligation to specify for each species listed over what portion of its range it is an endangered species or a threatened species in the event a species no longer exists in the wild and can only be found in captivity.

Our Response: Under this hypothetical, the Service disagrees that its interpretation of the term ''range'' would prevent it from specifying ''over what portion of its range'' it is an endangered species or a threatened species in accordance with section 4(c)(1) of the Act. For a species that only exists in captivity, the Service indicates the range of the species in the wild that would occur but for the conditions that have led to extirpation from the wild in the ''Historic Range'' column of the listing at 50 CFR 17.11 or 17.12, consistent with our interpretation. For example, the listing of the Scimitar-horned oryx at 50 CFR 17.11 indicates the historic range as North Africa, even though the Service acknowledged the oryx may no longer exist in the wild. *See* Final Rule to List the Scimitar-horned oryx, Addax, and Dama Gazelle as Endangered, 70 FR 52319 (September 2, 2005).

(28) Comment: The Service's position that the Act deprives it of the authority to separately classify a population made exclusively of captive members contradicts the Service's litigation position in *Safari Club International* v. *Salazar, et al.* in which the Service maintained that it possessed the authority to make decisions about the listing status of captive populations on a case-by-case basis.

Our Response: Prior to fully analyzing the issue of designating separate legal status for captive animals for consistency with the statutory standards, an issue raised in the petitions to delist U.S. captive populations of Scimitar-horned oryx, addax, and dama gazelle and the petition to list all chimpanzees as an endangered species, we acknowledge that the Service provided the same listing status to all members of a species as the default, unless the facts indicated that there should be a different result. *See Safari Club International* v. *Jewell,* 960 F.Supp 2d 17, 64 (D.D.C. 2013) (upholding the Service's 2005 final determination to list Scimitar-horned oryx, addax, and dama gazelle as being consistent with the agency's general policy and practice). Having now examined the language, purpose, operation of key provisions, and the legislative history of the Act in response to the issue raised in the above-mentioned petitions, we have concluded that the Service does not have the discretion to designate separate legal status under the Act for captive chimpanzees from wild members of the same species, which is consistent with our findings on the antelope petitions. As noted above, the rule has been revised to clarify that the Service's analysis is specific to the petitioned species.

(29) Comment: The Service expresses a general concern that captive chimpanzees might not meet the Act's definition of ''threatened species'' or ''endangered species,'' leaving captive chimpanzees unprotected by the Act. In order to avoid this result, the Service proposes that captive chimpanzees must receive the same listing as wild chimpanzees to ensure that they receive protections, even though they do not qualify for listing. Such an approach is inconsistent with the Act's purpose to promote conservation of the species and

DPS which are actually endangered or threatened species.

Our Response: It is unclear whether the commenter believes that the Service found that captive chimpanzees would not qualify for listing under the Act if the required analysis were conducted or whether the commenter believes that captive chimpanzees do not qualify for listing. To process the petition, we had to consider whether captive chimpanzees had appropriately been considered separate listable entities previously. Part of this analysis included potential conservation outcomes if a section 4(a) analysis were conducted solely on captive chimpanzees (which was not done when we designated captive chimpanzees as a separate threatened DPS in 1990) and whether the potential consequences of this approach would be consistent with Congress' intent for the Act. Having found for a number of reasons that the Service does not have the discretion to give captive animals separate legal status, it was both unnecessary and would be inappropriate to conduct a listing analysis on just captive chimpanzees. For all the reasons explained in this rule, we find that this decision is consistent with the purposes of the Act and Congress' intent.

In fact, if the separate designation of wild chimpanzees and captive chimpanzees were maintained, proponents of separate legal status could argue that captive specimens do not qualify as endangered or threatened species under an analysis of the best available scientific information related to the five factors found under section 4(a)(1) of the Act. Indeed, we note that this commenter appears to contend that captive chimpanzees do not qualify for listing. Because under this line of thinking captive chimpanzees might not meet the definitions of endangered or threatened species under the statutory factors, captive chimpanzees could be petitioned for, and arguably would qualify for, delisting. These animals would therefore lose any legal protections of the Act, even as wild chimpanzees face threats that have intensified and expanded since 1990, continue to decline, and have already been extirpated from some range countries. Unfortunately it is conceivable that all wild chimpanzees could be extirpated at some point in the future and therefore, under the commenter's line of reasoning, wild chimpanzees would qualify for delisting as extinct under 50 CFR 424.11(d)(1) while captive chimpanzees would still have no protections under the Act. Such potential consequences due to separate listings of chimpanzees would be inconsistent with the Act's purpose of protecting threatened and endangered species.

(30) Comment: The Service should reconsider its definition of ''captivity.'' If a species' existence outside of its historic range involves a lifestyle closely resembling life in the wild, then the Service should treat that population more like wild populations than captive ones. In captivity, chimpanzees do not have a lifestyle that even remotely mimics their existence in the wild.

Our Response: The request to reconsider the Service's regulatory definition of ''captivity'' is beyond the scope of this action to consider whether all chimpanzees should be listed as an endangered species under the Act.

(31) Comment: In its new interpretation, the Service did not address the fact that the Act recognizes the ''scientific'' value of wildlife and acknowledges ''scientific'' purposes as a separate animal use in addition to other possible uses, *i.e.,* commercial, recreational, or educational purposes, when the potential for overutilization is considered.

Our Response: In determining whether we had any discretion to designate separate legal status under the Act to captive chimpanzees, the Service specifically acknowledged that Congress recognized ''overutilization for commercial, recreational, *scientific,* or education purposes'' as a potential threat that contributes to the risk of extinction for many species. We found that if captive specimens could have separate legal status under the Act, the threat of overutilization could increase. Such a consequence would be inconsistent with section 2(b)'s purpose of conserving endangered and threatened species. The role of scientific use of endangered wildlife is also acknowledged under section 10(a)(1)(A) as one of the purposes for which a permit may be issued to conduct otherwise prohibited activities.

(32) Comment: Although the Service noted past examples of and concerns about the possibility of not being able to distinguish between captive and wild specimens in its proposed rule, chimpanzees currently located at U.S. research facilities are not only few in number, but also individually identified and recorded.

Our Response: The comment appears to be referring to the Service's conclusion that, as a general matter, separate legal status for captive animals would be inconsistent with the purpose of section 2(b) of the Act due to the potential for increased take and trade in ''laundered'' wild-caught specimens that would generally be indistinguishable from unprotected, captive specimens. In assessing whether captive chimpanzees actually create or contribute to the threat of overutilization to the species, the Service did not find evidence that captive specimens specifically held in U.S. research facilities were contributing to or creating any threats to the species. Nonetheless, even if captive chimpanzees in U.S. research facilities are currently few in number and all captive chimpanzees at these facilities are individually identified and recorded, this may not be the case in the future. In addition, it does not appear that captive chimpanzees generally have reduced any threats to the species, including removal of animals from the wild for the pet trade, as threats to the species have only intensified since the 1990 reclassification of the wild population from a threatened species to an endangered species.

(33) Comment: Some commenters indicated their support for the Service's continued reliance on its policy regarding the *Recognition of Distinct Vertebrate Population Segments under the Endangered Species Act* to assign separate legal status under the Act for chimpanzees held in captivity. Other commenters noted that captive chimpanzee population in the U.S. qualifies as a ''distinct population segment'' under the plain language of the Act and the interagency policy on distinct population segments.

Our Response: Based upon an examination of the language, purpose, operation of key provisions, and the legislative history of the Act, the Service has concluded that it does not have the discretion to assign legal status under the Act for captive specimens of chimpanzees separate from their wild counterparts, which includes designating captive chimpanzees and wild chimpanzees as separate distinct population segments pursuant to our 1996 policy regarding the *Recognition of Distinct Vertebrate Population Segments under the Endangered Species Act.* Although the Service's 1990 final reclassification rule for chimpanzees, issued prior to the promulgation of the 1996 policy, designated captive and wild chimpanzees as separate distinct population segments, that designation was not analyzed as to how it was consistent with the statutory standards.

(34) Comment: The Service received comments indicating that the Act does not limit the Service's authority to assign captive animals separate legal status from specimens of the same species or subspecies that occur in the wild. Some commenters noted that

nothing in the plain language, purpose, or legislative history of the Act precludes according separate legal status to captive animals and their wild counterparts. Other commenters maintained that the Act provides broad authority to the Service to carry out animal conservation and protection requirements, as well as flexibility for the agency to take a variety of regulatory approaches.

Our Response: We agree that nothing in the Act expressly specifies whether or not captive specimens can or cannot have separate legal status based on their captive state. However, our analysis of the language, purpose, operation, and legislative history of the Act, when considered together, indicates that Congress did not intend for captive specimens of wildlife to be subject to separate legal status on the basis of their captive state. We believe that this is a reasonable construction of the Act and is consistent with our general practice of designating the same legal status to captive and wild members of the same species.

As for the authority under the Act to carry out animal conservation and protection programs, such programs, as well as other regulatory options, are only available if the entity qualifies as an endangered or threatened species. For the reasons explained in this final rule, as well as past petitions received and comments received during this rulemaking, it is possible that captive animals considered as separate listable entities would not qualify as endangered or threatened species.

(35) Comment: The Service received comments that this agency action overturns 37 years of previous policy according separate conservation status of captive chimpanzees without justification. Observing that an agency's long-standing policies or statutory interpretations are entitled to deference, one commenter indicated that the agency failed to explain its reasoning for departing from its prior interpretation through this action. Another commenter noted that the Service cannot cite to any change in the language of the Act since it adopted the split-listing of captive and wild chimpanzees to support its departure from its 37-year-old policy.

Our Response: Because the Service has had no absolute policy or practice concerning differentiating the listing status of specimens in captivity from those in the wild, but has generally listed captive and wild members together, we do not believe that this listing determination represents a departure from any policy on that matter. To the extent that the commenters maintain that this action is a departure from how the Service has previously treated chimpanzees listed under the Act, we agree that there has been no statutory change prompting the Service to list all chimpanzees as an endangered species. However, the Service's 1990 decision to reclassify wild chimpanzees from a threatened species to an endangered species, while maintaining the threatened species classification for captive chimpanzees, did not include a thorough analysis of whether it was appropriate under the Act to accord legal status for captive members separate from wild members of the same species. In response to a comment that there was no legislative history suggesting that captive populations could be treated as distinct species and no precedent for doing so, the 1990 final chimpanzee rule stated only that captive animals are distinct from wild populations and have the potential to interbreed when mature, an apparent reference to the DPS provision within the Act's definition of ''species,'' and that some captive chimpanzees were specifically being managed as an interbreeding population. The 1990 final rule also noted one situation—the Nile crocodile—where the Service had previously listed captive specimens separately from wild specimens.

In response to the issues raised in this petition, we evaluated the language, purposes, operation, and legislative history of the Act to reasonably conclude that Congress did not intend for captive chimpanzees to be subject to separate legal status on the basis of their captive state. After determining that all chimpanzees, including captive and wild animals, should be considered a single listable entity under the Act, we evaluated the status of the ''species'' to find that endangered is the correct conservation status for the chimpanzee. The Service's justification for designating all chimpanzees as an endangered species was thoroughly detailed in our 12-month finding and proposed rule and is explained again here.

We acknowledge, however, that the Service has indicated in a limited number of situations that captive wildlife can have separate legal status from wild members of the species. In 1992, the Service received a petition to reclassify cotton-top tamarins held in captivity in North America and found that the petition presented substantial information indicating that the petitioned action may be warranted (58 FR 64927, December 10, 1993). But the notice provided no analysis of how the captive animals could be given separate legal status and no further action was taken on the petition. The taxonomic species remains listed as an endangered species in its entirety. In 2011, we found that a petition to list plains bison did not present substantial information indicating that listing may be warranted and in the notice stated that we only considered wild bison in the evaluation because the Service did not consider it to be within the intent of the Act to consider bison ''in commercial herds'' for listing (76 FR 10299, February 24, 2011). This notice did not contain a thorough analysis like that conducted in response to the antelope petitions or this petition, however, and we likely would not reach the same conclusion today.

Other than the chimpanzee listing decision in 1990, there is only one time where we have given separate legal status to captive specimens on the basis of their captive state. On June 17, 1987, we published a final rule reclassifying captive Nile crocodiles in Zimbabwe from an endangered species to a threatened species (52 FR 23148). The rule provided no explanation for how captive Nile crocodiles in Zimbabwe could qualify as a separate listed entity, however, and appears to have been based on a concurrent change in the specimens' status under CITES from Appendix I to Appendix II, not on any analysis under the Act. The differing listings statuses for captive and wild Zimbabwe Nile crocodiles were resolved a little more than a year later when wild Nile crocodiles in Zimbabwe were also reclassified from endangered to threatened (53 FR 38451, September 30, 1988). Importantly, both the chimpanzee and the Nile crocodile split listings were completed prior to the development of our 1996 DPS Policy (61 FR 4722, February 7, 1996) and thus before we had fully considered the appropriateness of separate legal status for captive specimens under the Act.

(36) Comment: The Service has not followed certain legal procedures required in publishing the proposed listing rule. Specifically, the Service failed to make certain documents available for review and comment by the public. In addition, the Service failed to have this regulatory action reviewed by the Office of Information and Regulatory Affairs, as required by Executive Order 12866.

Our Response: The Service observed all procedural requirements in promulgating this listing determination. Consistent with the Administrative Procedure Act, all information upon which this determination is based was identified in the Service's listing proposal in order to allow for meaningful public comment on this rulemaking. Additionally, as noted in

the Conference Report to the 1982 Amendments to the Act, economic factors cannot be considered when assessing the legal status of a species under the Act. Thus, this action is not subject to review by the Office of Information and Regulatory Affairs pursuant to Executive Order 12866.

(37) Comment: The Service contends that captive chimpanzees cannot qualify as a species because they have no ''habitat'' or ''range.'' However, the Act's definitions of ''species,'' ''habitat,'' or ''range'' does not require the Service to list all chimpanzees as an endangered species. Just because the Service may interpret ''range'' as the ''geographical area where the species is found in the wild,'' this does not mean that the Act precludes a definition which would encompass geographic areas where animals are held in captivity.

Our Response: We agree that nothing in the Act, including its definition of ''species,'' ''endangered species,'' or ''threatened species,'' expressly precludes designating legal status under the Act for captive chimpanzees based on their captive state. However, as part of our evaluation as to whether captive and wild chimpanzees can have separate legal status, we reviewed, among other things, the language of the Act. Although the Act does not contain a definition of the term ''range,'' the Service has consistently interpreted that term to mean the geographical area where the species is found in the wild. Thus, given the Service's consistent interpretation of ''range,'' among other things, we have found that inconsistencies would exist under a determination of separate legal status for captive animals. Overall, we believe that the analysis shows that our interpretations of ''range'' and ''species'' are consistent with Congress' intent and the most appropriate approach under the Act.

(38) Comment: Nothing in the Act's permitting provisions under section 10(a)(1) of the Act or any other provision addressing exceptions for animals in captivity precludes the Service from issuing a split-listing. Thus, there is no inconsistency between the listing procedures of the Act and those provisions that permit otherwise unlawful activities that would result from designating legal status to animals held in captivity from members of the same species or subspecies that occur in the wild.

Our Response: We believe the exceptions in section 9(b)(1) and section 9(b)(2), as well as the availability of permits for the propagation of the species under section 10(a)(1)(A) of the Act, shows that Congress intended that captive animals would generally have the same legal status as their counterparts. Otherwise, if captive specimens could simply be excluded through the listing process, none of these provisions would be needed.

(39) Comment: The case law cited by the Service does not require that captive chimpanzees be listed with the same conservation status as wild chimpanzees.

Our Response: We agree that there is no case law specifically addressing whether captive chimpanzees must be listed with the same conservation status as wild chimpanzees. However, the decision in *Alsea Valley Alliance* v. *Evans,* 161 F. Supp. 2d 1154 (D.Or. 2001), in which the Court found that captive specimens, in that case hatchery fish, cannot simply be excluded under the Act when they are members of the listable entity, supports our conclusion that other potential approaches besides separate designation as a DPS cannot be used to provide separate legal status under the Act for captive specimens from their wild counterparts.

(40) Comment: In its factual findings promulgated in the 1990 rule to reclassify wild chimpanzees as endangered species, the Service indicated that to the extent self-sustaining breeding groups of captive chimpanzees provide surplus animals for research and other purposes, there may be reduced probability that other individuals of that species will be removed from the wild. The Service's failure to address or distinguish its 1990 finding that research with captive chimpanzees may conserve the wild chimpanzee population is irrational and inconsistent with the Act's purpose to promote conservation of the species.

Our Response: In this listing action, we examined whether captive chimpanzees create or contribute to threats to the species or remove or reduce threats to the species. Although we stated in the 1990 rule that captive chimpanzees *may* reduce the probability that individuals of the species would be removed from the wild, we found that given that threats to wild chimpanzees have expanded and intensified since 1990, and capture for the illegal pet trade continues to be a major threat, it doesn't appear that the availability of captive chimpanzees have reduced any threats to the species. Therefore, we disagree that our analysis is irrational and inconsistent with the purposes of the Act.

(41) Comment: Excluding captive species is consistent with the Act's purposes, set forth in section 2(b), because it provides a pool of genetic diversity and stock which can form the basis for repopulation in the wild, or provide important research that assists in wild species management and protection. As long as maintenance of a captive population presents no threat to the species in the wild and may assist in their conservation and protection, there is no barrier in law to their exclusion.

Our Response: We disagree that the Act allows the Service to exclude captive chimpanzees as long as they provide no threat to their wild counterparts or may assist in their conservation and protection. While captive animals may provide stock for reintroduction efforts or provide important research for management and protection of the species in the wild, we reasonably concluded that Congress did not intend for captive chimpanzees to be subject to separate legal status under the Act from specimens that occur in the wild based on the language, purposes, operation of key provisions, and the legislative history of the Act. In addition, sections 9 and 10 of the Act contain provisions that allow the development and maintenance of genetically diverse captive stock for use in reintroductions or research that assists the species in the wild while at the same time providing these animals the appropriate legal protections under the Act.

(42) Comment: The petition requests the Service for a new legal opinion, as well as a repeal of the current 4(d) rule that applies to captive chimpanzees; however, the Act does not provide the public a right to petition for these types of relief.

Our Response: In making our 90-day finding, we determined that the petition clearly identified itself as a petition under the Endangered Species Act to request reclassification of captive chimpanzees from threatened species to endangered species and contained the requisite information required of petitions under our implementing regulations at 50 CFR 424.14(a). In a subsequent October 2010 letter, the petitioners clarified that their petitioned action was to list the entire species as an endangered species, whether in the wild or in captivity. Thus, we found that the petition to reclassify chimpanzees was appropriate under the Act. The petitioners did not petition for a new legal opinion. The petitioners also did not specifically petition for revision of the 4(d) rule as applied to chimpanzees, although petitioning for such a rulemaking is available under the Administrative Procedure Act and our regulations at 50 CFR 424.14(a).

(43) Comment: Listing captive chimpanzees as endangered species is

not warranted. No scientific information, substantial or otherwise, has been presented suggesting that U.S. captive chimpanzees meet the listing criteria set forth in the law and are in danger of extinction. By the Service's own account, the availability of captive chimpanzees has had, at worst, a neutral effect on wild populations.

Our Response: All chimpanzees, including captive and wild animals, are considered by the Service to be a single listable entity under the Act for the reasons explained in the proposed rule and this final rule. As such, we did not evaluate whether captive chimpanzees, alone, met the definition of an ''endangered species'' or a ''threatened species'' due to the five factors under section 4(a)(1) of the Act. Rather, in our review of the status of the ''species'' pursuant to section 4(b)(1) of the Act, we properly applied the five factors under section 4(a)(1) to the species, including considering the extent to which captive chimpanzees create or contribute to the threats to the species or remove or reduce threats to the species in order to determine that all chimpanzees are in danger of extinction.

(44) Comment: The Service hypothesizes that if captive and wild specimens have different legal status under the Act, there will be increased poaching, smuggling, and laundering of protected wild specimens, and that wild populations would decline while survival of the species would depend on unprotected members in captivity. However, these hypotheticals cannot serve as valid authority for eliminating the separate legal status of captive and wild chimpanzees under the Act because the Service recognizes that, despite the current classification, trade in wild chimpanzee specimens has in fact been limited.

Our Response: Although we noted that *legal* trade in wild chimpanzee specimens has been limited, that finding does not affect our conclusion that chimpanzees, including captive and wild animals, should be treated as a single listable entity, which is consistent with how we have evaluated other species. In evaluating whether we have discretion to provide separate legal status for captive chimpanzees, we found that Congress did not intend for captive specimens to be subject to separate legal status on the basis of their captive state, in part because of the potential consequences of such designation. The Service appropriately considered the conservation consequences of designating legal status under the Act to captive members separate from wild members of the same species in order to determine whether such designation would be consistent with the purposes of the Act and Congress' intent. Given the potential for increased take and trade in ''laundered'' wild-caught specimens that would generally be indistinguishable from unprotected and unregulated captive specimens, we concluded that separate legal status under the Act for captive animals would be inconsistent with the purpose under section 2(b) of the Act.

Required Determinations

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that we do not need to prepare an environmental assessment, as defined under the authority of the National Environmental Policy Act of 1969, in connection with regulations adopted under section 4(a) of the Act for the listing, delisting, or reclassification of species. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A list of all references cited in this document is available at *http://www.regulations.gov* at Docket No. FWS–R9–ES–2010–0086, or upon request from the U.S. Fish and Wildlife Service, Endangered Species Program, Branch of Foreign Species (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this rule are staff members of the Branch of Foreign Species, Endangered Species Program, U.S. Fish and Wildlife Service.

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

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

PART 17—[AMENDED]

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

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

■ 2. Amend § 17.11(h) in the List of Endangered and Threatened Wildlife by:
■ a. Revising the entry for ''Chimpanzee (*Pan troglodytes*)'' (''Wherever found in the wild''); and
■ b. Removing the entry for ''Chimpanzee (*Pan troglodytes*)'' (''Wherever found in captivity'').

The revision reads as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS	.....	.....	.....		.....	.....	.....
*	*	*	*	*	*		*
Chimpanzee	*Pan troglodytes*	Africa	Entire	E	16, 376, 852	NA	NA
*	*	*	*	*	*		*

■ 3. Amend § 17.40 by revising paragraph (c)(1) and removing paragraph (c)(3).

The revision reads as follows:

§ 17.40 Special rules—mammals.

(c) * * *

(1) Except as noted in paragraph (c)(2) of this section, all provisions of § 17.31 apply to the lesser slow loris *(Nycticebus pygmaeus);* Philippine tarsier *(Tarsius syrichta);* white-footed tamarin *(Saguinus leucopus*); black howler monkey *(Alouatta pigra);* stump-tailed macaque *(Macaca arctoides);* gelada baboon *(Theropithecus gelada);* Formosan rock macaque *(Macaca cyclopis);* Japanese macaque (*Macaca fuscata);* Toque macaque (*Macaca sinica);* long-tailed langur *(Presbytis potenziani);* purple-faced langur

(Presbytis senex); and Tonkin snub-nosed langur *(Pygathrix [Rhinopithecus] avunculus).*

* * * * *

Dated: June 1, 2015.

Stephen Guertin,

Acting Director, Fish and Wildlife Service.

[FR Doc. 2015–14232 Filed 6–12–15; 4:15 pm]

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FEDERAL REGISTER

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Part III

The President

Proclamation 9293—National Week of Making, 2015

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Presidential Documents

Title 3—

The President

Proclamation 9293 of June 11, 2015

National Week of Making, 2015

By the President of the United States of America

A Proclamation

American ingenuity has always powered our Nation and fueled economic growth. Our country was built on the belief that with hard work and passion, progress is within our reach, and it is because of daring innovators and entrepreneurs who have taken risks and redefined what is possible that we have been able to realize this promise. Makers and builders and doers—of all ages and backgrounds—have pushed our country forward, developing creative solutions to important challenges and proving that ordinary Americans are capable of achieving the extraordinary when they have access to the resources they need. During National Week of Making, we celebrate the tinkerers and dreamers whose talent and drive have brought new ideas to life, and we recommit to cultivating the next generation of problem solvers.

My Administration is committed to spurring manufacturing, innovation, and entrepreneurship by expanding opportunities for more Americans to build products and bring them to market. Across the Federal Government, we are working to increase access to capital, maker spaces, and equipment to design, develop, and prototype ideas. By investing in regional manufacturing hubs, we are bringing together private industry, leading universities, and public agencies to develop cutting-edge technology and train workers in the skills they need for the next generation of innovation. To continue to build a Nation of makers, we are committed to engaging students at every level in the hands-on learning of science, technology, engineering, and mathematics (STEM) to inspire them to pursue their own passions and excel in STEM fields.

Last year, at the first-ever White House Maker Faire, I called on leaders around our Nation to join in sparking a grassroots renaissance in American making and manufacturing. Since then, more than 100 cities have stepped up, taking action to increase access to the tools and support that help today's dreamers solve pressing local and global problems, launch their own businesses, and create vibrant communities. By making it easier for students to learn 21st-century design and fabrication skills and by broadening opportunities for making in communities across our country, we can unleash a new era of jobs and entrepreneurialism in manufacturing, transform industries, and usher the products of tomorrow to markets today. As the maker movement grows, I continue to call on all Americans to help unlock the potential of our Nation and ensure these opportunities reach all our young people, regardless of who they are or where they come from.

America's path of experimentation, innovation, and discovery has been the hallmark of our progress. We are heirs to an extraordinary legacy of ingenuity—our country is home to pioneers who imagined a railroad connecting a continent, inventors who believed electricity could power our cities and towns, explorers who dared to leave our planet and travel farther than ever before, and innovators who brought us closer together through the Internet. This story is central to who we are as a people, and today, we have the opportunity to write the next great chapter. This week, let us renew our resolve to harness the potential of our time—the technology,

opportunity, and talent of our people—and empower all of today's thinkers, makers, and dreamers.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 12 through June 18, 2015, as National Week of Making. I call upon all Americans to observe this week with programs, ceremonies, and activities that encourage a new generation of makers and manufacturers to share their talents and hone their skills.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of June, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

[FR Doc. 2015–14980
Filed 6–15–15; 11:15 am]
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