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OFFICE OF MANAGEMENT AND BUDGET

2 CFR Parts 180 and 200

Guidance for Reporting and Use of Information Concerning Recipient Integrity and Performance

AGENCY: Office of Management and Budget.

ACTION: Final rule; change in effective date.

SUMMARY: The Office of Management and Budget is advancing the effective date for the Guidance for Reporting and Use of Information Concerning Recipient Integrity and Performance final rule which published on July 22, 2015. The new effective date will be July 30, 2015, and the applicability date will remain January 1, 2016.

DATES: The effective date for the final guidance published July 22, 2015 (80 FR 43301), is changed from January 1, 2016, to July 30, 2015. The applicability date of the final guidance remains January 1, 2016.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Rhea Hubbard, Office of Federal Financial Management, Office of Management and Budget, *rhubbard@omb.eop.gov,* telephone (202) 395–2743.

SUPPLEMENTARY INFORMATION: On July 22, 2015 (80 FR 43301), the Office of Management and Budget (OMB) issued a number of changes to Title 2 of the Code of Federal Regulations (2 CFR 180 and 2 CFR 200). These changes provided guidance to Federal agencies to implement Section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009. As section 872 required, OMB and the General Services Administration (GSA) have established an integrity and performance system that includes governmentwide data with specified information related to the integrity and performance of entities awarded Federal grants and contracts. This document is to advance the effective date to July 30, 2015 for the Guidance for Reporting and Use of Information Concerning Recipient Integrity and Performance final rule.

Mark Reger,

Deputy Controller.

[FR Doc. 2015–18745 Filed 7–29–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 900

[Docket No. AMS–FV–14–0072; FV14–900–2 FR]

Clarification of United States Antitrust Laws, Immunity, and Liability Under Marketing Order Programs

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule implements an amendment to the general regulations for federal fruit, vegetable, and specialty crop marketing agreements and marketing orders that would accentuate the applicability of U.S. antitrust laws to marketing order programs' domestic and foreign activities. This action advises marketing order board and committee members and personnel of the restrictions, limitations, and liabilities imposed by those laws.

DATES: Effective July 31, 2015.

FOR FURTHER INFORMATION CONTACT: Geronimo Quinones, Marketing Specialist, or Michelle P. Sharrow, Rulemaking Branch Chief, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Geronimo.Quinones@ams.usda.gov* or *Michelle.Sharrow@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This final rule is issued under the general regulations for federal marketing agreements and orders (7 CFR part 900), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' This action adds a new § 900.202 (Restrictions applicable to Committee personnel) under ''Subpart—Miscellaneous Regulations'' to accentuate the applicability of U.S. antitrust laws to marketing order program activities.

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This final rule implements an amendment to the general regulations for federal fruit, vegetable, and specialty crop marketing agreements and marketing orders that would accentuate the applicability of U.S. antitrust laws to marketing order programs' domestic and foreign activities. This action advises marketing order board and committee members and personnel of the restrictions, limitations, and liabilities imposed by those laws.

Federal marketing order boards and committees have always been subject to U.S. antitrust laws. These boards and committees work with USDA in

administering marketing order programs which, among other things, authorizes them, with approval of the Secretary, to establish and promote a program's domestic and foreign marketing activities. The Act immunizes board and committee members and employees from prosecution under U.S. antitrust laws so long as their conduct is authorized by the Act or provisions of a marketing order. This rule accentuates the applicability of U.S. antitrust laws to marketing order board and committee members and personnel in light of changing global marketing and production trends as well as advises boards and committees of the restrictions, limitations, and liabilities of those laws. Under the antitrust laws, Committee members and employees may not engage in any unauthorized agreement or concerted action that unreasonably restrains United States domestic or foreign commerce. Failing to adhere to these laws may lead to prosecution under the antitrust laws by the United States Department of Justice and/or suit by injured private persons seeking treble damages, and may also result in expulsion of members from the Committee or termination of employment with the Committee.

Final Regulatory Flexibility Act

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

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

There are approximately 1,090 handlers who are subject to regulation under the 28 federal marketing order programs and approximately 33,100 producers in the regulated areas. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201). USDA estimates that many of these handlers and producers may be classified as small entities. This rule accentuates the applicability of U.S. antitrust laws to marketing order programs' domestic and foreign activities. This action also advises marketing order board and committee members and personnel of the restrictions, limitations, and liabilities imposed by those laws.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

AMS is committed to complying with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS has discussed the changes to the regulations with all marketing order board and committee staff that it oversees. Moreover, AMS conducted refresher training on antitrust laws for marketing order board and committee staff and officers at the Marketing Order Management Conference on September 23–24, 2014.

A proposed rule concerning this action was published in the **Federal Register** on May 6, 2015 (80 FR 25969). The rule was made available through the internet by USDA and the Office of the Federal Register. A 30-day comment period ending June 5, 2015, was provided to allow interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because AMS is simply updating the regulations to reemphasize the applicability of U.S. antitrust laws.

List of Subjects in 7 CFR Part 900

Administrative practice and procedure, Freedom of information, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 900 is amended as follows:

PART 900—GENERAL REGULATIONS

■ 1. The authority citation for 7 CFR part 900 continues to read as follows:

Authority: 7 U.S.C. 601–674 and 7 U.S.C. 7401.

■ 2. The authority citation for Subpart—Miscellaneous Regulations continues to read as follows:

Authority: Sec. 10, 48 Stat. 37, as amended; 7 U.S.C. 610.

■ 3. Add § 900.202 to read as follows:

§ 900.202 Restrictions applicable to Committee personnel.

Members and employees of Federal marketing order boards and committees are immune from prosecution under the United States antitrust laws only insofar as their conduct in administering the respective marketing order is authorized by the Agricultural Marketing Agreement Act of 1937, 7 U.S.C. 601–674, or the provisions of the respective order. Under the antitrust laws, Committee members and employees may not engage in any unauthorized agreement or concerted action that unreasonably restrains United States domestic or foreign commerce. For example, Committee members and employees have no authority to participate, either directly or indirectly, whether on an informal or formal, written or oral basis, in any bilateral or international undertaking or agreement with any competing foreign producer or seller or with any foreign government, agency, or instrumentality acting on behalf of competing foreign producers or sellers to raise, fix, stabilize, or set a floor for commodity prices, or limit the quantity or quality of commodity imported into or exported from the United States. Participation in any such unauthorized agreement or joint undertaking could result in prosecution under the antitrust laws by the United States Department of Justice and/or suit by injured private persons seeking treble damages, and could also result in expulsion of members from the Committee or termination of employment with the Committee.

* * * * *

Dated: July 27, 2015.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–18700 Filed 7–29–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1738

RIN 0572–AC34

Rural Broadband Access Loans and Loan Guarantees

AGENCY: Rural Utilities Service, USDA.

ACTION: Interim rule.

SUMMARY: The Rural Utilities Service, an agency of the United States Department of Agriculture, hereinafter referred to as the Agency, is amending its regulation for the Rural Broadband Access Loan and Loan Guarantee Program (Broadband Loan Program) to implement the Agricultural Act of 2014 (the 2014 Farm Bill). The enactment of the 2014 Farm Bill made changes the Agency must adopt prior to accepting applications for future loans. The Agency is publishing this regulation as an interim rule, which will take effect upon publication in the **Federal Register,** and will allow the Agency to begin accepting applications once again. In addition, the Agency is seeking comments regarding this interim rule to guide its efforts in drafting the final rule for the Broadband Loan Program.

DATES: *Effective Date:* July 30, 2015.

Comment Date: September 28, 2015.

ADDRESSES: Submit comments, identified by docket number RUS–15–Telecom–0001 and RIN number 0572–AC34, by any of the following methods:

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

Postal Mail/Commercial Delivery/Hand Delivery: Michele Brooks, Director, Program Development and Regulatory Analysis, USDA Rural Development, 1400 Independence Avenue, STOP 1522, Room 5159, Washington, DC 20250–1522.

RUS will post all comments received without change, including any personal information that is included with the comment, on *http://regulations.gov.* Comments will be available for inspection online at *http://www.regulations.gov* and at the address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. A copy of this rule is also available through the Rural Development homepage at *http://www.rurdev.usda.gov/RDU_FederalRegisterPubs.html.* Additional information about the Agency and its programs is available on the Internet at *http://www.rurdev.usda.gov/index.html.*

FOR FURTHER INFORMATION CONTACT: Kenneth Kuchno, Deputy Assistant Administrator, Policy and Outreach Division, Rural Development, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 1590, Room 5151–S, Washington, DC 20250–1590. Telephone number: (202) 720–9554, Facsimile: (202) 720–0810. Persons with disabilities or who require alternative means for communication should contact the USDA Target Center at (202) 720–2600.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866. In accordance with Executive Order 12866, an Economic Impact Analysis was completed, outlining the costs and benefits of implementing this program in rural America. The complete analysis is available from the Agency upon request. The following is the discussion of the Economic Benefits section of the Analysis.

Economic Benefits of Broadband Deployment in Rural Areas

Bringing broadband services to rural areas does present some challenges. Because rural systems must contend with lower household density than urban systems, the cost to deploy fiber-to-the-home (FTTH) and 4G LTE systems in urban communities is considerably lower on a per household basis, making urban systems more economical to construct. Depending upon the technology deployed it can be more expensive to provide service to rural customers than to customers located in urban areas. Other associated rural issues, such as environmental challenges or providing wireless service through mountainous areas, also can add to the cost of deployment.

Areas with low population size, locations that have experienced persistent population loss and an aging population, or places where population is widely dispersed over demanding terrain generally have difficulty attracting broadband service providers. These characteristics can make the fixed cost of providing broadband access too high, or limit potential demand, thus depressing the profitability of providing service. Clusters of lower service exist in sparsely populated areas, such as the Dakotas, eastern Montana, northern Minnesota, and eastern Oregon. Other low-service areas, such as the Missouri-Iowa border and Appalachia, have aging and declining numbers of residents. Nonetheless, rural areas in some States (such as Nebraska, Kansas, and Vermont) have higher-than expected broadband service, given their population characteristics, suggesting that policy, economic, and social factors can overcome common barriers to broadband expansion.

In general, rural America has shared in the growth of the Internet economy. Online course offerings for students in primary, secondary, post-secondary, and continuing education programs have improved educational opportunities, especially in small, isolated rural areas. Interaction among students, parents, teachers, and school administrators has been enhanced via online forums, which is especially significant given the importance of ongoing parental involvement in children's education.

Telemedicine and telehealth have been hailed as vital to health care provision in rural communities, whether simply improving the perception of locally provided health care quality or expanding the menu of medical services. More accessible health information, products, and services confer real economic benefits on rural communities, reducing transportation time and expenses, treating emergencies more effectively, reducing time missed at work, increasing local lab and pharmacy work, and providing savings to health facilities from outsourcing specialized medical procedures.

Most employment growth in the U.S. over the last several decades has been in the service sector, a sector especially conducive for broadband applications. Broadband allows rural areas to compete for low- and high-end service jobs, from call centers to software development. Rural businesses have been adopting more e-commerce and Internet practices, improving efficiency and expanding market reach. Some rural retailers use the Internet to satisfy supplier requirements. The farm sector, a pioneer in rural Internet use, is increasingly comprised of farm businesses that purchase inputs and make sales online. Farm household characteristics such as age, education, presence of children, and household income are significant factors in adopting broadband Internet use, whereas distance from urban centers is not a factor. Larger farm businesses are more apt to use broadband in managing their operation; the more multifaceted the farm business, the more the farm uses the Internet.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) number assigned to this program is 10.886, Rural Broadband Access Loans and Loan Guarantees. The Catalog is available on the Internet and the General Services Administration's

(GSA's) free CFDA Web site at *http://www.cfda.gov.* The CFDA Web site also contains a PDF file version of the Catalog that, when printed, has the same layout as the printed document that the Government Publishing Office (GPO) provides. GPO prints and sells the CFDA to interested buyers. For information about purchasing the Catalog of Federal Domestic Assistance from GPO, call the Superintendent of Documents at 202–512–1800 or toll free at 866–512–1800, or access GPO's online bookstore at *http://bookstore.gpo.gov.*

Executive Order 12372

This rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require a consultation with State and local officials. See the final rule related notice entitled, ''Department Programs and Activities Excluded from Executive Order 12372'' (50 FR 47034).

Executive Order 13563

The agency has reviewed this regulation pursuant to E.O. 13563, issued on January 18, 2011 (76 FR 3281, January 21, 2011). E.O. 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in E.O. 12866. To the extent permitted by law, agencies are required by E.O. 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

Information Collection and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the RUS invites comments on this information collection for which approval from the Office of Management and Budget (OMB) will be requested. These requirements have been approved by emergency clearance under OMB Control Number 0572–0130.

Comments must be received by September 28, 2015.

Comments are invited on (a) whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of burden including the validity of the methodology and assumption used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques on other forms of information technology.

Title: 7 CFR 1738, Rural Broadband Loan and Loan Guarantee Program.

OMB Control Number: 0572–0130.

Type of Request: Extension of an existing collection.

Abstract: The Rural Utilities Service is authorized under Title VI of the Rural Electrification Act of 1936, as amended (RE Act), to provide loans and loan guarantees to fund the cost of construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural areas in States and Territories of the United States. In conjunction with this interim rulemaking, RUS is submitting an information collection package to OMB as required by the Paperwork Reduction Act of 1995. The information collection package for 7 CFR 1738 includes the estimated burden related to the application process for the Rural Broadband Loan and Loan Guarantee Program. Since the inception of the program in 2003, the Agency has tried to accurately determine the burden to respondents applying for a Rural Broadband Loan, including soliciting comments from the public. The items covered by this collection include forms and related documentation to support a loan application, including Form 532 and its supporting schedules.

The 2014 Farm Bill requires that the Agency be more transparent when identifying entities that are applying for funding, set the definition of unserved areas, address defaulted loans, and provide incentives for applicants to provide service in the most remote unserved rural areas. To accomplish the goals above, the Agency has: (1) Established a process for prioritizing applications; (2) set a minimum acceptable level of broadband service; (3) established a percentage of unserved households to receive broadband service; (4) provided additional details on the contents of applications; and (5) added additional incentives for reaching unserved areas.

The Agency has addressed these issues as follows:

Prioritizing Applications: To ensure that the priority requirements of the 2014 Farm Bill and this regulation are effectuated, a minimum of two evaluation periods will be established for ranking applications. At present, the Agency expects that evaluations will be conducted in March and September, but a notice in the **Federal Register** will be published, announcing the opening of each window and the deadlines for applications.

Broadband Service: With the growing need for bandwidth in the medical and business environments, as well as for the average user, the 2014 Farm Bill established a minimum acceptable level of broadband service at 4 megabits downstream and 1 megabit upstream, which the Agency will use as the benchmark for determining whether broadband service exists in an area. However, with respect to minimum standards for applications requesting funding, the Agency will be continuing its practice of a Broadband Lending Speed, which will require applicants to make available a minimum amount of bandwidth to all premises in the proposed funded service area. As with the prior broadband program, that standard will be updated from time to time in the **Federal Register**.

The definitions for Broadband Service and the Broadband Lending Speed are integral parameters for the administration of this program and the determination of what entities are eligible to apply for funds. Although the minimum level for Broadband Service is established by statute in the 2014 Farm Bill, this regulation allows for the standard to be raised as the need for additional bandwidth is required by the public. Therefore, we are requesting and encouraging commenters to this regulation to make recommendations on the bandwidth requirements for both Broadband Service and the Broadband Lending Speed. The level for Broadband Service will be used to determine

eligibility of a service area for funding and the level for the Broadband Lending Speed will set the bandwidth requirement that a proposed system must be able to provide to every customer in the service area.

With the development of new applications and the need for greater bandwidth, the Agency strongly suggests that applicants applying for funding under this program consider system designs that will allow for 25 megabits downstream and 3 megabits upstream. Building to these requirements will ensure that facilities that are constructed today will also be able to handle the needs of the future.

Application Transparency: To ensure transparency for the Broadband Loan Program, the Agency's mapping tool will be modified to include the following information for each application:

1. Identity of the applicant
2. The areas to be served
3. The type of funding requested
4. The status of the application
5. The number of unserved households
6. A list of the census block groups to be served

For all applications that are approved, an additional report will be posted that includes the name of the company receiving funding, type of funding received and the purposes of the funding.

Additionally, in accordance with 2014 Farm bill requirements, a requirement has been added to require borrowers to submit semi-annual reports for three years after the completion of construction. It is anticipated that this reporting requirement will not become effective until approximately three years from the effective date of this rulemaking. At that time the agency will need to revise the information collection package associated with reporting requirements for the Broadband Loan Program (0572–0031). Information collected will consist of the following items;

1. The number and location of residences and businesses that will receive service at or greater than the broadband lending speed;

2. The types of facilities constructed and installed;

3. The speed of the broadband services being delivered;

4. The average price of the broadband services being delivered in each proposed service area;

5. The broadband adoption rate for each proposed service territory, including the number of new subscribers generated from the facilities funded;

This information will be used to analyze the effectiveness of the funding provided and will allow the Agency to track adoption rates as new and improved broadband services are being provided.

The Agency seeks comments on its estimate of burden related to the application process for the Rural Broadband Program and welcomes comments related to further reducing application paperwork and costs. Specifically, comments should address the estimation of hour and cost burden associated with each component of RUS Form 532, available on the agency's Web site. Burden on respondents is considered to include the time, effort, and financial resources expended to generate, maintain, retain, disclose, or provide information to or for a Federal Agency. The Agency is also interested in determining the information that Broadband applicants would have on hand in a format that could be readily provided for the loan application and which items would be prepared by parties outside the applicant's organization. Comments may be sent to Michele Brooks, Director, Program Development and Regulatory Analysis, Rural Development, U.S. Department of Agriculture, 1400 Independence Ave. SW., Stop 1522, Room 5159 South Building, Washington, DC 20250–1522 or via email to: *michele.brooks@usda.gov.*

Estimate of Burden: Public reporting for this collection of information is estimated to average 425.5 hours per response.

Respondents: Businesses and Not-for-profit institutions.

Estimated Number of Respondents: 5.

Estimated Total Annual Burden on Respondents: 2094.5 hours.

Copies of this information collection can be obtained from Michele Brooks, Program Development and Regulatory Analysis, at (202) 690–1078.

All responses to this information collection and recordkeeping notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

National Environmental Policy Act Certification

The Administrator has determined that this rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Regulatory Flexibility Act Certification

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because the Agency is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. The Agency has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. In addition, all state and local laws and regulations that are in conflict with this rule will be preempted, no retroactive effort will be given to this rule, and, in accordance with Sec. 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. Sec. 6912(e)), administrative appeal procedures, if any, must be exhausted before an action against the Department or its agencies may be initiated.

Unfunded Mandates

This rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of section 202 and 205 of the Unfunded Mandates Reform Act of 1995.

Executive Order 13132, Federalism

The policies contained in this rule do not have any 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. Nor does this rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the States is not required.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This rule has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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.

Rural Development has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under E.O. 13175. However, since deploying broadband infrastructure throughout Indian Country presents unique challenges, the Agency commits to provide at least one Tribal Consultation focused on those unique challenges (and potential solutions) prior to the implementation of this rule. If a Tribe requests consultation, Rural Development will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress. If a tribe would like to engage in consultation with Rural Development on this rule, please contact Rural Development's Native American Coordinator at (720) 544–2911 or *AIAN@wdc.usda.gov.*

E-Government Act Compliance

The Agency is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. The Agency is currently developing an online application system that will replace the existing manual process for submitting applications.

Background

A. Introduction

The Agency improves the quality of life in rural America by providing investment capital for deployment of rural telecommunications infrastructure. In order to achieve the goal of increasing economic opportunity in rural America, the Agency finances infrastructure that enables access to a seamless, nationwide telecommunications network. With access to the same advanced telecommunications networks as its urban counterparts, especially those designed to accommodate distance learning, telework, and telemedicine, rural America will eventually see improving educational opportunities, health care, economies, safety and security, and ultimately higher employment. The Agency shares the assessment of Congress, State and local officials, industry representatives, and rural residents that broadband service is a critical component to the future of rural America. The Agency is committed to ensuring that rural America will have access to affordable, reliable, broadband services and to provide a healthy, safe, and prosperous place to live and work.

B. Regulatory History

On May 13, 2002, the Farm Security and Rural Investment Act of 2002, Public Law 107–171 (2002 Farm Bill) was signed into law. The 2002 Farm Bill amended the Rural Electrification Act of 1936 to include Title VI, the Rural Broadband Access Loan and Loan Guarantee Program (Broadband Loan Program), to be administered by the Agency. Title VI authorized the Agency to approve loans and loan guarantees for the costs of construction, improvement, and acquisition of facilities and equipment for broadband service in eligible rural communities. Under the 2002 Farm Bill, the Agency was directed to promulgate regulations without public comment. Implementing the program required a different lending approach for the Agency than it employed in its earlier telephone program because of the unregulated, highly competitive, and technologically diverse nature of the broadband market. Those regulations were published on January 30, 2003, at 68 FR 4684.

In an attempt to enhance the Broadband Loan Program and to acknowledge growing criticism of funding competitive areas, the Agency proposed to amend the program's regulations on May 11, 2007, at 72 FR 26742. As the Agency began analysis of the public comments it received on the proposed regulations, the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) was working its way through Congress. On March 14, 2011, the Agency published an interim rule implementing the requirements of the 2008 Farm Bill and started accepting applications. The Agency did not receive any significant comments to the interim rule and published a final rule on February 6, 2013. With the enactment of the Agricultural Act of 2014 (2014 Farm Bill) Section 6104, Public Law 113–79 (Feb. 7, 2014), additional requirements were added to the Broadband Loan Program, including the prioritization of approving applications, a minimum benchmark of broadband service, a more transparent public notice requirement, and the first statutorily required reporting standards, all of which are implemented in this rule.

C. Presidential Memorandum

On March 23, 2015, a Presidential Memorandum was issued for Expanding Broadband Deployment and Adoption by Addressing Regulatory Barriers and Encouraging Investment and Training. The memorandum states that it shall be the policy of the Federal Government for executive departments and agencies having statutory authorities applicable to broadband deployment (agencies) to use all available and appropriate authorities to: Identify and address regulatory barriers that may unduly impede either wired broadband deployment or the infrastructure to augment wireless broadband deployment; encourage further public and private investment in broadband networks and services; promote the adoption and meaningful use of broadband technology; and otherwise encourage or support broadband deployment, competition, and adoption in ways that promote the public interest. In addition to assist in this effort, there is established the Broadband Opportunity Council (Council), to be co-chaired by the Secretaries of Commerce and Agriculture, or their designees. In addition to the Co-Chairs, the Council shall include the heads, or their designees, of:

i. The Department of Defense;
ii. the Department of State;
iii. the Department of the Interior;
iv. the Department of Labor;
v. the Department of Health and Human Services;
vi. the Department of Homeland Security;
vii. the Department of Housing and Urban Development;
viii. the Department of Justice;
ix. the Department of Transportation;
x. the Department of the Treasury;
xi. the Department of Energy;
xii. the Department of Education;
xiii. the Department of Veterans Affairs;
xiv. the Environmental Protection Agency;
xv. the General Services Administration;
xvi. the Small Business Administration;
xvii. the Institute of Museum and Library Services;
xviii. the National Science Foundation;
xix. the Council on Environmental Quality;
xx. the Office of Science and Technology Policy;
xxi. the Office of Management and Budget;
xxii. the Council of Economic Advisers;
xxiii. the Domestic Policy Council;
xxiv. the National Economic Council;
xxv. the National Security Council staff; and
xxvi. such other Federal agencies or entities as determined appropriate

pursuant to subsection (c) of this section.

D. Rule Changes

The following summarizes the substantive changes introduced in this rule. The changes are presented in the order in which they appear within the interim rule.

Subpart A—General

Section 1738.2 Definitions

Broadband service—This definition was modified to incorporate the 2014 Farm Bill's requirement that the minimum level of broadband service be initially set to 4 megabits downstream and 1 megabit upstream, and reviewed by the Agency at least once every 2 years, and adjusted as necessary through a notice published in the **Federal Register**, in order to ensure that high quality, cost-effective broadband service is being provided to rural areas. This definition will be used to determine if a rural area is eligible for funding.

Incumbent service provider—This definition was modified so as not to automatically eliminate an existing service provider from being counted as an incumbent service provider if the provider did not respond to the public notice filing for new applications.

The 2014 Farm Bill requires that the Agency use all means available to determine if an incumbent service provider is present in a proposed funded service area. As a result, only in cases where the Agency is unable to make an incumbent determination without input from the provider, will a provider not be counted as an incumbent for not responding to a request for information. The determination of incumbent service providers is critical to whether a loan is eligible for the broadband program.

Interim financing—This definition was modified to make only construction started after a loan has been offered as eligible for reimbursement, as opposed to the prior rule which allowed for construction started after an application was deemed ''complete'' to be eligible for reimbursement. Because of the new requirement to prioritize applications within at least two evaluation periods, and not process applications on a first-come, first-served basis, applications which are feasible, but not the highest priority, may never be funded. As a result, the Agency has changed its policy on when construction is eligible for reimbursement.

Unserved household or unserved area—The 2014 Farm Bill removed the definition for underserved and introduced the definition of unserved. All proposed funded service areas must include a minimum of fifteen percent unserved households.

Section 1738.3 Substantially Underserved Trust Area

In March of 2012, the Agency published 7 CFR part 1700 as a final rule instituting eligibility requirements for classifying an area as a Substantially Underserved Trust Area and making certain considerations available for those areas that qualify. The changes to this section incorporate this regulation by reference and allow for applicants to seek classification as a Substantially Underserved Trust Area and associated benefits of this classification.

Subpart B—Eligible and Ineligible Loan Purposes

Section 1738.51(b)—A statement was added to this section to clarify that if an Indefeasible Right to Use (IRU) agreement qualifies as a capital lease, the entire cost of the lease will be amortized over the life of the lease and that only the first three years of the amortization period can be funded.

Subpart C—Eligibility Requirements

Section 1738.101(b)(2)—The existing regulations require that facilities be constructed within three years from the time loan funds are made available. Given the many factors affecting when loan funds are available, the Agency has decided to simplify this requirement by making funds available 120 days after the date of the loan contract, which is the time allotted for closing a loan. The three-year construction period will commence 120 days after the date of the loan contract. This uniform change will bring clarity to applicants and assist their budgeting of time.

Section 1738.102(c)—This section was added to address the new 2014 Farm Bill requirement that the Agency determine if there are incumbent service providers in a proposed funded service area. In addition to the current use of the public notice process, the Agency will now utilize the National Broadband Map and any other data that may be available detailing service provider information in the affected area to make this determination. This process will assist the Agency in identifying ineligible areas, despite any non-responses from existing service providers.

Subpart D—Direct Loan Terms

Section 1738.155—Most areas in the U.S. that still do not have broadband service are areas with low population densities or very tough geographic conditions which impede construction. Under these conditions, it is very difficult to develop a feasible business plan that the Agency can fund. To assist and encourage companies to venture into difficult rural areas, the 2014 Farm Bill permitted modifications to the standard lending terms. As a result, the Agency, at its discretion, may consider the following for applications that propose to serve areas that contain a minimum of 50 percent unserved households and that request special terms: (1) An extension of the standard 2-year principal deferral period up to a maximum of 4 years; (2) an extension of the maturity period beyond economic life of the assets; and (3) a modification to the security arrangements for the loan. These three options individually or together may assist in the development of a successful business by reducing the initial debt service payments and allowing borrowers more time to develop operations and positive cash flow. Special terms are only authorized to the extent they are necessary to achieve financial feasibility and long-term sustainability of these projects.

Subpart E—Application Review and Underwriting

Section 1738.203—In accordance with 2014 Farm Bill requirements, this section has been modified to require applications to be evaluated and prioritized no less than twice a year, based on the number of unserved household proposed to receive service at the broadband lending speed. This process will ensure that the maximum number of unserved residents and businesses receive broadband service.

National and State reserves will be established based on the amount of funding provided for any given fiscal year. Please note that depending on the amount of funding provided, it may not be appropriate to establish State reserves.

Section 1738.204—To better inform the public of the applications that are being submitted for financial assistance, the public notice that the Agency publishes through the use of the Agency's mapping tool will now include the following additional information: (1) Amount and type of funding requested; (2) status of the review of the application; (3) the number of unserved households in the application; and (4) a list of census block groups to be served. In addition, for all approved applications, an additional notice will be published on the Agency Web page that includes the name of the entity being funded, the type of funding received, and the purpose of the assistance. All applicants

that are approved for funding will also be required to submit semiannual reports that will be published on the Web page. This information will better allow the public to understand where taxpayer dollars are being spent and what is being accomplished.

Subpart F—Closing, Servicing and Reporting

Section 1738.254—In accordance with 2014 Farm Bill requirements, an additional requirement has been added to this section that requires borrowers to submit semi-annual reports for three years after the completion of construction. The report must include the purpose of the financing, number and location of the premises served, speed of the broadband service being delivered, average price of the services and the adoption rate of the services being provided. This report will allow the Agency to better track the progress of the loan and validate that the funds are being used for the purposes in the application.

The Agency urges all interested parties to provide comments. Please see instructions on how to do so in the **ADDRESSES** section of this document.

USDA Nondiscrimination Statement

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If you wish to file an employment complaint, you must contact your agency's EEO Counselor (PDF) within 45 days of the date of the alleged discriminatory act, event, or in the case of a personnel action. Additional information can be found online at *http://www.ascr.usda.gov/complaint_filing_file.html.*

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at *http://www.ascr.usda.gov/complaint_filing_cust.html*, or at any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov.*

Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish).

Persons with disabilities who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (*e.g.*, Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

List of Subjects in 7 CFR Part 1738

Broadband, Loan programs—communications, Rural areas, Telephone, Telecommunications.

Accordingly, chapter XVII, title 7, Code of Federal Regulations is amended by revising part 1738 to read as follows:

PART 1738—RURAL BROADBAND ACCESS LOANS AND LOAN GUARANTEES

Authority: 7 U.S.C. 901 *et seq.*

Subpart A—General

§ 1738.1 Overview.

(a) The Rural Broadband Access Loan and Loan Guarantee Program furnishes loans and loan guarantees for the costs of construction, improvement, or acquisition of facilities and equipment needed to provide service at the broadband lending speed in eligible rural areas. This part sets forth the general policies, eligibility requirements, types and terms of loans and loan guarantees, and program requirements under 7 U.S.C. 901 *et seq.*

(b) Additional information and application materials regarding the Rural Broadband Access Loan and Loan Guarantee Program can be found on the Rural Development Web site.

§ 1738.2 Definitions.

(a) The following definitions apply to part 1738:

Acquisition means the purchase of assets by acquiring facilities, equipment, operations, licenses, or majority stock interest of one or more organizations. Stock acquisitions must be arm's-length transactions.

Administrator means the Administrator of the Rural Utilities Service (RUS), or the Administrator's designee.

Advance means the transfer of loan funds from the Agency to the borrower.

Affiliate or *affiliated company* of any specified person or entity means any other person or entity directly or indirectly controlling of, controlled by, under direct or indirect common control with, or related to, such specified entity, or which exists for the sole purpose of providing any service to one company or exclusively to companies which otherwise meet the definition of affiliate. This definition includes Variable Interest Entities as described in Financial Accounting Standards Board Interpretation (FIN) No. 46(R), *Consolidation of Variable Interest Entities.* For the purpose of this definition, ''control'' means the possession directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with or pursuant to an agreement with, one or more other companies, and whether such power is established through a majority or minority ownership voting of securities, common directors, officers, or stockholders, voting trust, or holding trusts (other than money exchanged) for property or services.

Agency means the Rural Utilities Service, which administers the United States Department of Agriculture's (USDA's) Rural Development Utilities Programs, including the Rural Broadband Access Loan and Loan Guarantee Program.

Applicant means an entity requesting approval of a loan or loan guarantee under this part.

Arm's-length transaction means a transaction between two related or affiliated parties that is conducted as if they were unrelated, so that there is no question of conflict of interest, or a transaction between two otherwise unrelated or unaffiliated parties.

Borrower means any organization that has an outstanding broadband or telecommunications loan made or guaranteed by the Agency.

Broadband borrower means any organization that has an outstanding broadband loan made or guaranteed by the Agency.

Broadband grant means a Community Connect or Broadband Initiatives Program grant approved by the Agency.

Broadband lending speed means the minimum bandwidth requirement, as published by the Agency in its latest notice in the **Federal Register** that an applicant must propose to deliver to every customer in the proposed funded service area in order for the Agency to approve a broadband loan and may be different for fixed and mobile broadband service. Broadband lending speed may be faster than the minimum transmission capacity required to determine the availability of broadband service when qualifying a service area. If a new broadband lending speed is published in the **Federal Register** while an application is pending, the pending application will be processed based on the broadband lending speed that was in effect when the application was submitted.

Broadband loan means any loan approved under Title VI of the Rural Electrification Act of 1936, as amended (RE Act).

Broadband service means any technology identified by the Administrator as having the capacity to provide transmission facilities that enable the subscriber to receive a minimum level of service equal to at least a downstream transmission capacity of 4 megabits per second (Mbps) and an upstream transmission capacity of 1 Mbps. The Agency will publish the minimum transmission capacity that will qualify as broadband service in a notice in the **Federal Register** and this rate may be different for fixed and mobile broadband service. The minimum transmission capacity may be higher than 4 Mbps downstream and 1 Mbps upstream but cannot be lower. The minimum transmission capacity that defines broadband service may be different than the broadband lending speed. If a new minimum transmission capacity is published in the **Federal Register** while an application is pending, broadband service for the purpose of reviewing the application will be defined by the minimum transmission capacity that was required at the time the application was received by the Agency.

Build-out means the construction, improvement, or acquisition of facilities and equipment.

Competitive analysis means a study that identifies service providers and products in the service area that will compete with the applicant's operations.

Composite economic life means the weighted (by dollar amount of each class of facility in the loan) average economic life as determined by the Agency of all classes of facilities financed by the loan.

Cost share means equity, as defined by generally accepted accounting principles (GAAP).

Customer premises equipment (CPE), in the context of network services, means any network-related equipment used by a customer to connect to a service provider's network.

Economic life means the estimated useful service life of an asset financed by the loan, as determined by the Agency.

Equity means total assets minus total liabilities, as determined by GAAP and as classified according to the Agency's system of accounts, and as used in this Part for purposes of section 306F of the RE Act (7 U.S.C. 936f) includes the requirements of credit support and cost share in Title VI of the RE Act.

Feasibility study means the evaluation of the pro forma financial analysis prepared by the Agency, based on the financial projections supplied by the applicant and as found acceptable by the Agency, to determine the financial feasibility of a loan request.

Financial feasibility means the applicant's ability to generate sufficient revenues to cover its expenses, sufficient cash flow to service its debts and obligations as they come due, and meet the minimum Times Interest Earned Ratio (TIER) requirement of 1.25 (see § 1738.211(b)(2)(ii)) by the end of the forecast period, as evaluated by the Agency. Financial feasibility of a loan application is based on five-year projections, and will be based on the entire operation of the applicant and not limited to the funded project.

Fiscal year refers to the applicant or borrower's fiscal year, unless otherwise indicated.

Forecast period means the time period used in the feasibility study to determine if an application is financially feasible.

GAAP means generally accepted accounting principles.

Grantee means any organization that has an outstanding broadband grant made by the Agency, with outstanding obligations under the grant.

Guaranteed loan amount means the amount of the loan which is guaranteed by the Agency.

Guaranteed loan note means, collectively, the note or notes executed and delivered by the borrower to evidence the guaranteed loan.

Guaranteed loan portion means any portion of the guaranteed loan.

Guaranteed loan portion amount means that amount of payment on account of any guaranteed loan portion which is guaranteed under the terms of the guarantee.

Guaranteed loan portion note means any note executed and delivered by the borrower to evidence a guaranteed loan portion.

Incumbent service provider means a service provider that: Offers terrestrial broadband service in the proposed

funded service area and has not less than five percent of the households in an applicant's proposed funded service area subscribing to their broadband service at the time of application submission. Resellers are not considered incumbent service providers. If an applicant proposes an acquisition, the applicant will be considered a service provider for that area.

Indefeasible right to use agreement (IRU) means the effective long-term lease of the capacity, or a portion thereof, of a cable, specified in terms of a certain amount of bandwidth or a certain number of dark fibers.

Interim financing means funds used for eligible loan purposes after a loan offer has been extended to the applicant by the Agency. Such funds may be eligible for reimbursement from loan funds if a loan is made.

Loan means any loan made or guaranteed under this part by the Agency, unless otherwise noted.

Loan contract means the loan agreement between the Agency and the borrower, including all amendments thereto.

Loan documents mean the loan agreement, note(s), and security instrument(s) between the borrower and the Agency and any associated documents pertaining to the broadband loan.

Loan guarantee means a guarantee of a loan, or a portion of a loan, made by another lender

Loan guarantee documents means the guarantee agreement between RUS and the lender, the loan and security agreement(s) between the guaranteed lender and the borrower, the loan note guarantee made by RUS, the guaranteed loan note, and other security documents.

Loan funds means funds provided pursuant to a broadband loan made or guaranteed under this part by the Agency.

Market survey means the collection of information on the supply, demand, usage, and rates for proposed services to be offered by an applicant within each service area. It supports the applicant's financial projections.

Pre-loan expense means any expense associated with the preparation of a loan application. Pre-loan expenses may be reimbursed with loan funds, as approved by RUS.

Proposed Funded Service Area means the geographic service territory within which the applicant is proposing to offer service at the broadband lending speed.

RE Act means the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*).

Reject means that the Agency returns the application to the applicant and discontinues processing of the loan application because the application failed to meet the requirements of this part.

Reseller means, in the context of network services, a company that purchases network services from network service providers in bulk and resells them to commercial businesses and residential households. Resellers are not considered incumbent service providers.

Rural area(s) means any area, as confirmed by the latest decennial census of the Bureau of the Census, which is not located within:

(i) A city, town, or incorporated area that has a population of greater than 20,000 inhabitants; or

(ii) An urbanized area contiguous and adjacent to a city or town that has a population of greater than 50,000 inhabitants. For purposes of the definition of rural area, an urbanized area means a densely populated territory as defined in the latest decennial census of the U.S. Census Bureau.

Security documents means any mortgage, deed of trust, security agreement, financing statement, or other document which grants to the Agency or perfects a security interest, including any amendments and supplements thereto.

Service area means the geographic area within which a service provider offers telecommunications service.

Service provider means an entity providing telecommunications service.

Service territory means ''service area.''

Start-up means a new business venture without operations or service delivery available.

System of accounts means the Agency's system of accounts for maintaining financial records as described in RUS Bulletin 1770B–1, found on the agency's Web site.

Telecommunications means electronic transmission and reception of voice, data, video, and graphical information using wireline and wireless transmission media.

Telecommunications loan means any telecommunication loan made or guaranteed under Title II, III, or IV of the RE Act.

TIER means times interest earned ratio. TIER is the ratio of an applicant's net income (after taxes) plus (adding back) interest expense, all divided by interest expense (existing and that required in the proposed loan), and with all financial terms defined by GAAP.

Unguaranteed loan amount means all amounts of payment on account of the guaranteed loan other than the guaranteed amount.

Unguaranteed loan portion amount means all amounts of payment on account of any guaranteed loan portion other than the respective guaranteed loan portion amount.

Unserved household or Unserved area means a household or an area that is not offered broadband service.

(b) Accounting terms not otherwise defined in this part shall have the definition ascribed to them under GAAP and shall be recorded using the Agency's system of accounts.

§ 1738.3 Substantially underserved trust areas.

(a) If the Administrator determines that a community within ''trust land'' (as defined in 38 U.S.C. 3765) has a high need for the benefits of the Broadband Loan Program, he/she may designate the community as a ''substantially underserved trust area'' (as defined in section 306F of the RE Act).

(b) To receive consideration as a substantially underserved trust area, the applicant must submit to the Agency a completed application that includes all of the information requested in 7 CFR part 1700, subpart D. In addition, the applicant must notify the Agency in writing that it seeks consideration as a substantially underserved trust area and identify the discretionary authorities of 7 CFR part 1700, subpart D, it seeks to have applied to its application. Note, however, that given the prohibition on funding operating expenses in the Broadband Program, requests for waiver of the equity or the additional cash requirements cannot be considered.

§§ 1738.4–1738.50 [Reserved]

Subpart B—Eligible and Ineligible Loan Purposes

§ 1738.51 Eligible loan purposes.

Loan funds may be used to pay for any of the following expenses:

(a) To fund the construction, improvement, or acquisition of all facilities required to provide service at the broadband lending speed to rural areas, including facilities required for providing other services over the same facilities.

(b) To fund the cost of leasing facilities required to provide service at the broadband lending speed if such lease qualifies as a capital lease under GAAP. Notwithstanding, loan funds can only be used to fund the cost of the capital lease for no more than the first three years of the loan amortization period. If an IRU qualifies as a capital lease, the entire cost of the lease will be amortized over the life of the lease and

only the first three years of the amortized cost can be funded.

(c) To fund an acquisition, provided that:

(1) The acquisition is necessary for furnishing or improving service at the broadband lending speed;

(2) The acquired service area, if any, meets the eligibility requirements set forth in § 1738.102;

(3) The acquisition cost does not exceed 50 percent of the broadband loan amount; and

(4) For the acquisition of another entity, the purchase provides the applicant with a controlling majority interest in the entity acquired.

(d) To refinance an outstanding telecommunications loan made under the RE Act if refinancing the loan supports the construction, improvement, or acquisition of facilities and equipment for the provision of service at the broadband lending speed in rural areas provided that:

(1) No more than 40 percent of the broadband loan amount is used to refinance the outstanding telecommunications loan;

(2) The applicant is current with its payments on the telecommunication loan(s) to be refinanced; and

(3) The amortization period for that portion of the broadband loan that will be needed for refinancing will not exceed the remaining amortization period for the telecommunications loan(s) to be refinanced. If multiple notes are being refinanced, an average remaining amortization period will be calculated based on the weighted dollar average of the notes being refinanced.

(e) To fund pre-loan expenses in an amount not to exceed five percent of the broadband loan excluding amounts requested to refinance outstanding telecommunication loans. Pre-loan expenses may be reimbursed only if they are incurred prior to the date on which notification of a complete application is issued (see § 1738.205), they meet the requirements for reimbursement (found on the agency's Web site) and a loan contract is entered into with RUS.

§ 1738.52 Ineligible loan purposes.

Loan funds must not be used for any of the following purposes:

(a) To fund operating expenses of the applicant;

(b) To fund any costs associated with the project incurred prior to the date on which notification of a complete application is issued (see § 1738.205), except for eligible pre-loan expenses (see § 1738.51(e)).

(c) To fund the acquisition of the stock of an affiliate.

(d) To fund the purchase or acquisition of any facilities or equipment of an affiliate, unless approved by the Agency in writing. The Agency may approve such a purchase or acquisition if the applicant demonstrates that the purchase or acquisition will involve an arms-length transaction and that the cost is advantageous for the applicant.

(e) To fund the purchase of CPE and the installation of associated inside wiring, unless the CPE will be owned by the applicant throughout its economic life: or

(1) The applicant pledges additional collateral that is not currently owned by the applicant, acceptable to the Agency. Such collateral must have a value at least equal to the purchase price of the CPE and cannot be purchased with loan funds; or

(2) The applicant establishes a revolving fund for the initial purchase of CPE to be sold, and as CPE is sold to the customer, at least the applicant's cost of such equipment is returned to the revolving fund and used to purchase additional CPE units.

(f) To fund the purchase or lease of any vehicle unless it is used primarily in construction or system improvements.

(g) To fund the cost of systems or facilities that have not been designed and constructed in accordance with the loan contract and other applicable requirements.

(h) To fund broadband facilities leased under the terms of an operating lease.

(i) To fund merger or consolidation of entities.

§§ 1738.53—1738.100 [Reserved]

Subpart C—Eligibility Requirements

§ 1738.101 Eligible applicants.

(a) To be eligible for a broadband loan, an applicant may be either a nonprofit or for-profit organization, and must take one of the following forms:

(1) Corporation;

(2) Limited liability company (LLC);

(3) Cooperative or mutual organization;

(4) Indian tribe or tribal organization as defined in 25 U.S.C. 450b; or

(5) State or local government, including any agency, subdivision, or instrumentality thereof.

(b) To be eligible for a broadband loan, the applicant must:

(1) Submit a loan application which meets the requirements set forth in this part as well as any additional requirements published in the **Federal Register**;

(2) Agree to complete the build-out of the broadband system described in the loan application within three years from the day the applicant is notified that loan funds are available. Under the terms of the loan documents, this three-year period will commence 120 days after the date of the loan contract. The loan application must demonstrate that all proposed construction can be completed within this three-year period with the exception of CPE. CPE can be funded throughout the forecast period;

(3) Demonstrate an ability to furnish, improve, or extend broadband facilities to provide service at the broadband lending speed in the proposed funded service area;

(4) Demonstrate an equity position equal to at least 10 percent of the amount of the loan requested in the application (see § 1738.207); and

(5) Provide additional security if it is necessary to ensure financial feasibility (see § 1738.208) as determined by the Administrator.

§ 1738.102 Eligible service area.

(a) A service area may be eligible for a broadband loan if all of the following are true:

(1) The proposed funded service area is completely contained within a rural area;

(2) At least 15 percent of the households in the proposed funded service area are unserved households;

(3) No part of the proposed funded service area has three or more incumbent service providers; and

(4) No part of the proposed funded service area overlaps with the service area of current RUS borrowers, nor the services areas of grantees that were funded by RUS.

(b) Multiple service areas may be included in a single broadband loan application. Non-contiguous areas are considered separate service areas and must be treated separately for the purpose of determining service area eligibility. If non-contiguous areas within an application are determined to be ineligible, the Agency may consider the remaining areas in the application for eligibility. If an applicant fails to respond to Agency requests for additional information or modifications to remove ineligible areas, the application will be rejected.

(c) If no existing broadband service provider responds to the Public Notice as described in § 1738.204(b), then the number of incumbent service providers for § 1738.102(a)(3) will be determined by using:

(1) The most current National Broadband Map; or

(2) Any other data regarding the availability of broadband service that the Secretary may collect or obtain through reasonable efforts.

(d) If a service provider is identified by methods described in paragraphs (c)(1) or (2) of this section, and the Agency is unable to determine whether such provider is an incumbent service provider, as defined herein, then the Agency will request the service provider to provide information responding to the Public Notice for the loan application, demonstrating that they meet the definition for an incumbent service provider. If the service provider does not respond to the Agency's request within 30 calendar days providing the necessary information to make a determination, the provider will not be considered an incumbent service provider.

§ 1738.103 Eligible service area exceptions for broadband facility upgrades.

(a) Broadband borrowers that apply to upgrade existing broadband facilities in their existing service area are exempt from the requirement concerning the number of unserved households in § 1738.102(a)(2).

(b) Incumbent service providers, including borrowers and grantees, which apply to upgrade existing broadband facilities in existing service territories are exempt from the requirement concerning the number of incumbent service providers in § 1738.102(a)(3) unless they are eligible for funding under Titles II and III of the RE Act. Eligibility requirements for entities that would be eligible under Titles II and III can be found in 7 CFR part 1735.

(c) An applicant which is a borrower, grantee or incumbent service provider may submit one application to upgrade existing broadband facilities in existing service areas, which qualify for the exemptions specified in paragraphs (a) and (b) of this section, and to expand services at the broadband lending speed into new service areas, provided the upgrade area and the expansion area are proposed as two separate service areas even if the upgrade and expansion areas are contiguous.

(d) The applicant will be asked to remove areas determined to be ineligible from their funding request or provide funds other than loan funds for these areas. The application will then be evaluated on the basis of what remains. The applicant may be requested to provide additional information to the Agency relating to the ineligible areas. If the applicant fails to respond, the application will be returned.

§ 1738.104 Preliminary assessment of service area eligibility.

(a) Upon request, the Agency will make information available to prospective applicants to allow a preliminary assessment of a proposed service area's eligibility. At a minimum, the prospective applicant will be able to determine:

(1) Whether the proposed service area is located in a rural area;

(2) Whether the proposed service area overlaps with any part of a borrower's or grantee's service area; and

(3) Whether the proposed service area overlaps with any part of a proposed service area in a pending application for a loan.

(b) A preliminary assessment of service area eligibility does not account for all eligibility factors, and the situation within a proposed service area may change between the preliminary assessment and application submission. A preliminary assessment indicating that a proposed service area may be eligible does not guarantee that the area will remain eligible at the time of application.

§§ 1738.105—1738.150 [Reserved]

Subpart D—Direct Loan Terms

§ 1738.151 General.

(a) Direct loans shall be in the form of a cost-of-money loan, a 4 percent loan, or a combination of the two.

(b) The amount of funds available for each type of loan, as well as maximum and minimum loan amounts will be published in the **Federal Register.**

(c) An applicant that provides telecommunications or broadband service to at least 20 percent of the households in the United States is limited to a loan amount that is no more than 15 percent of the funds available to the Broadband Loan Program for the Federal fiscal year.

§ 1738.152 Interest rates.

(a) Direct cost-of-money loans shall bear interest at a rate equal to the cost of borrowing to the Department of Treasury for obligations of comparable maturity. The applicable interest rate will be set at the time of each advance.

(b) [Reserved]

§ 1738.153 Loan terms and conditions.

Terms and conditions of loans are set forth in a mortgage, note, and loan contract. Samples of the mortgage, note, and loan contract can be found on the Agency's Web site.

(a) Unless requested to be shorter by the applicant, broadband loans must be repaid with interest within a period that, rounded to the nearest whole year, is equal to the expected composite economic life of the assets to be financed, as determined by the Agency based upon acceptable depreciation rates. Expected composite economic life means the depreciated life plus three years.

(b) Loan advances are made at the request of the borrower. Principal payments for each advance are amortized over the remaining term of the loan and are due monthly. Principal payments will be deferred until two years after the date of the first advance of loan funds. Interest begins accruing when the advance is made and interest payments are due monthly, with no deferral period.

(c) Borrowers are required to carry fidelity bond coverage. Generally this amount will be 15 percent of the loan amount, not to exceed $5 million. The Agency may reduce the percentage required if it determines that the amount is not commensurate with the risk involved.

§ 1738.154 Loan security.

(a) The broadband loan must be secured by the assets purchased with the loan funds, as well as all other assets of the applicant and any other signer of the loan documents except as provided in § 1738.155.

(b) The Agency must be given an exclusive first lien, in form and substance satisfactory to the Agency, on all of the applicant's property and revenues and such additional security as the Agency may require. The Agency may share its first lien position with another lender on a *pari passu,* prorated basis if security arrangements are acceptable to the Agency.

(c) Unless otherwise designated by the Agency, all property purchased with loan funds must be owned by the applicant.

(d) In the case of loans that include financing of facilities that do not constitute self-contained operating systems, the applicant shall furnish assurance, satisfactory to the Agency, that continuous and efficient service at the broadband lending speed will be rendered.

(e) The Agency will require adequate financial, investment, operational, reporting, and managerial controls in the loan documents.

§ 1738.155 Special terms and conditions.

(a) When necessary to achieve financial feasibility and long-term sustainability of a project proposing to serve an area(s) that includes at least 50 percent unserved households, the Agency may consider applications in

which the applicant has requested any of the following:

(1) A principal deferral period longer than the 2 year principal deferral period established in accordance with § 1738.153(b), but in no event longer than 4 years nor more than 40 percent of the maturity period of the loan as set forth in § 1738.153(a);

(2) An extension of the loan term by 25 percent of the maturity period established in accordance with § 1738.153(a), but in no event longer than 35 years; and

(3) A modification to the security requirements, as long as the modifications are necessary to sustain the operation and do not prejudice the government's security for the loan. The modification must ensure that the proposed security arrangements are commensurate with the risk of the project.

(b) [Reserved]

§ 1738.156 Other Federal requirements.

(a) To receive a broadband loan, the applicant must certify or agree in writing to comply with all applicable Federal regulations including, but not limited to:

(1) The nondiscrimination and equal employment opportunity requirements of Title VI of the Civil Rights Act of 1964, as amended (7 CFR part 15);

(2) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794 *et seq.;* 7 CFR part 15b);

(3) The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et seq.;* 45 CFR part 90);

(4) Executive Order 11375, amending Executive Order (E.O.) 11246, Relating to Equal Employment Opportunity (3 CFR, 1966–1970). See 7 CFR parts 15 and 15b and 45 CFR part 90, RUS Bulletin 1790–1 (''Nondiscrimination Among Beneficiaries of RUS Programs''), and RUS Bulletin 20–15:320–15 (''Equal Employment Opportunity in Construction Financed with RUS Loans''), found on the agency's Web site;

(5) The Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151 *et seq.*);

(6) The Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR subpart 101–19.6);

(7) The requirements of the National Environmental Policy Act of 1969 (NEPA), as amended;

(8) The Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA and certain related Federal environmental laws, statutes, regulations, and Executive Orders found in 7 CFR part 1794, and any successor regulation;

(9) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601 *et seq.,* and with implementing Federal regulations in 49 CFR part 24 and 7 CFR part 21;

(10) The regulations implementing E.O. 12549, Debarment and Suspension, 2 CFR parts 180 and 417;

(11) The requirements regarding Lobbying for Contracts, Grants, Loans, and Cooperative Agreements in 31 U.S.C. 1352;

(12) Certification regarding Flood Hazard Area Precautions;

(13) Certification regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions; and

(14) Certification that the borrower is not delinquent on any Federal debt and has been informed of the collection options the Federal Government may use to collect delinquent debt.

(b) Applicants must agree in writing to comply with all Federal, State and local laws, rules, regulations, ordinances, codes, and orders applicable to the project.

§§ 1738.157—1739.200 [Reserved]

Subpart E—Application Review and Underwriting

§ 1738.201 Application submission.

(a) Loan applications must be submitted directly to the Agency's National Office. All applications must contain two hard copies and an electronic copy of the entire application. An application is considered received upon receipt of the hard and electronic copies by the National Office.

(b) The Agency is developing an online application system. Once the system becomes available, all applicants will be required to submit applications through the online system.

(c) The Agency may publish additional application submission requirements in the **Federal Register.**

§ 1738.202 Elements of a complete application.

Applications must be submitted in the format required by the Rural Broadband Access Loan and Loan Guarantee Program Application Guide (the Application Guide), available on the agency's Web site, so that applications can be uniformly evaluated and compared. To be considered complete, an application must contain at least the following items, in form and substance acceptable to the Agency:

(a) A completed RUS Form 532, including any additional items required by the form;

(b) Information required for the public notice to determine service area eligibility (see § 1738.204);

(c) Documentation demonstrating how the applicant will meet the equity requirement of § 1738.207;

(d) A market survey, unless not required by § 1738.209(b);

(e) A competitive analysis of the entire proposed service territory(ies) (see § 1738.210);

(f) The historical and projected financial information required in § 1738.211;

(g) A network design, which also demonstrates the ability to provide service at the broadband lending speed (see § 1738.212);

(h) A legal opinion that addresses the applicant's ability to enter into a loan as requested in the loan application, to pledge security as required by the Agency, to describe all pending litigation matters, and such other requirements as are detailed in the Application Guide;

(i) Documentation proving that all required licenses and regulatory approvals for the proposed operation have been obtained, or the status of obtaining such licenses or approvals; and

(j) Additional items that may be required by the Administrator through a notice in the **Federal Register.**

§ 1738.203 Priority for approving loan applications.

(a) The Agency will compare and evaluate all applications that have been submitted for funding and deemed to be complete no less than twice a year, and shall give priority to applications in the following order (Note that for applications containing multiple proposed funded service areas, the percentage will be calculated combining all proposed funded service areas.):

(1) Applications in which no broadband service, as defined herein is available in the proposed funded service area;

(2) Applications in which at least 75 percent of households in the proposed funded service area have no broadband service;

(3) Applications in which at least 50 percent of households in the proposed funded service area have no broadband service;

(4) Applications in which at least 25 percent of households in the proposed funded service area have no broadband service; and

(5) Applications in which at least 25 percent of the customers in the proposed service area are commercial interests and predominately more households are proposed to be served than businesses.

(b) Once applications have been determined to be complete, they will be compared and prioritized according to the criteria listed in paragraph (a) above, and subject to available funding levels.

(c) If two or more applications are tied for a place in the processing queue, the application that promotes broadband adoption will be given priority over applications that do not promote broadband adoption.

(d) The Agency shall establish the National and State reserve levels in accordance with Title VI of the RE Act when feasible given the level of funds available for the program. In instances when funds in a particular area are insufficient to cover a loan request, priority will be given to applications for which funding is available.

§ 1738.204 Public notice.

(a) The Agency will publish a public notice of each application. The application must provide a summary of the information required for such public notice including all of the following information:

(1) The identity of the applicant;

(2) A map of each service area showing the rural area boundaries and the unserved areas using the Agency's Mapping Tool;

(3) The amount and type of support requested;

(4) The status of the review of the application;

(5) The estimated number of unserved households in each service area exclusive of satellite broadband service;

(6) A description of all the types of services that the applicant proposes to offer in each service area; and

(7) A list of the census block groups proposed to be served.

(b) The Agency will publish the public notice on an Agency Web page after the application has been received in the Agency's National Office and will remain on the Web page for a period of 30 calendar days. The notice will ask existing service providers to submit to the Agency, within this notice period, the following information:

(1) The number of residential and business customers within the applicant's service area that are currently offered broadband service by the existing service provider;

(2) The number of residential and business customers within the applicant's service area currently purchasing the existing service provider's broadband service, the rates of data transmission being offered, and the cost of each level of broadband service charged by the existing service provider;

(3) The number of residential and business customers within the applicant's service area receiving the existing service provider's non-broadband services and the associated rates for these other services;

(4) A map showing where the existing service provider's services coincide with the applicant's service area using the Agency's Mapping Tool; and

(5) Whether the existing service provider is an existing RUS borrower or grantee.

(c) The Agency will use the information submitted to determine if the existing service provider will be classified as an incumbent service provider. Notwithstanding non-responses by existing providers, the Agency will use all information available to it in evaluating the feasibility of the loan.

(d) The Agency will determine whether the service areas included in the application are eligible for funding based on all available information. If part or parts of the applicant's proposed funded service area are ineligible, the Agency will contact the applicant and require that those ineligible areas be removed from the proposed funded service area or that other funding be provided. If the ineligible service areas are not removed from the funding request or additional funds are not provided, the Agency will reject the application. Given that applications may need to be revised to reflect modified service areas, applicants are encouraged to re-submit their applications as soon as possible to avoid that their applications will not be considered for the current evaluation period.

(e) The information submitted by an existing service provider will be treated as proprietary and confidential to the extent permitted under applicable law.

(f) If an application is approved, an additional notice will be published on the agency's Web site that will include the following information:

(1) The name of the entity receiving the financial assistance;

(2) The type of assistance being received; and

(3) The purpose of the assistance;

(g) The semiannual reports submitted under § 1738.254(e).

§ 1738.205 Notification of completeness.

If all proposed funded service areas are eligible, the Agency will review the application for completeness. The completeness review will include an assessment of whether all required documents and information have been submitted and whether the information provided is of adequate quality to allow further analysis.

(a) If the application contains all documents and information required by this part and is sufficient, in form and substance acceptable to the Agency, the Agency will notify the applicant, in writing, that the application is complete. A notification of completeness is not a commitment that the loan will be approved. By submitting an application, the applicant acknowledges that no obligation to enter into a loan exists until actual loan documents have been executed.

(b) If the application is considered to be incomplete or inadequate, the Agency will notify the applicant, in writing, that the application has been rejected. The rejection letter will include an explanation of the reasons for rejection.

§ 1738.206 Evaluation for feasibility.

After an applicant is notified that the application is complete, the Agency will evaluate the application's financial and technical feasibility. Only applications that, as determined by the Agency, are technically and financially feasible will be considered for funding.

(a) The Agency will determine financial feasibility by evaluating the impact of the facilities financed with the proceeds of the loan and the associated debt, the applicant's equity, market survey (if required), competitive analysis, financial information, and other relevant information in the application.

(b) The Agency will determine technical feasibility by evaluating the applicant's network design and other relevant information in the application.

§ 1738.207 Equity requirement.

(a) To be eligible for a loan, an applicant must demonstrate a minimum equity contribution equal to 10 percent of the requested loan amount at the time of application which must remain available at loan closing. In addition to the 10 percent minimum equity requirement, § 1738.208 provides additional cash requirements that may be required in support of the loan.

(b) If the applicant does not have the required equity at the time the application is submitted, the applicant may satisfy the equity requirement at the time of application with an investor's unconditional legal commitment to cover the shortfall by providing additional equity. The additional equity must be transferred to the applicant prior to loan closing. If this option is elected, the applicant must provide evidence in the application that clearly identifies the investor's commitment to the applicant; the amount, terms, and conditions of the

investment; and the investor's bank or financial statements that demonstrate its ability to fulfill its commitment. The terms and conditions of the investment must be acceptable to the Agency, but at a minimum cannot be secured by any assets of the applicant nor provide that the investment will be available when certain requirements or other thresholds are met by the applicant. The Agency will reject applications that do not provide evidence acceptable to the Agency regarding the investor's commitment.

(c) For State and local government applicants, the equity requirement can be satisfied with a general obligation bond, as long as the additional equity will be available to the applicant at closing. If the equity requirement is satisfied with a general obligation bond, the broadband loan cannot be subordinate to the bond. The applicant must submit an opinion from its legal counsel that the applicant has the authority to issue a general obligation bond in an amount sufficient to meet the minimum equity requirement. Revenue bonds supported by the operations to be funded cannot be used to satisfy the equity requirement.

§ 1738.208 Additional cash requirements.

(a) If the Agency's financial analysis indicates that the applicant's entire operation (existing operations and new operations combined) will show an inadequate cash balance at the end of any year during the five-year forecast period, the Agency will require the applicant to obtain additional cash infusions necessary to maintain an appropriate cash balance throughout the five-year forecast period. This cash infusion would be in conjunction with the required 10 percent minimum equity position.

(1) The Agency will require the applicant and its investors to:

(i) Infuse additional cash to cover projected deficits for the first two years of operations at loan closing; and

(ii) Enter into legal arrangements that commit them to making additional cash infusions to ensure that the operation will sustain a positive cash position on a quarterly basis throughout the five-year forecast period.

(2) For purposes of identifying the additional cash requirement for a start-up operation or an operation that has not demonstrated positive cash flow for the two years prior to the submission date of the application, 50 percent of projected revenues for each year of the five-year forecast period will be considered to determine if an operation can sustain a positive cash position. In addition to the initial financial projections required to demonstrate financial feasibility, such applicants must complete adjusted financial projections using the reduced revenue projections in order to identify the amount of additional cash that will be required. Projections must be fully supported with assumptions acceptable to the Agency. The applicant may present evidence in its loan application that projected revenues or a portion of projected revenues are based on binding commitments and request that more than 50 percent of the projected revenues be considered for the purpose of identifying the additional cash requirement.

(3) For purposes of satisfying the additional cash requirements for an existing operation that has demonstrated a positive cash flow for the two fiscal years prior to the submission date of the application, 100 percent of the projected revenues for each year of the five-year forecast period will be used to determine if an operation can sustain a positive cash position, as long as these projections are fully supported with assumptions acceptable to the Agency.

(4) If debt is incurred to satisfy the additional cash requirement, this debt must take a subordinate lien position to the Agency debt and must be at terms acceptable to the Agency.

(b) An applicant may satisfy the additional cash requirement with an unconditional, irrevocable letter of credit (LOC) satisfactory to the Agency. The LOC must be issued from a financial institution acceptable to the Agency and must remain in effect throughout the forecast period. The applicant and the Agency must both be payees under the LOC. The LOC must have payment conditions acceptable to the Agency, and it must be in place prior to loan closing. The applicant cannot secure the LOC with its assets and cannot pay for any LOC charges or fees with its funds.

(c) If the Agency offers a loan to the applicant, the applicant must ensure that the additional cash infusion required in the first two years is deposited into its bank account within 120 days from the date the applicant signs the loan offer letter (see § 1738.251) and must enter into any other legal arrangements necessary to cover further projected operating deficits (or in the case of the LOC, to provide an acceptable LOC to the Agency) prior to closing. If these requirements are not completed within this timeframe, the loan offer will be terminated, unless the applicant requests and the Agency approves an extension based on extenuating circumstances that the Agency was not aware of at the time the offer was made.

§ 1738.209 Market survey.

(a) Except as provided in paragraph (b) of this section, the applicant must complete a separate market survey for each service area where the applicant proposes to provide service at the broadband lending speed. Each market survey must demonstrate the need for the service at the broadband lending speed, support the projected penetration rates and price points for the services to be offered, and support the feasibility analysis. The market survey must also address all other services that will be provided in connection with the broadband loan. Additional information on the requirements of the market survey can be found in the Application Guide.

(b) The applicant is not required to complete a market survey for any service offering for which the applicant is projecting less than a 20 percent penetration rate in each service area by the end of the five-year forecast period. For example, if the applicant is projecting a penetration rate of 30 percent for data services and 15 percent for video services, a market survey must be completed for the data services. The proposed prices for those services with a projected penetration rate less than 20 percent must be affordable, as determined by the Agency.

(c) For a market survey to be acceptable to the Agency, it must have been completed within six months of the application submission date. The Agency may reject any application in which the financial projections are not supported by the market survey. If the demographics of the proposed service area have significantly changed since the survey was completed, the Agency may require an updated market survey.

§ 1738.210 Competitive analysis.

The applicant must submit a competitive market analysis for each service area regardless of projected penetration rates. Each analysis must identify all existing service providers and all resellers in each service area regardless of the provider's market share, for each type of service the applicant proposes to provide. This analysis must include each competitor's rate packages for all services offered, the area that is being covered, and to the extent possible, the quality of service being provided.

§ 1738.211 Financial information.

(a) The applicant must submit financial information acceptable to the Agency that demonstrates that the

applicant has the financial capacity to fulfill the loan requirements and to successfully complete the proposed project.

(1) If the applicant is an existing company, it must provide complete copies of audited financial statements (opinion letter, balance sheet, income statement, statement of changes in financial position, and notes to the financial statement) for the three fiscal years preceding the application submission. If audited statements are not available, the applicant must submit unaudited financial statements and tax returns for those fiscal years. Applications from start-up entities must, at a minimum, provide an opening balance sheet dated within 30 days of the final submission of all application material.

(2) If the applicant is a subsidiary operation, it must also provide complete copies of audited financial statements for the parent operation for the fiscal year preceding the application submission. If audited statements are not available, unaudited financial statements and tax returns for the previous year must be submitted.

(3) If the applicant relies on services provided by an affiliated operation, it must also provide complete copies of audited financial statements for any affiliate for the fiscal year preceding the application submission. If audited statements are not available, unaudited statements and tax returns for the previous year must be submitted.

(4) Applicants must provide a list of all its outstanding obligations. Copies of existing notes and loan and security agreements must be included in the application.

(5) Applicants must provide a detailed description of working capital requirements and the source of these funds.

(b) Applicants must submit the following documents that demonstrate the proposed project's financial viability and ability to repay the requested loan.

(1) Customer projections for the five-year forecast period that substantiate the projected revenues for each service that is to be provided. The projections must be provided on at least an annual basis and must be developed separately for each service area. These projections must be clearly supported by the information contained in the market survey, unless no market survey is required (see § 1738.209(b)).

(2) Annual financial projections in the form of balance sheets, income statements, and cash flow statements for the five-year forecast period. Prior to the submission of an application, an applicant may request that alternative information related to financial viability be considered when the applicant can for good cause demonstrate why a full five year forecast cannot be provided. If this request is approved by the Agency, then the applicant can submit the application using the alternative information that was approved.

(i) These projections must use a system of accounts acceptable to the Agency and be supported by a detailed narrative that fully explains the methodology and assumptions used to develop the projections.

(ii) The financial projections submitted by the applicant must demonstrate that their entire operation will be able to meet a minimum TIER requirement equal to 1.25 by the end of the five-year forecast period. Demonstrating that the operation can achieve a projected TIER of 1.25 does not ensure that the Agency will approve the loan.

(iii) If the financial analysis suggests that the operation will not be able to achieve the required TIER ratio, the Agency will not approve the loan without additional capital, additional cash, additional security, and/or a change in the loan terms.

(c) Based on the financial evaluation, the loan documents will specify TIER requirements that must be met throughout the amortization period.

§ 1738.212 Network design.

(a) Applications must include a network design that demonstrates the project's technical feasibility. The network design must fully support the delivery of service at the broadband lending speed, together with any other services to be provided. In measuring speed, the Agency will take into account industry and regulatory standards. The design must demonstrate that the project will be complete within three years from the day the Agency notifies the applicant that loan funds are available and must include the following items:

(1) A detailed description of the proposed technology that will be used to provide service at the broadband lending speed. This description must clearly demonstrate that all households in the proposed funded service area will be offered service at the broadband lending speed;

(2) A detailed description of the existing network. This description should provide a synopsis of the current network infrastructure;

(3) A detailed description of the proposed network. This description should provide a synopsis of the proposed network infrastructure;

(4) A description of the approach and methodology for monitoring ongoing service delivery and service quality for the services being deployed;

(5) Estimated project costs detailing all facilities that are required to complete the project. These estimated costs must be broken down to indicate costs associated with each proposed service area and must specify how Agency and non-Agency funds will be used to complete the project;

(6) A construction build-out schedule of the proposed facilities by service area on a quarterly basis. The build-out schedule must include:

(i) A description of the work force that will be required to complete the proposed construction;

(ii) A timeline demonstrating project completion within three years and four months from the date of the loan contract;

(iii) Detailed information showing that all households within the proposed funded service area will be offered service at the broadband lending speed when the system is complete; and

(iv) Detailed information showing that construction of the proposed facilities will start within six months from the date the Agency notifies the borrower that loan funds are available.

(7) A depreciation schedule for all facilities financed with loan and non-loan funds;

(8) An environmental report prepared in accordance with 7 CFR part 1794 or successor environmental policies and procedures; and

(9) Any other system requirements required by the Administrator through a notice published in the **Federal Register**.

(b) The network design must be prepared by a registered Professional Engineer with telecommunications experience or by qualified personnel on the applicant's staff. If the network design is prepared by the applicant's staff, the application must clearly demonstrate the staff's qualifications, experience, and ability to complete the network design. To be considered qualified, staff must have at least three years of experience in designing the type of broadband system proposed in the application.

§ 1738.213 Loan determination.

(a) If the application meets all statutory and regulatory requirements and the feasibility study demonstrates that the TIER requirement can be satisfied and the business plan is sustainable, the application will be submitted to the Agency's credit committees for consideration according to the priorities in § 1738.203. Such

submission of an application to the Agency's credit committees does not guarantee that a loan will be approved. In making a loan determination, the Administrator shall consider the recommendations of the credit committees.

(b) The applicant will be notified of the Agency's decision in writing. If the Agency does not approve the loan, a rejection letter will be sent to the applicant, and the application will be returned with an explanation of the reasons for the rejection.

§§ 1738.214–1738.250 [Reserved]

Subpart F—Closing, Servicing, and Reporting

§ 1738.251 Loan offer and loan closing.

The Agency will notify the applicant of the loan offer, in writing, and the date by which the applicant must accept the offer. If the applicant accepts the terms of the loan offer, a loan contract executed by the Agency will be sent to the applicant. The applicant must execute the loan contract and satisfy all conditions precedent to loan closing within the timeframe specified by the Agency. If the conditions are not met within this timeframe, the loan offer will be terminated, unless the applicant requests, and the Agency approves, an extension. The Agency may approve such a request if the applicant has diligently sought to meet the conditions required for loan closing and has been unable to do so for reasons outside its control.

§ 1738.252 Construction.

(a) Construction paid for with broadband loan funds must comply with 7 CFR part 1788, 7 CFR part 1794, RUS Bulletin 1738–2, and any successor regulations found on the agency's Web site, and any other guidance from the Agency.

(b) Once the Agency has extended a loan offer, the applicant, at its own risk, may start construction that is included in the loan application on an interim financing basis. For this construction to be eligible for reimbursement with loan funds, all construction procedures contained in this part must be followed. Note, however, that the Agency's extension of a loan offer is not a guarantee that a loan will be made, unless and until a loan contract has been entered into between the applicant and RUS.

(c) The build-out must be complete within three years and 4 months from the date of the loan contract. Build-out is considered complete when the network design has been fully implemented, the service operations and management systems infrastructure is operational, and the borrower is ready to support the activation and commissioning of individual customers to the new system.

§ 1738.253 Servicing.

(a) Borrowers must make payments on the broadband loan as required in the note.

(b) Borrowers must comply with all terms, conditions, affirmative covenants, and negative covenants contained in the loan documents.

(c) In the event of default of any required payment or other term or condition:

(1) A late charge shall be charged on any payment not made in accordance with the terms of the note.

(2) The Agency may exercise the default remedies provided in the loan documents and any remedy permitted by law, but is not required to do so.

(3) If the Agency chooses to not exercise its default remedies, it does not waive its right to do so in the future.

§ 1738.254 Accounting, reporting, and monitoring requirements.

(a) Borrowers must adopt a system of accounts for maintaining financial records acceptable to the Agency, as described in 7 CFR part 1770, subpart B.

(b) Borrowers must submit annual audited financial statements along with a report on compliance and on internal control over financial reporting, and management letter in accordance with the requirements of 7 CFR part 1773. The Certified Public Accountant (CPA) conducting the annual audit is selected by the borrower and must be approved by RUS as set forth in 7 CFR 1773.4.

(c) Borrowers must comply with all reasonable Agency requests to support ongoing monitoring efforts. The Borrower shall afford RUS, through its representatives, reasonable opportunity, at all times during business hours and upon prior notice, to have access to and the right to inspect the Broadband System, and any other property encumbered by the Mortgage, and any or all books, records, accounts, invoices, contracts, leases, payrolls, timesheets, cancelled checks, statements, and other documents, electronic or paper of every kind belonging to or in the possession of the Borrower or in any way pertaining to its property or business, including its subsidiaries, if any, and to make copies or extracts therefore.

(d) Borrower records shall be retained and preserved in accordance with the provisions of 7 CFR part 1770, subpart A.

(e) Borrowers must submit semiannual reports for 3 years after completion of the project. The reports must include the following information:

(1) The purpose of the financing, including new equipment and capacity enhancements that support high-speed broadband access for educational institutions, health care providers, and public safety service providers (including the estimated number of end users who are currently using or forecasted to use the new or upgraded infrastructure);

(2) The progress towards fulfilling the objectives for which the assistance was granted, including:

(i) The number and location of residences and businesses that will receive service at or greater than the broadband lending speed;

(ii) The types of facilities constructed and installed;

(iii) The speed of the broadband services being delivered;

(iv) The average price of the broadband services being delivered in each proposed service area;

(v) The broadband adoption rate for each proposed service territory, including the number of new subscribers generated from the facilities funded; and

(3) Any other reporting requirements established by the Administrator by notice in the **Federal Register**.

§ 1738.255 Default and de-obligation.

If a default under the loan documents occurs and such default has not been cured within the timeframes established in the loan documents, the Applicant acknowledges that the Agency may, depending on the seriousness of the default, take any of the following actions:

(a) To the greatest extent possible recover the maximum amount of loan funds.

(b) De-obligate all funds that have not been advanced; and

(c) Reallocate recovered funds to the extent possible as prescribed by the Office of Management and Budget.

§§ 1738.256–1738.300 [Reserved]

Subpart G—Loan Guarantee

§ 1738.301 General.

(a) Applicants wishing to obtain a loan guarantee for private financing are subject to the same requirements as direct loan borrowers with respect to:

(1) Loan purposes as described in subpart B of this part;

(2) Eligible borrowers and eligible areas as described in subpart C of this part;

(3) The loan terms described in subpart D of this part, with the exception of the interest rates described in § 1738.152;

(4) The application review and underwriting requirements in subpart E of this part; and

(5) The accounting, reporting, and monitoring requirements of subpart F of this part.

(b) The Agency will publish a notice in the **Federal Register** indicating any additional requirements, as well as the amount of funds available, if any, for loan guarantees.

§ 1738.302 Eligible guaranteed lenders.

To be eligible for a loan guarantee, a guaranteed lender must be:

(a) A financial institution in good standing that has been a concurrent lender with RUS; or

(b) A legally organized lending institution, such as commercial bank, trust company, mortgage banking firm, insurance company, or any other institutional investor authorized by law to loan money, which must be subject to credit examination and supervision by a Federal or State agency, unless the Agency determines that alternative examination and supervisory mechanisms are adequate.

§ 1738.303 Requirements for the loan guarantee.

At the time of application, applicants must provide in form and substance acceptable to the Agency:

(a) Evidence of the guaranteed lender's eligibility under § 1738.302;

(b) Evidence that the guaranteed lender has the demonstrated capacity to adequately service the guaranteed loan;

(c) Evidence that the guaranteed lender is in good standing with its licensing authority and meets the loan making, loan servicing, and other requirements of the jurisdiction in which the lender makes loans;

(d) Evidence satisfactory to the Agency of its qualification under this part, along with the name of the authority that supervises it;

(e) A commitment letter from the guaranteed lender that will be providing the funding, and the terms of such funding, all of which may be conditioned on final approval of the broadband loan guarantee by the Agency; and

(f) A description of any and all charges and fees for the loan, along with documentation that they are comparable to those normally charged other applicants for the same type of loan in the ordinary course of business. Such charges and fees will not be included within the Agency's loan guarantee.

§ 1738.304 Terms for guarantee.

Loan guarantees will only be given on the conditions that:

(a) The loan guarantee is no more than 80 percent of the principal amount, which shall exclude any and all charges and fees;

(b) The guarantee is limited to the outstanding loan repayment obligation of the borrower and does not extend to guaranteeing that the guaranteed lender will remit to a holder, loan payments made by the borrower;

(c) The interest rate must be fixed and must be the same or lesser for the guaranteed loan amount or the respective guaranteed loan portion amount or the respective guaranteed amount equivalent, as the case may be, and unguaranteed loan amount or the respective unguaranteed loan portion amount or the respective unguaranteed-amount equivalent, as the case may be;

(d) The entire loan will be secured by the same security with equal lien priority for the guaranteed loan amount or the respective guaranteed loan portion amount or the respective guaranteed-amount equivalent, as the case may be, and unguaranteed loan amount or the respective unguaranteed loan portion amount or the respective unguaranteed-amount equivalent, as the case may be;

(e) The unguaranteed loan amount or the respective unguaranteed loan portion amount or the respective unguaranteed-amount equivalent, as the case may be, will neither be paid first nor given any preference or priority over the guaranteed loan amount or the respective guaranteed loan portion amount or the respective guaranteed-amount equivalent, as the case may be;

(f) Prior written approval is obtained from the Agency for any assignment by the guaranteed lender. Any assignment shall entitle the holder to all of the guaranteed lender's rights but shall maintain the guaranteed lender responsible for servicing the entire loan;

(g) The borrower, its principal officers, members of the borrower's board of directors and members of the immediate families of said officials shall not be a holder of the guaranteed lender's loan;

(h) The Agency will not guarantee any loan under this subpart that provides for a balloon payment of principal or interest at the final maturity date of the loan or for the payment of interest on interest;

(i) All loan guarantee documents between the Agency and the guaranteed lender are prepared by the Agency; and

(j) The loan agreement between the borrower and the lender shall be subject to Agency approval.

§ 1738.305 Obligations of guaranteed lender.

Once a loan guarantee has been approved, the guaranteed lender will be responsible for:

(a) Servicing the loan;

(b) Determining that all prerequisites to each advance of loan funds by the lender under the terms of the contract of guarantee, all financing documents, and all related security documents have been fulfilled;

(c) Obtaining approval from the Agency to advance funds prior to each advance;

(d) Billing and collecting loan payments from the borrower;

(e) Notifying the Administrator promptly of any default in the payment of principal and interest on the loan and submit a report no later than 30 days thereafter, setting forth the reasons for the default, how long it expects the borrower will be in default, and what corrective actions the borrower states that it is taking to achieve a current debt service position; and

(f) Notifying the Administrator of any known violations or defaults by the borrower under the lending agreement, contract of guarantee, or related security instruments or conditions of which the lender is aware which might lead to nonpayment, violation, or other default.

§ 1738.306 Agency rights and remedies.

(a) The guarantee must provide that upon notice to the lender, the Agency may assume loan servicing responsibilities for the loan or the guaranteed loan amount or the respective guaranteed loan portion amount or the respective guaranteed-amount equivalent, as the case may be, or require the lender to assign such responsibilities to a different entity, if the lender fails to perform its loan servicing responsibilities under the loan guarantee agreement, or if the lender becomes insolvent, makes an admission in writing of its inability to pay its debts generally as they become due, or becomes the subject of proceedings commenced under the Bankruptcy Reform Act of 1978, as amended (11 U.S.C. 101 *et seq.*) or any similar applicable Federal or State law, or is no longer in good standing with its licensing authority, or ceases to meet the eligibility requirements of this subpart. Such negligent servicing is defined as the failure to perform those services which a reasonable prudent lender would perform in servicing its own portfolio of loans that are not guaranteed and includes not only a failure to act but also not acting in a timely manner.

(b) The guarantee shall cease to be effective with respect to any guaranteed loan amount or any guaranteed loan portion amount or any guaranteed-amount equivalent to the extent that:

(1) The guaranteed loan amount or the respective guaranteed loan portion amount or the respective guaranteed amount equivalent, as the case may be, is separated at any time from the unguaranteed loan amount or the respective unguaranteed loan portion amount or the respective unguaranteed-amount equivalent, as the case may be, in any way.; or

(2) Any holder of the guaranteed loan note or any guaranteed loan portion note, as the case may be, having a claim to payments on the guaranteed loan receives more than its pro-rata percentage of any payment due to such holder from payments made under the guarantee at any time during the term of the guaranteed loan.

§ 1738.307 Additional policies.

The Agency shall provide additional loan guarantee policies, consistent with OMB Circular A–129, in order to achieve its mission of promoting broadband in rural areas, which shall be published, as needed, in the **Federal Register**.

§ 1738.308 Full faith and credit of the United States.

Loan guarantees made under this part are supported by the full faith and credit of the United States and are incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

§§ 1738.309–1738.349 [Reserved]

§ 1738.350 OMB control number.

The information collection requirements in this part are approved by the Office of Management and Budget (OMB) and assigned OMB control number 0572–0130.

Dated: July 8, 2015.

Brandon McBride,

Administrator, Rural Utilities Service.

[FR Doc. 2015–18624 Filed 7–29–15; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 32

[Docket Nos. PRM–32–8; NRC–2013–0078]

Commercial Distribution of Tritium Markers

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; denial.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking (PRM), dated December 2, 2011, which was filed with the NRC by Motti Slodowitz on behalf of CampCo (the petitioner) and supplemented with additional information on September 18, 2012. The petitioner requests the NRC to amend its regulations that govern the licensing of products containing byproduct material to allow the commercial distribution of tritium markers for use under an exemption from licensing requirements. The NRC is denying the petition because the petitioner fails to demonstrate that a specific exemption is warranted and that the existing regulatory framework for self-luminous products is insufficient.

DATES: The docket for the petition for rulemaking, PRM–32–8, is closed on July 30, 2015.

ADDRESSES: Please refer to Docket ID NRC–2013–0078 when contacting the NRC about the availability of information regarding this petition. You can obtain publicly-available documents related to the petition using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search on the petition Docket ID NRC–2013–0078. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, (301) 415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- 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: Vanessa Cox, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8342; email: *Vanessa.Cox@nrc.gov.*

SUPPLEMENTARY INFORMATION:

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I. The Petition

Section 2.802 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Petition for rulemaking,'' provides an opportunity for any interested person to petition the Commission to issue, amend, or rescind any regulation. The NRC received a petition from Motti Slodowitz on behalf of CampCo dated December 2, 2011 (ADAMS Accession No. ML12132A332). The petition requests that the NRC amend certain regulations concerning exemptions from licensing for products containing byproduct material to include illumination tritium markers.

On July 5, 2012 (ADAMS Accession No. ML121580046), the NRC requested supplemental information to further clarify the request. On September 18, 2012 (ADAMS Accession No. ML13112B010), the petitioner responded to the NRC's request and submitted supplemental information clarifying that the petitioner is requesting the NRC to amend paragraph (b) of 10 CFR 32.22, ''Self-luminous products containing tritium, krypton-85 or promethium-147: Requirements for license to manufacture, process, produce, or initially transfer;'' paragraph (c) of 10 CFR 30.19, ''Self-luminous products containing tritium, krypton-85, or promethium-147;'' and 10 CFR 30.15, ''Certain items containing byproduct material.'' The petitioner also provided a dose assessment for the purpose of showing that the tritium markers would result in acceptably low doses.

The petitioner requests that the NRC amend 10 CFR 32.22(b) to include an additional requirement stating that an applicant cannot be denied a device registration or distribution license if it

has adequately demonstrated that the criteria in applicable regulations have been met. The petitioner contends that the statement in 10 CFR 32.22(b), that ''the Commission may deny an application for a specific license if the end uses of the product cannot be reasonably foreseen,'' is a subjective statement without specific criteria and that it is unfair to deny applications based upon subjective statements where the criteria are not codified in the regulations. The petitioner references a Memorandum on Scientific Integrity issued by President Obama on March 9, 2009, which states that ''[s]cience and the scientific process must inform and guide decisions of [the] Administration on a wide range of issues, including improvement of public health.'' The petitioner notes that the NRC has previously denied approval of products because end uses of the products could not reasonably be foreseen. The petitioner also states that the term ''frivolous use,'' as used in the NRC's policy statement on consumer products (30 FR 3462; March 16, 1965, proposed revision 76 FR 63957; October 14, 2011) and in the NRC's guidance for materials licenses (NUREG–1556, Volume 3, Revision 1, ''Consolidated Guidance About Materials Licenses: Applications for Sealed Source and Device Evaluation and Registration'' (ADAMS Accession No. ML041340618)), is not clearly defined and that there are no detailed criteria used to make determinations. The petitioner asserts that the potential misuse of a tritium marker as a toy should not result in the product being banned outright.

The petitioner requests that the NRC also amend 10 CFR 30.19(c) to add that tritium markers used to label equipment are not considered to be toys or adornments and shall not be sold as such.

The petitioner also requests that the NRC amend 10 CFR 30.15 to add a specific exemption for tritium markers with a maximum activity of 25 millicuries (925 mBq) of tritium. The petitioner believes an exemption is warranted because of the usefulness of the tritium markers and the low dose potential. The petitioner states that the markers would not be a frivolous use of radioactive material, and that ''the potential radiation doses to members of the public under normal use and accident conditions...are within regulatory limits.'' The petitioner also states that the markers are sold in other countries and have practical benefit such as helping military personnel recover lost items, helping first responders locate tagged equipment at night, assisting hunters in finding lost items, and helping lost campers find their tents.

II. Public Comments on the Petition

The notice of receipt published in the **Federal Register** (78 FR 41720; July 11, 2013), invited interested persons to submit comments. The comment period closed on September 24, 2013. The NRC received one public comment opposing the petition. The commenter states:

> An interest in record keeping in the known supply of tritium should be recognized since tritium may, in some cases, be the only useful tracer for a smuggled weapon. An unrecorded presence of legitimately obtained tritium may lead to too many false positives during a crisis.

Although the NRC is denying the petition, the NRC disagrees with the commenter that the presence of tritium in approved consumer products would negatively affect law enforcement efforts to track illegal weapons.

III. Discussion

The NRC regulates consumer products containing byproduct material without imposing regulatory controls on the consumer-user. Those who manufacture or distribute products containing byproduct material, including consumer products, must have a license issued under 10 CFR part 32. Exemptions for users of products containing byproduct material appear in 10 CFR part 30. These exemptions are either product-specific or class exemptions.

A class exemption covers a class of products, for which a person who wishes to manufacture or distribute a specific product within that class may submit a license application. An applicant must provide safety information about the product and demonstrate that the product meets a number of safety criteria. Exemption of a product under a class exemption is dependent on approval under the applicable regulations for the distributor.

Section 30.19 is a class exemption for the receipt, possession, use, transfer, ownership, or acquisition of self-luminous products containing certain radionuclides, including tritium. This exemption does not apply to persons who manufacture, process, produce, or initially transfer such products for sale or distribution. Paragraph (c) in 10 CFR 30.19 states that the exemption for products containing tritium, krypton-85, or promethium-147 does not apply to products primarily for frivolous purposes or in toys or adornments. Those who wish to intially transfer for sale or distribution self-luminous products covered by the 10 CFR 30.19 class exemption must first apply for and receive a specific license under 10 CFR 32.22 and must have the product registered under 10 CFR 32.210. Applicants for licenses under 10 CFR 32.22 must also demonstrate that the product is designed and manufactured in accordance with the safety criteria in 10 CFR 32.23. Paragraph 32.22(b) further indicates that the Commission may deny an application for a specific license if the end uses of the product cannot be reasonably foreseen.

Section 30.15 provides a list of product-specific exemptions for certain products containing byproduct material, subject to certain limits including specific radionuclide quantity limits. The receipt, possession, use, transfer, ownership, and acquisition of these products, which includes self-luminous timepieces, hands, and dials, are exempt from licensing requirements. Persons wishing to apply or incorporate byproduct material into these products or initially transfer them for sale or distribution must apply for a specific license under 10 CFR 32.14. Unlike products covered by the 10 CFR 30.19 class exemption, specific products listed in 10 CFR 30.15 do not need to be registered under 10 CFR 32.210 in order for one to obtain a specific license for distribution.

The NRC's Consumer Product Policy Statement (CPPS or policy) (79 FR 2907; January 16, 2014) provides the Commission's policy with respect to approval of the use of byproduct, source, and special nuclear material in products intended for use by the general public (consumer products) without the imposition of regulatory controls on the consumer-user. The revision of the consumer product policy statement was finalized after the petition was filed.

Petitioner's Requests

Request 1

The petitioner requests that the NRC amend 10 CFR 32.22(b) to include a statement that an applicant cannot be denied a device registration or distribution license if it has adequately demonstrated that the criteria in the applicable regulations have been met.

Response to Petitioner's Request 1

Paragraph 32.22(b) allows the NRC to exercise its judgment in denying a license application when the end use of a product cannot be reasonably foreseen. The requested amendment would affect all future applications for a license under this section and would limit the NRC's ability to deny an applicant based on whether a practice (in this case, the distribution of certain products for use by the general public)

is justified. Furthermore, this suggested revision would make 10 CFR 32.22(b) internally inconsistent and essentially would nullify it.

Such a revision would be inconsistent with the NRC's CPPS, revised in January 2014. In response to a public comment that discussed the ability to foresee the end uses of products, the Commission explicitly stated the importance of evaluating products ''on a case-by-case basis,'' listing a number of considerations such as likely doses, the probability and severity of accidents and misuse, and the benefits to be obtained from the product, noting that these cannot be reasonably evaluated if the ultimate uses of the product are not known (79 FR 2910). The Commission addressed the importance of this particular regulatory criterion that allows the denial of a distribution license for a product whose end uses cannot be reasonably foreseen, stating ''[s]elf-luminous products in particular have a wide range of potential applications and might easily be widely used for purposes other than those originally intended if not clearly designed for a specific use. This criterion also ensures that the uses . . . of radioactive material in products are justified.'' *Id.* Therefore, it is important for the NRC to be able to exercise its judgment in denying a license application when the end use of a product cannot be reasonably foreseen.

Request 2

The petitioner requests that the NRC amend 10 CFR 30.19(c) to add that tritium markers used to label equipment are not considered to be toys or adornments and shall not be sold as such.

Response to Petitioner's Request 2

The requested amendment stating that the tritium markers ''shall not be sold'' as toys or adornments would not further control whether these products can be distributed as such. Additionally, there is no need to expressly designate products that are or are not ''toys or adornments'' for purposes of 10 CFR 30.19(c) because NRC staff can apply the normal dictionary definition of such terms to individual products on a case-by-case basis. Paragraph 30.19(c) also addresses self-luminous products generally, which makes references to specific products inappropriate. Moreover, including a reference to tritium markers used for labeling purposes would prejudge the product as covered by the exemption, contrary to the intent of the regulatory framework and the CPPS, which stresses the importance of case-by-case determinations.

Request 3

The petitioner requests that the NRC amend 10 CFR 30.15 to add a specific exemption for tritium markers with a maximum activity of 25 millicuries (925 mBq) of tritium.

Response to Petitioner's Request 3

The NRC is choosing not to include a new specific exemption for these tritium markers at this time, consistent with the guiding principles within the CPPS. The exempt products in 10 CFR 30.15, such as timepiece hands or dials containing specified quantities of byproduct material including tritium, or marine compasses containing tritium, are designed for specific uses. As previously indicated, the Commission has stated that ''[s]elf-luminous products in particular have a wide range of potential applications and might easily be widely used for purposes other than those originally intended if not clearly designed for a specific use'' (79 FR 2910). Based on the small size (1.8 cm long by 0.8 cm diameter by 0.2 cm thick) and the design of the tritium markers, the tritium markers have potential uses beyond those intended by the petitioner, including as decorations on zipper pulls on clothing or as jewelry. The lack of a clear design for a specific use creates greater potential for unintended uses (such as the ones specifically excluded from the exemption in 10 CFR 30.19), which outweighs the product's beneficial uses. Because of the potential for widespread use, careful consideration of justification of practice is important.

Also, the size and glow-in-the-dark nature of the tritium markers would appeal to and be accessible to children. Creating a new specific exemption for these tritium markers would be inconsistent with the CPPS, in particular, paragraph four (79 FR 2912), which requires that products subject to mishandling, especially by children, require an unusual degree of safety and utility. This criterion is unchanged from the original 1965 version of the policy. The tritium markers do not meet this criterion as they do not provide an unusual degree of utility. The unique benefits as compared to other alternatives are relatively limited. For example, the uses of the tritium markers asserted by the petitioner can be achieved by other products on the market, such as battery-powered products. While the use of tritium presents a particular benefit by staying illuminated continuously without having to be turned on when needed, the amount of light created using the 25 mCi of tritium suggested for the new exemption is limited. Also, self-luminous products containing tritium light sources incorporated into products with clear end uses can provide some of the same benefits.

The petitioner stated that the tritium markers are sold in other countries. The discussion in the CPPS recognizes that it is unavoidable that there will be some differences made in judgments concerning justification of practice. Generally, international standards, such as the International Atomic Energy Agency's ''Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards,'' suggest that this product should not be exempted. However, individual countries' regulatory bodies make their own judgments.

IV. Reasons for Denial

The NRC is denying the petition because the petitioner fails to demonstrate that a specific exemption is warranted or that the existing regulatory framework for self-luminous products is inappropriate. The tritium markers do not meet the regulatory criteria for the use of self-luminous products under an exemption from licensing. In addition, the self-luminous product class exemption was set up to eliminate the need to evaluate numerous PRMs for a wide variety of self-luminous products and the need to conduct a separate rulemaking to add individual exemptions for each acceptable one. This provision is needed to ensure that the use of radioactive material in a product is justified.

V. Conclusion

For the reasons cited in this document, the NRC is denying PRM–32–8. The petition fails to present any significant new information or arguments that would warrant the requested amendments.

Dated at Rockville, Maryland, this 22nd day of July, 2015.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2015–18630 Filed 7–29–15; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2013–1018]

Special Local Regulation; Seattle Seafair Unlimited Hydroplane Race, Lake Washington, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the Seattle Seafair Unlimited Hydroplane Race Special Local Regulation on Lake Washington, WA from 8:00 a.m. on July 30, 2015 through 11:59 p.m. on August 2, 2015 during hydroplane race times. This action is necessary to ensure public safety from the inherent dangers associated with high-speed races while allowing access for rescue personnel in the event of an emergency. During the enforcement period, no person or vessel will be allowed to enter the regulated area without the permission of the Captain of the Port, on-scene Patrol Commander or Designated Representative.

DATES: The regulations in 33 CFR 100.1301 will be enforced from 8:00 a.m. on July 30, 2015 through 11:59 p.m. on August 2, 2015.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email LTJG Johnny Zeng, Sector Puget Sound Waterways Management Division, Coast Guard; telephone 206–217–6175, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the Seattle Seafair Unlimited Hydroplane Race Special Local Regulation in 33 CFR 100.1301 from 8:00 a.m. on July 30, 2015 through 11:59 p.m. on August 2, 2015.

Under the provisions of 33 CFR 100.1301, the Coast Guard will restrict general navigation in the following area: All waters of Lake Washington bounded by the Interstate 90 (Mercer Island/Lacey V. Murrow) Bridge, the western shore of Lake Washington, and the east/west line drawn tangent to Bailey Peninsula and along the shoreline of Mercer Island.

The regulated area has been divided into two zones. The zones are separated by a line perpendicular from the I–90 Bridge to the northwest corner of the East log boom and a line extending from the southeast corner of the East log boom to the southeast corner of the hydroplane race course and then to the northerly tip of Ohlers Island in Andrews Bay. The western zone is designated Zone I, the eastern zone, Zone II. (Refer to NOAA Chart 18447).

The Coast Guard will maintain a patrol consisting of Coast Guard vessels, assisted by Coast Guard Auxiliary vessels, in Zone II. The Coast Guard patrol of this area is under the direction of the Coast Guard Patrol Commander (the ''Patrol Commander''). The Patrol Commander is empowered to control the movement of vessels on the racecourse and in the adjoining waters during the periods this regulation is in effect. The Patrol Commander may be assisted by other federal, state and local law enforcement agencies.

Only vessels authorized by the Patrol Commander may be allowed to enter Zone I during the hours this regulation is in effect. Vessels in the vicinity of Zone I shall maneuver and anchor as directed by the Patrol Commander.

During the times in which the regulation is in effect, the following rules shall apply:

(1) Swimming, wading, or otherwise entering the water in Zone I by any person is prohibited while hydroplane boats are on the racecourse. At other times in Zone I, any person entering the water from the shoreline shall remain west of the swim line, denoted by buoys, and any person entering the water from the log boom shall remain within ten (10) feet of the log boom.

(2) Any person swimming or otherwise entering the water in Zone II shall remain within ten (10) feet of a vessel.

(3) Rafting to a log boom will be limited to groups of three vessels.

(4) Up to six (6) vessels may raft together in Zone II if none of the vessels are secured to a log boom. Only vessels authorized by the Patrol Commander, other law enforcement agencies or event sponsors shall be permitted to tow other watercraft or inflatable devices.

(5) Vessels proceeding in either Zone I or Zone II during the hours this regulation is in effect shall do so only at speeds which will create minimum wake, seven (7) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(6) Upon completion of the daily racing activities, all vessels leaving either Zone I or Zone II shall proceed at speeds of seven (7) miles per hour or less. The maximum speed may be reduced at the discretion of the Patrol Commander.

(7) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the Patrol Commander shall serve as signal to stop. Vessels signaled shall stop and shall comply with the orders of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

The Captain of the Port may be assisted by other federal, state and local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 33 CFR 100.1301 and 5 U.S.C. 552(a). If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notice, he or she may use a Broadcast Notice to Mariners to grant general permission to enter the regulated area.

Dated: July 17, 2015.

T. A. Griffitts,

Captain, U.S. Coast Guard, Acting Captain of the Port, Puget Sound.

[FR Doc. 2015–18771 Filed 7–29–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2015–0568]

RIN 1625–AA08

Special Local Regulation; Southern California Annual Marine Events for the San Diego Captain of the Port Zone; San Diego Bay, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule.

SUMMARY: The Coast Guard is temporarily changing the enforcement date of the special local regulation on the navigable waters of San Diego Bay, San Diego, California in support of the annual San Diego Maritime Museum Festival of Sail. This temporary final rule adjusts the dates for the established special local regulations listed in 33 CFR 100.1101 (table 1, item 15). This temporary interim rule provides public notice and is necessary to ensure the safety of participants, crew, spectators, participating vessels, and other vessels and users of the waterway. Unauthorized persons and vessels are prohibited from entering into, transiting through, or anchoring within the regulated area unless authorized by the Captain of the Port (COTP), or his designated representative. The Coast Guard requests public comments on the temporary final rule.

DATES: This rule is effective from 9 a.m. on September 4, 2015 through 7 p.m. September 7, 2015. This rule will be

enforced from 9 a.m. until 7 p.m. September 4 through September 7, 2015. Public comments must be received by August 31, 2015.

ADDRESSES: Submit comments using *one* of the listed methods, and see **SUPPLEMENTARY INFORMATION** for more information on public comments.

- *Online—http://www.regulations.gov* following Web site instructions.
- *Fax*—202–493–2251.
- *Mail* or *hand deliver*—Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Hand delivery hours: 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays (telephone 202–366–9329).

Documents mentioned in this preamble are part of docket [USCG–2015–0568]. 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 Petty Officer Randy Pahilanga, Waterways Management, U.S. Coast Guard Sector San Diego, Coast Guard; telephone 619–278–7656, email *D11-PF-MarineEventsSanDiego@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
TFR Temporary Final Rule
BNM Broadcast Notice to Mariners
LNM Local Notice to Mariners
COTP Captain of the Port

A. Public Participation and Comments

We encourage you to submit comments (or related material) on this temporary final rule. We will consider all submissions and may adjust our final action based on your comments. Comments should be marked with docket number USCG–2015–0568 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008).

Mailed or hand-delivered comments should be in an unbound 8½ x 11 inch format suitable for reproduction. The Docket Management Facility will acknowledge receipt of mailed comments if you enclose a stamped, self-addressed postcard or envelope with your submission.

Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following the Web site's instructions. You can also view the docket at the Docket Management Facility (see the mailing address under **ADDRESSES**) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

B. Regulatory History and Information

The San Diego Maritime Museum Festival of Sail is an annual reoccurring event listed in 33 CFR 100.1101 (table 1, item 15) for Southern California annual marine events for the San Diego Captain of the Port Zone. Special local regulations exist for the marine event to allow for use of the San Diego Bay waterway to allow for three days of events. For 2015, the event is occurring over four days. This temporary final rule is therefore necessary to ensure that the same measures normally provided are in place for all four days.

The Coast Guard is issuing this temporary 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.''

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. The publishing of an NPRM would be impracticable since immediate action is needed to minimize potential danger to the participants and the public during the event. The danger posed by the volume of commercial, public and private recreational marine traffic in San Diego bay makes special local regulations necessary to provide for the safety of participants, event support vessels, spectator craft and other vessels transiting the event area. For the safety concerns noted, it is important to have these regulations in effect during the event. The area covered by the special local regulation should have negligible impact on vessel movement. The Coast Guard will issue a broadcast notice to mariners (BNM) to advise vessel operators of navigational restrictions. In addition, Coast Guard will also advertise notice of the event and event date changes via local notice to mariners (LNM) report. For the same reasons, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date would be contrary to the public interest, because immediate action is needed to ensure the safety of the event. However, notifications will be made to users of the affected area near San Diego Bay, San Diego, California via marine information broadcast and a local notice to mariners.

Furthermore, we are providing an opportunity for subsequent public comment and, should public comment show the need for modifications to the special local regulations during the 2015 event, we may make those modifications and will provide actual notice of those modifications to the affected public.

C. Basis and Purpose

The legal basis and authorities for this rule are found in 33 U.S.C. 1233, which authorize the Coast Guard to establish, and define special local regulations. The Captain of the Port San Diego is establishing a special local regulation for the waters of San Diego Bay, San Diego, California to protect event participants, spectators and transiting vessels. Entry into this area is prohibited unless specifically authorized by the Captain of the Port San Diego or designated representative.

D. Discussion of the Final Rule

The San Diego Maritime Museum Tall Ship Festival of Sail is an annual event held in the early part of September on San Diego Bay, San Diego, California.

The regulation listing annual marine events within the San Diego Captain of the Port Zone and special local regulations is 33 CFR 100.1101. Table 1 to § 100.1101 identifies special local regulations within the COTP San Diego Zone. Table 1 to § 100.1101 at item ''15'' describes the enforcement date and regulated location for this marine event.

The date listed in the Table 1 to § 100.1101 has the marine event

occurring over three days in September. However, this temporary rule changes the marine event date to September 4 through September 7, 2015 to reflect the actual four days of the event.

The Coast Guard is establishing a temporary special local regulation for a marine event on San Diego Bay that will be effective from 9 a.m. on September 4, 2015 through 7 p.m. September 7, 2015 and will be enforced daily from 9 a.m. to 7 p.m. on September 4 through September 7, 2015.

The Coast Guard will temporarily suspend the regulation listed in Table 1 to § 100.1101 item ''15'', and insert this temporary regulation in Table 1 to § 100.1101, at item ''19''. This change is needed to accommodate the sponsor's event plan. No other portion of Table 1 to § 100.1101 or other provisions in Table 1 to § 100.1101 shall be affected by this regulation.

The special local regulations are necessary to provide for the safety of the crew, spectators, participants, and other vessels and users of the waterway for this event that will consist of a tall ship parade and mock cannon battle demonstrations. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this regulated waterway unless authorized by the Coast Guard Captain of the Port (COTP), or his designated representative, during the proposed times. Before the effective period, the Coast Guard will publish information on the event in the weekly LNM.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size, location, and the limited duration of the marine event and associated special local regulations. Optional waterway routes exist to allow boaters to transit around the marine event area, without impacting the festival. Additionally, to the maximum extent practicable, the event sponsor will assist with the movement of boaters desiring to transit the area throughout the four days.

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 transit or anchor in the impacted portion of San Diego Bay, California from 9 a.m. to 7 p.m. on September 4 through September 7, 2015.

This special local regulation will not have a significant economic impact on a substantial number of small entities for the following reasons. Although the special local regulations would apply to a broad portion of San Diego, traffic would be allowed to pass around the zone or through the zone with the permission of the COTP, or his designated representative. The event sponsor will also be advertising the event. Before the effective period, the Coast Guard will publish event information on the internet in the weekly LNM marine information report and will provide a BNM via marine radio during the event.

3. Assistance for Small Entities

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

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

4. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this 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 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

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

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to

minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishment of marine event special local regulations on the navigable waters of San Diego Bay. This rule is categorically excluded from further review under paragraph 34(h) 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 100

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

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

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

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

Authority: 33 U.S.C. 1233

■ 2. In § 100.1101, in Table 1 to § 100.1101, suspend item ''15'' and add temporary item ''19'' to read as follows:

§ 100.1101 Southern California Annual Marine Events for the San Diego Captain of the Port Zone.

* * * * *

TABLE 1 TO § 100.110

* * * * * * *

19. San Diego Maritime Museum Tall Ship Festival of Sail	
Sponsor	San Diego Maritime Museum.
Event Description	Tall ship festival.
Date	September 4 through September 7, 2015.
Location	San Diego Bay, CA.
Regulated Area	The waters of San Diego Bay Harbor.

Dated: July 16, 2015.

J.S. Spaner,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2015–18764 Filed 7–29–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0374]

RIN 1625–AA09

Drawbridge Operation Regulation; Perth Amboy, New Jersey

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is removing the existing drawbridge operation regulation for the drawbridges at State Street Bridge, mile 0.5, and the Railroad Bridge, mile 0.6, across Woodbridge Creek at Perth Amboy, New Jersey. The State Street Bridge was replaced with a fixed bridge in 1992. The Railroad Bridge was converted to a fixed bridge in 1970. The operating regulation is no longer applicable or necessary.

DATES: This rule is effective July 30, 2015.

ADDRESSES: The docket for this final rule, [USCG–2015–0374] is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this final rule. 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 Mr. Joe M. Arca, Project Officer, First Coast Guard District Bridge Branch, telephone 212–514–4336, email *joe.m.arca@uscg.mil*. If you have questions on viewing the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

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), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the State Street Bridge and the Railroad Bridge, that once required draw operations in 33 CFR 117.761, were replaced by fixed bridges in 1992 and 1970, respectively. Therefore, the regulation is no longer applicable and shall be removed. It is unnecessary to publish an NPRM because this regulatory action does not place any restrictions on mariners but rather removes a restriction that has no further use or value.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**. The bridges have been a fixed bridge for 23 and 45 years, respectively, and this rule merely requires an administrative change to the **Federal Register,** in order to omit a regulatory requirement that is no longer applicable or necessary. The modifications have already taken place and the removal of these regulations will not affect mariners currently operating on this waterway. Therefore, a delayed effective date is unnecessary.

B. Basis and Purpose

The State Street Bridge across Woodbridge Creek, mile 0.5, was removed and replaced in 1992 with a fixed bridge. The Railroad Bridge, mile 0.6, was converted to a fixed bridge in 1970. It has come to the attention of the Coast Guard that the governing regulation for these drawbridges were not removed subsequent to the replacement and conversion of these bridges. The elimination of these drawbridges necessitates the removal of the drawbridge operation regulation, 33 CFR 117.761, pertaining to the former drawbridges.

The purpose of this rule is to remove the paragraph of 33 CFR 117.761 that refers to the State Street Bridge and the Railroad Bridge at mile 0.5 and mile 0.6, respectively, from the Code of Federal Regulations because it governs bridges that no longer open.

C. Discussion of Rule

The Coast Guard is changing the regulation in 33 CFR 117.761 by removing restrictions and the regulatory burden related to the draw operations for these bridges that are no longer drawbridges. The change removes the section 117.761 of the regulation which governs the State Street Bridge and the Railroad Bridge. This Final Rule seeks to update the Code of Federal Regulations by removing language that governs the operation of the State Street Bridge and the Railroad Bridge, which are in fact no longer drawbridges. This change does not affect waterway or land traffic.

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 Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The Coast Guard does not consider this rule to be ''significant'' under that Order because it is an administrative change and does not affect the way vessels operate on the waterway.

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.

This rule will have no effect on small entities since these drawbridges have been replaced, converted with fixed bridges and the regulation governing draw operations for these bridges is no longer applicable. There is no new restriction or regulation being imposed by this rule; therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

3. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

4. 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 have determined that it does not have implications for federalism.

5. 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.

6. Unfunded Mandates Reform Act

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

7. Taking of Private Property

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

8. Civil Justice Reform

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

9. Protection of Children

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

10. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments,

because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

11. Energy Effects

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

12. Technical Standards

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

13. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the removal of a drawbridge operation regulation that is no longer necessary. This rule is categorically excluded, under figure 2–1, paragraph (32) (e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

§ 117.761 [Removed]

■ 2. Remove § 117.761.

L.L. Fagan,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 2015–18772 Filed 7–29–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 75

Final Waiver and Extension of the Project Period; National Interpreter Education Center for the Training of Interpreters for Individuals Who Are Deaf or Hard of Hearing and Individuals Who Are Deaf-Blind

[Catalog of Federal Domestic Assistance (CFDA) Number: 84.160B]

AGENCY: Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final waiver and extension of the project period.

SUMMARY: The Secretary waives the requirements that generally prohibit project periods exceeding five years and extensions of project periods involving the obligation of additional Federal funds for a 60-month project initially funded in fiscal year (FY) 2010. The Secretary also extends the project period for this project for one year. This waiver and extension enables the currently funded National Interpreter Education Center for the training of interpreters for individuals who are deaf or hard of hearing and individuals who are deaf-blind (National Center) to receive funding through September 30, 2016.

DATES: The extension of the project period and waiver are effective July 30, 2015.

FOR FURTHER INFORMATION CONTACT: Kristen Rhinehart-Fernandez, U.S. Department of Education, 400 Maryland Avenue SW., Room 5027, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–6103 or by email: *Kristen.Rhinehart@ed.gov.*

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll-free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On April 17, 2015, the Department published a notice in the **Federal Register** (80 FR 21196) proposing an extension of project period and a waiver of 34 CFR 75.250 and 34 CFR 75.261(c)(2) (proposed waiver and extension) in order to—

(1) Enable the Secretary to provide additional funds to the National Center for an additional 12-month period, from September 30, 2015, through September 30, 2016; and

(2) Invite comments on the proposed waiver and extension.

There are no substantive differences between the proposed waiver and extension and this final waiver and extension.

Public Comment: In response to our invitation in the proposed waiver and extension, one party submitted comments.

Analysis of Comments and Changes: An analysis of the comments received in response to the proposed waiver and extension and of any changes in the waiver and extension since publication of the proposed waiver and extension follows.

Comment: One commenter supported extending the National Center's project period for one year to avoid the loss of the invaluable assistance provided to the Regional Centers and the deaf consumers whom they support.

Discussion: We appreciate the commenter's support.

Changes: None.

Final Waiver and Extension

In the proposed waiver and extension, we discuss the background and purposes of the National Center and our reasons for proposing the waiver and extension. For the reasons discussed there, we conclude that it would be contrary to the public interest to have a lapse in the provision of the training currently provided by the National Center. Allowing funding to lapse before a new interpreter education delivery system can be implemented would leave individuals who are deaf or hard of hearing and individuals who are deaf-blind without necessary supports in the event that critical needs arise.

The Secretary waives the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, and the requirements in 34 CFR 75.261(c)(2), which limit the extension of a project period if the extension involves the obligation of additional Federal funds. This will allow the current National Center to request and continue to receive Federal funding through September 30, 2016. With this waiver and extension of the project period, the National Center will be required to develop a plan to demonstrate how it will continue to carry out activities during the year of the continuation award consistent with the scope, goals, and objectives of the grantee's application as approved in the 2010 competition. This plan must be submitted to RSA for review and approval by September 1, 2015.

Waiver of Delayed Effective Date

The Administrative Procedure Act requires that a substantive rule must be published at least 30 days before its effective date, except as otherwise provided for good cause (5 U.S.C. 553(d)(3)). We have not made any substantive changes to the proposed

waiver and extension. The Secretary has therefore determined to waive the delayed effective date to ensure a timely continuation grant to the current National Center and continuation of the valuable services the National Center provides.

Regulatory Flexibility Act Certification

The Secretary certifies that this final waiver and extension of the project period will not have a significant economic impact on a substantial number of small entities. The only entity that will be affected is the current grantee receiving Federal funds to serve as the National Center and any other potential applicants.

The Secretary certifies that the final waiver and extension will not have a significant economic impact on this entity because the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year of funding will not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This final waiver and extension of the project period does not contain any information collection requirements.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make an award by the end of FY 2015.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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: July 27, 2015.

Michael K. Yudin,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2015–18725 Filed 7–29–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

34 CFR Part 75

Final Waiver and Extension of the Project Period; Regional Interpreter Education Centers for the Training of Interpreters for Individuals Who Are Deaf or Hard of Hearing and Individuals Who Are Deaf-Blind

AGENCY: Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final waiver and extension of the project period.

[Catalog of Federal Domestic Assistance (CFDA) Number: 84.160A]

SUMMARY: The Secretary waives the requirements that generally prohibit project periods exceeding five years and extensions of project periods involving the obligation of additional Federal funds for five 60-month projects initially funded in fiscal year (FY) 2010. The Secretary also extends the project period for these projects for one year. This waiver and extension enables the currently funded Regional Interpreter Education Centers for the training of interpreters for individuals who are deaf or hard of hearing and individuals who are deaf-blind (Regional Centers) to receive funding through September 30, 2016.

DATES: The waiver and extension of the project period are effective July 30, 2015.

FOR FURTHER INFORMATION CONTACT: Kristen Rhinehart-Fernandez, U.S. Department of Education, 400 Maryland Avenue SW., Room 5027, Potomac Center Plaza, Washington, DC 20202–2800. Telephone: (202) 245–6103 or by email: *Kristen.Rhinehart@ed.gov.*

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll-free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On April 17, 2015, the Department published a notice in the **Federal Register** (80 FR 21195) proposing an extension of the project period and a waiver of 34 CFR 75.250 and 34 CFR 75.261(c)(2) (proposed waiver and extension) in order to—

(1) Enable the Secretary to provide additional funds to the Regional Centers for an additional 12-month period, from September 30, 2015, through September 30, 2016; and

(2) Invite comments on the proposed waiver and extension.

There are no substantive differences between the proposed waiver and extension and this final waiver and extension.

Public Comment: In response to our invitation in the proposed waiver and extension, two parties submitted comments.

Analysis of Comments and Changes: An analysis of the comments received in response to the proposed waiver and extension and of any changes in the waiver and extension since publication of the proposed waiver and extension follows.

Comment: Two commenters supported extending the Regional Centers' project period for one year to avoid the loss of an essential source of training and training materials tailored to the needs of the five regions served.

Discussion: We appreciate the commenters' support.

Changes: None.

Final Waiver and Extension

In the proposed waiver and extension, we discuss the background and purposes of the Regional Centers and our reasons for proposing the waiver and extension. For the reasons discussed there, we conclude that it would be contrary to the public interest to have a lapse in the provision of the training currently provided by the Regional Centers. Allowing funding to lapse before a new interpreter education delivery system can be implemented would leave individuals who are deaf or hard of hearing and individuals who are deaf-blind without necessary supports in the event that critical needs arise.

The Secretary waives the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, and the requirements in 34 CFR 75.261(c)(2), which limits the extension of a project period if the extension involves the obligation of additional Federal funds. This will allow the five current grantees to request and continue to receive Federal funding through September 30, 2016. With this waiver and extension of the project period, each Regional Center will be required to develop a plan to demonstrate how it will continue to carry out activities during the year of the continuation award consistent with the scope, goals, and objectives of the grantee's

application as approved in the 2010 competition. These plans must be submitted to RSA for review and approval by September 1, 2015.

Waiver of Delayed Effective Date

The Administrative Procedure Act requires that a substantive rule must be published at least 30 days before its effective date, except as otherwise provided for good cause (5 U.S.C. 553(d)(3)). We have not made any substantive changes to the proposed waiver and extension. The Secretary has therefore determined to waive the delayed effective date to ensure timely continuation grants to the entities affected and continuation of the valuable services the Regional Centers provide.

Regulatory Flexibility Act Certification

The Secretary certifies that this final waiver and extension of the project period will not have a significant economic impact on a substantial number of small entities. The only entities that will be affected are the five current grantees receiving Federal funds to serve as the Regional Centers and any other potential applicants.

The Secretary certifies that the waiver and extension will not have a significant economic impact on these entities because the extension of an existing project period imposes minimal compliance costs, and the activities required to support the additional year of funding will not impose additional regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1995

This final waiver and extension of the project period does not contain any information collection requirements.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make awards by the end of FY 2015.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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: July 27, 2015.

Michael K. Yudin,

Assistant Secretary for Special Education andRehabilitative Services.

[FR Doc. 2015–18726 Filed 7–29–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[CFDA Number: 84.264H.]

Final Priority; Rehabilitation Training: Vocational Rehabilitation Technical Assistance Center—Youth With Disabilities

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Final priority.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services announces a priority under the Rehabilitation Training program. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2015 and later years. This priority is designed to ensure that professionals working in State vocational rehabilitation (VR) agencies receive the technical assistance (TA) they need to provide youth with disabilities with services and supports that lead to postsecondary education and competitive integrated employment.

DATES: This priority is effective August 31, 2015.

FOR FURTHER INFORMATION CONTACT: Tara Jordan, U.S. Department of Education, 400 Maryland Avenue SW., Room 5040, Potomac Center Plaza (PCP), Washington, DC 20202–2800. Telephone: (202) 245–7341 or by email: *tara.jordan@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: Under the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by the Workforce Innovation and Opportunity Act (WIOA), the Rehabilitation Services Administration (RSA) makes grants to States and public or nonprofit agencies and organizations (including institutions of higher education) to support projects that provide training, traineeships, and TA designed to increase the numbers of, and improve the skills of, qualified personnel, especially rehabilitation counselors, who are trained to: provide vocational, medical, social, and psychological rehabilitation services to individuals with disabilities; assist individuals with communication and related disorders; and provide other services authorized under the Rehabilitation Act.

Program Authority: 29 U.S.C. 772(a)(1).

Applicable Program Regulations: 34 CFR part 385.

We published a notice of proposed priority for this competition in the **Federal Register** on May 15, 2015 (80 FR 27868). That notice contained background information and our reasons for proposing the particular priority. There are differences between the proposed priority and this final priority, and we explain those differences in the *Analysis of Comments and Changes* section of this notice.

Public Comment: In response to our invitation in the notice of proposed priority, three parties submitted comments on the proposed priority.

Generally, we do not address technical and other minor changes.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the priority since publication of the notice of proposed priority follows.

Comment: One commenter suggested that the Vocational Rehabilitation Technical Assistance Center—Youth with Disabilities (VRTAC–Y) include as a focus of the training and TA to be provided by the Center best practices for improving services and supports for children with disabilities who are home schooled as well as children with disabilities in foster care. In addition, the commenter noted that, like youth without disabilities, youth with disabilities need support in obtaining work experience in intermediate jobs while they are still being encouraged to seek careers requiring postsecondary education or training. The commenter also suggested that the VRTAC–Y consult with adults with disabilities who are successful in order to identify practices they found to be helpful. Finally, the commenter suggested that

best practices include mentoring programs pairing youth with disabilities and individuals with disabilities who have been successful in their chosen careers.

Discussion: The focus of this priority is to provide TA to State VR agencies to improve services to and outcomes for: (1) Students with disabilities, as defined in section 7(37) of the Rehabilitation Act, who are in school and who are not receiving services under the Individuals with Disabilities Education Act (IDEA); and (2) youth with disabilities, as defined in section 7(42) of the Rehabilitation Act, who are no longer in school and who are not employed, often referred to as dropouts. Thus, an applicant could propose to include as a focus of its TA students with disabilities who are home schooled or in foster care and who are not receiving services under the IDEA, and youth with disabilities in foster care who are between the ages of 14 and 24 and who are dropouts, if such a focus is consistent with the TA needs identified by the Center under this priority.

Similarly, nothing in this priority as currently written precludes the grantee from providing TA to help students and youth with disabilities to obtain intermediate jobs as they pursue their long-term career goals. In addition, an applicant may employ or otherwise consult with adults with disabilities to identify best practices in serving students and youth with disabilities, and an applicant may propose this strategy as one of its TA activities. Finally, we agree that developing supportive mentoring relationships can help to improve employment outcomes for youth with disabilities, and we have added language to the priority under topic area (c) to address this comment.

Changes: We have added mentoring services under topic area (c) as an example of a collaborative and coordinated service strategy that is designed to increase the number of students and youth with disabilities who obtain competitive integrated employment.

Comment: Given the potential for overlap with TA and materials provided by other TA centers on related topics, one commenter suggested that applicants for the VRTAC–Y describe their plans to coordinate with other previously established TA centers. The commenter also questioned the requirement to review current VR agency State Plans while State agencies are in the midst of developing Unified or Combined State Plans with WIOA core programs and updating relevant interagency agreements, suggesting that review of these State Plans that were developed before the implementation of WIOA might not yield current information on which to base selection of intensive TA sites or the measurement of TA impact on performance.

Discussion: Coordinating responsibilities between the VRTAC–Y and existing TA centers is required under Coordination Activities, section (b), and Application Requirements, section (b)(1)(iii), and we believe the commenter's concerns are adequately addressed in those sections.

While we recognize that State VR agencies are working with WIOA partners to develop Unified or Combined State Plans, including updating relevant interagency agreements, we expect that review of current State Plans will still provide valuable information for TA purposes. The review of State Plans is only one source of information the VRTAC–Y will consider in its knowledge development activities. In addition to reviewing State-reported data and other information, the VRTAC–Y will conduct a survey of relevant stakeholders and VR service providers to identify TA needs. Finally, the applicant is required to describe how it will determine the effectiveness of the TA, including any proposed standards or targets for determining effectiveness, and its progress toward achieving intended outcomes, which at a minimum must include data on a number of variables.

Changes: None.

Comment: One commenter suggested that the Technical Assistance and Dissemination Activities section of this priority could be strengthened by specifically identifying service providers as partners of the State VR agency in these activities in section (a)(1). The commenter suggested using the phrase ''public and community-based'' to better describe the service systems discussed under section (a)(2) (how to access and leverage partnerships across agencies and public and community-based service delivery systems to increase the number of students and youth with disabilities provided with relevant and accessible information regarding services available through the State VR agency) and under section (b)(1) (a curriculum guide for developing partnerships). The commenter also suggested that work experience opportunities and programs be included in section (b)(3) (a curriculum guide for developing training and work experience programs).

Discussion: Service providers are included in the term ''relevant stakeholders,'' which already is used in the priority, so we do not believe it is necessary to mention them specifically. We agree that the phrase ''public and community-based'' is most inclusive of potential partners in serving students and youth with disabilities. We also agree that the addition of work opportunities to the curriculum guide on developing training and work experience programs is consistent with the individualized nature of customized training that is included in this curriculum guide description.

Changes: We have added the phrase ''public and community-based'' in sections (a)(2)(i) and (ii) and (b)(1) under Technical Assistance and Dissemination Activities in order to better describe coordination among service systems. Under section (b)(3), we have added the words ''career pathways'' and ''work opportunities'' in the description of the curriculum guide.

Comment: None.

Discussion: In reviewing the NPP, we recognized that we had overlooked an obvious but important set of training programs to which students and youth with disabilities should have access.

Changes: We have added language under paragraph (3)(iii) of the Technical Assistance and Dissemination Activities section. We clarify that TA on assisting students and youth with disabilities to access training that is directly responsive to employer needs and hiring requirements may include training offered by providers under the WIOA core programs.

Final Priority:

The purpose of this priority is to fund a cooperative agreement to establish a Vocational Rehabilitation Technical Assistance Center—Youth with Disabilities (VRTAC–Y). The focus of this priority is to provide technical assistance (TA) to State vocational rehabilitation (VR) agencies to improve services to and outcomes of: (1) Students with disabilities, as defined in section 7(37) of the Rehabilitation Act, who are in school and who are not receiving services under the IDEA; and (2) youth with disabilities, as defined in section 7(42) of the Rehabilitation Act, who are no longer in school and who are not employed, often referred to as dropouts. For purposes of this priority, ''Students and youth with disabilities'' refers to these two groups.

The VRTAC–Y is designed to achieve, at a minimum, the following outcomes:

(a) Assist State VR agencies to identify and meet the VR needs of students and youth with disabilities consistent with section 101(a)(15) of the Rehabilitation Act;

(b) Improve the ability of State VR agencies to develop partnerships with State and local agencies, service

providers, or other entities to ensure that students and youth with disabilities are referred for VR services and have access to coordinated supports, services, training, and employment opportunities, including: (1) Increasing the number of referrals and applications received by State VR agencies from agencies, service providers and others serving students and youth with disabilities; and (2) increasing the number of students and youth with disabilities receiving VR services;

(c) Improve the ability of VR personnel to develop individualized plans for employment that ensure the successful transition of students and youth with disabilities and the achievement of post-school goals; and

(d) Increase the number of students and youth with disabilities served by VR agencies (particularly dropouts and youth involved in the foster care and correctional systems) who are engaged in education and training programs leading to the attainment of postsecondary educational skills and credentials needed for employment in high-demand occupations.

Topic Areas

Under this priority, the VRTAC–Y must develop and provide training and TA to State VR agency staff and related rehabilitation professionals and service providers in the following topic areas:

(a) Developing and maintaining formal and informal partnerships and relationships with relevant stakeholders (including, but not limited to, school systems, institutions of higher education (IHEs), State and local service agencies, community rehabilitation programs, correctional facilities and programs, and employers) to increase referral of students and youth with disabilities to the State VR system for the supports and services they need to achieve competitive integrated employment;

(b) Developing and implementing outreach policies and procedures using evidence-based and promising practices that ensure that students and youth with disabilities in the State are located, identified, and evaluated for services; and

(c) Developing and implementing collaborative and coordinated service strategies, such as mentoring services; higher education and training services; and internship, apprenticeship, and other work experience services designed to increase the number of students and youth with disabilities who are served by the State VR agency who obtain competitive integrated employment.

Project Activities

To meet the requirements of this priority, the VRTAC–Y must, at a minimum, conduct the following activities:

Knowledge Development Activities

(a) In the first year, collect information from the literature and from existing Federal, State, and other programs on evidence-based and promising practices relevant to the work of the VRTAC–Y and make this information publicly available in a searchable, accessible, and useful format. The VRTAC–Y must review, at a minimum:

(1) State VR agency State Plan descriptions of outreach plans and procedures, coordination and collaboration with other agencies, and coordination and collaboration with education officials relating to students and youth with disabilities;

(2) State VR agency formal interagency agreements with SEAs for the coordination of transition services, including the provision of pre-employment transition services;

(3) The results of State VR agency monitoring conducted by RSA, when available;

(4) State VR agency program and performance data; and

(5) Information on promising practices and VR needs of students and youth with disabilities from TA centers that serve relevant public and private non-profit agencies, as well as existing RSA and Office of Special Education Programs (OSEP) TA centers and RSA and OSEP Parent Training and Information Centers.

(b) In the first year, conduct a survey of relevant stakeholders and VR service providers to identify TA needs that the VRTAC–Y can meet and develop a process by which TA solutions can be offered to State VR agencies and their partners. The VRTAC–Y must survey, at a minimum:

(1) State VR agency staff;

(2) Relevant RSA staff;

(3) Grantees of the National Institute on Disability, Independent Living, and Rehabilitation Research that are researching topics related to the work of the VRTAC–Y; and

(4) Educators or other professionals conducting research on topics related to the work of the VRTAC–Y.

Technical Assistance and Dissemination Activities

(a) Over the five-year grant period, provide intensive TA to a minimum of 10 State VR agencies and their associated rehabilitation professionals and service providers in the topic areas set out in this priority.[1] In each of the second, third, fourth, and fifth years of the project, the VRTAC–Y must provide intensive TA to at least two different State VR agencies. Applicants must clearly describe the application process and selection criteria for the State VR agencies that would receive intensive TA. Such TA must include:

(1) For topic area (a)—

(i) Identification of relevant stakeholders in the State or region who can improve the State VR agency's ability to perform outreach activities and meet the employment and training needs of students and youth with disabilities;

(ii) Effective marketing and outreach to school and community services personnel, such as how best to present information about VR supports, training, and programming for students and youth with disabilities; and

(iii) How to develop formal and informal service and outreach agreements with relevant stakeholders to meet the employment and training needs of students and youth with disabilities.

(2) For topic area (b)—

(i) How to conduct an analysis and assessment of outreach strategies to determine gaps between public and community-based service delivery systems, as well as the need for coordinated services and supports across service systems for students and youth with disabilities;

(ii) How to access and leverage partnerships across agencies and public and community-based service delivery systems to increase the number of students and youth with disabilities provided with relevant and accessible information regarding services available through the State VR agency.

(3) For topic area (c)—

(i) Evidence-based and promising practices in the development and implementation of vocational services to meet the employment and training needs of students and youth with disabilities;

(ii) How to incorporate students and youth with disabilities into training programs in which they have been historically underrepresented; and

(iii) How to assist students and youth with disabilities in accessing

[1] For the purposes of this priority, ''intensive TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA Center staff and the TA recipient. ''TA services'' are defined as a negotiated series of activities designed to reach a valued outcome. Intensive TA should result in changes to policy, programs, practices, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

customized vocational, occupational, or certification training or other career training that is directly responsive to employer needs and hiring requirements, including, but not limited to, training offered by providers under the WIOA core programs, Carl D. Perkins Career and Technical Education Improvement Act, H–1B Ready to Work Partnership Grants, and Trade Adjustment Assistance Community College and Career Training Grants, including two-year and four-year IHEs.

(b) In the first year, develop and refine a minimum of five curriculum guides for VR staff training in topics related to the work of the VRTAC–Y, which must include:

(1) Partnership development across public and community-based service delivery systems for purposes of leveraging resources and coordinating supports, services, training, and employment opportunities for students and youth with disabilities;

(2) Development, implementation, and dissemination of effective model outreach strategies, policies, and procedures to improve access for students and youth with disabilities to VR services and supports;

(3) Development of customized training, career pathways, other career training, work opportunities and work experience programs for students and youth with disabilities;

(4) Development and delivery of support services to providers of career training programs that facilitate completion of training and result in competitive integrated employment for students and youth with disabilities; and

(5) Delivery of support services to employers who hire students and youth with disabilities from customized or career training programs or who offer internships and work experience opportunities.

(c) Provide a range of targeted and general TA products and services on the topic areas in this priority. Such TA must include, at a minimum, the following activities:

(1) Developing and maintaining a state-of-the-art information technology platform sufficient to support Webinars, teleconferences, video conferences, and other virtual methods of dissemination of information and TA;

Note: All products produced by the VRTAC–Y must meet government and industry-recognized standards for accessibility, including section 508 of the Rehabilitation Act. The VRTAC–Y may either develop a new platform or system, or modify existing platforms or systems, so long as the requirements of the priority are met.

(2) Ensuring that all TA products are sent to the National Center for Rehabilitation Training Materials, including: course curricula; audiovisual materials; Webinars; examples of emerging and best practices related to the topic areas in this priority; and any other TA products; and

(3) Providing a minimum of four Webinars or video conferences on each of the topic areas in this priority to describe and disseminate information about emerging and promising practices in each area.

Coordination Activities

(a) Establish a community of practice for all interested State VR agencies that will act as a vehicle for communication, exchange of information among State VR agencies and partners, and a forum for sharing the results of TA projects that are in progress or have been completed. Such community of practice must be focused on partnerships across service systems, outreach and identification strategies for students and youth with disabilities, and the development and provision of vocational services and vocational training to students and youth with disabilities.

(b) Communicate and coordinate, on an ongoing basis, with other Department-funded projects and those supported by the Departments of Labor and Commerce; and

(c) Maintain ongoing communication with the RSA project officer.

Application Requirements

To be funded under this priority, applicants must meet the application requirements in this priority. RSA encourages innovative approaches to meet these requirements, which are to:

(a) Demonstrate, in the narrative section of the application, under ''Significance of the Project,'' how the proposed project will—

(1) Address State VR agencies' capacity to meet the employment and training needs of students and youth with disabilities. To meet this requirement, the applicant must:

(i) Demonstrate knowledge of emerging and best practices in conducting outreach and providing VR services to students and youth with disabilities;

(ii) Demonstrate knowledge of current applicable Federal statutes and regulations, current RSA guidance, and State and Federal initiatives designed to improve employment outcomes for students and youth with disabilities; and

(iii) Present information about the difficulties that State VR agencies and service providers have encountered in developing and implementing effective outreach and service delivery plans for students and youth with disabilities; and

(2) Result in increases in both the number of students and youth with disabilities receiving services from State VR agencies and related agencies and the number and quality of employment outcomes in competitive integrated employment for students and youth with disabilities;

(b) Demonstrate, in the narrative section of the application, under ''Quality of Project Services,'' how the proposed project will—

(1) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measurable intended project outcomes;

(ii) A plan for how the proposed project will achieve its intended outcomes; and

(iii) A plan for communicating and coordinating with key staff in State VR agencies, State and local partner programs, advocates for students and youth with disabilities, RSA partners such as the Council of State Administrators of Vocational Rehabilitation (CSAVR), the National Council of State Agencies for the Blind (NCSAB), and other TA Centers and relevant programs within the Departments of Education, Labor, and Commerce;

(2) Use a conceptual framework to develop project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationships or linkages among these variables, and any empirical support for this framework;

(3) Be based on current research and make use of evidence-based and promising practices. To meet this requirement, the applicant must describe—

(i) The current research on emerging, promising, and evidence-based practices in the topic areas in this priority;

(ii) How the current research about adult learning principles and implementation science will inform the proposed TA; and

(iii) How the proposed project will incorporate current research and evidence-based practices in the development and delivery of its products and services;

(4) Develop products and provide services that are of high quality and sufficient intensity and duration to achieve the intended outcomes of the proposed project. To address this

requirement, the applicant must describe—

(i) Its proposed activities to identify or develop the knowledge base on emerging and promising practices in the topic areas in this priority;

(ii) Its proposed approach to universal, general TA; [2]

(iii) Its proposed approach to targeted, specialized TA,[3] which must identify—

(A) The intended recipients of the products and services under this approach; and

(B) Its proposed approach to measure the readiness of State VR agencies to work with the proposed project, assessing, at a minimum, their current infrastructure, available resources, and ability to effectively respond to the TA, as appropriate;

(iv) Its proposed approach to intensive, sustained TA, which must identify—

(A) The intended recipients of the products and services under this approach;

(B) Its proposed approach to measure the readiness of the State VR agencies to work with the proposed project including the State VR agencies' commitment to the TA initiatives, appropriateness of the initiatives, current infrastructure, available resources, and ability to respond effectively to the TA, as applicable;

(C) Its proposed plan for assisting State VR agencies to build training systems that include professional development based on adult learning principles and coaching; and

(D) Its proposed plan for developing intensive TA agreements with State VR agencies to provide intensive, sustained TA. The plan must describe how the intensive TA agreements will outline the purposes of the TA, the intended outcomes of the TA, and the measurable objectives of the TA that will be evaluated;

(5) Develop products and implement services to maximize the project's efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes; and

(ii) With whom the proposed project will collaborate and the intended outcomes of this collaboration;

(c) Demonstrate, in the narrative section of the application under ''Quality of the Evaluation Plan,'' how the proposed project will—

(1) Measure and track the effectiveness of the TA provided. To meet this requirement, the applicant must describe its proposed approach to—

(i) Collecting data on the effectiveness of each TA activity from State VR agencies, partners, or other sources, as appropriate; and

(ii) Analyzing data and determining the effectiveness of each TA activity, including any proposed standards or targets for determining effectiveness. At a minimum, the VRTAC–Y must analyze data on school and service system referrals to State VR agencies and employment outcomes of students and youth with disabilities, including type of employment, wages, hours worked, weeks of employment, and public benefits received;

(2) Collect and analyze data on specific and measurable goals, objectives, and intended outcomes of the project, including measuring and tracking the effectiveness of the TA provided. To address this requirement, the applicant must describe—

(i) Its proposed evaluation methodologies, including instruments, data collection methods, and analyses;

(ii) Its proposed standards or targets for determining effectiveness;

(iii) How it will use the evaluation results to examine the effectiveness of its implementation and its progress toward achieving the intended outcomes; and

(iv) How the methods of evaluation will produce quantitative and qualitative data that demonstrate whether the project and individual TA activities achieved their intended outcomes;

(d) Demonstrate, in the narrative section of the application under ''Adequacy of Project Resources,'' how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have historically been underrepresented based on race, color, national origin, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to provide TA to State VR agencies and their partners in each of the topic areas in this priority and to achieve the project's intended outcomes;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits;

(e) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as applicable; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors that will be allocated to the project and how these allocations are appropriate and adequate to achieve the project's intended outcomes, including an assurance that such personnel will have adequate availability to ensure timely communications with stakeholders and RSA;

(3) The proposed management plan will ensure that the products and services provided are of high quality; and

(4) The proposed project will benefit from a diversity of perspectives, including those of State and local personnel, TA providers, researchers, and policy makers, among others, in its development and operation.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional

[2] For the purposes of this priority, ''universal, general technical assistance'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's Web site by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[3] For the purposes of this priority, ''targeted, specialized technical assistance'' means TA services based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this final priority only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities. The benefits of the Rehabilitation Training program have been well established over the years through the successful completion of similar projects. This priority will better prepare State VR agency personnel to assist the students and youth with disabilities who are the focus of this priority to achieve competitive integrated employment in today's challenging labor market.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.*, braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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: July 27, 2015.

Michael K. Yudin,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2015–18713 Filed 7–29–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

37 CFR Part 1

[Docket No.: PTO–P–2015–0034]

July 2015 Update on Subject Matter Eligibility

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Update; Request for comments.

SUMMARY: The United States Patent and Trademark Office (USPTO) prepared interim guidance (2014 Interim Patent Eligibility Guidance) for use by USPTO personnel in determining subject matter eligibility in view of then-recent decisions by the U.S. Supreme Court (Supreme Court). The USPTO published the 2014 Interim Patent Eligibility Guidance in the **Federal Register**, and sought public comment on the 2014 Interim Patent Eligibility Guidance. The USPTO has since produced an update pertaining to patent subject matter eligibility titled July 2015 Update: Subject Matter Eligibility, which is available to the public on the USPTO's Internet Web site, in response to the public comment on the 2014 Interim Patent Eligibility Guidance. The July 2015 Update: Subject Matter Eligibility includes a new set of examples and discussion of various issues raised by the public comments, and is intended to assist examiners in applying the 2014 Interim Patent Eligibility Guidance during the patent examination process. The USPTO is now seeking public comment on the July 2015 Update: Subject Matter Eligibility.

COMMENT DEADLINE DATE: To be ensured of consideration, written comments on July 2015 Update: Subject Matter Eligibility must be received on or before October 28, 2015.

ADDRESSES: Comments on the July 2015 Update: Subject Matter Eligibility must be sent by electronic mail message over the Internet addressed to: *2014_interim_guidance@uspto.gov.* Electronic comments submitted in plain text are preferred, but also may be submitted in ADOBE® portable document format or MICROSOFT WORD® format. The comments will be available for viewing via the Office's Internet Web site (*http://www.uspto.gov*). Because comments will be made available for public inspection, information that the submitter does not desire to make public, such as an address or phone number, should not be included in the comments.

FOR FURTHER INFORMATION CONTACT: Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–7728, or Michael Cygan, Senior Legal Advisor, Office of Patent Legal Administration, by telephone at 571–272–7700.

SUPPLEMENTARY INFORMATION: The 2014 Interim Patent Eligibility Guidance, prepared for use by USPTO personnel in determining subject matter eligibility under 35 U.S.C. 101, was published in the **Federal Register** on December 16, 2014. *See 2014 Interim Guidance on Patent Subject Matter Eligibility,* 79 FR 74618 (Dec. 16, 2014). The USPTO also sought public comment on the 2014 Interim Patent Eligibility Guidance, along with additional suggestions on claim examples for explanatory example sets.

The USPTO received over sixty comments from the public. The public comments include the following six major themes: (1) requests for additional examples, particularly for claims directed to abstract ideas and laws of nature; (2) further explanation of the markedly different characteristics analysis; (3) further information regarding how examiners identify abstract ideas; (4) discussion of the *prima facie* case and the role of evidence with respect to eligibility rejections; (5) information regarding application of the 2014 Interim Patent Eligibility Guidance in the Patent Examining Corps; and (6) explanation of the role of preemption in the eligibility analysis, including a discussion of the streamlined analysis.

The USPTO has produced a July 2015 Update: Subject Matter Eligibility responding to each of the six major themes from the public comments. The July 2015 Update: Subject Matter Eligibility includes three appendices. The first appendix (Appendix 1) provides new examples that are illustrative of major themes from the comments. The second appendix (Appendix 2) is a comprehensive index of examples for use with the 2014 Interim Patent Eligibility Guidance, including new and previously issued examples. The third appendix (Appendix 3) lists and discusses selected eligibility cases from the Supreme Court and the U.S. Court of Appeals for the Federal Circuit. The July 2015 Update: Subject Matter Eligibility is intended to assist examiners in applying the 2014 Interim Patent Eligibility Guidance during the patent examination process.

The July 2015 Update: Subject Matter Eligibility, including the appendices, are available to the public on the USPTO's Internet Web site. The USPTO is now seeking public comment on the July 2015 Update: Subject Matter Eligibility.

Dated: July 15, 2015.

Michelle K. Lee,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2015–18628 Filed 7–29–15; 8:45 am]

BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0330; FRL–9931–46-Region 10]

Approval and Promulgation of Implementation Plans; Washington: Interstate Transport of Fine Particulate Matter

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Clean Air Act (CAA) requires each State Implementation Plan (SIP) to contain adequate provisions prohibiting air emissions that will have certain adverse air quality effects in other states. On May 11, 2015, the State of Washington submitted a SIP revision to the Environmental Protection Agency (EPA) to address certain interstate transport requirements with respect to the 2006 24-hour fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS). The EPA has determined that Washington adequately addressed these CAA interstate transport requirements for the 2006 24-hour $PM_{2.5}$ NAAQS.

DATES: This final rule is effective August 31, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2015–0330. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Programs Unit, Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA, 98101. The EPA requests that if at all possible, you contact the individual listed in the **FOR**

FURTHER INFORMATION CONTACT section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: For information please contact Jeff Hunt at (206) 553–0256, *hunt.jeff@epa.gov,* or by using the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION:

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I. Background Information

On June 10, 2015, the EPA proposed to find that Washington adequately addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) for the 2006 24-hour $PM_{2.5}$ NAAQS (80 FR 32870). An explanation of the CAA requirements, a detailed analysis of the submittal, and the EPA's reasons for approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for this proposed rule ended on July 10, 2015. The EPA received no comments on the proposal.

II. Final Action

The EPA has determined that the Washington SIP meets the CAA section 110(a)(2)(D)(i)(I) interstate transport requirements for the 2006 24-hour $PM_{2.5}$ NAAQS.

III. Statutory and Executive Orders Review

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

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

The SIP is not approved to apply on any Indian reservation land in Washington except as specifically noted below and is also not approved to apply in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). Washington's SIP is approved to apply on non-trust land within the exterior boundaries of the Puyallup Indian Reservation, also known as the 1873 Survey Area. Under the *Puyallup Tribe of Indians Settlement Act of 1989,* 25 U.S.C. 1773, Congress explicitly provided state and local agencies in Washington authority over activities on non-trust lands within the 1873 Survey Area.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 28, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: July 15, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart WW—Washington

■ 2. In § 52.2470, table 2 in paragraph (e) is amended by adding the entry ''Interstate Transport for the 2006 24-hour $PM_{2.5}$ NAAQS'' to the end of the table to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(e)* * *

TABLE 2—ATTAINMENT, MAINTENANCE, AND OTHER PLANS

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*
110(a)(2) Infrastructure and Interstate Transport				
*	*	*	*	*
Interstate Transport for the 2006 24-hour $PM_{2.5}$ NAAQS.	Statewide	5/11/15	7/30/15 [Insert ***Federal Register*** citation]	This action addresses CAA 110(a)(2)(D)(i)(I).

[FR Doc. 2015–18611 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0323; FRL–9931–16–Region 10]

Approval and Promulgation of Implementation Plans; Oregon: Grants Pass Second 10-Year PM_{10} Limited Maintenance Plan

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a limited maintenance plan submitted by the State of Oregon on April 22, 2015, for the Grants Pass area for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}). The plan explains how this area will continue to meet the PM_{10} National Ambient Air Quality Standard for a second 10-year period through 2025.

DATES: This rule is effective on September 28, 2015, without further notice, unless the EPA receives adverse comment by August 31, 2015. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2015–0323, by any of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: edmondson.lucy@epa.gov.*
- *Mail:* Lucy Edmondson, EPA Region 10, Office of Air, Waste and Toxics, AWT–150, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101.
- *Hand Delivery/Courier:* EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Lucy Edmondson, Office of Air, Waste and Toxics, AWT–150. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R10–OAR–2015–0323. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101.

FOR FURTHER INFORMATION CONTACT: Lucy Edmondson (360) 753–9082, *edmondson.lucy@epa.gov,* or by using the above EPA, Region 10 address.

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

Table of Contents

I. This Action

The EPA is approving the limited maintenance plan submitted by the State of Oregon (the State) on April 22, 2015, for the Grants Pass Urban Growth

Boundary. The plan addresses maintenance of the PM_{10} National Ambient Air Quality Standard for a second 10-year period through 2025.

II. Background

The EPA identified the Grants Pass, Oregon, Urban Growth Boundary as a ''Group I'' area of concern due to measured violations of the newly promulgated 24-hour PM_{10} National Ambient Air Quality Standard (NAAQS) on August 7, 1987 (*52 FR 29383*). On November 15, 1990, the Clean Air Act (CAA) Amendments under section 107(d)(4)(B), designated Grants Pass Group I area as nonattainment for PM_{10} by operation of law. The EPA published a **Federal Register** document announcing all areas designated nonattainment for PM_{10} on March 15, 1991 (*56 FR 11101*). The Oregon Department of Environmental Quality (ODEQ) worked with the community of Grants Pass to develop a plan for attainment of the PM_{10} NAAQS. Control measures focused on reducing smoke emissions with PM_{10} control measures for wood stoves, open forestry burning, as well as industrial growth controls and other strategies. The EPA proposed approval of the plan on March 10, 1993 (58 FR 13230), and approved it on December 17, 1993 (*58 FR 65934*). On November 5, 1999, Oregon submitted a complete rule renumbering and relabeling package to the EPA for approval into the SIP. On January 22, 2003, the EPA approved the recodified version of Oregon's rules to remove and replace the outdated numbering system (*68 FR 2891*). The EPA approved ODEQ's maintenance plan to ensure continued compliance with the PM_{10} NAAQS for ten years on October 27, 2003 (*68 FR 61111*).

In addition to approving ODEQ's maintenance plan for the area, the EPA also approved ODEQ's request to redesignate the Grants Pass nonattainment area to attainment on October 27, 2003 (*68 FR 61111*). The purpose of the submitted limited maintenance plan is to fulfill the second 10-year planning requirement of CAA section 175A(b) to ensure compliance through 2025.

III. Public and Stakeholder Involvement in Rulemaking Process

Section 110(a)(2) of the CAA requires that each SIP revision offer a reasonable opportunity for notice and public hearing. This must occur prior to the revision being submitted by the State to the EPA. The State provided notice and an opportunity for public comment from December 16, 2014 until January 26, 2015 with no comments received. ODEQ also held a public hearing on January 22, 2015 in Grants Pass. This SIP revision was submitted by the Governor's designee and was received by the EPA on April 22, 2015. The EPA evaluated ODEQ's submittal and determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA.

IV. The Limited Maintenance Plan Option for PM_{10} Areas

A. Requirements for the Limited Maintenance Plan Option

On August 9, 2001, the EPA issued guidance on streamlined maintenance plan provisions for certain moderate PM_{10} nonattainment areas (Memo from Lydia Wegman, Director, Air Quality Standards and Strategies Division, entitled ''Limited Maintenance Plan Option for Moderate PM_{10} Nonattainment Areas'' (limited maintenance plan option memo). The limited maintenance plan option memo contains a statistical demonstration that areas meeting certain air quality criteria will, with a high degree of probability, maintain the standard ten years into the future. Thus, the EPA provided the maintenance demonstration for areas meeting the criteria outlined in the memo. It follows that future year emission inventories for these areas, and some of the standard analyses to determine transportation conformity with the SIP, are no longer necessary.

To qualify for the limited maintenance plan option, the State must demonstrate the area meets the criteria described below. First, the area should have attained the PM_{10} NAAQS. Second, the most recent five years of air quality data at all monitors in the area, called the 24-hour average design value, should be at or below 98 $\mu g/m^3$. Third, the State should expect only limited growth in on-road motor vehicle PM_{10} emissions (including fugitive dust) and should have passed a motor vehicle regional emissions analysis test. Lastly, the memo identifies core provisions that must be included in all limited maintenance plans. These provisions include an attainment year emissions inventory, assurance of continued operation of an EPA-approved air quality monitoring network, and contingency provisions.

B. Conformity Under the Limited Maintenance Plan Option

The transportation conformity rule and the general conformity rule (40 CFR parts 51 and 93) apply to nonattainment areas and areas covered by an approved maintenance plan. Under either conformity rule, an acceptable method of demonstrating a Federal action conforms to the applicable SIP is to demonstrate that expected emissions from the planned action are consistent with the emissions budget for the area.

While qualification for the limited maintenance plan option does not exempt an area from the need to affirm conformity, conformity may be demonstrated without submitting an emissions budget. Under the limited maintenance plan option, emissions budgets are treated as essentially not constraining for the length of the maintenance period because it is unreasonable to expect that the qualifying areas would experience so much growth in the period that a violation of the PM_{10} NAAQS would result. For transportation conformity purposes, the EPA would conclude that emissions in these areas need not be capped for the maintenance period and therefore a regional emissions analysis would not be required. Similarly, Federal actions subject to the general conformity rule could be considered to satisfy the ''budget test'' specified in 40 CFR 93.158(a)(5)(i)(A) for the same reasons that the budgets are essentially considered to be unlimited.

V. Review of the State's Submittal

A. Has the State demonstrated that Grants Pass qualifies for the limited maintenance plan option?

As discussed above, the limited maintenance plan option memo outlines the requirements for an area to qualify. First, the area should be attaining the NAAQS. The EPA determined the Grants Pass area attained the PM_{10} NAAQS based on monitoring data from 1988 through 1990 and approved the State's maintenance plan and request to redesignate the area from nonattainment to attainment on October 27, 2003 (*68 FR 61111*). The area has been in continued compliance with the PM_{10} NAAQS since that time.

Second, the average design value for the past five years of monitoring data must be at or below the critical design value of 98 $\mu g/m^3$ for the 24-hour PM_{10} NAAQS. The critical design value is a margin of safety in which an area has a one in ten probability of exceeding the NAAQS. Using the most recently available Federal Reference Method (FRM) monitoring data for the years 2004–2008, the State's analysis demonstrated that Grants Pass average design value was 49 $\mu g/m^3$, well below the 98 $\mu g/m^3$ threshold. An FRM monitor is one that has been approved by the EPA under 40 CFR part 58 to measure compliance with the NAAQS.

As discussed later in this proposal, ODEQ also calculated average design values using a linear regression analysis technique for the period 2009 to 2013. This more recent monitoring data shows that PM_{10} levels continue to be well below the standard with an average design value of 49 μg/m³. The EPA reviewed the data provided by ODEQ and finds that Grants Pass meets the design value criteria outlined in the limited maintenance plan option memo.

Third, the area must meet the motor vehicle regional emissions analysis test described in attachment B of the limited maintenance plan option memo. ODEQ submitted an analysis showing that growth in on-road mobile PM_{10} emissions sources was minimal and would not threaten the assumption of maintenance that underlies the limited maintenance plan policy. Using the EPA's methodology, ODEQ calculated a regional emissions analysis margin of safety of 52 μg/m³, easily meeting the threshold of 98 μg/m³. The EPA reviewed the calculations in the State's limited maintenance plan submittal and concurs with this conclusion.

Lastly, the limited maintenance plan option memo requires all controls relied on to demonstrate attainment remain in place for the area to qualify. The area's first 10-year maintenance plan relied on measures addressing residential wood combustion, open burning, road dust from motor vehicles and a major new source review program for industry. EPA approved the rules into the SIP on October 27, 2003 (*68 FR 61111*).

As described above, Grants Pass meets the qualification criteria set forth in the limited maintenance plan option memo. Under the limited maintenance plan option, the State will be expected to determine on an annual basis that the criteria are still being met. If the State determines that the limited maintenance plan criteria are not being met, it should take action to reduce PM_{10} concentrations enough to requalify. One possible approach the State could take is to implement contingency measures. Section V. I. provides a description of contingency provisions included as part of the limited maintenance plan submittal.

B. Does the State have an approved attainment emissions inventory?

Pursuant to the limited maintenance plan option memo, the State's approved attainment plan should include an emissions inventory which can be used to demonstrate attainment of the NAAQS. The inventory should represent emissions during the same five-year period associated with air quality data used to determine whether the area meets the applicability requirements of the limited maintenance plan option.

ODEQ's Grants Pass limited maintenance plan submittal includes an emissions inventory based on EPA's 2011 National Emissions Inventory (NEI) data for Josephine County. The 2011 base year represents the most recent emissions inventory data available and is consistent with the data used to determine applicability of the limited maintenance plan option. This approach is also consistent with the 1993 emission inventory developed for the first maintenance plan. Historically, exceedances of the 24-hr PM_{10} standard in Grants Pass have occurred during the winter months, between November 1 and the end of February. As such, in addition to annual emissions, typical season day and worst-case season day emissions are included in the inventory. The term ''worst-case day'' describes the maximum activity/emissions that have occurred or could occur on a season day, for each emissions source. Worst-case day emissions are summed for all sources/categories, *i.e.* assumed to occur on the same day. This assumption is the basis for what would be needed to cause an exceedance of the 24-hr standard. The unit of measure for annual emissions is in tons per year (tpy), while the unit of measure for season day emissions is in pounds per day (lb/day). In addition, the county-wide emissions inventory data was spatially allocated to the Grants Pass Urban Growth Boundary, and to buffers around the boundary or monitor, depending on emissions category.

The submitted emissions inventory included the following categories: permitted point sources, area sources (including open burning, small stationary fossil fuel combustion, residential wood combustion, wildfires and prescribed burning, fugitive dust), nonroad (aircraft and airport related, locomotives, marine vessels, nonroad vehicles and equipment), and onroad mobile (exhaust/brake/tire, re-entrained road dust). The EPA has reviewed the emissions inventory data and methodology and finds that the data support ODEQ's conclusion that the control measures contained in the original attainment plan will continue to protect and maintain the PM_{10} NAAQS.

C. Does the limited maintenance plan include an assurance of continued operation of an appropriate EPA-approved air quality monitoring network, in accordance with 40 CFR Part 58?

The state of Oregon began monitoring in the Grants Pass area in 1987, with many changes to the monitoring technology and requirements since. From 2006 through 2008, the State collocated a $PM_{2.5}$ monitor with the existing PM_{10} Federal Reference Method (FRM) monitor to establish correlation data and confirm that PM_{10} levels could be accurately predicted using $PM_{2.5}$ concentrations for the areas. Due to the high level of correlation between the $PM_{2.5}$ and PM_{10} monitors, ODEQ developed a report on their findings and asserted that $PM_{2.5}$ monitoring was an accurate predictor of PM_{10} levels for purposes of determining continued maintenance of the PM_{10} standard in Grants Pass, and asked to discontinue the PM_{10} monitor. EPA approved this request in the Annual Network Plan Approval letter, dated January 6, 2012. Both the ODEQ report and the EPA approval letter are included in the materials of this docket.

A full description of the correlation data and the estimation model is included in the State's submittal. The EPA is approving the use of $PM_{2.5}$ monitoring data to estimate PM_{10} concentrations for the second 10-year maintenance plan period in Grants Pass and finds that it meets the relevant requirements at 40 CFR 58.14(c). This estimation method is a reproducible approach to representing air quality in the area, and the area continues to meet the applicable Appendix D requirements evaluated as part of the annual network approval process.

In order to continue to qualify for the limited maintenance plan option, the State must calculate the PM_{10} design value estimate annually from $PM_{2.5}$ monitoring data to confirm the area continues to meet the PM_{10} NAAQS.

D. Does the plan meet the Clean Air Act requirements for contingency provisions?

CAA section 175A states that a maintenance plan must include contingency provisions, as necessary, to ensure prompt correction of any violation of the NAAQS which may occur after redesignation of the area to attainment. The first Grants Pass maintenance plan contained contingency measures that would be implemented under two scenarios—if the official PM_{10} monitor registers a value of 120 μg/m³ or higher, or if a

violation of the 24-hr PM_{10} standard were to occur. These two contingency scenarios are continued under the limited maintenance plan.

E. Has the State met conformity requirements?

(1) Transportation Conformity

Under the limited maintenance plan option, emissions budgets are treated as essentially not constraining for the maintenance period because it is unreasonable to expect that qualifying areas would experience so much growth in that period that a NAAQS violation would result. While areas with maintenance plans approved under the limited maintenance plan option are not subject to the budget test, the areas remain subject to the other transportation conformity requirements of 40 CFR part 93, subpart A. Thus, the metropolitan planning organization (MPO) in the area or the State must document and ensure that:

(a) Transportation plans and projects provide for timely implementation of SIP transportation control measures (TCMs) in accordance with 40 CFR 93.113;

(b) transportation plans and projects comply with the fiscal constraint element as set forth in 40 CFR 93.108;

(c) the MPO's interagency consultation procedures meet the applicable requirements of 40 CFR 93.105;

(d) conformity of transportation plans is determined no less frequently than every three years, and conformity of plan amendments and transportation projects is demonstrated in accordance with the timing requirements specified in 40 CFR 93.104;

(e) the latest planning assumptions and emissions model are used as set forth in 40 CFR 93.110 and 40 CFR 93.111;

(f) projects do not cause or contribute to any new localized carbon monoxide or particulate matter violations, in accordance with procedures specified in 40 CFR 93.123; and

(g) project sponsors and/or operators provide written commitments as specified in 40 CFR 93.125.

In the June 24, 2015 adequacy finding for the Grants Pass PM_{10} limited maintenance plan, EPA determined that Grants Pass met the criteria to be exempt from regional emissions analysis for PM_{10}. However, other transportation conformity requirements such as consultation, transportation control measures, and project level conformity requirements would continue to apply to the area. With approval of the LMP, the area continues to be exempt from performing a regional emissions analysis but must meet project-level conformity analyses as well as the transportation conformity criteria mentioned above.

Upon approval of the Grants Pass PM_{10} limited maintenance plan, the area is exempt from performing a regional emissions analysis, but must meet project-level conformity analyses as well as the transportation conformity criteria mentioned above.

(2) General Conformity

For Federal actions required to address the specific requirements of the general conformity rule, one set of requirements applies particularly to ensuring that emissions from the action will not cause or contribute to new violations of the NAAQS, exacerbate current violations, or delay timely attainment. One way that this requirement can be met is to demonstrate that the total of direct and indirect emissions from the action (or portion thereof) is determined and documented by the state agency primarily responsible for the applicable SIP to result in a level of emissions which, together with all other emissions in the nonattainment area, would not exceed the emissions budgets specified in the applicable SIP (see 40 CFR 93.158(a)(5)(i)(A)).

The decision about whether to include specific allocations of allowable emissions increases to sources is one made by the State air quality agencies. These emissions budgets are different than those used in transportation conformity. Emissions budgets in transportation conformity are required to limit and restrain emissions. Emissions budgets in general conformity allow increases in emissions up to specified levels. The State has not chosen to include specific emissions allocations for Federal projects that would be subject to the provisions of general conformity.

VI. Oregon Notice Provision

Oregon Revised Statute 468.126, prohibits ODEQ from imposing a penalty for violation of an air, water or solid waste permit, unless the source has been provided five days advanced written notice of the violation, and has not come into compliance or submitted a compliance schedule within that five-day period. By its terms, the statute does not apply to Oregon's Title V program, or to any program if application of the notice provision would disqualify the program from Federal delegation. Oregon has previously confirmed that, because application of the notice provision would preclude EPA approval of the Oregon SIP, no advance notice is required for violation of SIP requirements.

VII. Statutory and Executive Order Reviews

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

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

The SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian

country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 28, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of the **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that the EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: July 8, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart MM—Oregon

■ 2. In § 52.1970, paragraph (e), the table entitled ''State of Oregon Air Quality Control Program'' is amended by adding a new entry for ''Section 4'' to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(e) * * *

STATE OF OREGON AIR QUALITY CONTROL PROGRAM

SIP citation	Title/subject	State effective date	EPA approval date	Explanations
* *	*	*	* *	*
Section 4	Grants Pass Second 10-Year PM_{10} Limited Maintenance Plan.	4/16/2015	7/30/2015 [Insert **Federal Register** citation].	
* *	*	*	* *	*

* * * * *

[FR Doc. 2015–18354 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0889; FRL–9929–74]

Zeta-Cypermethrin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends the tolerances for residues of zeta-cypermethrin in or on corn, field, forage; corn, field, stover; and corn, pop, stover. FMC Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 30, 2015. Objections and requests for hearings must be received on or before September 28, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0889, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers

determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0889 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 28, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0889, 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 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.
- *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.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of January 28, 2015 (80 FR 4525) (FRL–9921–55), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 4F8290) by FMC Corporation, 1735 Market St., Philadelphia, PA 19103. The petition requested to amend the tolerances in 40 CFR 180.418 for residues of the insecticide zeta-cypermethrin, *S*-cyano (3-phenoxyphenyl) methyl (±))(cis-trans 3-(2-2-dichloroethenyl)-2,2 dimethylcyclopropanecarboxylate, in or on corn, field, forage from 0.2 parts per million (ppm) to 9.0 ppm; corn, field, stover from 3.0 ppm to 30.0 ppm; and corn, pop, stover from 3.0 ppm to 30.0 ppm. That document referenced a summary of the petition prepared by FMC Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* Comments were received on the notice of filing. EPA's response to these comments is discussed in Unit IV.C.

Instead of the proposed tolerances in field corn stover (30.0 ppm) and popcorn stover (30.0 ppm), the Agency is establishing the tolerances at 30 ppm. The Agency establishes tolerances using whole numbers for tolerances of 10 ppm or more, per the OECD's *User Guide ENV/JM/MONO (2011)2* for the OECD tolerance calculation procedure.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for zeta-cypermethrin including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with zeta-cypermethrin follows.

Zeta-cypermethrin is an enriched isomer of the pyrethroid insecticide cypermethrin. In addition, alpha-cypermethrin is also an enriched isomer of cypermethrin. Although cypermethrin, zeta-cypermethrin, and alpha-cypermethrin are separate active ingredients with different end-use products, they are included together in the hazard evaluation for the purpose of human health risk assessment. The toxicology database for the cypermethrins includes studies with cypermethrin and both of its enriched isomers, and is considered complete for the purpose of risk assessment.

The aggregate risk assessment for zeta-cypermethrin must consider potential exposure from all cypermethrins (*i.e.,* cypermethrin, zeta-cypermethrin, and alpha-cypermethrin), since the three active ingredients are considered to be essentially the same from the mammalian toxicity perspective. The revised tolerances are associated with decreased pre-harvest intervals (PHIs) for field corn and popcorn—from 30 days for grain and stover and 60 days for forage to 7 days for all these commodities—and have no impact on the existing dietary exposure assessment for the cypermethrins. Corn forage and stover are livestock feed items and are not directly entered into the dietary exposure assessment, and EPA has determined that the existing tolerances for livestock commodities are adequate to support the changed use pattern. The existing zeta-cypermethrin use on corn was included in previous dietary exposure assessments. Decreasing the PHI and increasing the zeta-cypermethrin tolerances for field corn forage, field corn stover, and popcorn stover will have no impact on the dietary risk estimates, as they are already covered in the existing dietary assessment.

In the final rule published in the **Federal Register** of December 7, 2012

(77 FR 72975) (FRL–9371–7), EPA established tolerances for residues of zeta-cypermethrin in multiple commodities. Since the publication of that final rule, the toxicity profile of zeta-cypermethrin has not changed, and since the revised tolerances associated with decreased PHIs for field corn and popcorn have no impact on the existing dietary and aggregate risk determinations, the risk assessments that supported the establishment of the zeta-cypermethrin tolerances published in the December 7, 2012 **Federal Register** final rule remain valid. Therefore, EPA is relying on those risk assessments in order to support the revised tolerances for zeta-cypermethrin in field corn forage, field corn stover, and popcorn stover.

An updated aggregate risk assessment was not needed to support the proposed increased tolerances for residues in field corn forage, field corn stover, and popcorn stover, and the increased tolerances will not result in a change in the previously estimated dietary (food and water) or residential exposure estimates for zeta-cypermethrin. For a detailed discussion of the aggregate risk assessments and determination of safety, refer to the December 7, 2012 **Federal Register** final rule and its supporting documents, available at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2010–0472. EPA is relying on those supporting risk assessments and findings to support this final rule.

Based on the risk assessments and information described in this unit, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children, from aggregate exposure to zeta-cypermethrin residues. Additional information can be found in the document: ''Zeta-Cypermethrin—Human Health Risk Assessment for a Petition to Amend (Increase) the Established Tolerances for the Insecticide in Field Corn and Popcorn Stover, and in Field Corn Forage,'' available in docket ID number EPA–HQ–OPP–2014–0889.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate tolerance enforcement methods are available in Pesticide Analytical Manual (PAM) Volume II for determining residues of alpha-cypermethrin, cypermethrin, and zeta-cypermethrin in plant (Method I) and livestock (Method II) commodities. Both methods are gas chromatographic methods with electron-capture detection (GC/ECD), and have undergone successful Agency petition method validations (PMVs). These methods are not stereospecific; thus no distinction is made between residues of cypermethrin (all 8 stereoisomers), alpha-cypermethrin (enriched in 2 isomers), and zeta-cypermethrin (enriched in 4 isomers). The January 1994 Food and Drug Administration (FDA) PESTDATA database (PAM Volume I) indicates that residues of cypermethrin are completely recovered (>80%) using multi-residue method sections 302 (Luke), 303 (Mills, Onley, and Gaither), and 304 (Mills fatty food).

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

There are no Codex MRLs for cypermethrin, which includes both alpha- and zeta-cypermethrin, established in corn forage or stover.

C. Response to Comments

One comment was received from the general public, urging the Agency to deny the request. The commenter particularly addressed toxicity to bees and other insects, and human toxicological and reproductive effects.

The Agency understands the commenter's concerns, and recognizes that some individuals believe that certain pesticide chemicals should not be permitted in food. Regarding effects to bees and other insects, the safety standard for approving tolerances under section 408 of FFDCA focuses on potential harms to human health and does not permit consideration of effects on other species or the environment. The existing legal framework provided by section 408 of FFDCA states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. When new or amended tolerances are requested for residues of a pesticide in food or feed, the Agency, as is required by Section 408 of FFDCA, estimates the risk of the potential exposure to these residues by performing an aggregate risk assessment. Such a risk assessment integrates the individual assessments that are conducted for food, drinking water, and residential exposures. Additionally, the Agency, as is further required by Section 408 of the FFDCA, considers available information concerning what are termed the cumulative toxicological effects of the residues of that pesticide and of other substances having a common mechanism of toxicity. Therefore, these assessments consider both exposure and toxicological effects—including information concerning the reproductive effects of the pesticide—in reaching a conclusion as to whether or not the reasonable certainty of no harm decision can be made. The Agency has concluded after this assessment that there is a reasonable certainty that no harm will result from exposure to the residues of zeta-cypermethrin. Therefore, the proposed tolerances are found to be acceptable.

V. Conclusion

Therefore, tolerances are established for residues of zeta-cypermethrin, *S*-cyano (3-phenoxyphenyl) methyl (±))(cis-trans 3-(2-2-dichloroethenyl)-2,2 dimethylcyclopropanecarboxylate, in or on corn, field, forage at 9.0 ppm; corn, field, stover at 30 ppm; and corn, pop, stover at 30 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require

any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 22, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.418, revise the entries for ''corn, field, forage,'' ''corn, field, stover,'' and ''corn, pop, stover'' in the table in paragraph (a)(2) to read as follows:

§ 180.418 Cypermethrin and isomers alpha-cypermethrin and zeta-cypermethrin; tolerances for residues.

(a) * * *

(2) * * *

Commodity	Parts per million
* * * * *	
Corn, field, forage	9.0
* * * * *	
Corn, field, stover	30
* * * * *	
Corn, pop, stover	30
* * * * *	

* * * * *

[FR Doc. 2015–18737 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0138; FRL–9923–86]

Isofetamid; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of isofetamid in or on multiple commodities that are identified and discussed later in this document. ISK Biosciences Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 30, 2015. Objections and requests for hearings must be received on or before September 28, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0138, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: 703–305–7090; email address: *RDFRNotices@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance

regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl*.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0138 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 28, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0138, 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 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.
- *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*.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of June 5, 2013 (78 FR 33785) (FRL–9386–2), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3F8142) by ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, Ohio 44077. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide isofetamid, *N*-[1,1-dimethyl-2-[2-methyl-4-(1-methylethoxy)phenyl]-2-oxoethyl]-3-methyl-2-thiophenecarboxamide in or on almond at 0.02 parts per million (ppm); almond, hulls at 0.2 ppm; lettuce, head at 6.0 ppm; lettuce, leaf at 7.0 ppm; low growing berry crop subgroup 13–07G at 4.0 ppm; rapeseed, crop subgroup 20A at 0.04 ppm; and small fruit vine climbing crop subgroup 13–07F at 3.0 ppm. That document referenced a summary of the petition prepared by ISK Biosciences Corporation, the registrant, which is available in the docket, *http://www.regulations.gov*. There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has determined that additional tolerances are necessary; revised some of the proposed tolerances; and corrected some commodity definitions for the tolerances. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for isofetamid including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with isofetamid follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The toxicology database is complete for isofetamid. In repeated dose studies, the liver was the primary target organ in the rat, mouse, and dog, as indicated by increased liver weights, changes in the clinical chemistry values, and liver hypertrophy. A second target organ was the thyroid in the rat and dog, as indicated by changes in thyroid weights and histopathology. Adrenal weight changes were observed in the subchronic rat and dog studies. In the rat and dog, the dose levels where toxicity was observed were similar or higher in the chronic studies compared with the respective subchronic studies, showing an absence of progression of liver toxicity with time. There was no evidence of carcinogenicity in the rat or mouse cancer studies; the mutagenicity battery was negative. There are no genotoxicity, neurotoxicity, or immunotoxicity concerns observed in the available toxicity studies. Developmental toxicity was not observed in the rat or rabbit, and offspring effects such as decreased body weight were seen only in the presence of parental toxicity in the multi-generation rat study. Isofetamid is classified as ''Not Likely to be Carcinogenic to Humans'' based on the absence of increased tumor incidence in acceptable/guideline carcinogenicity studies in rats and mice. Isofetamid is not acutely toxic; it is classified as Toxicity Category III for acute oral and dermal exposure, and Toxicity Category IV for inhalation exposure. Furthermore, it is not irritating to the eye or skin, and it is not a dermal sensitizer. Specific information on the studies received and the nature of the adverse effects caused by isofetamid as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document *Isofetamid. Aggregate Human Health Risk Assessment for the Proposed New Uses of the New Active Fungicide,*

including Agricultural Uses on Almonds, Lettuce, Small Vine Climbing Fruits (Crop Subgroup 13–07F), Low Growing Berries (Crop Subgroup 13–07G), and Rapeseed (Crop Subgroup 20A); and Uses on Turfgrass (including Golf Courses, Sod Farms, Seed Farms, Recreational Fields, and Commercial/Residential Lawns) at pages 12–18 in docket ID number EPA–HQ–OPP–2013–0138.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm*.

A summary of the toxicological endpoints for isofetamid used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR ISOFETAMID FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute Dietary (All Populations)	A toxicity endpoint was not identified. Toxicological effects attributable to a single exposure (dose) were not observed in oral toxicity studies.		
Chronic dietary (All populations)	NOAEL = 76.6 mg/kg/day UF_A = 10X UF_H = 10X FQPA SF = 1X	Chronic RfD = 0.77 mg/kg/day cPAD = 0.77 mg/kg/day	Reproduction and fertility effects (rat) LOAEL = 679/775 mg/kg/day based on hepatocellular hypertrophy in the liver and follicular cell hypertrophy in the thyroid in both sexes and generations, decreased spleen weights and cytoplasmic eosinophilic inclusion bodies in the liver of F1 males, and decreased pup body weight in both sexes and generations.
Incidental oral short-term (1 to 30 days) and Incidental oral intermediate-term (1 to 6 months)	NOAEL = 76.6 mg/kg/day UF_A = 10X UF_H = 10X FQPA SF = 1X	Residential LOC for MOE = 100.	Reproduction and fertility effects (rat) LOAEL = 679/775 mg/kg/day based on hepatocellular hypertrophy in the liver and follicular cell hypertrophy in the thyroid in both sexes and generations, decreased spleen weights and cytoplasmic eosinophilic inclusion bodies in the liver of F1 males, and decreased pup body weight in both sexes and generations
Dermal Short-Term (1–30 days)	A toxicity endpoint was not identified. Systemic toxicity was not seen in 28-day dermal toxicity in rats up to the limit dose (1,000 mg/kg/day). There are no concerns for developmental or reproductive toxicity or neurotoxicity in rat and rabbit studies.		
Inhalation short-term (1 to 30 days)	NOAEL = 76.6 mg/kg/day UF_A = 10X UF_H = 10X FQPA SF = 1X	Residential LOC for MOE = 100	Reproduction and fertility effects (rat) LOAEL = 679/775 mg/kg/day based on hepatocellular hypertrophy in the liver and follicular cell hypertrophy in the thyroid in both sexes and generations, decreased spleen weights and cytoplasmic eosinophilic inclusion bodies in the liver of F1 males, and decreased pup body weight in both sexes and generations.
Cancer (Oral, dermal, inhalation)	Classification: ''Not likely to be Carcinogenic to Humans'' based on the absence of significant tumor increases in two adequate rodent carcinogenicity studies.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_{DB} = to account for the absence of data or other data deficiency. UF_H = potential variation in sensitivity among members of the human population (intraspecies). UF_L = use of a LOAEL to extrapolate a NOAEL. UF_S = use of a short-term study for long-term risk assessment.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* EPA assessed dietary exposures from isofetamid in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for isofetamid; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment, EPA used the 2003–2008 food consumption data from the USDA's National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). A partially refined chronic (food and drinking water) dietary assessment was conducted assuming mean field trial residues of the combined residues of parent and GPTC for all proposed crops and 100% CT. Empirical and default processing factors were used as available.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that isofetamid does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use PCT information in the dietary assessment for isofetamid. Mean field trial residues of the combined residues of parent and GPTC were used.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for isofetamid in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of isofetamid. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm*.

Based on the Pesticide Flooded Application Model and the Pesticide Root Zone Model Ground Water (PRZM GW) the estimated drinking water concentrations (EDWCs) of isofetamid for chronic exposures for non-cancer assessments are estimated to be 110 ppb for surface water and 43 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration value of 110 ppb was used to assess the contribution from drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Isofetamid is currently under review for registering the following uses that could result in residential exposures: Foliar and systemic fungicide for control in turfgrass including golf courses, residential lawns, and recreational turfgrass. Since there may be residential use sites, residential handler exposure and risk estimates were calculated for all possible residential exposure scenarios. Including all possible residential exposure scenarios provides a conservative and health protective assessment for the potential for homeowners to use the professionally labeled products on residential use sites. Since there is no dermal toxicity endpoint, the residential handler assessment only includes the inhalation route of exposure. Residential handler exposure is expected to be short-term in duration as a maximum of eight applications are allowed per year. Thus, intermediate-term exposures are not likely because of the intermittent nature of applications by homeowners. Unit exposure values and estimates for area treated or amount handled were taken from the Agency's 2012 Residential SOPs [1] (Lawns/Turf). The algorithms used to estimate exposure and dose for residential handlers can be found in the 2012 Residential SOPs [2] (Lawns/Turf). Risk estimates of all possible scenarios are not of concern. Short-term inhalation MOEs range from 850,000 to 18,000,000. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf*.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found isofetamid to share a common mechanism of toxicity with any other substances, and isofetamid does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that isofetamid does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

[1] Available: *http://www.epa.gov/pesticides/science/residential-exposure-sop.html.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no evidence of developmental toxicity or reproductive susceptibility, and there are no residual uncertainties concerning pre- or post-natal toxicity or exposure.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for isofetamid is complete.

ii. There is no indication that isofetamid is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that isofetamid results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and average (mean) field trial residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to isofetamid in drinking water. EPA used similarly conservative assumptions to assess post application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by isofetamid.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer

risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, isofetamid is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to isofetamid from food and water will utilize <1% of the cPAD for children (1–2 years old), the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of isofetamid is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Isofetamid is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to isofetamid.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 24,000 and 3,900 for adults and children (1–2 years old) respectively. Because EPA's level of concern for isofetamid is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). An intermediate-term adverse effect was identified; however, isofetamid is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for isofetamid.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, isofetamid is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to isofetamid residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology liquid chromatography with tandem mass spectrometry (LC–MS/MS) method (Document Number JSM0119; MRID 49011967) is available to enforce the tolerance expression.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established any MRLs for isofetamid. Canada is concurrently establishing tolerances for all of the same commodities identified in this document except almond hulls because Canada does not set tolerances on livestock feed commodities. Canada's recommended tolerance levels for these commodities are the same as the U.S. established tolerance levels. The tolerance expression for the U.S. and Canada is the same, with isofetamid as the residue of concern for primary crops.

C. Revisions to Petitioned-For Tolerances

The Agency has made revisions to some of the petitioned-for tolerance levels based on the following reasons:

1. Organization for Economic Cooperation and Development (OECD) tolerance calculation procedures;

2. The parent only is the residue of concern for primary crop tolerances rather than parent and the metabolite GPTC; and

3. The concentration of residues in two processed commodities.

Since all residues of isofetamid (parent) were nondetectable (<0.01 ppm) in almond nutmeat and hulls, the proposed tolerances of 0.02 ppm for almond (nutmeat) and 0.2 ppm for almond hulls will both be reduced to 0.01 ppm, the limit of quantitation of the analytical method.

Based on the OECD tolerance calculation procedures, the proposed tolerance for head lettuce of 6.0 ppm will be reduced to 5.0 ppm. Based on the OECD tolerance calculation procedures, the proposed tolerance for the rapeseed subgroup 20A of 0.04 ppm will be reduced to 0.015 ppm.

The petitioner did not propose tolerances for the processed commodities, canola oil and raisins. Since residues concentrate significantly in canola oil and raisins, tolerances will be established at 0.03 ppm for *canola, refined oil,* and 5.0 ppm for *grape, raisin.* These Agency recommendations are based on the highest average field trial (HAFT) residues for canola seed and grape and the processing factors for canola oil and raisins. The petitioner did not propose tolerances for flaxseed oil, mustard seed oil, or sesame oil. However, flaxseed, mustard seed, and sesame are members of the rapeseed subgroup 20A, with canola as the representative crop, and treated commodities could be processed to produce sesame oil, mustard seed oil and flaxseed oil. Therefore, the Agency is also establishing tolerances for residues in flaxseed oil, mustard seed oil, and sesame oil. Tolerances are being established at 0.03 ppm, the same level as for refined canola oil.

Additionally, some of the requested tolerances have been corrected. Almond has been revised from 0.02 ppm to 0.01 ppm; almond, hulls from 0.2 ppm to 0.01 ppm; lettuce, head from 6.0 ppm to 5.0 ppm; and rapeseed, subgroup 20A from 0.04 ppm to 0.015 ppm. The Agency is setting tolerances on some processed commodities that were not

proposed by the petitioner including canola, refined oil at 0.03 ppm; flax, seed, oil at 0.03 ppm; grape, raisin at 5.0 ppm; mustard, seed, oil at 0.03 ppm and sesame, oil at 0.03 ppm.

V. Conclusion

Therefore, tolerances are established for residues of isofetamid, in or on almond at 0.01 ppm; almond, hulls at 0.01 ppm; canola, refined oil at 0.03 ppm; flax, seed, oil at 0.03 ppm; grape, raisin at 5.0 ppm; lettuce, head at 5.0 ppm; lettuce, leaf at 7.0 ppm; berry, low growing, subgroup 13–07G at 4.0 ppm; mustard, seed, oil at 0.03 ppm; rapeseed subgroup 20A at 0.015 ppm; sesame, oil at 0.03 ppm; and fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 3.0 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 21, 2015.

Jack Housenger,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.681 to subpart C to read as follows:

§ 180.681 Isofetamid; tolerances for residues.

(a) *General.* Tolerances are established for residues of the fungicide isofetamid, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only isofetamid, *N*-[1,1-dimethyl-2-[2-methyl-4-(1-methylethoxy)phenyl]-2-oxoethyl]-3-methyl-2-thiophenecarboxamide, in or on the following commodities:

Commodity	Parts per million
Almond	0.01
Almond, hulls	0.01
Berry, low growing, subgroup 13–07G	4.0
Canola, refined oil	0.03
Flax, seed, oil	0.03
Fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F	3.0
Grape, raisin	5.0
Lettuce, head	5.0
Lettuce, leaf	7.0
Mustard, seed, oil	0.03
Rapeseed subgroup 20A	0.015
Sesame, oil	0.03

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 2015–18738 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2013–0714; FRL–9927–63]

Benalaxyl-M; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of benalaxyl-M in or on grape and tomato. Since there are currently no U.S. registrations of benalaxyl-M for use on grape and tomato, this tolerance will allow the import of grape and tomato containing residues of benalaxyl-M. Technology Sciences Group, on behalf of Isagro S.p.A, requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective July 30, 2015. Objections and requests for hearings must be received on or before September 28, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2013–0714, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2013–0714 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 28, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2013–0714, 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 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.
- *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.*

II. Summary of Petitioned-for Tolerance

In the **Federal Register** of February 21, 2014 (79 FR 9870) (FRL–9904–98), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 3E8162) by Technology Sciences Group on behalf of Isagro S.p.A., 1150 18th Street NW., Suite 1000, Washington, DC 20036. The petition requested that 40 CFR part 180 be amended by establishing import tolerances for residues of the fungicide benalaxyl-M in or on grape at 1.1 parts per million (ppm); grape juice at 1.1 ppm; grape wine at 1.1 ppm; grape raisin at 2.2 ppm; tomato at 0.25 ppm; and tomato processed at 0.25 ppm. That document referenced a summary of the petition prepared by Technology Sciences Group on behalf of Isagro S.p.A., the registrant, which is available in the docket, *http://www.regulations.gov.* No tolerance-related comments were submitted.

Based upon review of the data supporting the petition, EPA is establishing tolerances as follows: 3.0 ppm for grapes and 0.20 ppm for tomato. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for benalaxyl-M including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with benalaxyl-M follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information

concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Benalaxyl-M has no significant acute toxicity via oral, dermal or inhalation route of exposure. It is not a skin irritant and does not cause skin sensitization.

The liver and thyroid are the primary target organs for benalaxyl-M. In rats, increased liver weights, clinical chemistry changes indicative of liver toxicity, hepatocellular hypertrophy, and thyroid follicular cell hypertrophy were seen following subchronic and chronic exposure. In mice, increased liver weight and microscopic lesions in the liver (hepatocellular hypertrophy, necrosis, eosinophilic foci) were observed following subchronic and chronic exposure. Additionally, chronic exposure in rats and mice led to increases in the incidence of liver (rat, mouse) and thyroid (rat) tumors. In dogs, increased liver weight, changes in clinical chemistry indicative of liver toxicity, and hepatocellular hypertrophy were observed following subchronic exposure *via* the diet, whereas clinical chemistry changes indicative of liver toxicity, fat vacuolation in the liver, and thyroid follicular cell hypertrophy were observed following chronic exposure *via* capsules.

No evidence of increased quantitative or qualitative susceptibility was seen in the benalaxyl-M hazard database following *in utero* exposure with rats or rabbits in the prenatal developmental studies or in young rats in the 2–generation reproduction study. No evidence of maternal toxicity or developmental effects was observed in the developmental toxicity studies in rabbits or rats. There is no reproductive concern. No neurotoxic effects were observed in the acute and subchronic neurotoxicity studies in rats, and no immunotoxic effects were observed in the immunotoxicity study in rats.

Benalaxyl-M was classified as ''Likely to be Carcinogenic to Humans''. This determination was based on the treatment-related liver tumors observed in male mice, liver tumors observed in male and female rats; and thyroid follicular cell tumors observed in female rats. No treatment-related tumors were observed in female mice. A linear low-dose extrapolation model (Q^*_1) was used to estimate cancer risk, based on the male mouse liver tumor rates. There is no mutagenicity concern from the *in vivo* or *in vitro* genetic toxicity assays.

Specific information on the studies received and the nature of the adverse effects caused by benalaxyl-M as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at http://

''Benalaxyl-M. Human-Health Risk Assessment for Tolerances in/on Imported Grape and Tomato'' on pages 10 through 20 in docket ID number EPA–HQ–OPP–2013–0714.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for benalaxyl-M used for human risk assessment is shown in the Table of this unit.

Table—Summary of Toxicological Doses and Endpoints for Benalaxyl-M for Use in Human Health Risk Assessment

TABLE 4.5.4.—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR BENALAXYL-M FOR USE IN DIETARY HUMAN HEALTH RISK ASSESSMENTS

Exposure/Scenario	Point of departure	Uncertainty/ FQPA safety factors	RfD, PAD, Level of concern for risk assessment	Study and toxicological effects
Acute Dietary (General Population, including Infants, Children, and females 13+).	No appropriate acute endpoint was identified.			
Chronic Dietary ..... (All Popyulations)	NOAEL= 20 mg/kg/day.	UF_A= 10x ..... UF_H= 10x ..... FQPA UF_{DB} = 10x.	Chronic RfD = ... cPAD = 0.02 mg/kg/day.	Chronic Toxicity/Carcinogenicity Study—rat (49040634) LOAEL = 135 mg/kg/day based on based on an increase in γ-glutamyl transferase (GGT) in males, slight increases liver weight in both sexes, increased incidence of hepatocellular hypertrophy in both sexes, increased incidence of thyroid follicular cell hypertrophy in both sexes, increased incidence of thyroid cell hyperplasia in females, increased incidence of thyroid follicular ectasia in females, and an increased incidence of ovarian stromal cell hyperplasia in females.

TABLE 4.5.4.—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR BENALAXYL-M FOR USE IN DIETARY HUMAN HEALTH RISK ASSESSMENTS—Continued

Exposure/Scenario	Point of departure	Uncertainty/ FQPA safety factors	RfD, PAD, Level of concern for risk assessment	Study and toxicological effects
Cancer (oral)	Classification: ''Likely to be Carcinogenic to Humans''. Based on male mouse liver tumors, Q_1*= 5.90×10^{3} (mg/kg/day) [1].			

Point of Departure (POD) = A data point or an estimated point that is derived from observed dose-response data and used to mark the beginning of extrapolation to determine risk associated with lower environmentally relevant human exposures. NOAEL = no observed adverse effect level. LOAEL = lowest observed adverse effect level. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). UF_{DB} = to account for the absence of a comparative thyroid study. FQPA SF = FQPA Safety Factor. PAD = population adjusted dose (c = chronic). RfD = reference dose.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to benalaxyl-M, EPA assessed dietary exposures from benalaxyl-M in food as follows:

i. *Acute exposure.* No such effects were identified in the toxicological studies for benalaxyl-M; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 2003–2008 CSFII. As to residue levels in food, EPA used tolerance-level residues and 100% crop treated.

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. If quantitative cancer risk assessment is appropriate, cancer risk may be quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the data summarized in Unit III.A., EPA has concluded that benalaxyl-M should be classified as ''Likely to be Carcinogenic to Humans'' and a linear approach has been used to quantify cancer risk. Cancer risk was quantified using the same estimates as discussed in Unit III.C.1.ii., *chronic exposure.*

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for benalaxyl-M. Tolerance level residues and/or 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* An assessment of residues in drinking water is not required for this assessment because there is no drinking water exposure in the U.S. associated with the establishment of an import tolerance.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Benalaxyl-M is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found benalaxyl-M to share a common mechanism of toxicity with any other substances, and benalaxyl-M does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that benalaxyl-M does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* No evidence of increased quantitative or qualitative susceptibility was seen following *in utero* exposure to benalaxyl-M with rats or rabbits in the prenatal developmental toxicity studies or in young rats in the 2-generation reproduction study. The 2-generation reproduction study resulted in no effects on reproductive function or fertility. The offspring effects occurred at the same dose that caused parental effects. No evidence of developmental delay or developmental toxicity was observed in developmental toxicity studies in rabbits or in rats.

The rabbit was tested at the limit dose (1000 mg/kg/day), and no maternal or developmental toxicity was observed. No significant developmental or maternal toxicity occurred at the highest dose level tested in the rat study, but the

limit dose was not tested. It is not necessary to require the submission of an additional rat study since a study at higher dose levels would not result in a lower NOAEL and the point of departure is already 10-fold lower than the NOAEL in the rat study.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were retained at 10×. That decision is based on the following findings:

i. The toxicity database for benalaxyl-M is complete for purposes of assessing the exposures from the use of benalaxyl-M on imported grapes and tomatoes. However, there remains some uncertainty regarding the potential for benalaxyl-M effects on thyroid. Thyroid toxicity was seen following subchronic and chronic exposures to adult rats. There are, however, no data regarding the potential effects of benalaxyl-M on thyroid homeostasis in the young animals. This lack of characterization creates uncertainty with regards to potential life stage sensitivities due to exposure to benalaxyl-M. For future uses with higher exposure potential, the Agency will require a comparative thyroid assay in rats to assess the potential impact of benalaxyl-M exposure on thyroid function in the young given the pivotal role of thyroid hormones in brain development.

ii. There is no indication that benalaxyl-M is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that benalaxyl-M results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, benalaxyl-M is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to benalaxyl-M from food will utilize 1.4% of the cPAD for the general U.S. population and all population sub-groups. The most highly exposed population subgroup was children 1–2 years old with an estimated risk of 7.1% cPAD.

3. *Aggregate cancer risk for U.S. population.* The cancer dietary assessment made use of the same input assumptions as the chronic analysis. Benalaxyl-M has been classified as ''Likely to be Carcinogenic to Humans''. A linear low-dose extrapolation model (Q_1*) was used to estimate cancer risk, with a $Q_1^* = 5.90 \times 10^{-3}$ (mg/kg/day) $^{-1}$. The cancer risk estimate to the U.S. population is 1.7×10^{-6}. EPA generally considers cancer risks in the range of 10^{-6} or less to be negligible. The precision which can be assumed for cancer risk estimates is best described by rounding to the nearest integral order of magnitude on the log scale; for example, risks falling between 3×10^{-7} and 3×10^{-6} are expressed as risks in the range of 10^{-6}. Considering the precision with which cancer hazard can be estimated, the conservativeness of low-dose linear extrapolation, and the rounding procedure described above in this unit, cancer risk should generally not be assumed to exceed the benchmark level of concern of the range of 10^{-6} until the calculated risk exceeds approximately 3×10^{-6}. This is particularly the case where some conservatism is maintained in the exposure assessment.

4. *Determination of safety.* There are no existing or proposed US registrations of benalaxyl-M and the only route of exposure is via dietary ingestion from imported grape and tomato commodities. Therefore, aggregate exposure and risk estimates are equivalent to the dietary exposures and risk estimates. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to benalaxyl-M residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (RA.09.01, a high-performance liquid chromatography method with tandem mass spectrometry detection (HPLC/MS/MS) is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has established MRLs for benalaxyl-M at 0.3 and 0.2 ppm in or on grape and tomato, respectively. As a result, the EPA recommendations will result in harmonization of the U.S. tolerance with the Codex MRL for tomato, but not for grape since benalaxyl-M residues from the grape trials in Argentina were significantly higher than the Codex MRL.

C. Revisions to Petitioned-for Tolerances

The requested tolerance levels differ from those being established by EPA. The petitioner used the NAFTA calculator to propose tolerance levels while EPA used OECD MRL calculation procedures. Additionally, for determination of the grape and tomato tolerance levels, the petitioner included the results from all trials. In contrast, EPA included only those data that matched the critical Good Agricultural Practice (cGAP). The tolerance for grape, raisin was not recommended because it is covered by the grape tolerance. No separate tolerances are needed for grape juice, grape wine, or processed tomato products as processing studies showed that residues of benalaxyl-M do not concentrate in these processed commodities.

V. Conclusion

Therefore, tolerances are established for residues of benalaxyl-M, in or on grape and tomato at 3.0 and 0.20 ppm, respectively.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 24, 2015.

Marty Monell,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.684 to subpart C to read as follows:

§ 180.684 Benalaxyl-M; tolerances for residues.

(a) *General.* Tolerances are established for residues of the fungicide benalaxyl-M, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only benalaxyl [methyl N-(2,6-dimethylphenyl)-N-(phenylacetyl)-DL-alaninate] in or on the commodity.

Commodity	Parts per million
Grape [1]	3.0
Tomato [1]	0.20

[1] There is no U.S. registration for use on this commodity as of July 30, 2015.

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 2015–18741 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 80, No. 146
Thursday, July 30, 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 205

[Document Number AMS–NOP–15–0015; NOP–15–07]

RIN 0581–AD39

National Organic Program (NOP); Sunset 2015 Amendments to the National List

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would address recommendations submitted to the Secretary of Agriculture (Secretary) by the National Organic Standards Board (NOSB) following their October 2014 meeting. These recommendations pertain to the 2015 Sunset Review of substances on the U.S. Department of Agriculture's (USDA) National List of Allowed and Prohibited Substances (National List). Consistent with the recommendations from the NOSB, this proposed rule would remove two non-organic agricultural substances from the National List for use in organic handling, fortified cooking wines—marsala wine and sherry wine. This proposed rule would also remove two listings for synthetic substances allowed for use in organic crop production on the National List, streptomycin and tetracycline, as their use exemptions expired on October 21, 2014.

DATES: Comments must be received by August 31, 2015.

ADDRESSES: Interested persons may comment on the proposed rule using the following procedures:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Robert Pooler, Standards Division, National Organic Program, USDA–AMS–NOP, 1400 Independence Ave. SW., Room 2642–So., Ag Stop 0268, Washington, DC 20250–0268.

Instructions: All submissions received must include the docket number AMS–NOP–15–0015; NOP–15–07, and/or Regulatory Information Number (RIN) XXXX–XXXX for this rulemaking. You should clearly indicate the topic and section number of this proposed rule to which your comment refers. You should clearly indicate whether you support the action being proposed for the substances in this proposed rule. You should clearly indicate the reason(s) for your position. You should also supply information on alternative management practices, where applicable, that support alternatives to the proposed action. You should also offer any recommended language change(s) that would be appropriate to your position. Please include relevant information and data to support your position (*e.g.* scientific, environmental, manufacturing, industry, impact information, etc.). Only relevant material supporting your position should be submitted. All comments received and any relevant background documents will be posted without change to *http://www.regulations.gov.*

Document: For access to the document and to read background documents or comments received, go to *http://www.regulations.gov.* Comments submitted in response to this proposed rule will also be available for viewing in person at USDA–AMS, National Organic Program, Room 2642–South Building, 1400 Independence Ave. SW., Washington, DC, from 9 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday (except official Federal holidays). Persons wanting to visit the USDA South Building to view comments received in response to this proposed rule are requested to make an appointment in advance by calling (202) 720–3252.

FOR FURTHER INFORMATION CONTACT: Robert Pooler, Standards Division, Telephone: (202) 720–3252; Fax: (202) 205–7808.

SUPPLEMENTARY INFORMATION:

I. Background

The National Organic Program (NOP) is authorized by the Organic Foods Production Act of 1990 (OFPA), as amended (7 U.S.C. 6501–6522). The USDA Agricultural Marketing Service (AMS) administers the NOP. Final regulations implementing the NOP, also referred to as the USDA organic regulations, were published December 21, 2000 (65 FR 80548), and became effective on October 21, 2002. Through these regulations, the AMS oversees national standards for the production, handling, and labeling of organically produced agricultural products. Since becoming fully effective, the USDA organic regulations have been frequently amended, mostly for changes to the National List in 7 CFR 205.601–205.606.

This National List identifies the synthetic substances that may be used and the nonsynthetic substances that may not be used in organic production. The National List also identifies synthetic, nonsynthetic nonagricultural, and nonorganic agricultural substances that may be used in organic handling. The OFPA and the USDA organic regulations, as indicated in § 205.105, specifically prohibit the use of any synthetic substance in organic production and handling unless the synthetic substance is on the National List. Section 205.105 also requires that any nonorganic agricultural substance and any nonsynthetic nonagricultural substance used in organic handling appear on the National List.

As stipulated by the OFPA, recommendations to propose amendment of the National List are developed by the 15 member NOSB, organized under the Federal Advisory Committee Act (5 U.S.C. App. 2 *et seq.*) to assist in the evaluation of substances to be used or not used in organic production and handling, and to advise the Secretary on the USDA organic regulations. The OFPA also requires a sunset review of all substances included on the National List within five years of their addition to or renewal on the list. If a listed substance is not reviewed by the NOSB and renewed by the USDA within the five year period, its allowance or prohibition on the National List is no longer in effect. Under the authority of the OFPA, the Secretary can amend the National List through rulemaking based upon proposed amendments recommended by the NOSB.

The NOSB's recommendations to continue existing exemptions and prohibitions are based on consideration of public comments and applicable supporting evidence that express a continued need for the use or prohibition of the substance(s) as required by the OFPA.

Concerning OFPA criteria used to make recommendations regarding the discontinuation of an authorized exempted synthetic substance (7 U.S.C. 6517(c)(1)), the NOSB's decision is based on consideration of public comments and applicable supporting evidence that demonstrates the substance is: (a) Harmful to human health or the environment; (b) no longer necessary for organic production due to the availability of alternative wholly nonsynthetic substitute products or practices; or (c) inconsistent with organic farming and handling practices.

In accordance with the sunset review process published in the **Federal Register** on September 16, 2013 (78 FR 61154), this proposed rule would amend the National List to reflect two recommendations submitted to the Secretary by the NOSB on October 30, 2014, to amend the National List to remove two substances, marsala wine and sherry wine, allowed as ingredients in or on processed products labeled as ''organic.'' This proposed rule would also remove listings of two substances, streptomycin and tetracycline, since their National List exemptions expired on October 21, 2014. The exemptions of each substance appearing on the National List for use in organic production and handling are evaluated by the NOSB using the evaluation criteria specified on the OFPA (7 U.S.C. 6517–6518).

II. Overview of Proposed Amendments

Nonrenewals

After considering public comments and supporting documents, the NOSB determined that two substance exemptions on § 205.606 of the National List are no longer necessary for organic handling. AMS has reviewed and accepts the NOSB recommendations for removal. Based upon these NOSB recommendations, this action proposes to amend the National List to remove the exemptions as indicated for marsala wine and sherry wine.

Marsala Wine

The USDA organic regulations currently include an exemption on the National List for fortified cooking wines as an ingredient for use in organic processed products at § 205.606(g) as follows: Fortified cooking wines, (1) Marsala. In 2007, marsala wine was petitioned for addition to § 205.606 because it was considered a key flavor ingredient that was not commercially available in organic form and quantity. As required by the OFPA, the exemption for marsala wine was considered during the NOSB's 2015 sunset review. Two notices of the public meetings with request for comments were published in **Federal Register** on March 10, 2014 (79 FR 13272) and on September 8, 2014 (79 FR 53162) to notify the public that the marsala wine exemption discussed in this proposed rule would expire on December 14, 2015, if not reviewed by the NOSB and renewed by the Secretary. During their sunset review deliberation, the NOSB considered written comments received prior to and during the public meetings on all substance exemptions included in the 2015 sunset review. These written comments can be viewed at *http://www.regulations.gov* by searching for the document ID numbers: AMS–NOP–14–0006 (March 2014 public meeting) and AMS–NOP–14–0063 (October 2014 public meeting). The NOSB also considered oral comments received during these public meetings which are included in the meeting transcripts available on the NOP Web site at *http://www.ams.usda.gov/nop.* As indicated on the National List and Petitioned Substance database on the NOP Web site, there is no technical report or technical advisory panel report on marsala wine. The NOSB did not request a new technical report for marsala wine for the 2015 sunset review.

The NOSB received no public comments supporting the continued need for the use of non-organic marsala wine in organic processed products. In addition, the NOSB considered evidence that only a few operations use marsala wine as an ingredient in organic processed products. Based upon the lack of public comments requesting the continued use of marsala wine and supportive documents, the NOSB determined that the exemption for marsala wine on § 205.606 is no longer necessary or essential for organic processed products. Subsequently, the NOSB recommended removal of marsala wine from the National List.

AMS accepts the NOSB's recommendation on removing marsala wine from the National List. This proposed rule would amend § 205.606 by removing the substance exemption for marsala wine. This amendment would be effective on marsala wine's current sunset date, December 14, 2015.

Sherry Wine

The USDA organic regulations currently include an exemption on the National List for fortified cooking wine, sherry wine, as an ingredient for use in organic processed products at § 205.606(g) as follows: Fortified cooking wines, (2) Sherry. In 2007, sherry wine was petitioned for addition to § 205.606 because it was considered a key flavor ingredient that was not commercially available in organic form or quantity. As required by the OFPA, the exemption for sherry wine was considered during the NOSB's 2015 sunset review. Two notices of the public meetings with request for comments were published in **Federal Register** on March 10, 2014 (79 FR 13272) and on September 8, 2014 (79 FR 53162) to notify the public that the sherry wine listing discussed in this proposed rule would expire on December 14, 2015, if not reviewed by the NOSB and renewed by the Secretary. During their sunset review deliberation, the NOSB considered written comments received prior to and during the public meetings on all substance exemptions included in the 2015 sunset review. These written comments can be viewed at *http://www.regulations.gov* by searching for the document ID numbers: AMS–NOP–14–0006 (March 2014 meeting) and AMS–NOP–14–0063 (October 2014 meeting). The NOSB also considered oral comments received during these public meetings which are included in the meeting transcripts available on the NOP Web site at *http://www.ams.usda.gov/nop.* As indicated on the National List and Petitioned Substance database on the NOP Web site, there is no technical report or technical advisory panel report on sherry wine. The NOSB did not request new technical report for sherry wine for the 2015 sunset review.

The NOSB received no public comments supporting the continued need for the use of non-organic sherry wine in organic processed products. In addition, the NOSB considered evidence that only a few operations use sherry wine as an ingredient in organic processed products. Based upon the lack of public comments requesting the continued use of sherry wine and supportive documents, the NOSB determined that the exemption for sherry wine on § 205.606 is no longer necessary or essential for organic processed products. Subsequently, the NOSB recommended removal of sherry wine from the National List.

AMS accepts the NOSB's recommendation on removing sherry wine from the National List. This proposed rule would amend § 205.606 by removing the substance exemption for sherry wine. This amendment would be effective on sherry wine's current sunset date, December 14, 2015.

This proposed rule would further amend § 205.606 by redesignating paragraphs (h) through (z) as (g) through (y), respectively.

Expired Listings

Streptomycin

This proposed rule would amend § 206.601 of the National List by removing the expired exemption for ''Streptomycin, for fire blight control in apples and pears only until October 21, 2014.'' Streptomycin was considered by the NOSB at their October 31–November 4, 1995, meeting. At this 1995 meeting, the NOSB recommended adding streptomycin as a plant disease control to the National List and also indicated that the exemption listing should be reviewed in two years by the NOSB. The NOSB recommendation was accepted by the Secretary and streptomycin was included, as a plant disease control, in the initial final rule establishing the NOP that was published on December 21, 2000 (65 FR 80548). Subsequently, as recommended by the NOSB, the listing for streptomycin was amended on June 27, 2012 (77 FR 33290) to add an expiration date to the streptomycin annotation: Streptomycin, for fire blight control in apples and pears only until October 21, 2014. This proposed rule would remove the listing for streptomycin that expired on October 21, 2014 from § 205.601. Removal of this exempted substance from the National List has no new regulatory effect.

Tetracycline

This proposed rule would amend § 206.601 of the National List by removing the expired exemption for ''Tetracycline, for fire blight control in apples and pears only until October 21, 2014.'' Tetracycline was considered by the NOSB at their October 31–November 4, 1995, meeting. At this 1995 meeting, the NOSB recommended adding tetracycline as a plant disease control to the National List and also indicated that the exemption listing should be reviewed in two years by the NOSB. The NOSB recommendation was accepted by the Secretary and tetracycline was included, as a plant disease control, in the initial final rule establishing the NOP that was published on December 21, 2000 (65 FR 80548). Subsequently, as recommended by the NOSB, the listing for tetracycline was amended on June 27, 2012 (77 FR 33290) to add an expiration date to the tetracycline annotation: Tetracycline, for fire blight control in apples and pears only until October 21, 2014. This proposed rule would remove the listing for tetracycline from section 205.601 that expired on October 21, 2014. Removal of this exempted substance from the National List has no new regulatory effect.

III. Related Documents

Two notices of public meeting with request for comments were published in **Federal Register** on March 10, 2014 (79 FR 13272) and on September 8, 2014 (79 FR 53162) to notify the public that the 2015 sunset review listings discussed in this proposed rule would expire on December 14, 2015, if not reviewed by the NOSB and renewed by the Secretary. The listing for both streptomycin and tetracycline was added to the National List by the final rule (65 FR 80548) published in the **Federal Register** on December 21, 2000. Subsequently, an expiration date of October 21, 2014 was added to the streptomycin and tetracycline annotations on June 27, 2012 (77 FR 33290).

IV. Statutory and Regulatory Authority

OFPA, as amended (7 U.S.C. 6501–6522), authorizes the Secretary to make amendments to the National List based on proposed recommendations developed by the NOSB. Sections 6518(k)(2) and 6518(n) of OFPA authorize the NOSB to develop proposed amendments to the National List for submission to the Secretary and establish a petition process by which persons may petition the NOSB for the purpose of having substances evaluated for inclusion on or deletion from the National List. The National List petition process is implemented under § 205.607 of the USDA organic regulations. The current petition process was published on January 18, 2007 (72 FR 2167) and can be accessed through the NOP Web site at *http://www.ams.usda.gov/nop.* AMS published a revised sunset review process in the **Federal Register** on September 16, 2013 (78 FR 56811).

A. Executive Order 12866

This action has been determined to be not significant for purposes of Executive Order 12866, and therefore, has not been reviewed by the Office of Management and Budget.

B. Executive Order 12988

Executive Order 12988 instructs each executive agency to adhere to certain requirements in the development of new and revised regulations in order to avoid unduly burdening the court system. This proposed rule is not intended to have a retroactive effect.

States and local jurisdictions are preempted under OFPA from creating programs of accreditation for private persons or State officials who want to become certifying agents of organic farms or handling operations. A governing State official would have to apply to USDA to be accredited as a certifying agent, as described in section 2115(b) of OFPA (7 U.S.C. 6514(b)). States are also preempted under section 2104 through 2108 of OFPA (7 U.S.C. 6503 through 6507) from creating certification programs to certify organic farms or handling operations unless the State programs have been submitted to, and approved by, the Secretary as meeting the requirements of OFPA.

Pursuant to section 2108(b)(2) of OFPA (7 U.S.C. 6507(b)(2)), a State organic certification program may contain additional requirements for the production and handling of organically produced agricultural products that are produced in the State and for the certification of organic farm and handling operations located within the State under certain circumstances. Such additional requirements must: (a) Further the purposes of OFPA, (b) not be inconsistent with OFPA, (c) not be discriminatory toward agricultural commodities organically produced in other States, and (d) not be effective until approved by the Secretary.

Pursuant to section 2120(f) of OFPA (7 U.S.C. 6519(f)), this proposed rule would not alter the authority of the Secretary under the Federal Meat Inspection Act (21 U.S.C. 601–624), the Poultry Products Inspection Act (21 U.S.C. 451–471), or the Egg Products Inspection Act (21 U.S.C. 1031–1056), concerning meat, poultry, and egg products, nor any of the authorities of the Secretary of Health and Human Services under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301–399), nor the authority of the Administrator of EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136–136(y)).

Section 2121 of OFPA (7 U.S.C. 6520) provides for the Secretary to establish an expedited administrative appeals procedure under which persons may appeal an action of the Secretary, the applicable governing State official, or a certifying agent under this title that adversely affects such person or is inconsistent with the organic certification program established under this title. OFPA also provides that the U.S. District Court for the district in which a person is located has jurisdiction to review the Secretary's decision.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) requires agencies to consider the economic impact of each rule on small entities and evaluate alternatives that would accomplish the objectives of the rule without unduly burdening small entities or erecting barriers that would restrict their ability

to compete in the market. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to the action. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

Pursuant to the requirements set forth in the RFA, AMS performed an economic impact analysis on small entities in the final rule published in the **Federal Register** on December 21, 2000 (65 FR 80548). AMS has also considered the economic impact of this action on small entities. The impact on entities affected by this proposed rule would not be significant. The effect of this proposed rule would be to prohibit the use of two non-organic agricultural products that may be available in organic form for use in organic processed products. AMS concludes that the economic impact of removing the nonorganic agricultural products, marsala wine and sherry wine, would be minimal to small agricultural firms since organic form of these agricultural products or organic forms of alternative agricultural products may be commercially available and, as such, their nonorganic forms are proposed to be removed from the National List under this rule. Accordingly, AMS certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Small agricultural service firms, which include producers, handlers, and accredited certifying agents, have been defined by the Small Business Administration (SBA) (13 CFR 121.201) as those having annual receipts of less than $7,000,000 and small agricultural producers are defined as those having annual receipts of less than $750,000.

According to USDA, National Agricultural Statistics Service (NASS), certified organic acreage exceeded 3.5 million acres in 2011.[1] According to NOP's Accreditation and International Activities Division, the number of certified U.S. organic crop and livestock operations totaled over 19,470 in 2014. The list of certified operations is available on the NOP Web site at *http://apps.ams.usda.gov/nop/.* AMS believes that most of these entities would be considered small entities under the criteria established by the SBA. U.S. sales of organic food and non-food have grown from $1 billion in 1990 to $39.1 billion in 2014, an 11.3 percent growth over 2013 sales.[2] In addition, the USDA has 80 accredited certifying agents who provide certification services to producers and handlers. A complete list of names and addresses of accredited certifying agents may be found on the AMS NOP Web site, at *http://www.ams.usda.gov/nop.* AMS believes that most of these accredited certifying agents would be considered small entities under the criteria established by the SBA. Certifying agents reported 27,810 certified operations worldwide in 2014.

D. Paperwork Reduction Act

No additional collection or recordkeeping requirements are imposed on the public by this proposed rule. Accordingly, OMB clearance is not required by section 350(h) of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, Chapter 35, or OMB's implementing regulations at 5 CFR part 1320.

E. Executive Order 13175

This proposed rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

F. General Notice of Public Rulemaking

This proposed rule reflects recommendations submitted to the Secretary by the NOSB for substances on the National List of Allowed and Prohibited Substances that, under the Sunset review provisions of OFPA, would otherwise expire on December 14, 2015. A 30-day period for interested persons to comment on this rule is provided. Thirty days is deemed appropriate because the review of these listings was widely publicized through two NOSB meeting notices; the use or prohibition of these substances, as applicable, are critical to organic production and handling; and this rulemaking must be completed before the sunset date of December 14, 2015.

List of Subjects in 7 CFR Part 205

Administrative practice and procedure, Agriculture, Animals, Archives and records, Imports, Labeling, Organically produced products, Plants, Reporting and recordkeeping requirements, Seals and insignia, Soil conservation.

For the reasons set forth in the preamble, 7 CFR part 205 is amended as follows:

PART 205—NATIONAL ORGANIC PROGRAM

■ 1. The authority citation for 7 CFR part 205 continues to read as follows:

Authority: 7 U.S.C. 6501–6522.

§ 205.601 [Amended]

■ 2. Section 205.601 is amended by removing paragraphs (i)(11) and (i)(12).

§ 205.606 [Amended]

■ 3. Section 205.606 is amended by removing paragraph (g) and redesignating paragraphs (h) through (z) as (g) through (y).

Dated: July 27, 2015.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–18699 Filed 7–29–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2014–BT–STD–0005]

RIN 1904–AD15

Energy Conservation Program: Energy Conservation Standards for Residential Conventional Ovens

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Extension of public comment period.

SUMMARY: On June 10, 2015, the U.S. Department of Energy (DOE) published a notice of proposed rulemaking (NOPR) and public meeting regarding energy conservation standards for residential conventional ovens in the **Federal Register**. 80 FR 33030 This document announces an extension of the public comment period for submitting comments on the NOPR. The comment period is extended to September 9, 2015.

DATES: DOE will accept comments, data, and information regarding this rulemaking received no later than September 9, 2015.

ADDRESSES: Interested persons may submit comments, identified by docket number EERE–2014–BT–STD–0005, by any of the following methods:

• *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.

[1] U.S. Department of Agriculture, National Agricultural Statistics Service. October 2012. 2011 Certified Organic Productions Survey.

[2] Organic Trade Association. 2014. Organic Industry Survey. *www.ota.com.*

• *Email: ConventionalCooking Products2014STD0005@ee.doe.gov.* Include the docket number EERE–2014–BT–STD–0005 in the subject line of the message.

• *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–5B, Notice of Proposed Rulemaking for Energy Conservation Standards for Residential Conventional Ovens, Docket No. EERE–2014–BT–STD–0014, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a CD. It is not necessary to include printed copies.

• *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone (202) 586–2945. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. No telefacsimiles (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

A link to the docket Web page can be found at: *http://www.regulations.gov/#!documentDetail;D=EERE-2014-BT-STD-0005-0014.* This Web page contains a link to the docket for this notice on the regulation.gov site. The *www.regulations.gov* Web page contains instructions on how to access all documents in the docket, including public comments.

FOR FURTHER INFORMATION CONTACT:

Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1692. Email: *kitchen_ranges_and_ovens@ee.doe.gov.*

Ms. Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–6122. Email: *Celia.Sher@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: On June 10, 2015, DOE published a notice of proposed rulemaking (NOPR) and public meeting in the **Federal Register** that proposed new and amended energy conservation standards for residential conventional ovens. 80 FR 33030. The NOPR requested comment from the public on the proposed standards, associated analyses, and results, and provided for the written submission of comments by August 10, 2015. The Association of Home Appliance Manufacturers (AHAM) requested that DOE extend the comment period by 60 days so that manufacturers can obtain sufficient data to fully analyze DOE's proposed rule according to the conventional oven test procedure final rule that was published on July 2, 2015. 80 FR 37954. Because there are currently no performance based energy conservation standards, AHAM noted that manufacturers do not conduct regular energy tests on conventional ovens. AHAM further stated that by allowing additional time for manufacturers (and other stakeholders who wish to conduct testing) to test their products, manufacturers will be able to provide key data to support DOE's analysis.

Based on AHAM's request, DOE determines that a 30 day extension of the public comment period is appropriate to allow interested parties additional time to submit comments. DOE notes that it issued and made available a pre-publication version of the conventional oven test procedure final rule on June 9, 2015. Based on DOE's testing experience, extending the comment period by 30 days for a 90 day total period should be sufficient time for manufacturers to conduct testing using the new oven test procedure and aggregate results. DOE will consider any comments received by midnight of September 9, 2015 to be timely submitted.

Issued in Washington, DC, on July 23, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2015–18687 Filed 7–29–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2965; Directorate Identifier 2014–NM–227–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2012–17–13, which applies to certain The Boeing Company Model 707 airplanes, and Model 720 and 720B series airplanes. For certain airplanes, AD 2012–17–13 required using redefined flight cycle counts; determining the type of material of the horizontal stabilizer, rear spar, and upper and lower chords on the inboard and outboard ends of the rear spar; repetitively inspecting for cracking of the horizontal stabilizer components; and repairing or replacing the chord, or modifying chord segments made of 7079 aluminum, if necessary. For all airplanes, AD 2012–17–13 required inspecting certain structurally significant items, and repairing discrepancies if necessary. Since we issued AD 2012–17–13, we have determined that all chord segments made of 7079 aluminum must be replaced with new, improved chord segments made of 7075 aluminum. This proposed AD would add a requirement to replace all chord segments made of 7079 aluminum with new, improved chord segments made of 7075 aluminum. We are proposing this AD to detect and correct stress corrosion and potential early fatigue cracking in the horizontal stabilizer, which could result in reduced structural integrity of the horizontal stabilizer.

DATES: We must receive comments on this proposed AD by September 14, 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 Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; 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.

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–2015–2965; 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: Chandra Ramdoss, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5239; fax: 562–627–5210; email: *chandraduth.ramdoss@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–2015–2965; Directorate Identifier 2014–NM–227–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 August 24, 2012, we issued AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), for certain The Boeing Company Model 707 airplanes, and Model 720 and 720B series airplanes. For certain airplanes, AD 2012–17–13 required using redefined flight cycle counts, determining the type of material of the horizontal stabilizer, rear spar, and upper and lower chords on the inboard and outboard ends of the rear spar; repetitively inspecting for cracking of the horizontal stabilizer components; and repairing or replacing the chord, or modifying chord segments made from 7079 aluminum, if necessary. For all airplanes, AD 2012–17–13 required inspecting certain structurally significant items, and repairing discrepancies if necessary. AD 2012–17–13 resulted from reports of stress corrosion cracking in the chord segments made from 7079 aluminum in the horizontal stabilizer rear spar, and potential early fatigue cracking in the chord segments made from 7075 aluminum. We issued AD 2012–17–13 to detect and correct stress corrosion and potential early fatigue cracking in the horizontal stabilizer, which could compromise the structural integrity of the stabilizer.

Actions Since AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), Was Issued

The preamble to AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), explained that we considered the requirements ''interim action'' and were considering further rulemaking. We now have determined that it is necessary to initiate further rulemaking to continue to require the repetitive inspections required by AD 2012–17–13, and to add a requirement for replacement of all chord segments made of 7079 aluminum with new chord segments made of 7075 aluminum. This proposed AD follows from that determination.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014. The service information describes procedures for incorporating a new cycle counting procedure, determining the material for the horizontal stabilizer rear spar chord segment, inspecting for stress corrosion cracking and fatigue cracking, repair, and replacing all chord segments made of 7079 aluminum with new, improved chord segments made of 7075 aluminum. 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 these same type designs.

Proposed AD Requirements

This proposed AD would retain all requirements of AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012). This proposed AD would also add a requirement to replace all chord segments made of 7079 aluminum with new chord segments made of 7075 aluminum. This replacement would not terminate the repetitive inspections required by AD 2012–17–13.

Costs of Compliance

We estimate that this proposed AD affects 10 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

TABLE—ESTIMATED COSTS

Action	Work hours	Parts	Cost per product	Fleet cost
Retained inspections from AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012).	Up to 32 work-hours X $85 per hour = up to $2,720 per inspection cycle.	$0	Up to $2,720 per inspection cycle.	Up to $27,200 per inspection cycle

TABLE—ESTIMATED COSTS—Continued

Action	Work hours	Parts	Cost per product	Fleet cost
Replacement [new action]	500 work-hours X $85 per work-hour = $42,500.	Up to $228,000 per chord.	Up to $2,322,500 (up to 10 chords per airplane) [1].	Up to $23,225,000 [2]

[1] The parts for the modification could cost up to $2.28 million per airplane, depending on whether only one operator is ordering the parts or multiple operators. The parts cost will go down if multiple operators order parts at the same time.
[2] The number of chords which must be replaced on each specific airplane varies.

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) 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), and adding the following new AD:

The Boeing Company: Docket No. FAA–2015–2965; Directorate Identifier 2014–NM–227–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by September 14, 2015.

(b) Affected ADs

This AD replaces AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012).

(c) Applicability

This AD applies to The Boeing Company airplanes, certificated in any category; identified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model 707 airplanes identified in Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014.

(2) Model 720 and 720B series airplanes identified in Boeing 707 Alert Service Bulletin A3516, dated April 4, 2008.

(d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Unsafe Condition

This AD was prompted by a determination that all chord segments made of 7079 aluminum must be replaced with new, improved chord segments made of 7075 aluminum. We are issuing this AD to detect and correct stress corrosion and potential early fatigue cracking in the horizontal stabilizer, which could result in reduced structural integrity of the horizontal stabilizer.

(f) Compliance

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

(g) Retained Flight Cycle Counting Procedure, With Revised Service Information

This paragraph restates the requirements of paragraph (g) of AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), with revised service information. Flight cycles, as used in this AD, must be counted as defined in the service information identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD.

(1) Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007 (for Model airplanes).

(2) Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014 (for Model airplanes).

(3) Boeing 707 Alert Service Bulletin A3516, dated April 4, 2008 (for Model airplanes, and Model 720 and 720B series airplanes).

(h) Retained Determination of Material of the Components of the Horizontal Stabilizer, With Revised Service Information

This paragraph restates the actions required by paragraph (h) of AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), with revised service information. For airplanes identified in Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014: At the earlier of the times specified in paragraphs (h)(1) and (h)(2) of this AD, determine the type of material of the horizontal stabilizer, rear spar, upper chords, and lower chords on the inboard and outboard ends of the rear spar, in accordance with Part 2 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014.

(1) Within 180 days after October 16, 2012 (the effective date of AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012)).

(2) Before further flight after any horizontal stabilizer is replaced after October 16, 2012.

(i) Retained Repetitive Inspections of 7075 Aluminum Components, With Revised Service Information

This paragraph restates the actions required by paragraph (i) of AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), with revised service

information. For airplanes with horizontal stabilizer components made from 7075 aluminum, as determined during the inspection required by paragraph (h) of this AD: Within 180 days after October 16, 2012 (the effective date of AD 2012–17–13), and before further flight after any replacement of the horizontal stabilizer, do a special detailed inspection for cracking of the upper chord on the inboard end of the rear spar on both the left and right side horizontal stabilizers, from stabilizer station –13.179 to 92.55, in accordance with Part 3 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014. Repeat the inspections thereafter at intervals not to exceed 500 flight cycles, and before further flight after any replacement of the horizontal stabilizer, except as provided by paragraph (j) of this AD. If any cracking is found, before further flight, either repair the cracking in accordance with Part 3 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014, except as required by paragraph (n) of this AD; or replace the chord with a new chord, in accordance with Part 6 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014.

(j) Retained Repetitive Inspections on Airplanes With Replaced Chord, With Revised Service Information

This paragraph restates the actions required by paragraph (j) of AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), with revised service information. For airplanes on which the chord is replaced with a new chord in accordance with Part 6 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014: Within 4,000 flight cycles after the chord replacement, do the inspections required by paragraph (i) of this AD, and repeat the inspections thereafter at the times specified in paragraph (i) of this AD.

(k) Retained Repetitive Inspections of 7079 Aluminum Components, With Revised Service Information

This paragraph restates the actions required by paragraph (k) of AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), with revised service information. For airplanes with horizontal stabilizers that have components of the chords of the rear spar made from 7079 aluminum, as determined during the inspection required by paragraph (h) of this AD: Within 180 days after October 16, 2012 (the effective date of AD 2012–17–13), do the actions required by paragraphs (k)(1), (k)(2), and (k)(3) of this AD, and repeat those actions at the applicable intervals specified in paragraphs (k)(1), (k)(2), and (k)(3) of this AD.

(1) Do a special detailed inspection for cracking of the upper chord of the inboard side of the rear spar of both the -left and right-side horizontal stabilizers from stabilizer station –13.179 to 92.55, in accordance with Part 3 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014. Repeat the inspection thereafter at intervals not to exceed 250 flight cycles or 180 days, whichever occurs first. If any cracking is found during any inspection required by this paragraph, before further flight, either repair the cracking, in accordance with Part 3 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014, except as required by paragraph (n) of this AD; or replace the chord with a new chord, in accordance with Part 6 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014.

(2) Do a high frequency eddy current inspection for cracking of the web flanges of the upper and lower chords of the rear spar in the left and right side horizontal stabilizers from stabilizer stations 92.55 to 272.55, in accordance with Part 4 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014. Repeat the inspection thereafter at intervals not to exceed 1,000 flight cycles or 180 days, whichever occurs first. If any cracking is found during any inspection required by this paragraph, before further flight, do the actions specified in paragraph (k)(2)(i) or (k)(2)(ii) of this AD.

(i) Determine whether the cracking meets the limits specified in Part 4 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014, and whether a previous repair has been done; determine if all 7079 upper and lower chord segments installed on the horizontal stabilizer have had the Part II, Group 1, Preventative Modification specified in Boeing Service Bulletin 3356 done; and do all applicable repairs and modifications, in accordance with the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014. Do the actions required by this paragraph in accordance with Part 4 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014, except as required by paragraph (n) of this AD. Do all applicable repairs and modifications before further flight.

(ii) Replace the chord with a new chord, in accordance with Part 6 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014.

(3) Do low frequency eddy current (LFEC) inspections for cracking of the forward skin flanges of the upper and lower chords of the rear spar in the left and right side horizontal stabilizers from stabilizer stations –13.179 to 272.55 (for lower chords) and 92.55 to 272.55 (for upper chords), in accordance with Part 5 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014. Repeat the inspections thereafter at intervals not to exceed 1,000 flight cycles or 180 days, whichever occurs first. If any cracking is found during any inspection required by this paragraph, before further flight, do the actions specified in either paragraph (k)(3)(i) or paragraph (k)(3)(ii) of this AD.

(i) Repair any cracking, determine whether all 7079 upper and lower chord segments installed on the horizontal stabilizer have had the Part II—Preventative Modification specified in Boeing Service Bulletin 3381 done, and do all applicable modifications, in accordance with the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014. Do the actions required by this paragraph in accordance with Part 5 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014, except as required by paragraph (n) of this AD. Do all applicable modifications before further flight.

(ii) Replace the chord with a new chord, in accordance with Part 6 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007; or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014.

(l) Retained Modification/Chord Replacement, With Revised Service Information

This paragraph restates the actions required by paragraph (l) of AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), with revised service information. For airplanes identified in Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014, with horizontal stabilizers that have rear spar chord components made from 7079 aluminum and have not had embodied the modification of Part II of Boeing Service Bulletin 3381, dated July 25, 1980, or Boeing Service Bulletin 3381, Revision 1, dated July 31, 1981: Before further flight after determining the type of material in accordance with paragraph (h) of this AD, modify all 7079 chord segments installed on the horizontal stabilizer, in

accordance with Part 5 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014; or replace the chord, in accordance with Part 6 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014.

(m) Retained Supplemental Structural Inspection Document Inspections

This paragraph restates the actions required by paragraph (m) of AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012). For all airplanes: Within 180 days or 1,000 flight cycles after October 16, 2012 (the effective date of AD 2012–17–13), whichever occurs first, do the inspections of the applicable structurally significant items specified in and in accordance with the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3516, dated April 4, 2008. If any cracking is found, before further flight, repair in accordance with the procedures specified in paragraph (r) of this AD. The inspections required by AD 85–12–01 R1, Amendment 39–5439 (51 FR 36002, October 8, 1986), are still required, except, as of October 16, 2012 (the effective date of AD 2012–17–13), the flight-cycle interval for the repetitive inspections specified in paragraph 1.E., ''Compliance,'' of Boeing 707 Alert Service Bulletin A3516, dated April 4, 2008, must be counted in accordance with the requirements of paragraph (g) of this AD.

(n) Retained Exception to Certain Service Information: Contacting FAA for Crack Repair

This paragraph restates the actions required by paragraph (n) of AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), with revised service information. If any cracking is found during any inspection required by this AD, and Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014, specifies to contact Boeing for appropriate action: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (r) of this AD.

(o) Retained Exception to Certain Service Information: Nondestructive Test Compliance Procedures

This paragraph restates the requirements of paragraph (o) of AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), with revised service information. Where Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014, specifies that operators ''refer to'' nondestructive test (NDT) procedures, the procedures must be done in accordance with the service information identified in paragraphs (o)(1), (o)(2), and (o)(3) of this AD, as applicable.

(1) Figure 20, ''Electrical Conductivity Measurement for Aluminum,'' of Subject 51–00–00, ''Structures-General,'' of Part 6—Eddy Current, of the Boeing 707/720 Nondestructive Test Manual, Document D6–48023, Revision 118, dated July 15, 2011.

(2) Subject 55–10–07, ''Horizontal Stabilizer,'' of Part 6—Eddy Current, of the Boeing 707/720 Nondestructive Test Manual, Document D6–48023, Revision 118, dated July 15, 2011.

(3) Subject 51–01–00, ''Orientation and Preparation for Testing'' of Part 1—General, of the Boeing 707/720 Nondestructive Test Manual, Document D6–48023, Revision 118, dated July 15, 2011.

(p) Retained Parts Installation Prohibition

As of October 16, 2012 (the effective date of AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012)), no person may install any horizontal stabilizer assembly with any chord segment having a part number other than that identified in paragraph 2.C.2. of Boeing 707 Alert Service Bulletin A3515, dated December 19, 2007, or Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014, on any airplane.

(q) New Replacement of 7079 Aluminum Components

Within 48 months after the effective date of this AD: Replace all 7079 aluminum chord segments of the upper and lower chords installed on the horizontal stabilizer with 7075 aluminum chord segments, in accordance with Part 6 of the Accomplishment Instructions of Boeing 707 Alert Service Bulletin A3515, Revision 1, dated October 10, 2014. Within 4,000 flight cycles after accomplishing the replacements required by this paragraph, repeat the inspection required by paragraph (j) of this AD; and repeat the inspection thereafter at intervals not to exceed 500 flight cycles, and before further flight after any replacement of the horizontal stabilizer.

(r) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles 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 (s)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-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, Los Angeles 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 for AD 2012–17–13, Amendment 39–17176 (77 FR 55681, September 11, 2012), are approved as AMOCs for the corresponding provisions of this AD.

(s) Related Information

(1) For more information about this AD, contact Chandra Ramdoss, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5239; fax: 562–627–5210; email: *chandraduth.ramdoss@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, 3855 Lakewood Boulevard, MC D800–0019, Long Beach, CA 90846–0001; telephone 206–544–5000, extension 2; fax 206–766–5683; 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.

Issued in Renton, Washington, on July 16, 2015.

Suzanne Masterson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–18559 Filed 7–29–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2964; Directorate Identifier 2014–NM–206–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A319, A320, and A321 series airplanes. This proposed AD is intended to complete certain mandated programs intended to support the airplane reaching its limit of validity (LOV) of the engineering data that support the established structural maintenance program. This proposed AD would require reinforcing the forward pressure bulkhead at a certain stringer on both the left-hand and right-hand sides, and related investigative and corrective actions if necessary. We are proposing this AD to prevent fatigue cracking of the forward pressure

bulkhead, which could result in reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by September 14, 2015.

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

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

For service information identified in this proposed AD, contact 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.

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–2015–2964; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: 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:

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–2015–2964; Directorate Identifier 2014–NM–206–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

As described in FAA Advisory Circular 120–104 (*http://www.faa.gov/documentLibrary/media/Advisory_Circular/120–104.pdf*), several programs have been developed to support initiatives that will ensure the continued airworthiness of aging airplane structure. The last element of those initiatives is the requirement to establish a LOV of the engineering data that support the structural maintenance program under 14 CFR 26.21. This proposed AD is the result of an assessment of the previously established programs by the design approval holder (DAH) during the process of establishing the LOV for Model A319, A320, and Model A321 series airplanes. The actions specified in this proposed AD are necessary to complete certain programs to ensure the continued airworthiness of aging airplane structure and to support an airplane reaching its LOV.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014–0209, dated September 19, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on all Model A319, A320, and Model A321 series airplanes. The MCAI states:

> During the A320 fatigue test campaign for Extended Service Goal (ESG), it was determined that fatigue damage could develop on the forward pressure bulkhead at Frame (FR) 35 on left hand (LH) side and right hand (RH) side.
>
> This condition, if not detected and corrected, could affect the structural integrity of the aeroplane.
>
> To address this potential unsafe condition, a reinforcement modification was developed, which has been published through Airbus Service Bulletin (SB) A320–53–1268 for in-service application to allow aeroplanes to operate up to the new ESG limit.
>
> For the reasons described above, this [EASA] AD requires reinforcement of the centre fuselage forward pressure bulkhead at FR35.

The forward pressure bulkhead reinforcement includes related investigative actions of measuring the diameters of certain fastener holes, and if they are not oversized, doing a rotating probe inspection for cracking of the fastener holes.

Required corrective actions include cold expanding crack-free holes or repairing oversize or cracked holes by using a method approved by the FAA, EASA, or Airbus's EASA Design Organization Approval (DOA).

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2964.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–53–1268, Revision 02, dated July 15, 2014. The service information describes procedures for reinforcing the forward pressure bulkhead at frame 35, stringer 30, on both the left-hand and right-hand sides; and repairs. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of This Proposed AD

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

Explanation of ''RC'' Procedures and Tests in Service Information

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation

Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement was a new process for annotating which procedures and tests in the service information are required for compliance with an AD. Differentiating these procedures and tests from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The actions specified in the service information identified previously include procedures and tests that are identified as RC (required for compliance) because these procedures have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

As specified in a NOTE under the Accomplishment Instructions of the specified service information, procedures and tests that are identified as RC in any service information must be done to comply with the proposed AD. However, procedures and tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an alternative method of compliance (AMOC), provided the procedures and tests identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to procedures or tests identified as RC will require approval of an AMOC.

Costs of Compliance

We estimate that this proposed AD affects 48 airplanes of U.S. registry.

We also estimate that it would take about 21 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $85,680, or $1,785 per product.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2015–2964; Directorate Identifier 2014–NM–206–AD.

(a) Comments Due Date

We must receive comments by September 14, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category, all manufacturer serial numbers.

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

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

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

(d) Subject

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

(e) Reason

This AD is intended to complete certain mandated programs intended to support the airplane reaching its limit of validity (LOV) of the engineering data that support the established structural maintenance program. We are issuing this AD to prevent fatigue cracking of the forward pressure bulkhead, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Reinforcement, Related Investigative Actions, and Corrective Actions

Before the accumulation of 48,000 total flight cycles or 96,000 total flight hours, whichever occurs first: Reinforce the forward pressure bulkhead at frame 35, stringer 30, on both the left-hand and right-hand sides; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1268, Revision 02, dated July 15, 2014, except as provided by paragraph (h) of this AD. Do all corrective actions before further flight.

(h) Exception to Service Information Specifications

Although Airbus Service Bulletin A320–53–1268, Revision 02, dated July 15, 2014, specifies to contact Airbus for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair before further flight 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).

(i) 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 Airbus Service Bulletin A320–53–1268, dated January 8, 2013; or Airbus Service Bulletin A320–53–1268, Revision 01, dated July 23, 2013. This service

information is not incorporated by reference in 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: 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 EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (h) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2014–0209, dated September 19, 2014, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2964.

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

Issued in Renton, Washington, on July 17, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–18534 Filed 7–29–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2966; Directorate Identifier 2015–NM–051–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787–8 airplanes. This proposed AD was prompted by a report of fuel leaking onto the hot exhaust portion of an engine as a result of an un-intended leak path from the leading edge through the pylons. This proposed AD would require installing new seal dams in the inboard and outboard corners of the aft pylon frame on the left and right engines, including an inspection for damage of the outboard blade seal and applicable corrective actions. We are proposing this AD to prevent fuel leaking from an unintended drain path from the leading edge through the pylons and onto the hot engine parts or brakes, which could lead to a major ground fire.

DATES: We must receive comments on this proposed AD by September 14, 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 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–2015–2966.

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–2015–2966; 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: Sherry Vevea, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6514; fax: 425–917–6590; email: *sherry.vevea@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–2015–2966; Directorate Identifier 2015–NM–051–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 fuel leaking onto the hot exhaust portion of an engine as a result of an un-intended leak path from the leading edge through the pylons. An incorrect installation of a flexible coupling in a wing leading edge led to the leakage of fuel into the aft pylon compartment. During an investigation, it was determined that the pylon-to-wing interface design did not address drain paths for potential low-flow leakage rates, and that a seal dam at the inboard and outboard corners of the aft pylon compartment would correct the drain path. This condition, if not corrected, could result in fuel leaking from an unintended drain path from the leading edge through the pylons and onto the hot engine parts or brakes, which could lead to a major ground fire.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 001, dated October 24, 2014. This service information describes procedures for installing new seal dams in the inboard and outboard corners of the aft pylon frame on the left and right engines, doing a general visual inspection to detect damage of the outboard blade seal, and doing corrective actions 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 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.

The phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Costs of Compliance

We estimate that this proposed AD affects 17 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
Installation of seal dams	Up to 22 work-hours X $85 per hour = $1,870	Up to $14,611	Up to $16,481	Up to $280,177.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2015–2966; Directorate Identifier 2015–NM–051–AD.

(a) Comments Due Date

We must receive comments by September 14, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8 airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 001, dated October 24, 2014.

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

(e) Unsafe Condition

This AD was prompted by a report of fuel leaking onto the hot exhaust portion of the engine as a result of an unintended leak path from the leading edge through the pylons. We are issuing this AD to prevent fuel leaking from an unintended drain path from the leading edge through the pylons and onto the hot engine parts or brakes, which could lead to a major ground fire.

(f) Compliance

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

(g) Installation of Inboard and Outboard Seal Dams

Within 60 months after the effective date of this AD, install new seal dams in the inboard and outboard corners of the aft pylon frame on the left and right engines, including a general visual inspection to detect damage of the outboard blade seal, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB540004–00, Issue 001, dated October 24, 2014. Do all applicable corrective actions before further flight.

(h) 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 (i)(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.

(i) Related Information

(1) For more information about this AD, contact Sherry Vevea, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6514; fax: 425–917–6590; email: *sherry.vevea@faa.gov.*

(2) 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.* 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.

Issued in Renton, Washington, on July 22, 2015.

Victor Wicklund,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–18561 Filed 7–29–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–2963; Directorate Identifier 2015–NM–016–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A319–131, –132, and –133 airplanes; Model A320–232 and –233 airplanes; and Model A321–131, –231, and –232 airplanes. This proposed AD was prompted by reports of forward engine mount attachment pins that were manufactured from discrepant raw material. This proposed AD would require identification and replacement of affected forward engine mount attachment pins. We are proposing this AD to prevent failure of a forward engine mount attachment pin, possible loss of an engine in-flight, and consequent reduced controllability of the airplane.

DATES: We must receive comments on this proposed AD by September 14, 2015.

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

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

For Airbus service information identified in this proposed 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.* For Goodrich Aerostructures service information identified in this proposed AD, contact UTC Aerospace Systems, ATTN: Christopher Newth—V2500 A1/A5 Project Engineer, Aftermarket—Aerostructures; 850 Lagoon Drive, Chula Vista, CA; telephone 619–498–7505; email *christopher.newth@utas.utc.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2963; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: 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:

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–2015–2963; Directorate Identifier 2015–NM–016–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory,

economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2015–0004, dated January 13, 2015 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A319–131, –132, and –133 airplanes; Model A320–232 and –233 airplanes; and Model A321–131, –231, and –232 airplanes. The MCAI states:

> A number of forward engine mount pins, Part Number (P/N) 740–2022–501, intended for IAE V2500 series engines, have been reported as non-compliant with the current certification requirements, due to a quality issue during manufacturing of the raw material. It was also determined that a batch of 88 affected pins are installed on in-service aeroplanes fitted with forward engine mount P/N 745–2010–503 and the serial numbers (s/n) of the affected pins and the [manufacturer serial number] MSN of the related aeroplanes have been identified.
>
> This condition, if not corrected, could lead to forward engine mount pin failure, possibly resulting in in-flight loss of an engine and consequent reduced control of the aeroplane.
>
> For the reasons described above, this [EASA] AD requires identification of the affected forward engine mount pins and removal from service [replacement] of those pins.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2963.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–71–1064, dated November 5, 2014; and Goodrich Aerostructures has issued Service Bulletin V2500–NAC–71–0323, dated September 18, 2014. The service information describes procedures for an inspection to determine the serial number of the attachment pins for the forward engine mount crossbeam to main beam for each engine, and replacement of affected pins. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of This Proposed AD

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

Explanation of ''RC'' Procedures and Tests in Service Information

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (ARC), to enhance the AD system. One enhancement was a new process for annotating which procedures and tests in the service information are required for compliance with an AD. Differentiating these procedures and tests from other tasks in the service information is expected to improve an owner's/operator's understanding of crucial AD requirements and help provide consistent judgment in AD compliance. The procedures and tests identified as RC (required for compliance) in any service information have a direct effect on detecting, preventing, resolving, or eliminating an identified unsafe condition.

As specified in a NOTE under the Accomplishment Instructions of the specified Airbus service information, procedures and tests identified as RC must be done to comply with the proposed AD. However, procedures and tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an alternative method of compliance (AMOC), provided the procedures and tests identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to procedures or tests identified as RC will require approval of an AMOC.

Costs of Compliance

We estimate that this proposed AD affects 922 airplanes of U.S. registry.

We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $156,740, or $170 per product.

In addition, we estimate that any necessary follow-on actions would take about 4 work-hours and require parts costing $1,724, for a cost of $2,064 per attachment pin replacement. 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 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):

Airbus: Docket No. FAA–2015–2963; Directorate Identifier 2015–NM–016–AD.

(a) Comments Due Date

We must receive comments by September 14, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category, all manufacturer serial numbers.

(1) Model A319–131, –132, and –133 airplanes.

(2) Model A320–232 and –233 airplanes.

(3) Model A321–131, –231, and –232 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 71, Power Plant.

(e) Reason

This AD was prompted by reports of forward engine mount attachment pins that were manufactured from discrepant raw material. We are issuing this AD to prevent failure of a forward engine mount attachment pin, possible loss of an engine in-flight, and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Identification of Part Numbers for Forward Engine Mount and Attachment Pins

Except as provided by paragraph (i) of this AD, at the earliest of the times specified in paragraphs (g)(1) through (g)(4) of this AD: For each engine, identify the part number of the forward engine mount, and the part number and serial number of the attachment pin for that forward engine mount, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–71–1064, dated November 5, 2014; and Goodrich Aerostructures Service Bulletin V2500–NAC–71–0323, dated September 18, 2014. A review of airplane maintenance records is acceptable in lieu of this identification if the part number of the forward engine mount, and the part number and serial number of the attachment pin for that forward engine mount can be conclusively determined from that review. If any part number of the forward engine mount, or part number or serial number of the attachment pins for the forward engine mount, cannot be identified: At the earliest of the times specified in paragraphs (g)(1) through (g)(4) of this AD, contact 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), for identification information.

(1) Within 24 months after the effective date of this AD.

(2) At the next engine removal after the effective date of this AD.

(3) Within 7,500 flight hours after the effective date of this AD.

(4) Within 5,000 flight cycles after the effective date of this AD.

(h) Corrective Actions

If, during any identification required by paragraph (g) of this AD, a forward engine mount having part number (P/N) 745–2010–503 is found, and the attachment pin has P/N 740–2022–501 with any serial number that is included in figure 1 to paragraphs (h) and (j) of this AD: At the earliest of the times specified in paragraphs (g)(1) through (g)(4) of this AD, replace the affected attachment pin with a serviceable part having a part number other than P/N 740–2022–501, and having a serial number that is not identified in figure 1 to paragraphs (h) and (j) of this AD, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–71–1064, dated November 5, 2014; and Goodrich Aerostructures Service Bulletin V2500–NAC–71–0323, dated September 18, 2014.

FIGURE 1 TO PARAGRAPHS (h) AND (j) OF THIS AD—PART NUMBERS AND SERIAL NUMBERS OF AFFECTED FORWARD ENGINE MOUNTS AND ATTACHMENT PINS

Serial Nos.	
Attachment Pin (P/N 740–2022–501)	Forward Engine Mount (P/N 745–2010–503)
1396SC	13665001
1391SC	13655001
1412SC	13689001
1402SC	13669001
1409SC	13683001
1416SC	13697001
1418SC	13701001
1417SC	13699001
1414SC	13693001

FIGURE 1 TO PARAGRAPHS (h) AND (j) OF THIS AD—PART NUMBERS AND SERIAL NUMBERS OF AFFECTED FORWARD ENGINE MOUNTS AND ATTACHMENT PINS—Continued

Serial Nos.	
Attachment Pin (P/N 740–2022–501)	Forward Engine Mount (P/N 745–2010–503)
1415SC	13695001
1420SC	13705001
1421SC	13707001
1422SC	13709001
1436SC	13737001
1438SC	13741001
1452SC	13769001
1456SC	13777001
1397SC	13667001
1432SC	13729001
1405SC	13675001
1411SC	13687001
1389SC	13651001
1392SC	13657001
1382SC	13637001
1384SC	13641001
1407SC	13679001
1408SC	13681001
1395SC	13663001
1406SC	13677001
1383SC	13639001
1404SC	13673001
1393SC	13659001
1413SC	13691001
1386SC	13645001
1388SC	13649001
1390SC	13653001
1410SC	13685001
1423SC	13711001
1424SC	13713001
1403SC	13671001
1419SC	13703001
1385SC	13643001
1387SC	13647001
1431SC	13727001
1433SC	13731001
1425SC	13715001
1428SC	13721001
1429SC	13723001
1430SC	13725001
1427SC	13719001
1434SC	13733001
1442SC	13749001
1394SC	13661001
1441SC	13747001
1426SC	13717001
1437SC	13739001
1439SC	13743001
1443SC	13751001
1448SC	13761001
1435SC	13735001
1440SC	13745001
1454SC	13773001
1455SC	13775001
1451SC	13767001
1453SC	13771001
1444SC	13753001
1450SC	13765001
1461SC	13787001
1469SC	13817001
1480SC	13839001
1481SC	13841001
1446SC	13757001
1449SC	13763001

FIGURE 1 TO PARAGRAPHS (h) AND (j) OF THIS AD—PART NUMBERS AND SERIAL NUMBERS OF AFFECTED FORWARD ENGINE MOUNTS AND ATTACHMENT PINS—Continued

Serial No.	
Attachment Pin (P/N 740–2022–501)	Forward Engine Mount (P/N 745–2010–503)
1467SC	13813001
1445SC	13755001
1462SC	13789001
1464SC	13793001
1466SC	13811001
1470SC	13819001
1459SC	13783001
1463SC	13791001
1475SC	13829001
1458SC	13781001
1477SC	13833001
1474SC	13827001
1478SC	13835001
1479SC	13837001
1472SC	13823001

(i) Exception to Paragraph (g) of This AD

For airplanes with manufacturer serial numbers identified in figure 2 to paragraph (i) of this AD: If it can be conclusively determined that an engine has not been replaced after March 1, 2011 (the date of manufacture of the first airplane with affected engine mounts), the airplane is not affected by the requirements of paragraphs (g) and (h) of this AD.

FIGURE 2 TO PARAGRAPH (i) OF THIS AD—AIRPLANE MANUFACTURER SERIAL NUMBERS

Airplane manufacturer serial Nos.
4593
4602
4620
4637
4638
4642
4643
4644
4660
4677
4690
4696
4700
4701
4703
4706
4707
4710
4716
4719
4725
4726
4731
4736
4737
4741
4746
4751
4752

FIGURE 2 TO PARAGRAPH (i) OF THIS AD—AIRPLANE MANUFACTURER SERIAL NUMBERS—Continued

Airplane manufacturer serial Nos.
4753
4754
4755
4757
4761
4762
4772
4773
4774
4775
4779
4782
4783
4784
4786
4788
4790
4791
4798
4804
4813

(j) Parts Installation Prohibition

As of the effective date of this AD, no person may install on any airplane any engine mount attachment pin having P/N 740–2022–501 with a serial number identified in figure 1 to paragraphs (h) and (j) of this AD.

(k) 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 EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(l) Special Flight Permits Prohibited

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2015–0004, dated January 13, 2015, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–2963.

(2) For Airbus 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.* For Goodrich Aerostructures service information identified in this AD, contact UTC Aerospace Systems, ATTN: Christopher Newth—V2500 A1/A5 Project Engineer, Aftermarket—Aerostructures; 850 Lagoon Drive, Chula Vista, CA; telephone 619–498–7505; email *christopher.newth@utas.utc.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on July 17, 2015.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–18533 Filed 7–29–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. FDA–2015–D–1839]

The Food and Drug Administration's Policy on Declaring Small Amounts of Nutrients and Dietary Ingredients on Nutrition Labels; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA, we, or the Agency) is announcing the availability of a draft guidance for industry entitled ''FDA's Policy on Declaring Small Amounts of Nutrients and Dietary Ingredients on Nutrition Labels: Guidance for Industry.'' The draft guidance, when finalized, will explain to manufacturers of conventional foods and dietary supplements our policy on determining the amount to declare on the nutrition label for certain nutrients and dietary ingredients that are present in a small amount.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on the draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by September 28, 2015.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Nutrition, Labeling, and Dietary Supplements, Center for Food Safety and Applied Nutrition (HFS–820), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. Send two self-addressed adhesive labels to assist the office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Carole Adler, Center for Food Safety and Applied Nutrition (HFS–820), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–2371.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a draft guidance for industry entitled ''FDA's Policy on Declaring Small Amounts of Nutrients and Dietary Ingredients on Nutrition Labels: Guidance for Industry.'' We are issuing the draft guidance consistent with our good guidance practices regulation (21 CFR 10.115). The draft guidance represents the current thinking of FDA on our policy on declaring small amounts of nutrients and dietary ingredients on nutrition labels. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

The draft guidance, when finalized, will explain our nutrition labeling policy on declaring the nutrient values in conventional foods and dietary ingredient values in dietary supplements in certain cases. Specifically, declaring small amounts of nutrients and dietary ingredients in the nutrition labeling may result in a conflict between 21 CFR 101.9(c)(1) through (8) and 21 CFR 101.9(g)(4)(ii) and 21 CFR 101.9(g)(5). In such cases, we are recommending manufacturers declare nutrients and dietary ingredients in accordance with § 101.9(c)(1) through (8). If the draft guidance is finalized, we intend to consider the use of our enforcement discretion with respect to the compliance requirements in § 101.9(g)(4)(ii)) and § 101.9(g)(5) when a conflict exists with § 101.9(c)(1) through (8).

We also are considering whether changes to our nutrition labeling regulations are needed, including changes to § 101.9(c) or (g), or both. If we determine that rulemaking is needed, we will consider whether to revise or withdraw the draft guidance.

II. Paperwork Reduction Act of 1995

The draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in § 101.9 have been approved under OMB control number 0910–0381.

III. Comments

Interested persons may submit either electronic comments regarding the draft guidance to *http://www.regulations.gov* or written comments regarding the draft guidance to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the draft guidance document at *http://www.fda.gov/FoodGuidances* or *http://www.regulations.gov.* Use the FDA Web site listed in the previous sentence to find the most current version of the guidance.

Dated: July 24, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–18655 Filed 7–29–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–138526–14]

RIN 1545–BM46

Issue Price Definition for Tax-Exempt Bonds; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Partial withdrawal of notice of proposed rulemaking, notice of proposed rulemaking, and notice of public hearing; correction.

SUMMARY: This document contains corrections to partial withdrawal of notice of proposed rulemaking, notice of proposed rulemaking, and notice of public hearing; correction (REG–138526–14) that were published in the **Federal Register** on Wednesday, June 24, 2015 (80 FR 36301). The partial withdrawal of notice of proposed rulemaking, notice of proposed rulemaking, and notice of public hearing are relating to the definition of issue price for purposes of the arbitrage restrictions under section 148 of the Internal Revenue Code (Code).

DATES: Written or electronic comments and requests for a public hearing for the notice of proposed rulemaking published at 80 FR 36301, June 24, 2015, are still being accepted and must be received by September 22, 2015.

FOR FURTHER INFORMATION CONTACT: Lewis Bell at (202) 317–6980 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of this correction is under section 148 of the Internal Revenue Code.

Need for Correction

As published in the Wednesday, June 24, 2015 (80 FR 36301) partial withdrawal of notice of proposed rulemaking, notice of proposed

rulemaking, and notice of public hearing (REG–138526–14) contains an error that may prove to be misleading, and is in need of clarification.

Correction of Publication

Accordingly, the partial withdrawal of notice of proposed rulemaking, notice of proposed rulemaking, and notice of public hearing (REG–138526–14) that is subject to FR Doc. 2015–15411, is corrected as follows:

§ 1.148–1 [Corrected]

■ 1. On page 36305, second column, second line of paragraph (f)(3)(ii), the language ''include'' is corrected to read ''includes''.

Martin V. Franks,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. 2015–18614 Filed 7–29–15; 8:45 am]

BILLING CODE 4830–01–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2015–13; Order No. 2599]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is noticing a recent Postal Service filing requesting that the Commission initiate an informal rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Five). This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 31, 2015. *Reply Comments are due:* September 15, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

In the Fiscal Year 2014 Annual Compliance Determination (FY 2014 ACD), the Commission directed the Postal Service to report within 90 days on the feasibility of developing attributable costs for the International Money Transfer Service (IMTS)—Outbound and Inbound products based upon alternatives to the In-Office Cost System (IOCS).[1] Cost data for the IMTS—Outbound and Inbound products are reported in the International Cost and Revenue Analysis (ICRA) report.

On June 30, 2015, the Postal Service filed its response to this directive.[2] In Item No. 4 of the Response, the Postal Service proposes to use data reported by the Federal Reserve Bank to estimate the transaction volume for the IMTS—Inbound product. *Id.* at 3. The Postal Service also proposes to use the inbound transaction volume in a new methodology to develop attributable costs for the IMTS—Outbound and Inbound products as an alternative to using IOCS statistical data. *Id.* at 5.

Pursuant to 39 CFR 3050.11 *et. seq.,* the Commission establishes the instant docket to initiate an informal rulemaking proceeding to consider the changes proposed in Item No. 4 of the Response to the Commission's directive in the FY 2014 ACD. The proposed changes to the IMTS—Outbound and Inbound products are labeled as Proposal Five and will be considered in this docket.

II. Proposal Five: A New Methodology To Develop IMTS—Outbound and Inbound Product Costs

The Postal Service proposes to estimate the transaction volume for the IMTS—Inbound product for the first time on an annual basis using data available from the Federal Reserve Bank on the number of foreign-origin money orders cashed by the Postal Service. *Id.* at 3. Using this new inbound transaction volume, the Postal Service proposes a new methodology to develop the attributable costs of the IMTS—Outbound and Inbound products. *Id.* at 5.

Currently, total attributable costs for the combined IMTS—Outbound and Inbound products are distributed between the products using IOCS tallies.[3] The Postal Service states that both the IMTS—Outbound and Inbound products are small products with relatively few transactions. Response at 4. As a result, it is difficult to obtain a sufficient number of IOCS tallies to reliably estimate attributable costs for the IMTS—Outbound product, which causes relatively volatile unit costs year-to-year. *Id.* Moreover, in most fiscal years, the Postal Service has been unable to develop attributable costs for the IMTS—Inbound product because of an absence of IOCS tallies. In addition, the ICRA report does not present transaction volume for the IMTS—Inbound product because the Postal Service has been unable to estimate such transaction volume through special studies or the use of data from postal retail systems. *Id.* at 2–3.

To develop attributable costs for the IMTS—Outbound and Inbound products, the Postal Service proposes to use an estimate of retail window service time for electronic wire transfer transactions to develop an electronic window service cost per transaction. *Id.* at 5. When multiplied by the number of electronic transfer transactions, the resulting total electronic window service costs is then subtracted from the total attributable costs for the combined IMTS products, with the remainder apportioned between transactions for outbound paper money orders and foreign-origin money orders cashed by the Postal Service based on transaction volume. *Id.*

III. Initial Commission Action

The Commission establishes Docket No. RM2015–13 for consideration of matters raised by Item No. 4 of the Response, now identified as Proposal Five. More information on Proposal Five may be accessed via the Commission's Web site at *http://www.prc.gov.* The Postal Service filed portions of its supporting documentation under seal as part of a non-public annex. Information concerning access to non-public materials is located in 39 CFR part 3007.

Interested persons may submit comments on Proposal Five no later

[1] Docket No. ACR2014, Fiscal Year 2014 Annual Compliance Determination Report, March 27, 2015, at 76 (FY 2014 ACD). The IOCS is one of several Postal Service statistical sampling systems used to develop product costs.

[2] Docket No. ACR2014, Responses of the United States Postal Service to Commission Requests for Additional Information Regarding IMTS and EPG in the FY 2014 Annual Compliance Determination, June 30, 2015 (Response).

[3] *See* Docket No. RM2011–5, Order No. 724, Order Concerning Analytical Principles for Periodic Reporting (Proposals Ten through Twelve, May 4, 2011, at 6–8. The IOCS collects data on the proportion of time spent by an employee performing various functions on different mail products or services. These proportions of time are used to estimate the costs of such products or services. An example might be the time spent by city carriers in a delivery post office casing (*i.e.,* sorting) mail. Individuals referred to as ''tally takers'' sample the time data; hence, the term tally is used to identify the source of the data.

than August 31, 2015. Reply comments are due no later than September 15, 2015. Pursuant to 39 U.S.C. 505, Nina Yeh is designated as officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2015–13 for consideration of the matters raised by the United States Postal Service in its Docket No. ACR2014, Responses of the United States Postal Service to Commission Requests for Additional Information Regarding IMTS and EPG in the FY 2014 Annual Compliance Determination, Item No. 4, filed June 30, 2015, identified herein as Proposal Five.

2. Comments by interested persons in this proceeding are due no later than August 31, 2015. Reply comments are due no later than September 15, 2015.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Nina Yeh to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–18665 Filed 7–29–15; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

39 CFR part 3050

[Docket No. RM2015–12; Order No. 2601]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is noticing a recent Postal Service filing requesting that the Commission initiate an informal rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Four). This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 31, 2015. *Reply Comments are due:* September 15, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction

On July 17, 2015, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate an informal rulemaking proceeding to consider changes to analytical principles relating to periodic reports.[1] Proposal Four is attached to the Petition and identifies the proposed analytical method change as a change relating to the use of the Summary of International Revenue and Volume Outbound statistical system (SIRVO) in the International Cost and Revenue Analysis (ICRA) report. *Id.* The Postal Service concurrently filed a nonpublic library reference, along with an application for nonpublic treatment of materials.[2]

II. Summary of Proposal

The Postal Service explains that the ICRA processing currently uses 20 individual quarterly international accounting datasets to provide country-specific outbound mail flow data for 46 individual countries and four regional aggregated country groupings. Petition, Proposal Four at 2. International accounting data have been the source of the mail flow data for countries not reported in the ICRA inputs by SIRVO. *Id.*

Under Proposal Four, the Postal Service seeks to use expanded SIRVO data in lieu of international accounting data. *Id.* The Postal Service asserts that the change does not materially affect the overall workings of the ICRA because the use of the SIRVO data is parallel to the use of the international accounting data. *Id.* The Postal Service states this change will streamline the ICRA data sources by eliminating 16 of the 20 datasets and retaining only four files for outbound Priority Mail Express International data that are not provided by SIRVO. *Id.* at 2. Further, Proposal Four will include data for the 186 additional countries/territories currently subsumed in the four regional aggregate groups. *Id.*

The Postal Service states that despite movement in the costs for individual products because of the new weighting scheme, overall costs will remain the same (to within one ten-thousandth of 1 percent) due to the ICRA benchmarking process. *Id.* at 4. The Postal Service identifies 36 changes that differ by more than $0.01 and 1 percent at the same time as a result of Proposal 4. *Id.* at 3. By way of example, the Postal Service represents that the shift to the SIRVO data sources will increase the volume-variable costs for International Priority Airmail and International Surface Airlift by $125,000 and $85,000, respectively. *Id.* The Postal Service asserts that this cost change is isolated in outbound products covered by SIRVO and any affected NSAs in the international settlements estimates. *Id.* The Postal Service also asserts that the only market dominant category to experience a change of 1 percent or more was the total volume-variable cost increase of $10,000 for Outbound International Cards to Transition System Countries at Universal Postal Union rates. *Id.* at 4.

III. Initial Commission Action

The Commission establishes Docket No. RM2015–12 for consideration of matters raised by the Petition. Additional information concerning the Petition may be accessed via the Commission's Web site at *http://www.prc.gov.* Interested persons may submit comments on the Petition and Proposal Four no later than August 31, 2015. Reply comments are due no later than September 15, 2015. Pursuant to 39 U.S.C. 505, James F. Callow is designated as officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2015–12 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Four), filed July 17, 2015.

[1] Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Four), July 17, 2015 (Petition).

[2] Notice of Filing of USPS–RM2015–12/NP1 and Application for Nonpublic Treatment, July 17, 2015 (Notice). The Library Reference is USPS–RM2015–12/NP1—Nonpublic Material Relating to Proposal Four (SIRVO Inputs to ICRA). The Notice incorporates by reference the Application for Non-Public Treatment of Materials contained in Attachment Two to the December 29, 2014, United States Postal Service Fiscal Year 2014 Annual Compliance Report. Notice at 1. *See* 39 CFR part 3007 for information on access to nonpublic material.

2. Comments are due no later than August 31, 2015. Reply comments are due no later than September 15, 2015.

3. Pursuant to 39 U.S.C. 505, the Commission appoints James F. Callow to serve as officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–18666 Filed 7–29–15; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2014–0443; FRL–9931–34–Region 4]

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

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the July 17, 2012, State Implementation Plan (SIP) submission, submitted by the Commonwealth of Kentucky, Energy and Environment Cabinet, Department for Environmental Protection, through the Kentucky Division for Air Quality (KY DAQ) for inclusion into the Kentucky SIP. This proposal pertains to the Clean Air Act (CAA or the Act) infrastructure requirements for the 2008 Lead national ambient air quality standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an ''infrastructure SIP submission.'' KY DAQ certified that the Kentucky SIP contains provisions that ensure the 2008 Lead NAAQS is implemented, enforced, and maintained in Kentucky. With the exception of provisions pertaining to prevention of significant deterioration (PSD) permitting, EPA is proposing to determine that Kentucky's infrastructure SIP submission, provided to EPA on July 17, 2012, satisfies the required infrastructure elements for the 2008 Lead NAAQS.

DATES: Written comments must be received on or before August 31, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2014–0443, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *Email: R4–ARMS@epa.gov.*

3. *Fax:* (404) 562–9019.

4. *Mail:* ''EPA–R04–OAR–2014–0443,'' Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch) Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.

5. *Hand Delivery or Courier:* Lynorae Benjamin, Chief, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2014–0443. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960 EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

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

SUPPLEMENTARY INFORMATION:

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I. Background

On October 5, 1978, EPA promulgated primary and secondary NAAQS for lead under section 109 of the Act. *See* 43 FR

46246. Both primary and secondary standards were set at a level of 1.5 micrograms per cubic meter (μg/m^3), measured as lead in total suspended particulate matter (Pb-TSP), not to be exceeded by the maximum arithmetic mean concentration averaged over a calendar quarter. This standard was based on the August 7, 1977 Air Quality Criteria for Lead. On November 12, 2008 (75 FR 81126), EPA issued a final rule to revise the primary and secondary Lead NAAQS. The primary and secondary Lead NAAQS were revised to 0.15 μg/m^3. By statute, SIPs meeting the requirements of sections 110(a)(1) and (2) are to be submitted by states within three years after promulgation of a new or revised NAAQS. Sections 110(a)(1) and (2) require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance of the NAAQS. States were required to submit such SIPs to EPA no later than October 15, 2011, for the 2008 Lead NAAQS.[1]

This action is proposing to approve Kentucky's infrastructure SIP submission for the applicable requirements of the 2008 Lead NAAQS, with the exception of preconstruction PSD permitting requirements for major sources contained in sections 110(a)(2)(C), prong 3 of D(i), and (J). On March 18, 2015, EPA approved Kentucky's July 17, 2012, infrastructure SIP submission regarding the PSD permitting requirements for major sources of sections 110(a)(2)(C), prong 3 of D(i) and (J) for the 2008 Lead NAAQS. *See* 80 FR 14019. Therefore, EPA is not proposing any action today pertaining to the PSD permitting requirements for major sources of sections 110(a)(2)(C), prong 3 of D(i), and (J) for the 2008 Lead NAAQS. For the aspects of Kentucky's submittal proposed for approval today, EPA notes that the Agency is not approving any specific rule, but rather proposing that Kentucky's already approved SIP meets certain CAA requirements.

[1] In these infrastructure SIP submissions states generally certify evidence of compliance with sections 110(a)(1) and (2) of the CAA through a combination of state regulations and statutes, some of which have been incorporated into the federally-approved SIP. In addition, certain federally-approved, non-SIP regulations may also be appropriate for demonstrating compliance with sections 110(a) (1) and (2). Unless otherwise indicated, the Title 15A regulations of the Kentucky Administrative Regulation (''KAR'') cited throughout this rulemaking have been approved into Kentucky's federally-approved SIP. The Kentucky Revised Statutes (''KRS'') cited throughout this rulemaking, however, are not approved into the Kentucky SIP unless otherwise indicated.

II. What elements are required under sections 110(a)(1) and (2)?

Section 110(a) of the CAA requires states to submit SIPs to provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years following the promulgation of such NAAQS, or within such shorter period as EPA may prescribe. Section 110(a) imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the SIP for a new or revised NAAQS affects the content of the submission. The contents of such SIP submissions may also vary depending upon what provisions the state's existing SIP already contains. In the case of the 2008 Lead NAAQS, states typically have met the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with the 1978 Lead NAAQS.

More specifically, section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists specific elements that states must meet for ''infrastructure'' SIP requirements related to a newly established or revised NAAQS. As mentioned above, these requirements include SIP infrastructure elements such as modeling, monitoring, and emissions inventories that are designed to assure attainment and maintenance of the NAAQS. The requirements that are the subject of this proposed rulemaking are listed below [2] and in EPA's October 14, 2011, memorandum entitled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements Required Under Sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS)'' (2011 Lead Infrastructure SIP Guidance).

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.
- 110(a)(2)(C): Program for enforcement, prevention of significant deterioration (PSD), and new source review (NSR).[3]
- 110(a)(2)(D)(i): Interstate transport provisions.
- 110(a)(2)(D)(ii): Interstate and International Transport.
- 110(a)(2)(E): Adequate personnel, funding, and authority.
- 110(a)(2)(F): Stationary source monitoring and reporting.
- 110(a)(2)(G): Emergency episodes.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(I): Nonattainment area plan or plan revision under Part D.[4]
- 110(a)(2)(J): Consultation with government officials, public notification, PSD and visibility protection.
- 110(a)(2)(K): Air quality modeling/data.
- 110(a)(2)(L): Permitting fees.
- 110(a)(2)(M): Consultation/participation by affected local entities.

[2] Two elements identified in section 110(a)(2) are not governed by the three year submission deadline of section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather due at the time the nonattainment area plan requirements are due pursuant to section 172. These requirements are: (1) Submissions required by section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D Title I of the CAA, and (2) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, Title I of the CAA. This proposed rulemaking does not address infrastructure elements related to section 110(a)(2)(I) or the nonattainment planning requirements of 110(a)(2)(C).

III. What is EPA's approach to the review of infrastructure SIP submissions?

EPA is acting upon the SIP submission from Kentucky that addresses the infrastructure requirements of CAA sections 110(a)(1) and 110(a)(2) for the 2008 Lead NAAQS. Pursuant to section 110(a)(1), states must make SIP submissions ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' and these SIP submissions are to provide for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''each such plan'' submission must address.

EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of CAA sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Although the term ''infrastructure SIP'' does not appear in the CAA, EPA uses the term to distinguish this particular type of SIP submission from

[3] This rulemaking only addresses requirements for this element as they relate to attainment areas.

[4] As mentioned above, this element is not relevant to this proposed rulemaking.

submissions that are intended to satisfy other SIP requirements under the CAA, such as ''nonattainment SIP'' or ''attainment plan SIP'' submissions to address the nonattainment planning requirements of part D of title I of the CAA, ''regional haze SIP'' submissions required by EPA rule to address the visibility protection requirements of CAA section 169A, and nonattainment new source review permit program submissions to address the permit requirements of CAA, title I, part D.

Section 110(a)(1) addresses the timing and general requirements for infrastructure SIP submissions, and section 110(a)(2) provides more details concerning the required contents of these submissions. The list of required elements provided in section 110(a)(2) contains a wide variety of disparate provisions, some of which pertain to required legal authority, some of which pertain to required substantive program provisions, and some of which pertain to requirements for both authority and substantive program provisions.[5] EPA therefore believes that while the timing requirement in section 110(a)(1) is unambiguous, some of the other statutory provisions are ambiguous. In particular, EPA believes that the list of required elements for infrastructure SIP submissions provided in section 110(a)(2) contains ambiguities concerning what is required for inclusion in an infrastructure SIP submission.

The following examples of ambiguities illustrate the need for EPA to interpret some section 110(a)(1) and section 110(a)(2) requirements with respect to infrastructure SIP submissions for a given new or revised NAAQS. One example of ambiguity is that section 110(a)(2) requires that ''each'' SIP submission must meet the list of requirements therein, while EPA has long noted that this literal reading of the statute is internally inconsistent and would create a conflict with the nonattainment provisions in part D of title I of the Act, which specifically address nonattainment SIP requirements.[6] Section 110(a)(2)(I) pertains to nonattainment SIP requirements and part D addresses when attainment plan SIP submissions to address nonattainment area requirements are due. For example, section 172(b) requires EPA to establish a schedule for submission of such plans for certain pollutants when the Administrator promulgates the designation of an area as nonattainment, and section 107(d)(1)(B) allows up to two years, or in some cases three years, for such designations to be promulgated.[7] This ambiguity illustrates that rather than apply all the stated requirements of section 110(a)(2) in a strict literal sense, EPA must determine which provisions of section 110(a)(2) are applicable for a particular infrastructure SIP submission.

Another example of ambiguity within sections 110(a)(1) and 110(a)(2) with respect to infrastructure SIPs pertains to whether states must meet all of the infrastructure SIP requirements in a single SIP submission, and whether EPA must act upon such SIP submission in a single action. Although section 110(a)(1) directs states to submit ''a plan'' to meet these requirements, EPA interprets the CAA to allow states to make multiple SIP submissions separately addressing infrastructure SIP elements for the same NAAQS. If states elect to make such multiple SIP submissions to meet the infrastructure SIP requirements, EPA can elect to act on such submissions either individually or in a larger combined action.[8] Similarly, EPA interprets the CAA to allow it to take action on the individual parts of one larger, comprehensive infrastructure SIP submission for a given NAAQS without concurrent action on the entire submission. For example, EPA has sometimes elected to act at different times on various elements and sub-elements of the same infrastructure SIP submission.[9]

Ambiguities within sections 110(a)(1) and 110(a)(2) may also arise with respect to infrastructure SIP submission requirements for different NAAQS. Thus, EPA notes that not every element of section 110(a)(2) would be relevant, or as relevant, or relevant in the same way, for each new or revised NAAQS. The states' attendant infrastructure SIP submissions for each NAAQS therefore could be different. For example, the monitoring requirements that a state might need to meet in its infrastructure SIP submission for purposes of section 110(a)(2)(B) could be very different for different pollutants because the content and scope of a state's infrastructure SIP submission to meet this element might be very different for an entirely new NAAQS than for a minor revision to an existing NAAQS.[10]

EPA notes that interpretation of section 110(a)(2) is also necessary when EPA reviews other types of SIP submissions required under the CAA. Therefore, as with infrastructure SIP submissions, EPA also has to identify and interpret the relevant elements of section 110(a)(2) that logically apply to these other types of SIP submissions. For example, section 172(c)(7) requires that attainment plan SIP submissions required by part D have to meet the ''applicable requirements'' of section 110(a)(2). Thus, for example, attainment plan SIP submissions must meet the requirements of section 110(a)(2)(A) regarding enforceable emission limits and control measures and section 110(a)(2)(E)(i) regarding air agency resources and authority. By contrast, it is clear that attainment plan SIP submissions required by part D would not need to meet the portion of section 110(a)(2)(C) that pertains to the PSD program required in part C of title I of the CAA, because PSD does not apply to a pollutant for which an area is designated nonattainment and thus subject to part D planning requirements.

[5] For example: Section 110(a)(2)(E)(i) provides that states must provide assurances that they have adequate legal authority under state and local law to carry out the SIP; section 110(a)(2)(C) provides that states must have a SIP-approved program to address certain sources as required by part C of title I of the CAA; and section 110(a)(2)(G) provides that states must have legal authority to address emergencies as well as contingency plans that are triggered in the event of such emergencies.

[6] *See, e.g.,* ''Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NO_X SIP Call; Final Rule,'' 70 FR 25162, at 25163–65 (May 12, 2005) (explaining relationship between timing requirement of section 110(a)(2)(D) versus section 110(a)(2)(I)).

[7] EPA notes that this ambiguity within section 110(a)(2) is heightened by the fact that various subparts of part D set specific dates for submission of certain types of SIP submissions in designated nonattainment areas for various pollutants. Note, *e.g.,* that section 182(a)(1) provides specific dates for submission of emissions inventories for the ozone NAAQS. Some of these specific dates are necessarily later than three years after promulgation of the new or revised NAAQS.

[8] *See, e.g.,* ''Approval and Promulgation of Implementation Plans; New Mexico; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) Permitting,'' 78 FR 4339 (January 22, 2013) (EPA's final action approving the structural PSD elements of the New Mexico SIP submitted by the State separately to meet the requirements of EPA's 2008 $PM_{2.5}$ NSR rule), and ''Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Infrastructure and Interstate Transport Requirements for the 2006 $PM_{2.5}$ NAAQS,'' (78 FR 4337) (January 22, 2013) (EPA's final action on the infrastructure SIP for the 2006 $PM_{2.5}$ NAAQS).

[9] On December 14, 2007, the State of Tennessee, through the Tennessee Department of Environment and Conservation, made a SIP revision to EPA demonstrating that the State meets the requirements of sections 110(a)(1) and (2). EPA proposed action for infrastructure SIP elements (C) and (J) on January 23, 2012 (77 FR 3213) and took final action on March 14, 2012 (77 FR 14976). On April 16, 2012 (77 FR 22533) and July 23, 2012 (77 FR 42997), EPA took separate proposed and final actions on all other section 110(a)(2) infrastructure SIP elements of Tennessee's December 14, 2007 submittal.

[10] For example, implementation of the 1997 $PM_{2.5}$ NAAQS required the deployment of a system of new monitors to measure ambient levels of that new indicator species for the new NAAQS.

As this example illustrates, each type of SIP submission may implicate some elements of section 110(a)(2) but not others.

Given the potential for ambiguity in some of the statutory language of section 110(a)(1) and section 110(a)(2), EPA believes that it is appropriate to interpret the ambiguous portions of section 110(a)(1) and section 110(a)(2) in the context of acting on a particular SIP submission. In other words, EPA assumes that Congress could not have intended that each and every SIP submission, regardless of the NAAQS in question or the history of SIP development for the relevant pollutant, would meet each of the requirements, or meet each of them in the same way. Therefore, EPA has adopted an approach under which it reviews infrastructure SIP submissions against the list of elements in section 110(a)(2), but only to the extent each element applies for that particular NAAQS.

Historically, EPA has elected to use guidance documents to make recommendations to states for infrastructure SIPs, in some cases conveying needed interpretations on newly arising issues and in some cases conveying interpretations that have already been developed and applied to individual SIP submissions for particular elements.[11] EPA issued the Lead Infrastructure SIP Guidance on October 14, 2011.[12] EPA developed this document to provide states with up-to-date guidance for the 2008 Lead infrastructure SIPs. Within this guidance, EPA describes the duty of states to make infrastructure SIP submissions to meet basic structural SIP requirements within three years of promulgation of a new or revised NAAQS. EPA also made recommendations about many specific subsections of section 110(a)(2) that are relevant in the context of infrastructure SIP submissions. The guidance also discusses the substantively important issues that are germane to certain subsections of section 110(a)(2). Significantly, EPA interprets sections 110(a)(1) and 110(a)(2) such that infrastructure SIP submissions need to address certain issues and need not address others. Accordingly, EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of section 110(a)(2), as appropriate.[13]

EPA's approach to review of infrastructure SIP submissions is to identify the CAA requirements that are logically applicable to that submission. EPA believes that this approach to the review of a particular infrastructure SIP submission is appropriate, because it would not be reasonable to read the general requirements of section 110(a)(1) and the list of elements in 110(a)(2) as requiring review of each and every provision of a state's existing SIP against all requirements in the CAA and EPA regulations merely for purposes of assuring that the state in question has the basic structural elements for a functioning SIP for a new or revised NAAQS. Because SIPs have grown by accretion over the decades as statutory and regulatory requirements under the CAA have evolved, they may include some outmoded provisions and historical artifacts. These provisions, while not fully up to date, nevertheless may not pose a significant problem for the purposes of ''implementation, maintenance, and enforcement'' of a new or revised NAAQS when EPA evaluates adequacy of the infrastructure SIP submission. EPA believes that a better approach is for states and EPA to focus attention on those elements of section 110(a)(2) of the CAA most likely to warrant a specific SIP revision due to the promulgation of a new or revised NAAQS or other factors.

Finally, EPA believes that its approach with respect to infrastructure SIP requirements is based on a reasonable reading of sections 110(a)(1) and 110(a)(2) because the CAA provides other avenues and mechanisms to address specific substantive deficiencies in existing SIPs. These other statutory tools allow EPA to take appropriately tailored action, depending upon the nature and severity of the alleged SIP deficiency. Section 110(k)(5) authorizes EPA to issue a ''SIP call'' whenever the Agency determines that a state's SIP is substantially inadequate to attain or maintain the NAAQS, to mitigate interstate transport, or to otherwise comply with the CAA.[14] Section 110(k)(6) authorizes EPA to correct errors in past actions, such as past approvals of SIP submissions.[15] Significantly, EPA's determination that an action on a state's infrastructure SIP submission is not the appropriate time and place to address all potential existing SIP deficiencies does not preclude EPA's subsequent reliance on provisions in section 110(a)(2) as part of the basis for action to correct those deficiencies at a later time. For example, although it may not be appropriate to require a state to eliminate all existing inappropriate director's discretion provisions in the course of acting on an infrastructure SIP submission, EPA believes that section 110(a)(2)(A) may be among the statutory bases that EPA relies upon in the course of addressing such deficiency in a subsequent action.[16]

IV. What is EPA's analysis of how Kentucky addressed the elements of sections 110(a)(1) and (2) ''infrastructure'' provisions?

The Kentucky infrastructure submission addresses the provisions of sections 110(a)(1) and (2) as described below.

1. 110(a)(2)(A) Emission limits and other control measures: There are several provisions within Kentucky's regulations that provide KY DAQ with the necessary authority to adopt and

[11] EPA notes, however, that nothing in the CAA requires EPA to provide guidance or to promulgate regulations for infrastructure SIP submissions. The CAA directly applies to states and requires the submission of infrastructure SIP submissions, regardless of whether or not EPA provides guidance or regulations pertaining to such submissions. EPA elects to issue such guidance in order to assist states, as appropriate.

[12] ''Guidance on Infrastructure State Implementation Plan (SIP) Elements Required under Clean Air Act Sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS),'' Memorandum from Stephen D. Page, October 14, 2001.

[13] Although not intended to provide guidance for purposes of infrastructure SIP submissions for the 2008 Lead NAAQS, EPA notes that, following the 2011 Lead Infrastructure SIP Guidance, EPA issued the ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' Memorandum from Stephen D. Page, September 13, 2013. This 2013 guidance provides recommendations for air agencies' development and the EPA's review of infrastructure SIPs for the 2008 ozone primary and secondary NAAQS, the 2010 primary nitrogen dioxide (NO_2) NAAQS, the 2010 primary sulfur dioxide (SO_2) NAAQS, and the 2012 primary fine particulate matter ($PM_{2.5}$) NAAQS, as well as infrastructure SIPs for new or revised NAAQS promulgated in the future.

[14] For example, EPA issued a SIP call to Utah to address specific existing SIP deficiencies related to the treatment of excess emissions during SSM events. *See* ''Finding of Substantial Inadequacy of Implementation Plan; Call for Utah State Implementation Plan Revisions,'' 74 FR 21639 (April 18, 2011).

[15] EPA has used this authority to correct errors in past actions on SIP submissions related to PSD programs. *See* ''Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule,'' 75 FR 82536 (December 30, 2010). EPA has previously used its authority under CAA section 110(k)(6) to remove numerous other SIP provisions that the Agency determined it had approved in error. *See, e.g.,* 61 FR 38664 (July 25, 1996) and 62 FR 34641 (June 27, 1997) (corrections to American Samoa, Arizona, California, Hawaii, and Nevada SIPs); 69 FR 67062 (November 16, 2004) (corrections to California SIP); and 74 FR 57051 (November 3, 2009) (corrections to Arizona and Nevada SIPs).

[16] *See, e.g.,* EPA's disapproval of a SIP submission from Colorado on the grounds that it would have included a director's discretion provision inconsistent with CAA requirements, including section 110(a)(2)(A). *See, e.g.,* 75 FR 42342 at 42344 (July 21, 2010) (proposed disapproval of director's discretion provisions); 76 FR 4540 (Jan. 26, 2011) (final disapproval of such provisions).

enforce air quality controls, which include enforceable emission limitations and other control measures. Some sections but not all of the following chapters,[17] provide the state the necessary authority; 401 KAR Chapter 50 *General Administrative Procedures* 401 KAR 51 *Attainment and Maintenance of the National Ambient Air Quality Standards,* 401 KAR 52 *Permits, Registrations, and Prohibitory Rules,* and 401 KAR 53 *Ambient Air Quality.* EPA has made the preliminary determination that these provisions and Kentucky's practices are adequate to protect the 2008 Lead NAAQS in the Commonwealth.

In this action, EPA is not proposing to approve or disapprove any existing Kentucky provisions with regard to excess emissions during startup, shutdown and malfunction (SSM) of operations at a facility. EPA believes that a number of states have SSM provisions which are contrary to the CAA and existing EPA guidance, ''State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown'' (September 20, 1999), and the Agency is addressing such state regulations in a separate action.[18] In the meantime, EPA encourages any state having a deficient SSM provision to take steps to correct it as soon as possible.

Additionally, in this action, EPA is not proposing to approve or disapprove any existing State rules with regard to director's discretion or variance provisions. In the meantime, EPA encourages any state having a director's discretion or variance provision which is contrary to the CAA and EPA guidance to take steps to correct the deficiency as soon as possible.

2. 110(a)(2)(B) Ambient air quality monitoring/data system: SIPs are required to provide for the establishment and operation of ambient air quality monitors; the compilation and analysis of ambient air quality data; and the submission of these data to EPA upon request. 401 KAR 50:050 *Monitoring* and KRS 224.10–100(22) along with the Kentucky Annual Monitoring Network Plan, provide for an ambient air quality monitoring system in the State, which includes the monitoring of lead at appropriate locations throughout the state using the EPA approved Federal Reference Method or equivalent monitors. 401 KAR Chapter 50 *General Administrative Procedures* also provides Kentucky with the statutory authority to ''determine by means of field sampling and other studies, including the examination of available data collected by any local, State or federal agency or any person, the degree of air contamination and air pollution in the State and the several areas of the State.'' The monitors are all part of the Air Quality Systems (AQS) and identification numbers. Annually, States develop and submit to EPA for approval statewide ambient monitoring network plans consistent with the requirements of 40 CFR parts 50, 53, and 58. The annual network plan involves an evaluation of any proposed changes to the monitoring network, includes the annual ambient monitoring network design plan and a certified evaluation of the agency's ambient monitors and auxiliary support equipment.[19] The latest monitoring network plan for Kentucky was submitted to EPA on June 30, 2014, and on October 30, 2014, EPA approved this plan. Kentucky's approved monitoring network plan can be accessed at *www.regulations.gov* using Docket ID No. EPA–R04–OAR–2014–0443. EPA has made the preliminary determination that Kentucky's SIP and practices are adequate for the ambient air quality monitoring and data system related to the 2008 Lead NAAQS.

3. 110(a)(2)(C) Program for enforcement, PSD, and NSR: This element consists of three sub-elements; enforcement, state-wide regulation of new and modified minor sources and minor modifications of major sources; and preconstruction permitting of major sources and major modifications in areas designated attainment or unclassifiable for the subject NAAQS as required by CAA title I part C (*i.e.,* the major source PSD program). To meet these obligations, Kentucky cited regulations 401 KAR 50:060. The enforcement aspect of 110(a)(2)(C) provides for enforcement of the terms and conditions of permits and compliance schedules, and 401 KAR 52 Permits, Registrations, and Prohibitory Rules, which pertain to the construction of new stationary sources or any project at an existing stationary source. In this action, EPA is only proposing to approve the enforcement and the regulation of minor sources and minor modifications aspects of Kentucky's section 110(a)(2)(C) infrastructure SIP submission.

Enforcement: KY DAQ's above-described, SIP-approved regulations provide for enforcement of lead emission limits and control measures and construction permitting for new or modified stationary sources.

Preconstruction PSD Permitting for Major Sources: With respect to Kentucky's July 17, 2012, infrastructure SIP submission related to the preconstruction PSD permitting requirements for major sources of section 110(a)(2)(C), EPA took final action to approve these provisions for the 2008 Lead NAAQS on March 18, 2015. *See* 80 FR 14019.

Regulation of minor sources and modifications: Section 110(a)(2)(C) also requires the SIP to include provisions that govern the minor source pre-construction program that regulates emissions of the 2008 Lead NAAQS. Regulation 401 KAR 52:030 governs the preconstruction permitting of modifications and construction of minor stationary sources.

EPA has made the preliminary determination that Kentucky's SIP and practices are adequate for enforcement of control measures and regulation of minor sources and modifications related to the 2008 Lead NAAQS.

4. 110(a)(2)(D)(i) and (ii) Interstate and International transport provisions: Section 110(a)(2)(D)(i) has two components; 110(a)(2)(D)(i)(I) and 110(a)(2)(D)(i)(II). Each of these components have two subparts resulting in four distinct components, commonly referred to as ''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (''prong 1''), and interfering with maintenance of the NAAQS in another state (''prong 2''). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state interfering with measures required to prevent significant deterioration of air quality in another state (''prong 3''), or to protect visibility in another state (''prong 4''). Section 110(a)(2)(D)(ii)

[17] There are various chapters from the Kentucky submittal cited to throughout this document as showing that Kentucky meets the infrastructure requirements. To see exactly what sections Kentucky cited in each chapter, refer to the submittal which can be accessed at *www.regulations.gov* using Docket ID No. EPA–R04–OAR–2014–0443.

[18] On May 22, 2015, the EPA Administrator signed a final action entitled, ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction.'' The prepublication version of this rule is available at *http://www.epa.gov/airquality/urbanair/sipstatus/emissions.html.*

[19] On occasion, proposed changes to the monitoring network are evaluated outside of the network plan approval process in accordance with 40 CFR part 58.

requires SIPs to include provisions insuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement.

110(a)(2)(D)(i)(I) prongs 1 and 2: Section 110(a)(2)(D)(i) requires infrastructure SIP submissions to include provisions prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment in, or interfering with maintenance of the NAAQS in another state. The physical properties of lead prevent lead emissions from experiencing that same travel or formation phenomena as $PM_{2.5}$ and ozone for interstate transport as outlined in prongs 1 and 2. More specifically, there is a sharp decrease in the lead concentrations, at least in the coarse fraction, as the distance from a lead source increases. EPA believes that the requirements of prongs 1 and 2 can be satisfied through a state's assessment as to whether a lead source located within its State in close proximity to a state border has emissions that contribute significantly to the nonattainment or interfere with maintenance of the NAAQS in the neighboring state. For example, EPA's experience suggests that sources located more than two miles from the state border or that sources that emit less than 0.5 tons per year (tpy) generally appear unlikely to contribute significantly to the nonattainment in another state. Kentucky has one lead source that has emissions which exceed 0.5 tpy, however, the source is located about 50 miles from the border.[20] As a result of its distance to the border, EPA believes it is unlikely to contribute significantly to the nonattainment or interfere with maintenance of the NAAQS in another state. Therefore, EPA has made the preliminary determination that Kentucky's SIP meets the requirements of section 110(a)(2)(D)(i)(I).

110(a)(2)(D)(i)(II) Prong 3: With respect to Kentucky's July 17, 2012 infrastructure SIP submission related to the interstate transport requirements for PSD of prong 3 of section 110(a)(2)(D)(i), EPA took final action to approve this portion of Kentucky's submission for the 2008 Lead NAAQS on March 18, 2015. *See* 80 *FR* 14019.

110(a)(2)(D)(i)(II) prong 4: With regard to section 110(a)(2)(D)(i)(II), the visibility sub-element, referred to as prong 4, significant visibility impacts from stationary source lead emissions are expected to be limited to short distances from the source. The 2011 Lead Infrastructure SIP Guidance notes that the lead constituent of PM would likely not travel far enough to affect Class 1 areas and that the visibility provisions of the CAA do not directly regulate lead. Lead stationary sources in Kentucky are located distances from Class I areas such that visibility impacts are negligible. Accordingly, EPA has preliminarily determined that the Kentucky SIP meets the relevant visibility requirements of prong 4 of section 110(a)(2)(D)(i).

110(a)(2)(D)(ii) Interstate and International transport provisions: With regard to section 110(a)(2)(D)(ii), section 6 of KAR Chapter 52:100, *Public, Affected State, and US EPA Review,* outlines how Kentucky will notify neighboring states of potential impacts from new or modified sources. Further, EPA is unaware of any pending obligations for the Commonwealth pursuant to sections 115 or 126 of the CAA. EPA has made the preliminary determination that Kentucky DAQ's SIP and practices are adequate for insuring compliance with the applicable requirements relating to interstate and international pollution abatement for the 2008 Lead NAAQS. Accordingly, EPA is proposing to approve Kentucky's infrastructure SIP submission with respect to section 110(a)(2)(D)(ii).

5. 110(a)(2)(E) Adequate personnel, funding, and authority: Section 110(a)(2)(E) requires that each implementation plan provide (i) necessary assurances that the State will have adequate personnel, funding, and authority under state law to carry out its implementation plan, (ii) that the State comply with the requirements respecting State Boards pursuant to section 128 of the Act, and (iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provisions. EPA is proposing to approve Kentucky's SIP as meeting the requirements of sub-elements 110(a)(2)(E)(i), (ii) and (iii). EPA's rationale for this proposal respecting sub-element (i), (ii),and(iii) is described in turn below.

To satisfy the requirements of sections 110(a)(2)(E)(i) and (iii), Kentucky's infrastructure SIP submission cites regulation 401 KAR 50:038 *Air Emissions Fee,* which provides the assessment fees necessary to fund the state Title V permit program. EPA submitted a letter to Kentucky on February 27, 2014, outlining 105 grant commitments and the current status of these commitments for fiscal year 2013. The letter EPA submitted to Kentucky can be accessed at *www.regulations.gov* using Docket ID No. EPA–R04–OAR–2014–0443. Annually, states update these grant commitments based on current SIP requirements, air quality planning, and applicable requirements related to the NAAQS. Kentucky satisfactorily met all commitments agreed to in the Air Planning Agreement for fiscal year 2013, therefore Kentucky's grants were finalized and closed out.

Section 110(a)(2)(E)(ii) requires that Kentucky comply with section 128 of the CAA. Section 128 requires that: (1) The majority of members of the state board or body which approves permits or enforcement orders represent the public interest and do not derive any significant portion of their income from persons subject to permitting or enforcement orders under the CAA; and (2) any potential conflicts of interest by such board or body, or the head of an executive agency with similar, powers be adequately disclosed.

KY DAQ's infrastructure SIP submission adequately demonstrated that Kentucky's SIP meets the applicable section 128 requirements pursuant to section 110(a)(2)(E)(ii).

For purposes of section 128(a)(1), Kentucky has no boards or bodies with authority over air pollution permits or enforcement actions. Such matters are instead handled by the Director of the KY DAQ. As such, a ''board or body'' is not responsible for approving permits or enforcement orders in Kentucky, and the requirements of section 128(a)(1) are not applicable. For purposes of section 128(a)(2), Kentucky's SIP has been updated. On October 3, 2012, EPA finalized approval of KY DAQ's July 17, 2012, SIP revision requesting incorporation of KRS Chapters 11A.020, 11A.030, 11A.040 and Chapters 224.10–020 and 224.10–100 into the SIP to address sub-element 110(a)(2)(E)(ii). *See* 77 FR 60307. With the incorporation of these regulations into the Kentucky SIP, EPA has made the preliminary determination that the Commonwealth has adequately addressed the requirements of section 128(a)(2), and accordingly has met the infrastructure SIP requirements of section 110(a)(2)(E)(ii). Therefore, EPA is proposing to approve KY DAQ's SIP as meeting the requirements of sub-elements 110(a)(2)(E)(i), (ii) and (iii).

6. 110(a)(2)(F) Stationary source monitoring system: KY DAQ's infrastructure SIP submission describes how the State establishes requirements for emissions compliance testing and

[20] The one facility in Kentucky that has lead emissions greater than 0.5 tpy is the EnerSys facility located at 761 Eastern Bypass Richmond, KY 40475. The lead emissions from this facility are 0.55 tpy.

utilizes emissions sampling and analysis. It further describes how the State ensures the quality of its data through observing emissions and monitoring operations. KY DAQ uses these data to track progress towards maintaining the NAAQS, develop control and maintenance strategies, identify sources and general emission levels, and determine compliance with emission regulations and additional EPA requirements. KY DAQ meets these requirements through KY DAQ 401 KAR 50:050 *Monitoring.* These requirements are incorporated into the SIP at Chapter 50 *General Administrative Procedures* allows for the use of credible evidence in the event that the KY DAQ Director has evidence that a source is violating an emission standard or permit condition, the Director may require that the owner or operator of any source submit to the Director any information necessary to determine the compliance status of the source. In addition, EPA is unaware of any provision preventing the use of credible evidence in the Kentucky SIP.

In addition, Kentucky is required to submit emissions data to EPA for purposes of the National Emissions Inventory (NEI). The NEI is EPA's central repository for air emissions data. EPA published the Air Emissions Reporting Rule (AERR) on December 5, 2008, which modified the requirements for collecting and reporting air emissions data. *See* 73 FR 76539. The AERR shortened the time states had to report emissions data from 17 to 12 months, giving states one calendar year to submit emissions data. All states are required to submit a comprehensive emissions inventory every three years and report emissions for certain larger sources annually through EPA's online Emissions Inventory System. States report emissions data for the six criteria pollutants and the precursors that form them—NO_X, sulfur dioxide, ammonia, lead, carbon monoxide, particulate matter, and volatile organic compounds. Many states also voluntarily report emissions of hazardous air pollutants. Kentucky made its latest update to the 2013 NEI on November 11, 2014. EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through the Web site *http://www.epa.gov/ttn/chief/eiinformation.html.* EPA has made the preliminary determination that Kentucky's SIP and practices are adequate for the stationary source monitoring systems obligations for the 2008 Lead NAAQS.

7. 110(a)(2)(G) Emergency episodes: This section requires that states demonstrate authority comparable with section 303 of the CAA and adequate contingency plans to implement such authority. Kentucky's infrastructure SIP submission cites 401 KAR Chapter 55 *Emergency Episodes* as identifying air pollution emergency episodes and preplanned abatement strategies, and providing the means to implement emergency air pollution episode measures. Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the cabinet determines that the accumulation of air contaminants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, present a threat to the health of the public. The intent of this administrative regulation is to provide for the curtailment or reduction of processes or operations which emit an air contaminant or an air contaminant precursor whose criteria has been reached and are located in the affected area for which an episode level has been declared. This rule defines what an episodic criteria is and the procedure for an episode declaration. In addition, KRS 224.10–410 provides: ''Notwithstanding any inconsistent provisions of law, whenever the Secretary of the Energy and Environment Cabinet finds, after investigation, that any person or combination of persons is causing, engaging in or maintaining a condition or activity which, in his judgment, presents a danger to the health or welfare of the people of the state or results in or is likely to result in damage to natural resources, and relates to the prevention and abatement powers of the secretary and it therefore appears to be prejudicial to the interests of the people of the state to delay action until an opportunity for a hearing can be provided, the secretary may, without prior hearing, order such person or combination of persons by notice, in writing wherever practicable or in such other form as in the secretary's judgment will reasonably notify such person or combination of persons whose practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person or combination of persons shall immediately discontinue, abate or alleviate such condition or activity. As soon as possible thereafter, not to exceed ten (10) days, the secretary shall provide the person or combination of persons an opportunity to be heard and to present proof that such condition or activity does not violate the provisions of this section. The secretary shall adopt any other appropriate rules and regulations prescribing the procedure to be followed in the issuance of such orders. The secretary shall immediately notify the Governor of any order issued pursuant to this section.'' EPA has made the preliminary determination that Kentucky's SIP and practices are adequate to satisfy the emergency powers obligations of the 2008 Lead NAAQS.

8. 110(a)(2)(H) Future SIP revisions: KY DAQ is responsible for adopting air quality rules and revising SIPs as needed to attain or maintain the NAAQS in Kentucky. 401 KAR Chapter 53 *Ambient Air Quality* and Chapter 51 *Attainment and Maintenance of the National Ambient Air Quality Standards* grant KY DAQ the broad authority to implement the CAA, and as such, provides KY DAQ the authority to prepare and develop, after proper study, a comprehensive plan for the prevention of air pollution. These statutes also provide KY DAQ the ability and authority to respond to calls for SIP revisions, and has provided a number of SIP revisions over the years for implementation of the NAAQS. Accordingly, EPA has made the preliminary determination that Kentucky's SIP and practices adequately demonstrate a commitment to provide future SIP revisions related to the 2008 Lead NAAQS, when necessary.

9. 110(a)(2)(J): EPA is proposing to approve Kentucky's infrastructure SIP for the 2008 Lead NAAQS with respect to the general requirement in section 110(a)(2)(J) to include a program in the SIP that provides for meeting the applicable consultation requirements of section 121, the public notification requirements of section 127, and visibility protection. With respect to Kentucky's infrastructure SIP submission related to the preconstruction PSD permitting requirements of section 110(a)(2)(J), EPA took final action to approve Kentucky's July 17, 2012, 2008 Lead infrastructure SIP for these requirements on March 18, 2015. *See* 80 FR 14019. EPA's rationale for applicable consultation requirements of section 121, the public notification requirements of section 127, and visibility is described below.

Consultation with government officials (121 consultation): Section 110(a)(2)(J) of the CAA requires states to provide a process for consultation with local governments, designated organizations and federal land managers (FLMs) carrying out NAAQS implementation requirements pursuant to section 121 relative to consultation. 401 KAR 52 *Permits, Registrations, and Prohibitory Rules* along with the Regional Haze SIP Plan (which allows

for consultation between appropriate state, local, and tribal air pollution control agencies as well as the corresponding FLMs), provide for consultation with government officials whose jurisdictions might be affected by SIP development activities. Implementation of transportation conformity as outlined in the consultation procedures requires KY DAQ to consult with federal, state and local transportation and air quality agency officials on the development of motor vehicle emissions budgets. EPA has made the preliminary determination that Kentucky's SIP and practices adequately demonstrate that the State meets applicable requirements related to consultation with government officials for the 2008 Lead NAAQS when necessary.

Public notification (127 public notification): To meet the public notification requirements of section 110(a)(2)(J), statutes 401 KAR 51 *Attainment and Maintenance of the National Ambient Air Quality Standards and* 401 KAR 52 *Permits, Registrations* provides Kentucky with the authority to declare an emergency and notify the public accordingly when it finds t a generalized condition of water or air pollution which is causing imminent danger to the health or safety of the public. For example, 401 KAR 52:100. *Public, Affected State, and U.S. EPA Review* of the Kentucky SIP process affords the public an opportunity to participate in regulatory and other efforts to improve air quality by holding public hearings for interested persons to appear and submit written or oral comments. EPA also notes that KY DAQ maintains a Web site that provides the public with notice of the health hazards associated with Lead NAAQS exceedances, measures the public can take to help prevent such exceedances, and the ways in which the public can participate in the regulatory process. See *http://air.ky.gov/Pages/default.aspx.*

EPA has made the preliminary determination that Kentucky's SIP and practices adequately demonstrate the State's ability to provide public notification related to the 2008 Lead NAAQS when necessary.

Visibility Protection: The 2011 Lead Infrastructure SIP Guidance notes that EPA does not generally treat the visibility protection aspects of section 110(a)(2)(J) as applicable for purposes of the infrastructure SIP approval process. EPA recognizes that states are subject to visibility protection and regional haze program requirements under Part C of the Act (which includes sections 169A and 169B). However, in the event of the establishment of a new primary NAAQS, the visibility protection and regional haze program requirements under part C do not change. EPA thus does not expect states to address visibility in lead infrastructure submittals. Thus, EPA concludes there are no new applicable visibility protection obligations under section 110(a)(2)(J) as a result of the 2008 Lead NAAQS. Accordingly, EPA is proposing to approve section 110(a)(2)(J) of KY DAQ's infrastructure SIP submission with respect to visibility.

EPA has made the preliminary determination that Kentucky's SIP and practices adequately demonstrate the State's ability to meet the requirements of section 110(a)(2)(J) to include a program in the SIP that provides for meeting the applicable requirements of section 121 (consultation), section 127 public notification, and visibility protection.

10. 110(a)(2)(K) Air quality modeling/data: Section 110(a)(2)(K) of the CAA requires that SIPs provide for performing air quality modeling so that effects on air quality of emissions from NAAQS pollutants can be predicted and submission of such data to the USEPA can be made. 401 KAR Chapter 50 *General Administrative Procedures* require that air modeling be conducted in accordance with 40 CFR part 51, appendix W ''Guideline on Air Quality Models.'' These regulations demonstrate that Kentucky has the authority to perform air quality modeling and to provide relevant data for the purpose of predicting the effect on ambient air quality of the 2008 Lead NAAQS. Additionally, Kentucky supports a regional effort to coordinate the development of emissions inventories and conduct regional modeling for several NAAQS, including the 2008 Lead NAAQS, for the Southeastern states. Taken as a whole, Kentucky's air quality regulations demonstrate that KY DAQ has the authority to provide relevant data for the purpose of predicting the effect on ambient air quality of the 2008 Lead NAAQS. EPA has made the preliminary determination that Kentucky's SIP and practices adequately demonstrate the State's ability to provide for air quality and modeling, along with analysis of the associated data, related to the 2008 Lead NAAQS when necessary.

11. 110(a)(2)(L) Permitting fees: This element necessitates that the SIP require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under the CAA, a fee sufficient to cover (i) the reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V.

To satisfy these requirements, Kentucky Regulation 401 KAR 50:038 *Air Emissions Fee,* and the Title V Operating Permit Program Implementation Protocol dated August 13, 1999, is how KY DAQ collects adequate emission fees related to the cost of administering the air quality program mandated under Title V of the CAA Amendments of 1990 (Public Law 101–549, as amended). Funds collected in support of the program are used in support of review, implementation, and enforcement of PSD/NNSR permits. The Title V program takes over for the PSD/NNSR permit once the source begin operating. EPA has made the preliminary determination that Kentucky's practices adequately provide for permitting fees related to the 2008 Lead NAAQS, when necessary.

12. 110(a)(2)(M) Consultation/participation by affected local entities: This element requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP. 401 KAR 52 *Permits, Registrations* authorize and require KY DAQ to advise, consult, cooperate and enter into agreements with other agencies of the state, the Federal Government, other states, interstate agencies, groups, political subdivisions, and industries affected by the provisions of this act, rules, or policies of the department. EPA has made the preliminary determination that Kentucky's SIP and practices adequately demonstrate consultation with affected local entities related to the 2008 Lead NAAQS, when necessary.

V. Proposed Action

With the exception of the PSD permitting requirements for major sources contained in sections 110(a)(2)(C), prong 3 of (D)(i), and (J), EPA is proposing to approve that KY DAQ's infrastructure SIP submission, submitted July 17, 2012, for the 2008 Lead NAAQS meets the above described infrastructure SIP requirements. EPA is proposing to approve these portions of Kentucky's infrastructure SIP submission for the 2008 Lead NAAQS because these aspects of the submission are consistent with section 110 of the CAA.

VI. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: July 14, 2015.

Heather Mc Teer Toney,

Regional Administrator, Region 4.

[FR Doc. 2015–18613 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0323; FRL–9931–15–Region 10]

Approval and Promulgation of Implementation Plans; Oregon: Grants Pass Second 10-Year PM_{10} Limited Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the limited maintenance plan submitted by the State of Oregon on April 22, 2015, for the Grants Pass maintenance area for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}). The plan explains how this area will continue to meet the PM_{10} National Ambient Air Quality Standard for a second 10-year period through 2025.

DATES: Comments must be received on or before August 31, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2015–0323, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: edmondson.lucy@epa.gov.*
- *Mail:* Lucy Edmondson, U.S. EPA Region 10, Office of Air, Waste and Toxics, AWT–150, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101
- *Hand Delivery/Courier:* U.S. EPA Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. Attention: Lucy Edmondson, Office of Air, Waste and Toxics, AWT–150. Such deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Lucy Edmondson at telephone number: (360) 753–9082, email address: *edmondson.lucy@epa.gov,* or the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: For further information, please see the direct final action, of the same title, which is located in the Rules section of this **Federal Register**. The EPA is simultaneously approving the State's SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If the EPA receives no adverse comments, the EPA will not take further action on this proposed rule.

If the EPA receives adverse comments, the EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, the EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: July 8, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

[FR Doc. 2015–18349 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R09–OAR–2015–0279; FRL–9930–98–Region 9]

Air Plan Approval; California; Mammoth Lakes; Redesignation Request; PM_{10} Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve, as a revision to the California State Implementation Plan (SIP), California's request to redesignate the Mammoth Lakes nonattainment area to attainment for the 1987 National Ambient Air Quality Standard (NAAQS) for particulate matter of ten microns or less (PM_{10}). EPA is also proposing to approve the maintenance plan for the Mammoth Lakes area and the associated motor vehicle emissions budgets for use in transportation conformity determinations. Finally, EPA is proposing to approve the attainment year emissions inventory. EPA is proposing these actions because the SIP revision meets the requirements of the Clean Air Act and EPA guidance for maintenance plans and motor vehicle emissions budgets.

DATES: Any comments must arrive by August 31, 2015.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2015–0279 by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions.

2. *Email: wamsley.jerry@ epa.gov.*

3. *Mail or deliver:* Jerry Wamsley (Air-2), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *http://www.regulations.gov* or email. *http://www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy format at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material, large maps), and some may not be publicly available in either location (*e.g.,* CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Jerry Wamsley, EPA Region IX, (415) 947–4111, *wamsley.jerry@ epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. Summary of Our Proposal

EPA is proposing approval of the Mammoth Lakes PM_{10} redesignation and maintenance plan. We are proposing this action because California's SIP revision meets the Clean Air Act (CAA) requirements and EPA guidance concerning redesignations to attainment of a National Ambient Air Quality Standard (NAAQS or standard) and maintenance plans.

First, under CAA section 107(d)(3)(D), EPA is proposing to approve the State's request to redesignate the Mammoth Lakes PM_{10} nonattainment area to attainment for the PM_{10} NAAQS. Our proposal is based on our conclusion that the area has met the five criteria for redesignation under CAA section 107(d)(3)(E): (1) The area has attained the PM_{10} NAAQS; (2) the required portions of the SIP are fully approved for the area; (3) the improvement in ambient air quality in the area is due to permanent and enforceable reductions in PM_{10} emissions; (4) California has met all requirements applicable to the Mammoth Lakes PM_{10} nonattainment area with respect to section 110 and part D of the CAA; and, (5) the Mammoth Lakes PM_{10} Maintenance Plan, as described below, meets the requirements of CAA section 175A.

Second, under section 110(k)(3) of the CAA, EPA is proposing to approve as a revision to the SIP, the maintenance plan developed by the Great Basin Unified Air Pollution Control District (GBUAPCD) entitled ''2014 Update Air Quality Maintenance Plan and Redesignation Request for the Town of Mammoth Lakes'' (herein referred to as the Mammoth Lakes PM_{10} Maintenance Plan), dated May 5, 2014, submitted by California, through the California Air Resources Board (CARB), to EPA on October 21, 2014.[1] EPA is proposing to find that the Mammoth Lakes PM_{10} Maintenance Plan meets the requirements in section 175A of the CAA. The plan's maintenance demonstration shows that the Mammoth Lakes area will continue to attain the PM_{10} NAAQS for at least 10 years beyond redesignation (*i.e.*, through 2030). The plan's contingency provisions incorporate a process for identifying new or more stringent control measures in the event of a future monitored violation. Finally, EPA is proposing to approve the plan's 2012 emission inventory as meeting the

[1] See Section III in this action for list of documents submitted by the California. See the docket for this action for copies of the submittal documents including the October 21, 2014 submittal letter from the State.

requirements of CAA section 172 and 175A.

Third, EPA is proposing to approve the motor vehicle emission budgets (budgets) in the Mammoth Lakes PM_{10} Maintenance Plan because we find they meet the applicable transportation conformity requirements under 40 CFR 93.118(e). With this **Federal Register** notice, EPA is informing the public that we are reviewing the plan's budgets for adequacy. With this action, we are starting the public comment period on adequacy of the proposed budgets. Please see the **DATES** section of this proposal for the closing date of the comment period.

II. Background of This Action

A. The PM_{10} National Ambient Air Quality Standard

EPA sets the NAAQS for certain ambient air pollutants at levels required to protect public health and welfare. Particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers, or PM_{10}, is one of the ambient air pollutants for which EPA has established health-based standards. As discussed below, we have promulgated and revised the PM_{10} NAAQS several times.

EPA revised the NAAQS for particulate matter on July 1, 1987, replacing standards for total suspended particulates (TSP, particulate less than 30 microns in diameter) with new standards applying only to particulate matter up to 10 microns in diameter (PM_{10}) (52 FR 24633). In 1987, EPA established two PM_{10} standards, an annual standard and a 24-hour standard. An area attains the 24-hour PM_{10} standard of 150 micrograms per cubic meter ($\mu g/m^3$) when the expected number of days per calendar year with a 24-hour concentration exceeding the standard (referred to as an exceedance), is equal to or less than one.[2] The annual PM_{10} standard is attained when the expected annual arithmetic mean of the 24-hour samples averaged over a three year period does not exceed 50 $\mu g/m^3$. See 40 CFR 50.6 and 40 CFR part 50, Appendix K.

In a 2006 p.m. NAAQS revision, the 24-hour PM_{10} standards were retained but the annual standards were revoked, effective December 18, 2006 (71 FR 61144, October 17, 2006). On January 15, 2013, EPA announced that it was again retaining the 24-hour PM_{10} NAAQS as a 24-hour standard of 150 $\mu g/m^3$ (78 FR 3086). California's submittal of the Mammoth Lakes PM_{10} Maintenance Plan addresses the 1987 24-hour PM_{10} standard, as originally promulgated, and as reaffirmed on January 15, 2013.

B. PM_{10} Planning Requirements Applicable to the Mammoth Lakes Area

On the date of enactment of the 1990 CAA Amendments, PM_{10} areas meeting the qualifications of section 107(d)(4)(B) of the amended Act, such as Mammoth Lakes, were designated nonattainment by operation of law (56 FR 11101, March 15, 1991). See 40 CFR 81.305. Once an area is designated nonattainment, section 188 of the CAA outlines the process for classification of the area and establishes the area's attainment date. Consistent with section 188(a), at the time of designation, all PM_{10} nonattainment areas were initially classified as moderate by operation of law, including the Mammoth Lakes PM_{10} nonattainment area.[3]

The 1990 CAA established new planning requirements and attainment deadlines for the PM_{10} NAAQS. A fundamental nonattainment area requirement applicable to the Mammoth Lakes area is that the State submit a SIP demonstrating attainment of the PM_{10} NAAQS. This demonstration must be based upon enforceable control measures producing emission reductions and emissions at or below the level predicted to result in attainment of the PM_{10} NAAQS throughout the nonattainment area (see CAA section 189(a)). As stated in section 189(a)(1) of the CAA, the State was required to make the following SIP submittals by November 15, 1991: The State had to submit a SIP ensuring implementation of all reasonably available control measures (RACM) no later than December 10, 1993, as required by CAA section 189(a)(1)(C); and, the State had to submit a SIP providing for expeditious attainment by the applicable attainment date, December 31, 1994, as required by CAA sections 188(c)(1)and 189(a)(1)(B).

More specifically, Subparts 1 and 4 of part D, title 1 of the CAA contain air quality planning requirements for PM_{10} nonattainment areas. Subpart 1 of part D, sections 172(c) and 176 contain general requirements for areas designated as nonattainment. The subpart 1 requirements include, among other things, provisions for RACM, reasonable further progress (RFP), emissions inventories, contingency measures and conformity. Subpart 4 of part D contains specific planning and scheduling requirements for PM_{10} nonattainment areas. Section 189(a), (c), and (e) detail requirements that apply specifically to moderate PM_{10} nonattainment areas such as Mammoth Lakes. These requirements include the following: (1) An approved permit program for construction of new and modified major stationary sources; (2) an attainment demonstration; (3) provisions for RACM; (4) quantitative milestones demonstrating RFP toward attainment by the applicable attainment date; and, (5) provisions to ensure that the control requirements applicable to major stationary sources of PM_{10} also apply to major stationary sources of PM_{10} precursors except where the Administrator has determined that such sources do not contribute significantly to PM_{10} levels exceeding the NAAQS within the area.

C. Summary of the PM_{10} Attainment Plan for the Mammoth Lakes Area

GBUAPCD adopted its moderate area Air Quality Management Plan for PM_{10} in December 1990 (1990 AQMP). California submitted the 1990 AQMP for the Mammoth Lakes area on September 11, 1991 with an addenda submitted on January 9, 1992. Subsequently, EPA approved the 1990 AQMP in 1996 (61 FR 32341, June 24, 1996). In our 1996 action, we approved the following components of the 1990 AQMP: The emissions inventory; its provision for implementation of RACM; and, the demonstration of attainment. In support of the 1990 AQMP, the State submitted two local rules: GBUAPCD Rule 431—Particulate Emissions; and Town of Mammoth Lakes Municipal Code, Chapter 8.3, Particulate Emissions Regulations. We also approved these rules, which control PM_{10} emissions from entrained road dust and wood burning fireplaces and appliances, into the SIP in our 1996 action (61 FR 32341). GBUAPCD Rule 431 was revised on December 4, 2006 and subsequently approved into the SIP in 2007 (72 FR 61525, October 31, 2007).

Because of the timing of the development of the 1990 AQMP, the plan did not address subsequent SIP requirements such as contingency measures and transportation conformity. We will review how these and other CAA requirements, such as a permit

[2] An exceedance is defined as a daily value that is above the level of the 24-hour standard, 150 $\mu g/m^3$, after rounding to the nearest 10 $\mu g/m^3$ (*i.e.*, values ending in five or greater are to be rounded up). Consequently, a recorded value of 154 $\mu g/m^3$ would not be an exceedance because it would be rounded to 150 $\mu g/m^3$; whereas, a recorded value of 155 $\mu g/m^3$ would be an exceedance because it would be rounded to 160 $\mu g/m^3$. See 40 CFR part 50, Appendix K, section 1.0.

[3] For the designated boundaries of the Mammoth Lakes PM_{10} nonattainment area, see 40 CFR 81.305. The Mammoth Lakes PM_{10} nonattainment area is located in the southern portion of Mono County, California; see Figures 1–1 and 1–2 within the Mammoth Lakes PM_{10} Maintenance Plan, pages 3 and 4.

program for new and modified stationary sources, were met by the State in section V, below.

III. Procedural Requirements for the Adoption and Submittal of SIP Revisions

The GBUAPCD governing Board adopted the ''2014 Air Quality Maintenance Plan and Redesignation Request for the Town of Mammoth Lakes'' on May 5, 2014 and forwarded it to CARB on May 22, 2014. CARB held a Board Hearing on September 18, 2014 and adopted the Mammoth Lakes PM_{10} Maintenance Plan.[4] California submitted their redesignation request and the Mammoth Lakes PM_{10} Maintenance Plan to EPA on October 21, 2014.[5]

CARB's SIP submittal includes the following documents: (1) A submittal letter dated October 21, 2014, from Richard Corey, Executive Officer, CARB to Jared Blumenfeld, Regional Administrator, U.S. EPA Region 9 submitting the State's redesignation request and Mammoth Lakes PM_{10} Maintenance Plan; (2) a transmittal letter dated May 22, 2014 from Duane Ono, Deputy Air Pollution Control Officer, GBUAPCD to Richard Corey, Executive Officer, CARB; (3) May 22, 2014 Affidavit from The Clerk of the GBUAPCD Board, providing Proof of Publication of Public Notice for Public Hearing on ''2014 Update Air Quality Maintenance Plan and Redesignation Request for the Town of Mammoth Lakes'' and the May 5, 2014 GBUAPCD Board Hearing; (4) GBUAPCD Board Order #140505–03 approving and adopting the Mammoth Lakes PM_{10} Maintenance Plan, dated May 5, 2014; (5) CARB's August 8, 2014 Notice of Public Hearing for consideration of the adoption and approval of the redesignation request and Mammoth Lakes PM_{10} Maintenance Plan and associated motor vehicle emissions budgets on September 18, 2014; (6) ''2014 Update Air Quality Maintenance Plan and Redesignation Request for the Town of Mammoth Lakes'' dated May 5, 2014; (7) CARB Board Resolution 14–27 adopting the redesignation request and Mammoth Lakes PM_{10} Maintenance Plan; and, (8) the CARB Staff Report, dated August 18, 2014, containing the motor vehicle emissions budgets adopted at the CARB Board hearing. All of these documents are available for review in the docket for today's proposed rule.

Sections 110(a)(1) and 110(l) of the Act require states to provide reasonable notice and public hearing prior to adoption of SIP revisions. CARB's submittal of the redesignation request and Mammoth Lakes PM_{10} Maintenance Plan documents the public review process followed by GBUAPCD in adopting the plan prior to transmittal to CARB for subsequent submittal to EPA as a revision to the SIP. The documentation listed above provides evidence that reasonable notice of a public hearing was provided to the public and that a public hearing was conducted prior to adoption.

Both GBUAPCD and CARB satisfied applicable statutory and regulatory requirements for reasonable public notice and hearing prior to adoption of the SIP revisions. GBUAPCD conducted public workshops, and properly noticed the public hearing at which the Mammoth Lakes PM_{10} Maintenance Plan was adopted. The SIP submittal included proof of publication for notices of the public hearings of CARB and GBUAPCD. Consequently, we conclude that the SIP submittals have met the public notice and involvement requirements of section 110(a)(1) of the CAA. Based on the documentation submitted with the Mammoth Lakes PM_{10} Maintenance Plan, we find that the submittal satisfies the procedural requirements of section 110(l) of the Act for revising SIPs.

CAA section 110(k)(1)(B) requires EPA to determine whether a SIP submittal is complete within 60 days of receipt. This section also provides that any plan that we have not affirmatively determined to be complete or incomplete will become complete six months after the day of submittal by operation of law. A completeness review allows us to determine if the submittal includes all the necessary items and information we need to act on it. We make completeness determinations using criteria we have established in 40 CFR part 51, Appendix V.[6]

We notify a state of our completeness determination by letter unless the submittal becomes complete by operation of law. Once a SIP submittal is determined to be complete, either by letter or by operation of law, EPA is under a 12 month time clock for EPA to act on the SIP submittal. See CAA section 110(k)(2). A finding of completeness does not approve the submittal as part of the SIP nor does it indicate that the submittal is approvable. The redesignation request and Mammoth Lakes PM_{10} Maintenance Plan became complete by operation of law on April 21, 2015.

IV. Substantive Requirements for Redesignation to Attainment of a NAAQS

In section 107(d)(3)(E), the CAA establishes the requirements for redesignating an area from nonattainment to attainment of a NAAQS. The Administrator may not redesignate an area unless the following criteria are met: (1) EPA determines that the area has attained the applicable NAAQS; (2) EPA has fully approved the applicable implementation plan for the area under Section 110(k) of the CAA; (3) EPA determines that the improvement in air quality is due to permanent and enforceable reductions; (4) EPA has fully approved a maintenance plan for the area as meeting the requirements of Section 175A of the CAA; and, (5) the State containing such an area has met all requirements applicable to the area under section 110 and part D of the CAA. Section 110 identifies a comprehensive list of elements that SIPs must include, and part D establishes the SIP requirements for nonattainment areas. Part D is divided into six subparts. The generally-applicable nonattainment SIP requirements are found in part D, subpart 1, and the particulate matter-specific SIP requirements are found in part D, subpart 4.

EPA provided guidance on redesignations to states in a 1992 document entitled ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (referred to herein as the ''General Preamble'').[7] Additional guidance was issued in a September 4, 1992 memorandum entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' from John Calcagni, Director, Air Quality Management Division, EPA Office of Air Quality Planning and Standards,

[4] See Resolution 14–27, State of California, Air Resources Board, ''Approval and Submittal of the Town of Mammoth Lakes PM_{10} Maintenance Plan and Redesignation Request'', dated September 18, 2014.

[5] See letter from Richard Corey, Executive Officer, CARB, to Jared Blumenfeld, Regional Administrator, EPA Region 9, dated October 21, 2014, with attachments.

[6] The completeness criteria fall into two categories: administrative information and technical support information. The administrative information provides documentation that the State has followed required administrative procedures during the SIP-adoption process; thus, ensuring that we have a legally-adopted SIP revision before us. The technical support information provides us the information we need to determine the impact of the proposed revision on attainment and maintenance of the air quality standards.

[7] The General Preamble was first published at 57 FR 13498 (April 16, 1992) and supplemented at 57 FR 18070 (April 28, 1992).

(referred to herein as the Calcagni memorandum). Maintenance plan submittals are SIP revisions. Consequently, under section 110(k) of the Act, EPA is obligated to approve or disapprove a maintenance plan depending on whether it meets the applicable CAA requirements for such plans.

As discussed in more detail below in section V, we have evaluated the State's submittal and propose to approve CARB's request to redesignate the Mammoth Lakes PM_{10} nonattainment area to attainment for the PM_{10} NAAQS. Our proposal is based on our conclusion that all the criteria under CAA section 107(d)(3)(E) have been satisfied.

V. Our Evaluation of California's Redesignation Request for the Mammoth Lakes PM_{10} Nonattainment Area

A. Our Determination That the Area Has Attained the Applicable NAAQS

Section 107(d)(3)(E)(i) of the CAA requires that EPA determine that the area has attained the NAAQS. Generally, EPA determines whether an area's air quality is meeting the 24-hour PM_{10} NAAQS based upon complete, quality-assured, and certified data gathered at established state and local air monitoring stations (SLAMS) in the nonattainment area, and entered into the EPA Air Quality System (AQS) database.[8] Data from air monitors operated by state, local, or tribal agencies in compliance with EPA monitoring requirements must be submitted to the AQS. These monitoring agencies certify annually that these data are accurate to the best of their knowledge. Accordingly, EPA relies primarily on data in AQS when determining the attainment status of an area. See 40 CFR 50.6; 40 CFR part 50, appendices J and K; 40 CFR part 53; and, 40 CFR part 58, appendices A, C, D, and E.

GBUAPCD is responsible for assuring that the Mammoth Lakes PM_{10} nonattainment area meets air quality monitoring requirements. Both CARB and GBUAPCD submit annual monitoring network plans to EPA. GBUAPCD's network plans describe the air quality monitoring network they operate within the Mammoth Lakes nonattainment area and discuss the status of the monitoring network, as required under 40 CFR 58.10. In the Mammoth Lakes nonattainment area, GBUAPCD operates an air quality monitoring station for PM_{10} in the Gateway Center commercial area within the Town of Mammoth Lakes. As required by 40 CFR part 58, the District conducts an annual review of the air quality monitoring station that is forwarded to CARB and EPA for evaluation. EPA regularly reviews these annual plans for compliance with the applicable reporting requirements in 40 CFR part 58. With respect to PM_{10}, EPA has found that GBUAPCD's network plans meet the applicable requirements of 40 CFR part 58.[9] Also, GBUAPCD annually certifies that the data it submits to AQS are complete and quality-assured. All data has been certified by GBUAPCD for the period under review, 2009 through 2014.[10]

From its 2007 Technical System Audit (TSA) of CARB, the Primary Quality Assurance Organization (PQAO), EPA concluded that the ambient air monitoring program operated by GBUAPCD in the Mammoth Lakes nonattainment area currently meets or exceeds EPA requirements.[11] A TSA is an on-site review and inspection of a state or local ambient air monitoring program to assess its compliance with established regulations governing the collection, analysis, validation, and reporting of ambient air quality data. See 40 CFR part 58, Appendix A, Section 2.5.

EPA determines attainment of the 24-hour PM_{10} NAAQS by calculating the expected number of exceedances of the standard in a year. The 24-hour PM_{10} standard is attained when the expected number of exceedances averaged over a three year period is less than or equal to one at each monitoring site within the nonattainment area. Generally, three consecutive years of complete, quality-assured, and certified air quality data is sufficient to show attainment of the 24-hour PM_{10} NAAQS. See 40 CFR part 50 and appendix K. To demonstrate attainment of the 24-hour PM_{10} standard at a given monitoring site, the monitor must provide sufficient data to perform the required calculations in 40 CFR part 50, appendix K described above. The amount of data required varies with the sampling frequency, data capture rate and the number of years of record. In all cases, three years of representative monitoring data must be complete meaning a minimum of 75 percent of scheduled PM_{10} samples must be recorded during each calendar quarter of the three year period under review. The purpose of these calculations and data completeness review is to determine a valid design value for making a determination of attainment for the PM_{10} standard.

At the Gateway Center monitoring site, GBUAPCD operates two PM_{10} monitors. The first monitor is a Federal Reference Method (FRM) monitor (POC 5) run at a sampling frequency of once every three days. The second monitor is a Federal Equivalent Method (FEM) continuous monitor (POC 6) run at a daily sampling frequency. The FEM/POC 6 monitor is the primary monitor we will focus on in our determination of attainment. Each monitor produces its own data stream, and the data from the two monitors produce separate design values. Our calculations show the highest design value for the Mammoth Lakes Planning Area over the 2009 through 2014 timeframe is 0.7 expected exceedances, as determined by data from the POC 6 monitor. Usually, this design value would be sufficient to determine that the Mammoth Lakes area has attained the PM_{10} NAAQS, but we found that the POC 6 data failed to meet the 75 percent completeness standard in the third quarter of 2012, showing a 61 percent completeness record.[12] Table 1 provides the design values or expected annual exceedances of the PM_{10} standard for the Mammoth Lakes area over the year 2009 through 2014 for both monitors.[13]

[8] For PM_{10}, a complete set of data includes a minimum of 75 percent of the scheduled PM_{10} samples per quarter. See 40 CFR part 50, Appendix K, section 2.3(a). Because the annual PM_{10} standard was revoked effective December 18, 2006, our action and determination discusses only attainment of the 24-hour PM_{10} standard; see 71 FR 61144, October 17, 2006.

[9] See EPA letters to GBUAPCD reviewing the District's annual network plans for the years 2009 to 2014, within the docket for this action.

[10] For 2009 to 2014 annual certification letters see the docket for this action, *e.g.*, letter from Theodore D. Schade, GBUAPCD, to Jared Blumenfeld, EPA Region IX, dated April 25, 2014.

[11] See the Technical System Audit of Primary Quality Assurance Organization, California Air Resources Board, dated August 18, 2008, conducted by Air Quality Analysis Office, US EPA Region 9, within the docket for this action.

[12] See AQS Design Value Reports dated April 30, 2015 and AQS Raw Data Reports dated May 7, 2015 for completeness information. The reports can be found in the docket for today's action.

[13] A design value is calculated using a specific methodology from monitored air quality data and is used to compare an area's air quality to a NAAQS. The methodologies for calculating expected exceedances for the 24-hour PM_{10} NAAQS are found in 40 CFR part 50, Appendix K, Section 2.1(a).

TABLE 1—DESIGN VALUES AND ANNUAL AVERAGE EXPECTED EXCEEDANCES OF PM_{10} NAAQS IN MAMMOTH LAKES NONATTAINMENT AREA, 2009 THROUGH 2014

Monitor	2009–2011	2010–2012	2011–2013	2012–2014
Gateway Center monitor, Site ID 06–051–0001 POC 5	0.0	0.0	0.0	0.0
Gateway Center monitor, Site ID 06–051–0001 POC 6	0.0	0.0	0.7	0.7

Source: EPA Air Quality System, Design Value Report, April 30, 2015.

Given the data completeness issue with the third quarter 2012 data at POC 6, we conducted two analyses to determine if the missing data could reasonably change the design value from attaining to violating the PM_{10} NAAQS.[14] In the first analysis, we compared the POC 5 data with the POC 6 data over the 2009 through 2014 time period to see if the data correlated closely enough to allow the POC 5 data to represent the missing POC 6 data. We found that the data correlated very well, and when POC 6 was not operating during the third quarter of 2012, the observed PM_{10} values at POC 5 were between 9 and 17 $\mu g/m^3$, well below the 150 $\mu g/m^3$ value of the PM_{10} NAAQS. The two monitors differ, however, in the frequency of their observations with POC 5 making observations one day in three and POC 6 making daily observations. Consequently, our second analysis examined whether exceedances may have reasonably occurred on the days POC 5 was not collecting data.

To determine whether it is reasonable to assume that exceedances did not occur on the days POC 5 was not sampling, we identified the highest PM_{10} values over the 2009 through 2014 time period. Looking at POC 6, the winter months, December, January, and February, of 2009, 2010, 2011, and 2012 exhibit consistently elevated PM_{10} concentrations and the highest annual concentrations at Mammoth Lakes.[15] Then, in 2013 and 2014, the highest 24-hour PM_{10} concentrations at POC 6 were measured during the third quarter of 2013 and 2014; see Table 2. Of these highest concentrations, on two days, July 28, 2013 and July 29, 2013, concentrations were higher than the 150 $\mu g/m^3$ standard.

TABLE 2—FIVE HIGHEST PM_{10} CONCENTRATIONS OBSERVED AT MAMMOTH LAKES GATEWAY CENTER MONITOR FROM 2009 THROUGH 2014 AND WILDFIRE EVENTS

Date	Concentration ($\mu g/m^3$)	Wildfire event
July 28, 2013	166	Aspen Fire—Exceptional Event Flag.
July 29, 2013	182	Aspen Fire—Exceptional Event Flag.
July 30, 2013	122	Aspen Fire.
August 1, 2013	133	Aspen Fire.
August 2, 2014	130	French Fire.

Source: EPA Air Quality System, Raw Data Report, May 7, 2015; all observations are from Site ID 06–051–0001, POC 6.

Further examination shows that the July 28, 2013 and July 29, 2013 exceedances measured at the Gateway Center monitoring site are flagged as wildfire exceptional events within AQS; however, an exceptional event demonstration package was not submitted for the two exceedances. The Aspen Wildfire occurred near the Mammoth Lakes area over an extended period from July 22, 2013 to September 8, 2013, burning 22,992 acres approximately 30 miles south southwest of Mammoth Lakes near Mammoth Pool Reservoir on the upper San Joaquin River in the Sierra National Forest; thus, reasonably accounting for four of the five highest observed concentrations of PM_{10}. In a similar wildfire event, the French Fire burned from July 28, 2014 to August 18, 2014 consuming 13,838 acres west of and adjacent to the site of the Aspen Fire; again, reasonably accounting for the August 2, 2014 high concentration.[16] As a check, we examined the 2013 and 2014 data for the months with the highest average monthly concentration and confirmed that in these two years, similar to 2009 through 2012, January and December had the highest monthly average PM_{10} concentrations observed. In sum, the high summertime third quarter concentrations observed in 2013 and 2014 are related to wildfire events and are not consistent with the remaining 2009 through 2014 data showing that the winter months, December to February, is the period during which high PM_{10} concentrations are most likely to be observed in Mammoth Lakes. As noted earlier, the State has submitted complete data for all first and fourth calendar quarters (*i.e.* winter season) during the 2009 through 2014 time frame and no exceedance of the PM_{10} NAAQS has occurred during these quarters. Also, no exceedance occurred during the third quarter of the years 2009, 2010, and 2011.

To summarize, it is reasonable to conclude that the missing third quarter 2012 p.m.10 data would not have an effect on the design value and would not overturn our determination of attainment for the following reasons: (1) The only two exceedances and other high ambient values in the last six years were due to wildfire events; (2) data from the third quarters in 2009, 2010, and 2011 show no exceedances and do not correspond with the observed summer time period of elevated PM_{10} concentrations in 2013 and 2014; and, (3) the POC 5 data correlates well enough to be a valid representation of

[14] See ''Technical Support Document for the Determination of Attainment and Redesignation of the Mammoth Lakes PM_{10} Nonattainment Area: Analyses Addressing 2012 Incomplete Data'', April 30, 2015, in the docket for this action.

[15] Gateway Center monitors POC 5 and POC 6 24-hour concentration data and monthly mean summary statistics can be found in the Air Quality System, Raw Data Report, dated May 7, 2015, in the docket for today's action.

[16] For information concerning the Aspen wildfire, see the 2013 Cal Fire Large Fire List at *www.cdfdata.fire.ca.gov/pub/cdf/images/incidentstatevents_250.pdf*. For information concerning the French wildfire, see the 2014 Cal Fire Large Fire List at *www.cdfdata.fire.ca.gov/pub/cdf/images/incidentstatevents_249.pdf*. For a map showing the relative location of the Aspen and French wildfires, see *www.wildfiretoday.com/2014/07/30/california-french-fire/*.

the missing third quarter POC 6 data. Consequently, we are proposing to find that the design values in Table 1 are accurate and representative design values for the Mammoth Lakes nonattainment area with no expected exceedances greater than 0.7 calculated over the 2009 through 2014 period. Twenty-four hour ambient PM_{10} levels in Mammoth Lakes meet the requirement of no more than 1.0 expected annual average exceedance over a three year period.

Therefore, EPA proposes to determine that the Mammoth Lakes PM_{10} nonattainment area has attained the 24-hour PM_{10} standard and continues to attain the standard to date based on the most recent available AQS data. In addition, preliminary air quality data for 2015 show that the area is continuing to meet the PM_{10} NAAQS. Before finalizing this proposal, EPA will include a review of any available preliminary data for 2015.

B. The Area Has a Fully Approved SIP Meeting Requirements Applicable for Purposes of Redesignation Under Section 110 and Part D of the Clean Air Act

Section 107(d)(3)(E)(ii) and (v) require EPA to determine that the area has a fully-approved SIP under section 110(k) that meets all applicable requirements under section 110 and part D for the purposes of redesignation. EPA may rely on prior SIP approvals in approving a redesignation request as well as any additional measures it may approve in conjunction with a redesignation action.[17]

1. Basic SIP Requirements Under Section 110 of the Clean Air Act

The general SIP elements and requirements provided in section 110(a)(2) include, but are not limited to, the following: Submittal of a SIP that has been adopted by the State after reasonable public notice and hearing; provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; implementation of a source permit program; provision for the implementation of part C requirements for prevention of significant deterioration (PSD) provisions; provisions for the implementation of part D requirements for nonattainment new source review (nonattainment NSR) permit programs; provisions for air pollution modeling; and, provisions for public and local agency participation in planning and emission control rule development.

We note that SIPs must be fully approved only with respect to the applicable requirements for redesignations consistent with section 107(d)(3)(E)(ii) of the Act. The section 110 (and part D) requirements that are linked to a particular nonattainment area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. Requirements that apply regardless of the designation of any particular area in the State are not applicable requirements for the purposes of redesignation, and the State will remain subject to these requirements after the Mammoth Lakes PM_{10} nonattainment area is redesignated to attainment. For example, CAA section 110(a)(2)(D) requires that SIPs contain certain measures to prevent sources in a State from significantly contributing to air quality problems in another state, known as ''transport SIPs.'' Because the section 110(a)(2)(D) requirements for transport SIPs are not linked to a particular nonattainment area's designation and classification but rather apply regardless of the attainment status, these are not applicable requirements for the purposes of redesignation under section 107(d)(3)(E).

Similarly, EPA believes that other section 110 (and part D) requirements that are not linked to nonattainment plan submittals or to an area's attainment status are not applicable requirements for purposes of redesignation. EPA believes that the section 110 (and part D) requirements relating to a particular nonattainment area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. This view is consistent with EPA's existing policy on applicability of the conformity SIP requirement for redesignations.[18]

Regarding Mammoth Lakes, CARB and GBUAPCD have submitted and EPA has approved provisions addressing the basic CAA section 110 provisions. The GBUAPCD portion of the approved California SIP contains enforceable emissions limitations; requires monitoring, compiling, and analyzing of ambient air quality data; requires preconstruction review of new or modified stationary sources; provides for adequate funding, staff, and associated resources necessary to implement its requirements; and, provides the necessary assurances that the State maintains responsibility for ensuring that the CAA requirements are satisfied in the event that GBUAPCD is unable to meet its CAA requirements. There are no outstanding or disapproved applicable section 110 SIP submittals with respect to the State, the GBUAPCD, and Mammoth Lakes.[19] In sum, we propose to conclude that CARB and GBUAPD have met all applicable SIP requirements under section 110 of the CAA (General SIP Requirements) for the Mammoth Lakes nonattainment area for purpose of redesignating the area to attainment of the PM_{10} NAAQS.

2. SIP Requirements Under Part D of the Clean Air Act

Subparts 1 and 4 of part D within title 1 of the CAA contain air quality planning requirements for PM_{10} nonattainment areas. Subpart 1 contains general requirements for all nonattainment areas of any NAAQS pollutant, including PM_{10}. Among other provisions, the subpart 1 requirements include provisions for RACM, RFP, emissions inventories, contingency measures, and conformity. Subpart 4 contains specific planning and scheduling requirements for PM_{10} nonattainment areas. Section 189(a), (c), and (e) requirements apply specifically to moderate PM_{10} nonattainment areas and include: (1) An approved permit program for construction of new and modified major stationary sources; (2) provisions for RACM; (3) an attainment demonstration; (4) quantitative milestones demonstrating RFP toward attainment by the applicable attainment date; and, (5) provisions to ensure that the control requirements applicable to major stationary sources of PM_{10} also apply to major stationary sources of PM_{10} precursors except where the Administrator has determined that such sources do not contribute significantly to PM_{10} levels that exceed the NAAQS in the area.

With respect to the subpart 4 requirements discussed above, California submitted a moderate area PM_{10} plan, the 1990 AQMP, for the Mammoth Lakes nonattainment area on September 11, 1991. This attainment plan was developed and adopted by the GBUAPCD on December 12, 1990. The State submitted a revision to this plan on January 9, 1992, also previously adopted by the GBUAPCD on November

[17] See the following EPA guidance and court decisions: Calcagni memorandum at p. 3; Southwestern Pennsylvania Growth Alliance v. Browner, 144 F.3d 984, 989–90 (6th Cir. 1998). See 68 FR 25418 and 25426 (May 12, 2003) and citations therein concerning EPA's reliance on added measures approved with an action on a redesignation request.

[18] See discussion in 75 FR 36023 and 36026 (June 24, 2010).

[19] The applicable California SIP for all nonattainment areas can be found at: *http://yosemite.epa.gov/r9/r9sips.nsf/Casips?readform&count=100&state=California.*

6, 1991. This 1990 AQMP for the Mammoth Lakes PM_{10} Planning Area relied on two control measures to reduce PM_{10} emissions sufficient to meet the PM_{10} standard: GBUAPCD, Rule 431—Particulate Emissions, adopted on November 6, 1991; and, Town of Mammoth Lakes Municipal Code Chapter (TMLMCC) 8.30—Particulate Matter Emissions Regulations, dated October 2, 1991. Both of these rules were submitted with the 1990 AQMP so as to reduce emissions from the primary sources of PM_{10} in the nonattainment area, fireplaces and woodstoves, and re-suspended road dust and pulverized cinders from motor vehicles driving on paved roads.

EPA reviewed the 1990 AQMP and its companion control measures and in 1996 approved the moderate area plan, GBUAPCD Rule 431, and TMLMCC 8.30, incorporating them into the SIP (61 FR 32341, June 24, 1996). In this approval action, we made the following findings concerning the 1990 AQMP: The plan provided a comprehensive, accurate, and current emissions inventory meeting the requirements of section 172(c)(3); the plan provided for all RACM to be implemented by December 10, 1993, as required by sections 172(c) and 189(a)(1)(C) of the Act; the plan provided a demonstration of attainment by December 31, 1994, the applicable attainment date, as required by section 189(a)(1)(B); and, we found that precursor pollutants of PM_{10} do not contribute significantly to PM_{10} levels in excess of the NAAQS. Regarding RFP, our General Preamble provides that initial moderate nonattainment areas, such as the Mammoth Lakes area, could meet the RFP requirement by demonstrating attainment by the applicable attainment date, December 31, 1994.[20] As noted above, we approved the demonstration of attainment as meeting section 189(a)(1)(B).

The 1990 AQMP did not provide for motor vehicle emissions budgets as required by section 176(c) of the Act because EPA's guidance and regulations were not published at the time the plan was developed and adopted. The maintenance plan has provided for motor vehicle emission budgets. We review them later in this action and propose to approve them.

The 1990 AQMP as approved in 1996 did not address contingency measures required by section 172(c)(9) of the CAA. Again, this was because the 1990 AQMP was developed prior to EPA guidance on contingency measures.

Since our 1996 action on GBUAPCD Rule 431, the State has submitted and EPA has approved into the SIP a subsequent revision to the rule (72 FR 61525, October 31, 2007). This 2006 amendment to Rule 431 eliminated the operational exemption from no-burn day requirements granted to EPA-certified devices. These EPA-certified devices comprise 84 percent of the residential wood burning device inventory.[21] Since 2007, all wood-burning devices in the Mammoth Lakes nonattainment area have been required to shut down on designated no-burn days, adding an additional increment of emission reductions when no-burn days are called for under the rule. In general, the 2006 revisions to GBUAPCD Rule 431 are surplus to the rule provisions in the 1990 AQMP that represent the control strategy that has resulted in the Mammoth Lakes area meeting the PM_{10} standard. In this manner, GBUAPCD Rule 431 represents a pre-implemented contingency measure and fulfils the requirements of section 172(c)(9).

Separate and distinct from a finding of attainment of a standard, EPA has taken the position that CAA requirements associated with attainment of the NAAQS are not applicable for purposes of redesignation. In the General Preamble, EPA has stated that section 172(c)(9) requirements are directed at ensuring reasonable further progress and attainment by the applicable attainment date specified by statute. These attainment related requirements no longer apply when an area has attained a standard and is eligible to be redesignated to attainment.[22] The Calcagni memorandum states a similar position that requirements for reasonable further progress and other measures needed for attainment will not apply for redesignations because they only have meaning and applicability where areas do not meet the NAAQS.[23] While the attainment related provisions of RFP and section 172(c)(9) are no longer relevant in the context of redesignation, the maintenance plan provisions in section 175A of the CAA require that such plans incorporate contingency provisions sufficient for an area to expeditiously regain attainment of a NAAQS. We review the contingency provisions in the Mammoth Lakes PM_{10} Maintenance Plan later in this action and propose to approve them.

a. Permits for New and Modified Major Stationary Sources

CAA sections 172(c)(5) and 189(a)(1)(A) require the State to submit SIP revisions that establish certain requirements for new or modified stationary sources in nonattainment areas, including provisions to ensure that major new sources or major modifications of existing sources of nonattainment pollutants incorporate the highest level of control, referred to as the Lowest Achievable Emission Rate (LAER), and that increases in emissions from such stationary sources are offset so as to provide for reasonable further progress towards attainment in the nonattainment area. The process for reviewing permit applications and issuing permits for new or modified stationary sources in nonattainment areas is referred to as ''nonattainment New Source Review'' (nonattainment NSR). With respect to the part D requirements for a nonattainment NSR permit program for construction of new and modified major stationary sources, EPA has previously approved the following nonattainment NSR rules for GBUAPCD which apply within the Mammoth Lakes nonattainment area: GBUAPCD Rule 209–A and 216.[24]

Final approval of the NSR program, however, is not a prerequisite to finalizing our proposed approval of the State's redesignation request. EPA has determined in past redesignations that a NSR program does not have to be approved prior to redesignation, provided that the area demonstrates maintenance of the standard without part D NSR requirements in effect. The rationale for this position is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled ''Part D NSR Requirements for Areas Requesting Redesignation to Attainment.'' See the more detailed explanations in the following redesignation rulemakings: Detroit, MI (60 FR 12459, March 7, 1995); Cleveland-Akron-Lorrain, OH (61 FR 20458, May 7, 1996); Louisville, KY (66 FR 53665, October 23, 2001); Grand Rapids, MI (61 FR 31831, June 21, 1996); and San Joaquin Valley, CA (73 FR 22307, April 25, 2008 and 73 FR 66759, November 12, 2008).

The requirements of the PSD program under Part C will apply to PM_{10} once the area has been redesignated. Thus,

[20] See our discussion concerning RFP/quantitative milestones in the General Preamble, (57 FR 13498 and 13539, April 16, 1992).

[21] See Mammoth Lakes PM_{10} Maintenance Plan, Table 5–1, page 18.

[22] See the General Preamble at 57 FR 13498 and 13564, (April 16, 1992).

[23] See the Calcagni memorandum at page 6.

[24] For Rule 209–A, see 47 FR 26379, June 18, 1982, and for Rule 216, see 41 FR 53661, December 8, 1976.

new major sources of PM_{10} emissions and major modifications at major sources of PM_{10} as defined under 40 CFR 52.21 will be required to obtain a PSD permit or include PM_{10} emissions in their existing PSD permit. Currently, EPA is the PSD permitting authority in the Mammoth Lakes nonattainment area under a federal implementation plan; see 40 CFR 52.270(a)(3). GBUAPCD can implement the federal PSD program, however, either through a delegation agreement with EPA, or by making the necessary changes to its NSR rules and submitting those revisions to EPA for a SIP-approved PSD rule.

b. Control of PM_{10} Precursor Pollutants

Section 189(e) of the CAA requires that the control requirements applicable under the part D SIP for major stationary sources of PM_{10} also apply to major stationary sources of PM_{10} precursors, except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels that exceed the standard in the area. As noted above, in our approval action on the 1990 AQMP, we found that PM_{10} precursors do not contribute significantly to exceedances of the PM_{10} standard in the Mammoth Lakes PM_{10} area (61 FR 32344, June 24, 1996). Using similar analytical techniques in developing the Mammoth Lakes PM_{10} Maintenance Plan, GBUAPCD confirmed that direct PM_{10} emissions are most likely to cause or contribute to future violations of the NAAQS and addressed these sources of direct PM_{10} in their maintenance plan discussed below.

c. General and Transportation Conformity Requirements

Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs and projects developed, funded or approved under Title 23 U.S.C. and the Federal Transit Act (transportation conformity), as well as to other federally-supported or funded projects (general conformity). State conformity regulations must be consistent with federal conformity regulations that the CAA required EPA to promulgate relating to consultation, enforcement and enforceability.

GBUAPCD's general conformity regulation, Regulation 13, was submitted to EPA on October 5, 1994 and approved on April 23, 1999 (64 FR 19916).

EPA has not approved a transportation conformity regulation for Mammoth Lakes and the GBUAPCD. EPA believes, however, that it is reasonable to interpret the conformity SIP requirements as not applying for purposes of a redesignation request under section 107(d) because state conformity rules are still required after redesignation, and federal conformity rules apply where state rules have not been approved.[25]

In conclusion, if EPA finalizes today's proposal approving the PM_{10} emissions inventory and motor vehicle emissions budgets for the Mammoth Lakes PM_{10} nonattainment area, then EPA will have determined the State has a fully-approved SIP meeting all requirements applicable under section 110 and part D for the Mammoth Lakes PM_{10} nonattainment area for purposes of redesignation, per section 107(d)(3)(E)(v) of the CAA.

C. The Area Must Show the Improvement in Air Quality Is Due to Permanent and Enforceable Emission Reductions

Before redesignating an area to attainment of a NAAQS, section 107(d)(3)(E)(iii) of the CAA requires EPA to determine that the air quality improvement in the Mammoth Lakes PM_{10} nonattainment area is due to permanent and enforceable emission reductions resulting from implementation of the applicable SIP and applicable federal air pollution control regulations and other permanent and enforceable regulations. Under this criterion, the State must reasonably be able to attribute the improvement in air quality to emissions reductions that are permanent and enforceable. Attainment resulting from temporary reductions in emissions rates (*e.g.,* reduced production or shutdown) or unusually favorable meteorology would not qualify as an air quality improvement due to permanent and enforceable emission reductions.[26] As discussed earlier, EPA may rely on prior SIP approvals in approving a redesignation request and any additional measures it may approve in conjunction with a redesignation action. As noted earlier, GBUAPCD has jurisdiction over air quality planning requirements for the Mammoth Lakes PM_{10} nonattainment area and produced a moderate area PM_{10} plan, the 1990 AQMP, and related rules designed to reduce PM_{10} emissions in the Mammoth Lakes area so as to meet the PM_{10} NAAQS.

As discussed, GBUAPCD developed and California submitted the 1990 AQMP for the Mammoth Lakes nonattainment area on September 11, 1991. The 1990 AQMP relied on two control measures to reduce PM_{10} emissions sufficient to meet the PM_{10} standard: GBUAPCD Rule 431—Particulate Emissions, adopted on November 6, 1991; and, Town of Mammoth Lakes Municipal Code Chapter 8.30—Particulate Matter Emissions Regulations, dated October 2, 1991. Both of these rules were implemented so as to reduce emissions from the primary sources of PM_{10} in the nonattainment area, fireplaces and woodstoves, and re-suspended road dust and cinders from motor vehicles driving on paved roads. In 1996, EPA approved the 1990 AQMP, GBUAPCD Rule 431, and TMLMCC 8.30, incorporating them into the SIP (61 FR 32341, June 24, 1996). In this approval action, we found that the rules provided for RACM and were sufficient to reduce PM_{10} to levels necessary to meet the PM_{10} NAAQS. CARB cites figures from 1995 showing that from 1990 to 1994 the percentage of cleaner burning EPA certified wood burning devices in the area increased from 1 percent to 35 percent.[27] Since 1994, the percentage of EPA-certified wood-burning devices has increased to 84 percent in 2013.[28] With regard to entrained road dust PM_{10} emissions on paved roads, the purchase and continued use of high efficiency vacuum street sweepers have resulted in reducing PM_{10} emissions by as much as 68 percent from pre-1990 levels.[29]

We are proposing to determine that the Mammoth Lakes area has attained the PM_{10} standard continuously since 2009 according to complete, quality-assured, and certified air quality data, per our discussion in section V.A. of this proposal. In addition to our review of air quality data supporting our proposed determination, the Mammoth Lakes PM_{10} Maintenance Plan provided data showing that over the period these two control measures were implemented and enforced, 1994 to the present, there have been no violations of the federal PM_{10} standard.[30] Also, see

[25] See *Wall* v. *EPA,* 265 F. 3d 426 (6th Cir. 2001), upholding this interpretation. Also, see 60 FR 62748 (December 7, 1995).

[26] See the Calcagni memorandum, page 4.

[27] See ''Staff Report: Town of Mammoth Lakes PM_{10} Maintenance Plan and Redesignation Request,'' CARB, August 18, 2014, page 5.

[28] See Mammoth Lakes PM_{10} Maintenance Plan, Table 5–1, page 18.

[29] See ''Staff Report: Town of Mammoth Lakes PM_{10} Maintenance Plan and Redesignation Request,'' CARB, August 18, 2014, page 6.

[30] See Table 2–1 in the Mammoth Lakes PM_{10} maintenance plan, page 10. We note that while the

Continued

Figures 4–1 and 4–2 of the Mammoth Lakes PM_{10} Maintenance Plan showing how winter time average and peak ambient PM_{10} levels have fallen since 1990.

In conclusion, EPA is proposing to find that the improvement in PM_{10} air quality for the Mammoth Lakes nonattainment area is the result of permanent and enforceable reductions in emissions from significant sources of PM_{10} in the area and, in accordance with 107(d)(3)(E)(iii), is not the result of temporary reductions (*e.g.,* economic downturns or shutdowns) or unusually favorable meteorology.

D. The Area Must Have a Fully Approved Maintenance Plan Under Clean Air Act Section 175A

Section 175A of the CAA describes the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. We interpret this section of the CAA to require the following elements: An attainment emissions inventory; a maintenance demonstration; a monitoring network capable of verification of continued attainment along with a commitment to do so; and, a contingency plan.[31] Under CAA section 175A, a maintenance plan must demonstrate continued attainment of the relevant NAAQS for at least ten years after EPA approves a redesignation to attainment. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency provisions that EPA finds sufficient to correct promptly any violation of the NAAQS that occurs after the area's redesignation. Based on our review and evaluation provided below, we are proposing to approve the Mammoth Lakes PM_{10} Maintenance Plan because it meets the requirements of CAA section 175A.

Before reviewing the Mammoth Lakes PM_{10} Maintenance Plan and its components in more detail, it is important to provide a description of the geography and the economy of the region. The Mammoth Lakes area sits on the eastern slopes of the Sierra Nevada mountain range on the western edge of the Long Valley Caldera in southwestern Mono County, California. At the western boundary of the nonattainment area, there is Mammoth Mountain at an elevation of 11,053 feet. From the foot of Mammoth Mountain and the developed portion of the Town of Mammoth Lakes at 7,891 feet elevation, the Mammoth Creek Valley slopes to the east and down to the eastern edge of the PM_{10} nonattainment area near the Mammoth Lakes airport at 7,127 feet elevation.[32] Much of the area surrounding the Town of Mammoth Lakes within and without the nonattainment area is public land, either national forest or national monument lands.

The Town of Mammoth Lakes is the area's only population center and the only incorporated community in Mono County with an estimated permanent population of 8,234 in 2010.[33] Within the Mammoth Lakes PM_{10} nonattainment area and the boundaries of the Town of Mammoth Lakes is the Mammoth Mountain ski area, west of the town center. The ski area attracts 1.2 to 1.5 million visitors every winter, swelling the Town of Mammoth Lakes population to approximately 35,000 people on a major winter weekend.[34] The large number of winter time visitors contribute to PM_{10} emissions from residential wood burning and vehicle entrained dust from pulverized cinders that have been applied to the paved roads to provide better vehicle traction on snow-covered roads. In the 1990 AQMP and in the Maintenance Plan, these two sources were determined to be the overwhelming contributors of PM_{10} to potential exceedances of the NAAQS in the Mammoth Lakes area.

1. Attainment and Projected Emissions Inventories

Section 172(c)(3) of the CAA requires plan submittals to include a comprehensive, accurate, and current inventory of emissions from all sources in the nonattainment area. In demonstrating maintenance according to CAA section 175A and the Calcagni memorandum, the State should provide an attainment emissions inventory for the area so as to identify the emissions level sufficient to attain the NAAQS. Where the State has made an adequate demonstration that air quality has improved as a result of the SIP, the attainment emissions inventory will generally be an inventory of actual emissions at the time the area attained the standard.[35] A maintenance plan for the 24-hour PM_{10} standard must include an inventory of emissions of PM_{10} in the area to identify a level of emissions sufficient to attain the 24-hour PM_{10} NAAQS. This inventory must be consistent with EPA's most recent guidance on emissions inventories for nonattainment areas available at the time and should represent emissions during the time period associated with the monitoring data showing attainment. The inventory must also be comprehensive, including emissions from stationary point sources, area sources, and mobile sources.

The Mammoth Lakes PM_{10} Maintenance Plan provides an estimated daily PM_{10} emissions inventory for 2012 and 2030. The year 2012 provides an appropriate attainment year inventory because it is one of the years in the most recent three-year periods (2012 through 2014) in which attainment of the PM_{10} NAAQS was monitored. Table 3 presents the PM_{10} emissions inventories for 2012 and 2030 provided in the Mammoth Lakes PM_{10} Maintenance Plan.

TABLE 3—2012 AND 2030 MAMMOTH LAKES NONATTAINMENT AREA PEAK 24 HOUR PM_{10} EMISSIONS

[kilograms/winter day]

Source category	2012	2030
Residential Wood Combustion Sources	850	802
Entrained Road Dust Cinders/Paved Roads	3,455	4,305
On-road Mobile Sources (exhaust, tire and brake wear)	11	14

data record shows falling PM_{10} levels and PM_{10} levels below the NAAQS over the period of control measure implementation and enforcement, the data record shown in Table 2–1 was not sufficient to determine attainment of the PM_{10} NAAQS, until recently. For instance, Table 2–1 shows periods where the PM_{10} monitor was not operating and therefore not providing a data record complete enough to determine attainment of the PM_{10} NAAQS. See our prior discussion of data requirements in our proposed determination that the area has attained the PM_{10} standard in section V.A above.

[31] See Calcagni memorandum, pages 8 through 13.

[32] See Mammoth Lakes PM_{10} Maintenance Plan, Figures 1–1 and 1–2, page 3 and 4.

[33] U. S. Census figure.

[34] See Mammoth Lakes PM_{10} Maintenance Plan at Section 1.3, page 2.

[35] EPA's primary guidance for evaluating these emissions inventories is the document entitled, ''PM_{10} Emissions Inventory Requirements,'' EPA, Office of Air Quality Planning and Standards, EPA–454/R–94–033 (September 1994) which can be found at: *http://www.epa.gov/ttn/chief/eidocs/PM10eir.pdf.*

TABLE 3—2012 AND 2030 MAMMOTH LAKES NONATTAINMENT AREA PEAK 24 HOUR PM_{10} EMISSIONS—Continued

[kilograms/winter day]

Source category	2012	2030
Stationary—Point Sources	8	8
Total PM_{10}	4,324	5,129

Source: Mammoth Lakes PM_{10} Maintenance Plan, Tables 5–7, 8–1, and 8–3, pages 22, 36, and 37.

The Mammoth Lakes PM_{10} Maintenance Plan's emissions inventory for sources within the Mammoth Lakes nonattainment area air basin is subdivided into four subcategories: residential wood combustion, entrained road dust and cinders, on-road mobile sources, and stationary sources. Because the most consistently elevated values of ambient PM_{10} concentrations occur in the winter, sources like construction dust and fugitive dust from unpaved roads are not accounted for in this inventory. In the Mammoth Lakes area, construction activity is seasonal and inactive during the winter due to the wet and cold climate. Similarly, unpaved roads are snow covered or rarely used due to wet conditions; in either case, little fugitive dust is generated by vehicle use on unpaved roads. As shown in Table 3, direct PM_{10} emissions in the Mammoth Lakes area are dominated by entrained road dust from paved roads and residential wood combustion. The estimates for peak winter day PM_{10} emissions incorporate the highest ski season visitors and vehicle miles traveled (VMT) estimates in the calculation for both entrained paved road dust and on-road mobile emissions. GBUAPCD used a chemical mass balance (CMB) analysis to determine if PM_{10} precursors were affecting PM_{10} values at the Gateway Center monitor/receptor. CMB uses chemical profiles of emission sources to apportion the monitored concentration between the various source types. The CMB study showed that on representative days of high PM_{10} concentrations the total contribution of nitrates, sulfates, and ammonium was approximately 1–2% of total mass collected. Consistent with the large contributions from entrained road dust and residential wood combustion the largest contributors to PM_{10} concentrations were organic carbon, elemental carbon, and soil.[36]

GBUAPCD projects that overall, direct PM_{10} emissions will increase from 2012 to 2030 because of a general and winter-time tourist population increase due to build out of the Town of Mammoth Lakes. While higher emitting wood combustion sources will be replaced by cleaner burning devices or removed entirely, population growth and resulting VMT growth will drive the predicted increase in entrained road dust. The District's maintenance demonstration modeling and supporting analyses indicate that despite the population and VMT growth, the Mammoth Lakes nonattainment area will continue to attain the federal 24-hour PM_{10} standard because of the relative importance and continuing decline of residential wood combustion emissions. The overall predicted result is a slight increase in ambient PM_{10} levels over the 2012 to 2030 timeframe. We will review the maintenance demonstration and 2030 predicted PM_{10} concentrations in greater detail in the next section of this action.

In conclusion, GBUAPCD's selection of 2012 as the attainment year inventory is appropriate since the area was determined to have attained the NAAQS during the 2011 to 2013 period. Based on our review of the Mammoth Lakes PM_{10} Maintenance Plan, we propose to find that the emissions inventories for 2012 and 2030 are comprehensive, current, and accurate in that they include estimates of PM_{10} from all of the relevant source categories, residential wood combustion, entrained road dust, on-road mobile sources, and stationary sources. Therefore, we are proposing to approve the 2012 emissions inventory, which serves as the Mammoth Lakes PM_{10} Maintenance Plan's attainment year inventory, as satisfying the requirements of section 172(c)(3) of the CAA for the purposes of redesignation of the Mammoth Lakes PM_{10} nonattainment area to attainment of the 24-hour PM_{10} NAAQS.

2. Maintenance Demonstration

Section 175A(a) of the CAA requires a demonstration of maintenance of the NAAQS for at least 10 years after redesignation. Generally, a State may demonstrate maintenance of the NAAQS by either showing that future emissions of a pollutant or its precursors will not exceed the level of the attainment inventory, or by modeling to show that the future anticipated mix of sources and emission rates will not cause a violation of the NAAQS. For areas that are required under the CAA to submit modeled attainment demonstrations, the maintenance demonstration should use the same type of modeling.[37]

In the Mammoth Lakes PM_{10} Maintenance Plan, GBUAPCD chose to use modeling to demonstrate maintenance of the 24-hour PM_{10} NAAQS and to show that the future anticipated mix of sources and emission rates will not cause a violation of the NAAQS in the Mammoth Lakes area. The maintenance demonstration builds upon the previous 1990 AQMP attainment plan, and incorporates the specifics of the Mammoth Lakes area, including geography, the winter-time peak visitor population, and the contribution of the two major sources of PM_{10}, residential wood combustion and entrained dust from paved roads. Below, we review the maintenance demonstration in more detail.

To be consistent with the 1990 AQMP attainment demonstration, GBUAPCD limited the area modeled in the maintenance demonstration to the Town of Mammoth Lakes boundary, somewhat smaller than the larger nonattainment area boundary.[38] This was done for two reasons. First, the land east of the Town boundary is mostly public lands, is sparsely populated, and is downhill from the PM_{10} monitoring station located within the Town. Almost all of the human population and developed land in the nonattainment area is situated and concentrated within a smaller portion of the larger Township. The PM_{10} monitor/receptor at Gateway Center, providing much of the data for the maintenance demonstration, is located there, too. Meteorologically, an analysis of wind speeds and wind directions on high winter PM_{10} days shows that hourly wind speeds are low (less than 2 meters/second) and

[36] See Mammoth Lakes PM_{10} Maintenance Plan, Appendix G, ''Chemical Analysis of PM_{10} and $PM_{2.5}$ Filters from Mammoth Lakes'', Desert Research Institute, May 21, 2013; see Table 3, page 3.

[37] See Calcagni memorandum, page 9.

[38] See Mammoth Lakes PM_{10} Maintenance Plan, Figure 1–2, page 4.

primarily from the west.[39] In these near stagnant air mass conditions, the observed wind direction and speed most likely result from cold air flows moving downhill from higher to lower elevations. As a result, on design days of likely high PM_{10} observations, PM_{10} emissions east of the Town of Mammoth Lakes are unlikely to affect the levels observed at the PM_{10} monitor/receptor because those emissions would be moving away, further downhill and to the east. Consequently, an in-Town emissions inventory is the more appropriate inventory of PM_{10} sources contributing to high PM_{10} values observed at the Gateway Center PM_{10} monitor. This in-Town emissions inventory accounts for 78 percent of the total area emissions inventory described in the preceding section of this notice.[40] The excluded PM_{10} emissions are almost entirely entrained road dust produced east and downhill from the PM_{10} monitor/receptor at Gateway Center in the Town of Mammoth Lakes.

The second point of comparison with the 1990 AQMP attainment demonstration and maintenance demonstration is the use of a chemical mass balance (CMB) analysis to determine the emissions sources affecting PM_{10} values at the monitor/receptor. CMB uses chemical profiles of emission sources to apportion the monitored concentration between the various source types. The 1990 AQMP's attainment demonstration and emissions inventory showed that the primary sources contributing to exceedances of the PM_{10} NAAQS were residential wood combustion and entrained dust from vehicle traffic. Using a second CMB study and a new emissions inventory, GBUAPCD confirmed that the same two sources continue to disproportionately affect PM_{10} levels in the Mammoth Lakes area.[41] The 2013 CMB analysis done for the maintenance demonstration also provides critical inputs for the linear rollback analysis described next.

The maintenance demonstration modeling is based on a linear rollback methodology. In a linear rollback model, a fundamental assumption is that the ambient concentration attributed to a given source is proportional to emissions from that source. The rollback model used by GBUAPCD incorporated the following parameters: A background PM_{10} concentration of 5 $\mu g/m^3$; a PM_{10} design value concentration of 99 $\mu g/m^3$ based on 2010 through 2012 observations at the Gateway Center monitoring site; peak winter season VMT based on peak winter season visitor population consistent with a 2025 Town build out under the 2007 Town of Mammoth Lakes General Plan; and, in-Town peak winter PM_{10} emissions estimated for residential wood combustion and entrained road dust on paved roads.[42] The maintenance demonstration analyzed two worst case design day scenarios: (1) a day indicative of highest residential wood smoke conditions; and, (2) a day indicative of highest entrained road dust emissions.[43] The proportionalities for residential wood sources and entrained road dust used within the rollback model scenarios are derived from the 2013 CMB source apportionment studies discussed in Chapter 6 and Appendix G of the maintenance plan. In the first scenario of highest residential wood smoke emissions, the predicted 2030 PM_{10} concentration was 100 $\mu g/m^3$.[44] In the second scenario of highest entrained road dust emissions, the predicted 2030 PM_{10} concentration was 104.8 $\mu g/m^3$.[45] In either scenario, PM_{10} concentrations are predicted to remain below the PM_{10} NAAQS of 150 $\mu g/m^3$ and are slightly higher than the 2010–2012 attainment design value concentration of 99 $\mu g/m^3$.

To conclude, EPA proposes to find that the forecasted increases in PM_{10} levels from 2012 to 2030 are consistent with the control measures currently implemented and are not anticipated to result in PM_{10} levels above the PM_{10} NAAQS, as shown in the maintenance demonstration described above. Based on our review of the information presented in the Mammoth Lakes PM_{10} Maintenance Plan, we propose to find that the State has shown that attainment of the PM_{10} standard will be maintained in the Town of Mammoth Lakes and the larger Mammoth Lakes area for at least 10 years after redesignation.

3. Monitoring Network and Verifying Continued Attainment

Continued attainment of the NAAQS can be verified through operation of an appropriate air quality monitoring network. The Calcagni memorandum states that the maintenance plan should contain provisions for continued operation of air quality monitors that will provide such verification.[46] GBUAPCD has committed to continue to operate an appropriate air quality monitoring network in accordance with 40 CFR part 58, to continue daily monitoring of PM_{10} at the existing monitoring site so as to verify the ongoing attainment status of the area.[47] As we discussed in Section V.A. of this proposal, GBUAPCD's monitoring network for PM_{10} and the Mammoth Lakes PM_{10} monitors are part of an EPA-approved air quality monitoring network.

4. Contingency Provisions

Under section 175A of the CAA, contingency provisions are required for maintenance plans to correct promptly any violations of the NAAQS that occur after the area is redesignated to attainment. These contingency provisions must include a requirement that the State will implement all measures with respect to the control of the air pollutant concerned that were contained in the SIP for the area before redesignation of the area to attainment. These contingency provisions are distinguished from those generally required for nonattainment areas under section 172(c)(9) because they are not required to be fully-adopted measures that will take effect without further action by the State before the maintenance plan can be approved. The contingency plan is considered, however, to be an enforceable part of the SIP and should ensure that the contingency measures are adopted expeditiously once they are triggered by a specified event.

The Calcagni memorandum states that the contingency provisions of the maintenance plan should identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a time limit for action by the State. The memo also states that the contingency provisions should identify indicators or triggers which will be used to determine when the contingency measures need to be implemented. While the memo suggests inventory or monitoring indicators, it states that contingency provisions will be evaluated on a case-by-case basis.

In several actions, EPA has long approved contingency provisions that rely on reductions from measures that are already in place but are over and above those relied on for attainment and

[39] See Mammoth Lakes PM_{10} Maintenance Plan, Chapter 5.0 page 17.

[40] See Mammoth Lakes PM_{10} Maintenance Plan, Table 8–3, page 37.

[41] See Mammoth Lakes PM_{10} Maintenance Plan, Chapter 6, page 23; Table 6–4, page 26; and Appendix G.

[42] See the Mammoth Lakes PM_{10} Maintenance Plan, Chapter 8, pages 36–42; Table 8–4, page 38; and, the Executive Summary at page x for population and VMT discussion.

[43] See the Mammoth Lakes PM_{10} Maintenance Plan Chapter 8.3, page 39, for calculations.

[44] See the Mammoth Lakes PM_{10} Maintenance Plan Chapter 8.4, page 40, and Table 8–6, page 41.

[45] See the Mammoth Lakes PM_{10} Maintenance Plan Chapter 8.4, page 40, and Table 8–7, page 42.

[46] See Calcagni memorandum, page 11.

[47] See Mammoth Lakes PM_{10} Maintenance Plan, Chapter 9.2.2, page 45.

RFP under section 172(c)(9) of the CAA (62 FR 15844, April 3, 1997), (62 FR 6627, December 18, 1997), (66 FR 30811, June 8, 2001), (66 FR 586 and 66 FR 634, January 3, 2001). This interpretation has been upheld in LEAN v. EPA, 382 F.3d 575 (5th Cir. 2004), where the court set forth its reasoning for accepting excess reductions from already adopted measures as contingency measures.

Our interpretation that excess emission reductions can appropriately serve as section 172(c)(9) contingency measures is equally applicable to section 175A(d) contingency measures. EPA has approved maintenance plans under section 175A that included contingency provisions relying on measures to be implemented prior to any post-redesignation NAAQS violation (60 FR 27028, May 22, 1995) and (73 FR 66759, November 12, 2008).

As required by section 175A of the CAA, GBUAPCD adopted a contingency plan to address possible future PM_{10} air quality problems. The contingency provisions in the Mammoth Lakes PM_{10} Maintenance Plan are contained in Chapter 9.1.2 of the plan. In the event of a violation of the PM_{10} NAAQS, the District commits to adopt additional control measures to meet the PM_{10} NAAQS within 18 months of the violation; the measures cited may include reducing the ''no burn day'' trigger threshold, or improving roadway clean-up procedures.[48] Also, the District commits to track the progress of the maintenance plan and the continuing validity of its analyses and assumptions, such as an updated peak winter day emissions inventory and an analysis of air quality trends.[49] Finally, the District commits to continued implementation of plan's control measures, continued performance of ambient air quality monitoring, as well as the progress reports described previously.[50]

To summarize, given the commitments described above, EPA is proposing to find that the Mammoth Lakes PM_{10} Maintenance Plan is consistent with the maintenance plan contingency provision requirements of the CAA and EPA guidance. The contingency provisions of the maintenance plan contain tracking and triggering mechanisms to determine when contingency measures are needed, and specific timelines for action. Thus, we conclude that the contingency provisions of the Mammoth Lakes PM_{10} Maintenance Plan are adequate to ensure prompt correction of a violation of the PM_{10} NAAQS and comply with section 175A(d) of the Act.

E. Transportation Conformity and Motor Vehicle Emissions Budgets

Under section 176(c) of the CAA, transportation plans, programs and projects in the nonattainment or maintenance areas that are funded or approved under title 23 U.S.C. and the Federal Transit Laws (49 U.S.C. chapter 53) must conform to the applicable SIP. In short, a transportation plan and program conforms to the applicable SIP if the emissions resulting from the implementation of that transportation plan and program are less than or equal to the motor vehicle emissions budgets (budgets) established in the SIP for the attainment year, maintenance year and other years.[51] The budgets serve as a ceiling on emissions that would result from an area's planned transportation system. The budget concept is explained in the preamble to the transportation conformity rule (58 FR 62188, November 24, 1993). The preamble describes how to establish budgets in the SIP and how to revise the budgets.

Maintenance plan submittals must specify the maximum emissions of transportation-related PM_{10} and PM_{10} precursor emissions allowed in the last year of the maintenance period, *i.e.,* the budgets.[52] Budgets may also be specified for additional years during the maintenance period. The submittal must also demonstrate that these emissions levels, when considered with emissions from all other sources, are consistent with maintenance of the NAAQS. For EPA to find these emissions levels or budgets adequate and approvable, the submittal must meet the conformity adequacy provisions of 40 CFR 93.118(e)(4) and (5).

EPA's process for determining adequacy of a budget consists of three basic steps: (1) Notifying the public of a SIP submittal; (2) providing the public the opportunity to comment on the budget during a public comment period; and, (3) making a finding of adequacy or inadequacy. The process for determining the adequacy of a submitted budget is codified at 40 CFR 93.118(f). EPA can notify the public by either posting an announcement that EPA has received SIP budgets on EPA's adequacy Web site (40 CFR 93.118(f)(1)), or via a **Federal Register** notice of proposed rulemaking when EPA reviews the adequacy of an implementation plan budget simultaneously with its review and action on the SIP itself (40 CFR 93.118(f)(2)).[53]

Today, we are notifying the public that EPA will be reviewing the adequacy of the 2012 and 2030 budgets in the Mammoth Lakes PM_{10} Maintenance Plan. The public has a 30-day comment period as described in the **DATES** section of this notice. After this comment period, EPA will indicate whether the budgets are adequate via the final rulemaking on this proposed action or on the adequacy Web site, according to 40 CFR 93.118(f)(2)(iii). EPA's adequacy review is provided in the subject Memorandum accompanying today's **Federal Register** notice and included in the docket for this action.

During GBUAPCD's 30-day comment period prior to the District Board adopting the Mammoth Lakes PM_{10} Maintenance Plan, District staff amended the budgets in a response to comments from EPA. Consequently, the budget considered and adopted by the District Board and transmitted to CARB was not the budget released to the general public at the start of the District's public comment period. To fully comply with public notice requirements for SIP revisions prior to submittal by the State, CARB provided a full 30-day comment period and public hearing for the GBUAPCD Board adopted version of the Mammoth Lakes PM_{10} Maintenance Plan and the budgets contained therein.[54]

The Mammoth Lakes PM_{10} Maintenance Plan submitted by the

[48] See the Mammoth Lakes Maintenance Plan Chapter 9.1.2, page 44.

[49] See the Mammoth Lakes Maintenance Plan Chapter 9.2.1, pages 44–45.

[50] See the Mammoth Lakes Maintenance Plan Chapter 9.3, page 45.

[51] See 40 CFR part 93 for the federal conformity regulations and 40 CFR 93.118 specifically for how budgets are used in conformity.

[52] Transportation-related emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NO_X) emissions must also be specified in PM_{10} areas if EPA or the state finds that transportation-related emissions of one or both of these precursors within the nonattainment area are a significant contributor to the PM_{10} nonattainment problem and has so notified the metropolitan planning organization (MPO) and the U.S. Department of Transportation (DOT), or if the applicable SIP revision or SIP revision submittal establishes an approved or adequate budget for such emissions as part of the RFP, attainment or maintenance strategy. See 40 CFR 93.102(b)(2)(iii). Neither of these conditions apply to the Mammoth Lake PM_{10} nonattainment area. Consequently, the Mammoth Lakes PM_{10} Maintenance Plan establishes motor vehicle emissions budgets for PM_{10} only and does not include PM_{10} precursors.

[53] The availability of the SIP submittal with budgets can be announced for public comment on EPA's adequacy Web site at *http://www.epa.gov/otaq/stateresources/transconf/currsips.htm* which provides a 30-day public comment period. The public can then comment directly on this Web site.

[54] For the budgets as presented and adopted by CARB, see their ''Staff Report: Town of Mammoth Lakes PM_{10} Maintenance Plan and Redesignation Request'', dated August 18, 2014 at Table 3, page 10. For evidence of CARB's public notice and hearing see our earlier discussion of procedural requirements and CARB's documentation included in the docket for this action.

State contains PM_{10} budgets for the entire Mammoth Lakes PM_{10} nonattainment area for the years 2012 and 2030. The PM_{10} budgets for the Mammoth Lakes nonattainment area are as follows: 2012—3,466 kilograms per day; and, 2030—4,319 kilograms per day.[55] These budgets include direct PM_{10} emissions from vehicle exhaust, tire and brake wear emissions, and entrained dust on paved roads due to vehicle travel. See Table 4. These budgets do not include road construction dust or fugitive dust from vehicle travel on unpaved roads because emissions from these sources are minimal during the winter; see our earlier review of the Mammoth Lakes PM_{10} Maintenance Plan emissions inventory. As noted in our emission inventory review, PM_{10} precursors are a very small component of the overall inventory and a negligible contribution to the budgets. The on-road mobile source PM_{10} emissions (motor vehicle exhaust, tire and brake wear) were calculated using the latest approved emission factor model, EMFAC2011.[56] The fugitive dust emissions for paved roads were calculated using the latest version of the *Compilation of Air Pollutant Emission Factors* (AP–42).[57]

TABLE 4—MAMMOTH LAKES PM_{10} MAINTENANCE PLAN 2012 AND 2030 PM_{10} MOTOR VEHICLE EMISSIONS BUDGETS

[Kilograms/day]

Source category	2012	2030
Entrained Road Dust Cinders/Paved Roads	3,455	4,305
On-road Mobile Sources (tailpipe, tire and brake wear)	11	14
Total Motor Vehicle Emissions Budget	3,466	4,319

Peak 24-hour winter PM_{10} emissions calculated for the entire planning area.
Source: Mammoth Lakes PM_{10} Maintenance Plan, Tables 5–7, 8–1, and 8–3, pages 22, 36, and 37, respectively; also, see page 47.

As previously discussed in our review of the maintenance demonstration for the Mammoth Lakes PM_{10} Maintenance Plan, for reasons related to the topography, economy, and winter time meteorology of the Mammoth Lakes area, GBUAPCD modeled within the maintenance demonstration an area equivalent to the Township of Mammoth Lakes boundaries and smaller than the total nonattainment area. Although EPA concurs with the rationale for using an in-town PM_{10} emissions inventory in the maintenance demonstration, EPA also modeled the total area emissions shown in Table 4 to ensure that the higher estimated emissions do not, as we anticipate, cause or contribute to future violations of the ambient 24-hour PM_{10} standard. Using the same methodology as the maintenance demonstration and the modeling scenario of highest ambient contribution of entrained road dust emissions, we found that the predicted 2030 ambient PM_{10} concentration was 104.8 $\mu g/m^3$, well below the standard and consistent with the concentration calculated in the maintenance demonstration for the same scenario.[58]

Based on the information presented in the Mammoth Lakes PM_{10} Maintenance Plan and our adequacy review to date, we propose to approve the motor vehicle emissions budgets in the Mammoth Lakes PM_{10} Maintenance Plan as meeting the requirements of the CAA and EPA regulations. EPA has determined that the budgets are consistent with control measures in the SIP and are consistent with maintenance of the 24-hour PM_{10} standard within the Mammoth Lakes area through 2030. The details of EPA's evaluation of the budget for compliance with the budget adequacy criteria of 40 CFR 93.118(e) are provided in a separate memorandum included within the docket for this rulemaking.[59] As noted earlier, the public comment period for EPA's adequacy finding will be concurrent with the public comment period for this proposed action on the Mammoth Lakes PM_{10} Maintenance Plan.

VI. Proposed Action and Request for Public Comment

Based on our review of the Mammoth Lakes PM_{10} Maintenance Plan and redesignation request submitted by California, air quality monitoring data, and other relevant materials contained on our docket, EPA is proposing to find that the State has addressed all the necessary requirements for redesignation of the Mammoth Lakes nonattainment area to attainment of the PM_{10} NAAQS, pursuant to CAA sections 107(d)(3)(E) and 175A.

First, under CAA section 107(d)(3)(D), we are proposing to approve the State's request, which accompanied the submittal of the Mammoth Lakes PM_{10} Maintenance Plan, to redesignate the Mammoth Lakes PM_{10} nonattainment area to attainment for the 24-hour PM_{10} NAAQS. We are doing so based on our conclusion that the area has met the five criteria for redesignation under CAA section 107(d)(3)(E): (1) The area has attained the 24-hour PM_{10} NAAQS; (2) the relevant portions of the SIP are fully approved; (3) the improvement in air quality in the Mammoth Lakes area is due to permanent and enforceable reductions in PM_{10} emissions; (4) California has met all requirements applicable to the Mammoth Lakes PM_{10} nonattainment area with respect to section 110 and part D of the CAA; and, (5) our proposed approval of the Mammoth Lakes PM_{10} Maintenance Plan, as part of this action.

Second, under section 110(k)(3) of the CAA, EPA proposes to approve the Mammoth Lakes PM_{10} Maintenance Plan and find that it meets the requirements of Section 175A. We propose to find that the maintenance demonstration shows that the area will continue to attain the 24-hour PM_{10} NAAQS for at least 10 years beyond redesignation (*i.e.,* through 2030). We propose to find that the Maintenance Plan provides a contingency process for identifying and adopting new or more stringent control measures if a

[55] See the Mammoth Lakes PM_{10} Maintenance Plan Chapter 10, page 47.

[56] See the Mammoth Lakes PM_{10} Maintenance Plan Chapter 5.7, page 21. Also see 78 FR 14533 (March 6, 2013) for our approval of EMFAC2011.

[57] January 2011 Version of AP42, Fifth Edition, Volume I, Chapter 13.2.1 Miscellaneous Sources, Paved Roads: *http://www.epa.gov/ttn/chief/ap42/ch13/final/c13s0201.pdf.*

[58] See the Mammoth Lakes Maintenance Plan, Chapter 8.3, page 39 for the maintenance demonstration methodology and model equation. Also, see our prior discussion of the emissions inventory and maintenance demonstration for model equation inputs, such as background concentration and residential wood smoke emissions. For our calculations, see the Memorandum regarding our documentation supporting our budgets adequacy determination in the docket for this action.

[59] See EPA memorandum titled, ''EPA's Adequacy Review of Motor Vehicle Emissions Budgets in Mammoth Lakes PM_{10} Maintenance Plan'', dated July 1, 2015.

monitored violation of the PM_{10} NAAQS occurs. Finally, we are proposing to approve the 2012 emissions inventory as meeting applicable requirements for emissions inventories in Section 172 of the CAA.

Last, we propose that the Maintenance Plan's motor vehicle emissions budgets meet applicable CAA requirements for maintenance plans and transportation conformity requirements under 40 CFR 93.118(e). With this action, we are starting the public comment period on the adequacy of these proposed motor vehicle emissions budgets.

We are soliciting comments on this proposed action. We will accept comments from the public on this proposal for 30 days following publication of this proposal in the **Federal Register**. We will consider these comments before taking final action.

VII. Statutory and Executive Order Reviews

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

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

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

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: July 10, 2015.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2015–18531 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 106

[Docket No. USCG–2015–0086]

RIN 1625–AC23

Requirements for Vessels With Registry Endorsements or Foreign-Flagged Vessels That Perform Certain Aquaculture Support Operations

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend its regulations to implement Section 901(c) of the Coast Guard Authorization Act of 2010 that grants the Secretary of the U.S. Department of Transportation (DOT) the authority to issue a waiver allowing a documented vessel with only a registry endorsement or a foreign-flagged vessel to be used in certain aquaculture operations. Specifically, those operations include the treatment and/or protection of aquaculture fish from disease, parasitic infestation, or other threats to their health. The proposed part would establish the requirement for an owner or operator of a vessel who is issued a waiver by the Secretary of DOT to notify the Coast Guard that the vessel owner or operator has been issued a waiver that allows the vessel to conduct certain aquaculture support operations. The proposed part would also establish operational and geographic requirements for vessels that are issued such a waiver.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before October 28, 2015 or reach the Docket Management Facility by that date. Comments sent to the Office of Management and Budget (OMB) on the collection of information must reach OMB on or before October 28, 2015.

ADDRESSES: You may submit comments identified by docket number USCG–2015–0086 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

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

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

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

Collection of Information Comments: If you have comments on the collection of information discussed in section VI.D. of this notice of proposed rulemaking, you must also send comments to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget. To ensure that your comments to OIRA are received on time, the preferred methods are by email

to *oira_submission@omb.eop.gov* (include the docket number and ''Attention: Desk Officer for Coast Guard, DHS'' in the subject line of the email) or fax at 202–395–6566. An alternate, though slower, method is by the U.S. Postal Service to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. David Belliveau, Fishing Vessels Division (CG–CVC–3), U.S. Coast Guard; telephone 202–372–1247, email *David.J.Belliveau@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Public Participation and Request for Comments

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

A. Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2015–0086), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* and follow the instructions on that Web site. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and material received during the comment period and may change this proposed rule based on your comments.

B. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and follow the instructions on that Web site. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

C. Privacy Act

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

D. Public Meeting

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

II. Abbreviations

BLS U.S. Bureau of Labor Statistics
CBP U.S. Customs and Border Protection
CFR Code of Federal Regulations
CGAA Coast Guard Authorization Act of 2010
COD Certificate of Documentation
DHS U.S. Department of Homeland Security
DOT U.S. Department of Transportation
E.O. Executive Order
FR Federal Register
NAICS North American Industry Classification System
NPRM Notice of proposed rulemaking
OIRA Office of Information and Regulatory Affairs
OMB Office of Management and Budget
Pub. L. Public Law
RA Regulatory Analysis
U.S.C. United States Code

III. Basis and Purpose

Under Title 46 U.S.C. 12102(d)(1), the Secretary of the U.S. Department of Transportation (DOT) may issue a waiver to allow a documented vessel with only a registry endorsement or a foreign-flagged vessel to be used in operations that treat aquaculture fish for or protect aquaculture fish from disease, parasitic infestation, or other threats to their health if the Secretary finds, after publishing a notice in the **Federal Register** (FR), that a suitable vessel of the United States is not available to perform those services.[1]

In this notice of proposed rulemaking (NPRM), the Coast Guard proposes to amend 46 CFR subchapter I—Cargo and Miscellaneous Vessels, by adding a new part 106 that would establish the requirement for an owner or operator of a vessel who is issued a waiver by the Secretary of DOT, for the purpose of conducting certain aquaculture support operations, to notify the Coast Guard that such a waiver has been issued. The proposed part would also establish operational and geographic requirements for a vessel that is issued such a waiver.

IV. Background

Section 901 of the Coast Guard Authorization Act of 2010 (CGAA) (Pub. L. 111–281) amended 46 U.S.C. 12102 by adding subsection (d). Pursuant to 46 U.S.C. 12102(d)(1), the Secretary of DOT may issue a waiver allowing a documented vessel with only a registry

[1] These services are generally performed by ''wellboats'' (commonly understood as fishing and housing facility vessels) that pump fish out of their pens and into the vessel's fish hold. The fish hold is full of sea water and while the fish are inside the fish hold, a metered dose of de-lousing chemical is added to the fish holds. The water is then circulated vigorously to ensure complete mixing of the de-lousing agent. Upon completion of the treatment cycle, the fish are returned to their pens.

endorsement or a foreign-flagged vessel to be used in operations that treat or protect aquaculture fish from disease, parasitic infestation, or other threats to their health if the Secretary finds, after publishing a notice in the **Federal Register**, that a suitable vessel of the United States is not available that could perform those services.

This NPRM proposes regulations necessary to implement the Coast Guard's rulemaking responsibility as prescribed by 901(c)(2) of the CGAA. In that subsection, Congress directed the Secretary of the U.S. Department of Homeland Security (DHS), the department under which the Coast Guard operates, to promulgate regulations that are necessary and appropriate for permitting nonqualified vessels to perform certain aquaculture support operations. It also authorizes the Secretary of DHS to ''grant interim permits pending the issuance of such regulations upon receipt of applications containing the required information.'' Through this rule, we propose to establish the requirement that an owner or operator of a vessel who is issued a waiver by the Secretary of DOT for the purpose of conducting certain aquaculture support operations notify the Coast Guard that such a waiver has been issued. This proposed rule would also establish operational and geographic requirements for vessels that are issued such waivers.

V. Discussion of Proposed Rule

Through this rulemaking, the Coast Guard proposes to add 46 CFR part 106, ''Requirements for Nonqualified Vessels that Perform Certain Aquaculture Support Operations.'' This proposed part would establish the requirement for owners or operators of vessels who are issued a waiver by the Secretary of DOT to conduct certain aquaculture support operations to notify the Coast Guard that such a waiver has been issued. In developing this proposed notification requirement, we considered the possibility of DOT notifying the Coast Guard that a waiver has been issued rather than imposing this notification burden on the owner/operator. However, we decided that an owner/operator may be better served if the owner/operator retains the responsibility of notifying the Coast Guard rather than rely on the issuing agency because doing so gives the owner/operator full and complete control regarding the timing of the notification. For more information on this proposed notification requirement, including the mailing and email addresses that notifications are to be sent, refer to § 106.115. We are interested in hearing public comment on this proposed notification requirement (and the possibility of having DOT provide waiver notifications instead of an owner/operator) as we do with all of the requirements proposed in this rule. The proposed part would also establish operational and geographic requirements for vessels that are issued such a waiver. Based on submissions of applications for interim permits, we propose to require an owner or operator of a vessel who is issued a waiver by the Secretary of DOT, to submit to the Coast Guard:

(1) The vessel(s) name(s);

(2) The vessel's official and/or International Maritime Organization number;

(3) The geographic location within the waters of the United States where the vessel(s) will conduct aquaculture treatment operations;

(4) The period of time during which the waiver for the vessel(s) is approved including:

(i) The start date (MM/DD/YYYY); and

(ii) The expiration date (MM/DD/YYYY); and

(5) A copy of the DOT-approved aquaculture waiver.

VI. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders (E.O.s) related to rulemaking. Below we summarize our analyses based on these statutes or E.O.s.

A. Regulatory Planning and Review

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

This NPRM is not a significant regulatory action under section 3(f) of E.O. 12866 as supplemented by E.O. 13563. Accordingly, the Office of Management and Budget (OMB) has not reviewed it under that Order. A combined preliminary Regulatory Analysis (RA) follows.

This RA provides an evaluation of the economic impacts associated with this proposed rule. The table that follows provides a summary of the proposed rule's costs and benefits.

TABLE 1—SUMMARY OF THE PROPOSED RULE'S IMPACTS

Category	Summary
Applicability	Owners or operators of vessels that are issued a waiver allowing a documented vessel with only a registry endorsement or a foreign-flagged vessel to be used in operations that treat aquaculture fish.
Affected Population	2 vessels.
Costs to Industry and Government ($, 7% discount rate)	10-year: $808.98. Annualized: $115.18.
Unquantified Benefits	Allows the Coast Guard to readily identify vessels with waivers to perform certain aquaculture support operations.

On May 27, 2010, the U.S. Customs and Border Protection (CBP) ruled that aquaculture activities constitute ''engag[ing] in the fisheries,'' and is thus within the meaning of 46 U.S.C. 108, for which a vessel must possess a Certificate of Documentation (COD) endorsed pursuant to 46 U.S.C. 12113 (See CBP ruling HQ H105735). Title 46 U.S.C. 12113 limits employment in the fisheries to a vessel issued a COD with a fishery endorsement. This effectively disqualifies any foreign-flagged vessel from carrying out these activities.

Wellboats (or live fish carriers) were especially affected by this CBP ruling. Wellboats are highly specialized vessels that are used to treat farmed salmon. The wellboats are designed to service large inventories of farmed salmon during the salt-water grow-out phase

and are specially equipped to protect the fish onboard the vessel. Direct treatment aboard a wellboat is currently the most efficient and effective method to treat salmon. If left untreated, salmon inventories can be destroyed and the industry can lose revenue. Currently, no U.S.-flagged wellboats exist. The only wellboats available to the U.S. salmon aquaculture industry are foreign-flagged vessels, which make the industry highly dependent on foreign-flagged wellboats.

Through this rulemaking, the Coast Guard proposes to amend its regulations to implement Section 901(c) of the CGAA. Under that provision, the Secretary of DOT has the authority to issue a waiver allowing a documented vessel with only a registry endorsement or a foreign-flagged vessel to be used in certain aquaculture support operations that treat or protect aquaculture fish from disease, parasitic infestation, or other threats to their health if no suitable U.S.-flagged vessel is available to perform those services. Under this proposed rule, a vessel owner or operator of a vessel who has been issued a waiver by DOT to perform aquaculture support operations will be required to notify and provide a copy of the waiver to the Coast Guard. Through this rulemaking, we also propose to establish operational and geographic requirements for a vessel that is issued a waiver by DOT to perform aquaculture support operations. For more information on these requirements, refer to *§ 106.120 Operational and Geographic Requirements.*

Affected Population

The Coast Guard determined the affected population based on the number of waiver requests from vessel owners and operators. Since the 2010 CBP ruling, only one entity has applied for waivers for foreign-flagged wellboats to treat salmon. This U.S. entity operates two foreign-flagged wellboats, and we anticipate that this entity will continue to apply for waivers in the future. Therefore, this proposed rule is projected to affect one U.S. entity that operates two vessels. Depending on the growth of the salmon aquaculture industry, there is the potential for the number of affected vessels to increase in the future. However, current trends indicate no increase in growth in the salmon aquaculture industry. Therefore, we did not consider, in this analysis, an annual increase in the number of waivers that would be submitted to the Coast Guard.

Costs

In this proposed rule, owners or operators of foreign-flagged vessels, which are issued waivers by DOT to conduct certain aquaculture support operations, must notify the Coast Guard that such waivers have been issued. The costs of this proposed rule include the costs to the industry to provide copies of the waivers and the costs to the Government to process the information. Waivers will be issued on an annual basis per DOT requirements. Owners or operators of the vessels are required to provide copies of these waivers to the Coast Guard annually. Waivers are issued individually for each vessel involved in aquaculture support operations, and therefore, costs are estimated on a per vessel basis.

Industry Costs

The Coast Guard estimates it will take 0.5 hours for a legal secretary to copy and send each waiver to the Coast Guard, via postal mail and electronic mail. The wage rate for a legal assistant was obtained from the U.S. Bureau of Labor Statistics (BLS), using Occupational Series 23–2011, Paralegals and Legal Assistants (May 2013). BLS reports that the mean hourly rate for a legal assistant is $24.60.[2] To account for employee benefits, we use the load factor of 1.43, which we calculated from June 2014 BLS data.[3] The loaded wage rate for a legal assistant is estimated at $35.18 per hour ($24.60 wage rate × 1.43 load factor). The expected cost to industry to provide copies of the waiver is $35.18 ($35.18 × 0.5 hours × 2 vessels). Table 2 shows the total 10-year cost of two affected vessels to be $247.09 and annualized cost of $35.18, both discounted at 7 percent.

TABLE 2—TOTAL 10 YEAR COST TO INDUSTRY

Year	Undiscounted costs	Discount rate	
		7%	3%
1	$35.18	$32.88	$34.16
2	35.18	30.73	33.16
3	35.18	28.72	32.19
4	35.18	26.84	31.26
5	35.18	25.08	30.35
6	35.18	23.44	29.46
7	35.18	21.91	28.60
8	35.18	20.48	27.77
9	35.18	19.14	26.96
10	35.18	17.88	26.18
Total	351.80	247.09	300.09
Annualized	.....	35.18	35.18

Note: Total may not add due to rounding.

Government Costs

The Coast Guard estimates it will take 0.5 hours per vessel for Coast Guard personnel at the GS–13 level to record the information from the waivers. The fully loaded wage rate for a GS–13 is $80, per Commandant Instruction 7310.1P.[4] The total cost for the Coast Guard is $80 [(0.5 hours ″ $80) × 2 vessels]. The total 10-year undiscounted Government cost of the proposed rule is $800. Table 3 shows the total Government 10-year discounted cost at $561.89, and the annualized cost at $80, both discounted at 7 percent.

[2] Mean wage, *http://www.bls.gov/oes/2013/may/oes232011.htm.*

[3] Employer Costs for Employee Compensation news release text provides information on the employer compensation, and can be found at *http://www.bls.gov/news.release/archives/ecec_09102014.htm.*

[4] See *http://www.uscg.mil/directives/ci/7000-7999/CI_ 7310_1P.pdf.*

TABLE 3—TOTAL GOVERNMENT COST

Year	Undiscounted costs	Discount rate	
		7%	3%
1	$80.00	$74.77	$77.67
2	80.00	69.88	75.41
3	80.00	65.30	73.21
4	80.00	61.03	71.08
5	80.00	57.04	69.01
6	80.00	53.31	67.00
7	80.00	49.82	65.05
8	80.00	46.56	63.15
9	80.00	43.51	61.31
10	80.00	40.67	59.53
Total	800.00	561.89	682.42
Annualized	.....	80.00	80.00

Note: Total may not add due to rounding.

Table 4 displays the total costs on an undiscounted basis, and discounted at 7 percent and 3 percent interest rates, respectively. The total 10-year undiscounted cost of the proposed rule is $1,151.80. The total 10-year (industry and government) discounted cost of the proposed rule is $808.98 and the annualized cost is $115.18, both discounted at 7 percent.

TABLE 4—TOTAL COSTS OF THE PROPOSED RULE

Year	Total undiscounted costs	Total, discounted	
		7%	3%
1	$115.18	$107.64	$111.83
2	115.18	100.60	108.57
3	115.18	94.02	105.41
4	115.18	87.87	102.34
5	115.18	82.12	99.36
6	115.18	76.75	96.46
7	115.18	71.73	93.65
8	115.18	67.04	90.92
9	115.18	62.65	88.28
10	115.18	58.55	85.70
Total	1,151.80	808.98	982.51
Annualized	.....	115.18	115.18

Note: Total may not add due to rounding.

Benefits

This proposed rule does not provide any quantitative benefits. However, it does have a qualitative benefit. It provides the Coast Guard with greater maritime domain awareness through the proposed requirement that an owner or operator of a vessel who has received a waiver from DOT must submit a copy of the waiver to the Coast Guard. The requirement to submit a copy of the waiver to the Coast Guard will ensure that appropriate Coast Guard officials are aware that foreign-flagged vessels or vessels with only registry endorsements are conducting aquaculture support activities in U.S waters pursuant to a waiver issued by DOT under the authority of 46 U.S.C. 12102(d)(1).

B. Small Entities

Under the Regulatory Flexibility Act, 5 U.S.C. 601–612, we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

There is one U.S. entity that operates two foreign-flagged vessels that would be affected by this rulemaking at this time. This entity is neither a not-for-profit nor a governmental organization. The North American Industry Classification System (NAICS) for this entity is 424460, Fish and Seafood Merchant Wholesalers. An entity with this NAICS code is considered a small entity if it has less than 100 employees. Using the small entity definition for the NAICS code, we determined the entity is classified as a small entity, since this entity has 40 employees. Table 5 shows information on the U.S. entity classified as a small entity by NAICS code, and the small entity standard size established by the Small Business Administration.

TABLE 5—NAICS CODE AND SMALL ENTITIES SIZE STANDARDS

NAICS Code	Description	Small business size standard
424460	Fish and Seafood Merchant Wholesalers	Less than 100 employees.

We reviewed business revenue data provided by a publicly available source [5] and found that this entity has annual revenue estimated at $4,800,000. Therefore, the expected burden on the company from this rulemaking is estimated at less than 0.001 percent of total annual revenue.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this proposed rule would economically affect it.

C. 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 proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If you think that the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult with the Coast Guard personnel listed under the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

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).

D. Collection of Information

This proposed rule would call for a new collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. This collection is explained below under ESTIMATE OF TOTAL ANNUAL BURDEN. As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other, similar actions. The title and description of the information collections, a description of those who must collect the information, and an estimate of the total annual burden follow. The estimate covers the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Under the provisions of the proposed rule, an owner or operator of a vessel who is issued a waiver to conduct certain aquaculture support operations would notify the Coast Guard that such a waiver has been issued.

Title: Requirements for Vessels that Perform Certain Aquaculture Support Operations

Summary of the Collection of Information: An owner or operator of a vessel who is issued a waiver to conduct certain aquaculture support operations would be required to notify the Coast Guard that such a waiver has been issued.

Need for Information: This information is necessary to ensure that appropriate Coast Guard officials are aware that foreign-flagged vessels or documented vessels with only registry endorsements are conducting aquaculture support activities in U.S. waters pursuant to waivers issued by DOT under the authority of 46 U.S.C. 12102(d)(1).

Proposed Use of Information: The Coast Guard would use this information to ensure vessels operating in U.S. waters in support of aquaculture are compliant with DOT's requirement.

Description of the Respondents: The respondents are owners or operators of vessels that are issued waivers to conduct certain aquaculture support operations.

Number of Respondents: The number of respondents is one per year.

Frequency of Response: Waivers are issued on an annual basis, so the frequency of response is one response per vessel, per year.

Burden of Response: The estimated burden for each respondent is 0.5 hours per vessel to copy waivers and send information to the Coast Guard.

Estimate of Total Annual Burden: There is currently one entity operating two vessels that have been issued waivers. The total annual burden would be 1 hour (0.5 hours × 2 vessels). Assuming this task is performed by a legal assistant at a loaded hourly rate of $35.18, the annual cost burden for this requirement is $35.18 ($35.18 loaded wage rate × 1 total entity hours).

We ask for public comment on the proposed collection of information to help us determine—

(1) How useful the information is;

(2) Whether it can help us perform our functions better;

(3) Whether it is readily available elsewhere;

(4) How accurate our estimate of the burden of collection is;

(5) How valid our methods for determining burden are;

(6) How we can improve the quality, usefulness, and clarity of the information; and

(7) How we can minimize the burden of collection.

If you submit comments on the collection of information, submit them to both OMB and to the Docket Management Facility where indicated under **ADDRESSES**, by the date under **DATES**.

You are not required to respond to a collection of information unless it displays a currently valid control number from OMB. Before we could enforce the collection of information requirements in this proposed rule, OMB would need to approve our request to collect this information.

E. Federalism

A rule has implications for federalism under E.O. 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

[5] MANTA (*http:// www.manta.com/*) is an online business service directory and search engine that provides business revenue and size data.

this rule under that order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in E.O. 13132. Our analysis is explained below.

This proposed rule implements Section 901(c) of the Coast Guard Authorization Act of 2010. Section 901(c) amends Section 12102 of Chapter 121 of 46 U.S.C. by adding a waiver of certain Federal vessel documentation requirements for vessels performing aquaculture support operations. Neither Section 901 nor Chapter 121 contains authority for States to waive Federal vessel documentation requirements. Additionally, while Chapter 121 does not expressly prohibit States from having state titling systems, vessels that are required to be documented under Chapter 121 cannot be simultaneously titled by a State or numbered by a State pursuant to Chapter 123 (see 46 U.S.C. Section 12106). Therefore, the rule is consistent with the principles of federalism and preemption requirements in E.O. 13132.

While it is well settled that States may not regulate in categories in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, the Coast Guard recognizes the key role that State and local governments may have in making regulatory determinations. Additionally, for rules with federalism implications and preemptive effect, E.O. 13132 specifically directs agencies to consult with State and local governments during the rulemaking process. If you believe this proposed rule has implications for federalism under E.O. 13132, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

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. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this proposed rule elsewhere in this preamble.

G. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

H. Civil Justice Reform

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

I. Protection of Children

We have analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

J. Indian Tribal Governments

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

K. Energy Effects

We have analyzed this proposed rule under E.O. 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 E.O. 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

L. Technical Standards

The National Technology Transfer and Advancement Act, 15 U.S.C. 272 note directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, 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 proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969, 42 U.S.C. 4321–4370f, and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under the ''Public Participation and Request for Comments'' section of this preamble. This proposed rule involves vessels that have received waivers from the DOT to perform certain aquaculture support operations in U.S. waters (or could receive such waivers in the future) and the Coast Guard's notification and documentation requirements for those vessels. The proposed rule entails administrative activities, which pertain to regulations concerning documentation of vessels, and collectively appear to fall under section 2.B.2 and Figure 2–1, paragraphs (34)(a) and (d) of the Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact resulting from this proposed rule.

List of Subjects in 46 CFR Part 106

Aquaculture operations, Coastwise, Fishing vessels, Registry endorsement, Waiver.

For the reasons discussed in the preamble, the Coast Guard proposes to add 46 CFR part 106 to read as follows:

Title 46—Shipping

PART 106—REQUIREMENTS FOR NON-QUALIFIED VESSELS THAT PERFORM CERTAIN AQUACULTURE SUPPORT OPERATIONS

Sec.

Authority: Sec. 901(c)(2), Pub. L. 111–281, 124 Stat. 2905, Title IX; Department of Homeland Security Delegation No. 0170.1.

§ 106.100 Purpose.

The regulations in this part implement 46 U.S.C. 12102(d).

§ 106.105 Applicability.

The regulations in this part apply to a documented vessel with only a registry endorsement or a foreign-flagged vessel that has been issued a waiver by DOT under 46 U.S.C. 12102(d)(1), for the purpose of conducting aquaculture support operations.

§ 106.110 Definitions.

For the purpose of this part:

Aquaculture support operations means activities that treat aquaculture fish for or protect aquaculture fish from disease, parasitic infestation, or other threats to their health.

§ 106.115 Notification requirements.

(a) Prior to operating in U.S. waters, a vessel owner, operator, or charterer that has been issued a waiver by DOT to conduct aquaculture support operations must notify the Coast Guard in writing of its status. The notification must include the following information:

(1) The vessel(s) name(s);

(2) The vessel's official and/ or International Maritime Organization number;

(3) The geographic location within the waters of the United States where the vessel(s) will conduct treatment operations;

(4) The period of time during which the waiver for the vessel(s) is approved including:

(i) The start date (MM/ DD/ YYYY); and

(ii) The expiration date (MM/ DD/ YYYY); and

(5) A copy of the DOT-approved aquaculture waiver.

(b) Written notification must be made to the Commandant (CG–CVC), ATTN: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7501, or by email to *CG–CVC–3@uscg.mil.*

§ 106.120 Operational and geographic requirements.

(a) Vessels with a DOT waiver, issued under 46 U.S.C. 12102(d)(1), for the purpose of performing aquaculture support operations are subject to the following restrictions:

(1) Commercial operations other than operations that treat or protect aquaculture fish are prohibited;

(2) While conducting aquaculture support operations, vessels will operate solely within the geographic location identified in the approved waiver issued by DOT; and

(3) Vessels will not conduct aquaculture support operations beyond the period of time approved in the waiver issued by DOT.

(b) Vessels conducting aquaculture support operations will, at all times, maintain a copy of the waiver issued by DOT on board the vessel as proof of its eligibility to conduct aquaculture support operations.

§ 106.125 Penalties.

A vessel owner, operator, or charterer not operating a vessel as required in this part is subject to penalty under 46 U.S.C. 12151.

Dated: July 23, 2015.

V.B. Gifford, Jr.,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2015–18620 Filed 7–29–15; 8:45 am]

BILLING CODE 9110–04–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 536 and 552

[GSAR Case 2015–G508; Docket No. 2005–0013; Sequence No. 1]

RIN 3090–AJ57

General Services Administration Acquisition Regulation (GSAR); Removal of Unnecessary Construction Clauses and Editorial Changes

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The General Services Administration (GSA) is issuing a proposed rule amending the General Services Administration Acquisition Regulation (GSAR) coverage on Construction and Architect-Engineer Contracts, including provisions and clauses for solicitations and resultant contracts, to remove unnecessary regulations.

DATES: Interested parties should submit written comments to the Regulatory Secretariat at one of the addressees shown below on or before September 28, 2015 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to GSAR Case 2015–G508 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments by searching for ''GSAR Case 2015–G508''. Select the link ''Comment Now'' that corresponds with ''GSAR Case 2015–G508.'' Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''GSAR Case 2015–G508'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Ms. Flowers, 1800 F Street NW., 2nd Floor, Washington, DC 20405.

Instructions: Please submit comments only and cite GSAR Case 2015–G508, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Christina Mullins, Program Analyst, at 202–969–4066 or email at *Christina.Mullins@gsa.gov,* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755. Please cite GSAR Case 2015–G508.

SUPPLEMENTARY INFORMATION:

I. Background

GSA is proposing to amend the GSAR to revise sections of GSAR part 536, Construction and Architect-Engineer Contracts, and part 552, Solicitation Provisions and Contract Clauses, to remove unnecessary construction clauses.

The proposed rule includes the removal of one section and seven GSAR subpart 536.5 supplemental provisions and clauses that are now covered in the Federal Acquisition Regulation (FAR) or are otherwise no longer necessary for the agency.

A GSA Acquisition Manual (GSAM) rewrite initiative was undertaken by GSA to revise the GSAM starting in 2008. A proposed rule to update GSAR part 536, Construction and Architect-Engineer Contracts was initially published as GSAR Case 2008–G509 in the **Federal Register** at 73 FR 73199, December 2, 2008. Due to the variety of issues addressed in the GSAR 536 rewrite, and strong internal stakeholder interest, the agency re-evaluated the implementation plan for the GSAR 536 rewrite and withdrew this initial proposed rule. The initial proposed rule withdrawal was published in the **Federal Register** at 80 FR 6944, February 9, 2015. GSAR Case 2015–G508 is the first of several new GSAR cases to separately address the issues and update the GSAR 536 text.

II. Discussion and Analysis

The changes to the GSAM included in the proposed rule are summarized below:

- GSAR subpart 536.1, General: Revised to add language at GSAR

536.101 to clarify applicability of this part.

• GSAR 536.271, Project Labor Agreements (PLA): The coverage on project labor agreements is being removed in its entirety as Executive Order (E.O.) 13202 revoked the June 5, 1997 Presidential Memorandum entitled ''Use of Project Labor Agreements for Federal Construction Projects'' that provided for the original inclusion in the GSAM. In addition, later PLA guidance from E.O. 13502 was incorporated into the FAR effective May 13, 2010 under FAR Case 2009–005. The GSAR language is out of date and conflicts with FAR subpart 22.5 and clause 52.222–33. The current FAR coverage does not require further agency implementation or supplementation.

• GSAR subpart 536.5, Contract Clauses: Several prescriptions and associated clauses will be removed as listed below.

○ GSAR prescription 536.570–3, Specialist and associated clause 552.236–72. The specialist requirement is a technical detail contained in the scope of work or specifications for a contract or task order. A regulatory clause is not warranted.

○ GSAR prescription 536.570–5, Working Hours and associated clause 552.236–74. The working hour's requirement is a technical detail contained in the scope of work or specifications for a contract or task order. Working hours are also covered in FAR subparts 22.3 and 22.4. A regulatory clause is not warranted.

○ GSAR prescription 536.570–6, Use of Premises and associated clause 552.236–75. The use of premises requirement is a technical detail contained in the scope of work or specifications for a contract or task order. A regulatory clause is not warranted.

○ GSAR prescription 536.570–7, Measurements and associated clause 552.236–76. The measurements requirement is a technical detail contained in the scope of work or specifications for a contract or task order. A regulatory clause is not warranted.

○ GSAR prescription 536.570–10, Samples and associated clause 552.236–79. Samples are a type of submittal. Submittal requirements are contained in the scope of work or specification for a contract or task order. Submittals are also covered under FAR Subpart 42.3 and FAR clause 52.246–12. A regulatory clause is not warranted.

○ GSAR prescription 536.570–11, Heat and associated clause 552.236–80. The heat requirement is a technical detail contained in the scope of work or specifications for a contract or task order. A regulatory clause is not warranted.

○ GSAR prescription 536.570–14, Requirement for a Project Labor Agreement and associated clause 552.236–83. The GSAR language is out of date and conflicts with FAR subpart 22.5 and clause 52.222–33. The current FAR coverage does not require further agency implementation or supplementation.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

GSA does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule only deletes unnecessary sections and clauses and does not contain substantive changes. However, an Initial Regulatory Flexibility Analysis (IRFA) has been prepared and is summarized as follows:

The proposed rule changes will not have a significant economic impact on a substantial number of small entities. The rule changes do not place any new requirements on small entities. The section, provision and clause associated with project labor agreement is no longer a requirement based on E.O. 13202 and because E.O. 13502 was incorporated into FAR Subpart 22.5. The provisions and associated clauses for specialist, working hours, use of premises, measurements, samples, heat, and government use of equipment are considered technical requirements that are contained in the scope of work or specifications. The rule does not duplicate, overlap, or conflict with any other Federal rules. No alternatives were determined that will accomplish the objectives of the rule.

The Regulatory Secretariat has submitted a copy of the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat. GSA invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

GSA will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.,* (GSAR Case 2015–G508), in correspondence.

V. Paperwork Reduction Act

This proposed rule does not contain any information collection requirements that require approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. Chapter 35).

List of Subjects in 48 CFR Parts 536 and 552

Government procurement.

Dated: July 23, 2015.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

Therefore, GSA proposes to amend 48 CFR parts 536 and 552 as set forth below:

■ 1. The authority citation for 48 CFR part 536 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

■ 2. Revise section 536.101 to read as follows:

536.101 Applicability.

This part supplements FAR part 36 policies and procedures applicable to contracting for construction and architect-engineer services. Contracts for construction management services are covered by FAR part 37 and GSAM part 537. Part 536 shall take precedence when the acquisition involves construction or architect-engineer services, and when the requirement is inconsistent with another part of the GSAR.

536.271 [Removed and Reserved]

■ 3. Remove and reserve section 536.271.

536.570–3 [Removed and Reserved]

■ 4. Remove and reserve section 536.570–3.

536.570–5 through 536.570–7 [Removed and Reserved]

■ 5. Remove and reserve sections 536.570–5 through 536.570–7.

536.570–10 and 536.570–11 [Removed and Reserved]

■ 6. Remove and reserve sections 536.570–10 and 536.570–11.

536.570–14 [Removed]

■ 7. Remove section 536.570–14.

Authority: 40 U.S.C. 121(c).

PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. The authority citation for 48 CFR part 552 continues to read as follows:

552.236–72 [Removed and Reserved]

■ 9. Remove and reserve section 552.236–72.

552.236–74 through 552.236–76 [Removed and Reserved]

■ 10. Remove and reserve sections 552.236–74 through 552.236–76.

552.236–79 and 552.236–80 [Removed and Reserved]

■ 11. Remove and reserve sections 552.236–79 and 552.236–80.

552.236–83 [Removed]

■ 12. Remove section 552.236–83.

[FR Doc. 2015–18595 Filed 7–29–15; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 271

[Docket No. FRA–2009–0038]

RIN 2130–AC11

Risk Reduction Program; Public Hearing and Reopening of Comment Period

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Proposed rule; notice of public hearing and reopening of comment period.

SUMMARY: On February 27, 2015, FRA published a notice of proposed rulemaking that would require certain railroads to develop a Risk Reduction Program (RRP). FRA is announcing a public hearing to provide interested persons an opportunity to provide oral comments on the proposal. The Rail Safety Improvement Act of 2008 requires the development and implementation of railroad safety risk reduction programs. Risk reduction is a comprehensive, system-oriented approach to safety that: (1) Determines an operation's level of risk by identifying and analyzing applicable hazards; and (2) involves the development of plans to mitigate that risk. Each RRP is statutorily required to be supported by a risk analysis and a Risk Reduction Program Plan (RRPP), which must include a Technology Implementation Plan and a Fatigue Management Plan. FRA is also reopening the comment period for this proceeding to allow time for interested parties to submit comments after the public hearing.

DATES: A public hearing will be held on August 27, 2015, in Washington, DC and will commence at 9 a.m. The comment period for the proposed rule published on February 27, 2015 (80 FR 10950) is reopened. Comments must be received by September 10, 2015.

ADDRESSES: *Public Hearing.* The public hearing will be held at the Marriott Renaissance Hotel, 999 9th St. NW., Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Miriam Kloeppel, Staff Director, Risk Reduction Program Division, Office of Safety Analysis, FRA, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590; telephone: 202–493–6224; email: *Miriam.Kloeppel@dot.gov;* or Elizabeth Gross, Trial Attorney, Office of Chief Counsel, FRA, 1200 New Jersey Avenue SE., Mail Stop 10, Washington, DC 20590; telephone: 202–493–1342; email: *Elizabeth.Gross@dot.gov.*

SUPPLEMENTARY INFORMATION: Interested parties are invited to present oral statements and to offer information and views at the hearing. The hearing will be informal and will be conducted by a representative FRA designates under FRA's Rules of Practice (49 CFR 211.25). The hearing will be a non-adversarial proceeding. Therefore, there will be no cross examination of persons presenting statements or offering evidence. An FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements are completed, those persons wishing to make a brief rebuttal will be given the opportunity to do so in the same order in which the initial statements were made. FRA will announce additional procedures necessary to conduct of the hearing at the hearing. The purpose of this hearing is to receive oral comments in response to a Notice of Proposed Rulemaking (NPRM) that requested public comment on a potential risk reduction rulemaking. *See* 80 FR 10950, February 27, 2015. FRA will add a transcript of the discussions to the public docket in this proceeding.

Public Participation Procedures. Any persons wishing to make a statement at the hearing should notify Miriam Kloeppel, Staff Director, Risk Reduction Program Division, by telephone, email, or in writing, at least five business days before the date of the hearing and submit three copies of the oral statement that he or she intends to make at the proceeding. The notification should identify the party the person represents, the particular subject(s) the person plans to address, and the time requested. The notification should also provide the participant's mailing address and other contact information. FRA reserves the right to limit participation in the hearing of persons who fail to provide such notification. FRA also reserves the right to limit the duration of presentations if necessary to afford all persons with the opportunity to speak. Ms. Kloeppel's contact information is as follows: Staff Director, Risk Reduction Program Division, Office of Safety Analysis, FRA, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone: 202–493–6224; email: *Miriam.Kloeppel@dot.gov.*

For information on facilities or services for persons with disabilities, or to request special assistance at the hearing, contact FRA Program Analyst, Kenton Kilgore; by telephone, email, or in writing; at least five business days before the date of the hearing. Mr. Kilgore's contact information is as follows: FRA, Office of Railroad Safety, Mail Stop 25, 1200 New Jersey Avenue SE., Washington, DC 20590; (202) 493–6286; *Kenton.Kilgore@dot.gov.*

Reopening of Comment Period. A public hearing is scheduled after the close of the comment period specifically provided for in the notice of proposed rulemaking. To accommodate the public hearing and afford interested parties the opportunity to submit comments in response to views or information provided at the public hearing, FRA is reopening the comment period for the proposed rule published on February 27, 2015 (80 FR 10950), comments must be received by September 10, 2015.

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2015–18396 Filed 7–29–15; 8:45 am]

BILLING CODE 4910–06–P

Notices

Federal Register
Vol. 80, No. 146
Thursday, July 30, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FV–14–0104; FV–15–332]

Notice of Request for New Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of request for new information.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intention to request approval, from the Office of Management and Budget, for NEW information collection for the Fruit and Vegetable Specialty Crops Inspection Division.

DATES: Comments on this notice must be received by September 28, 2015 to be assured of consideration.

Additional Information or Comments: Contact ToiAyna Thompson, Management Support Staff, Specialty Crops Inspection Division, Fruit and Vegetable Programs, U.S. Department of Agriculture, STOP 0247, 1400 Independence Ave. SW., telephone: (202) 720–0867 and FAX: (202) 690–3824; or Internet: *http://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: Upon approval of this collection we will submit a request to merge this collection into the 0581–0125 Regulations Governing Inspection Certification of Fresh & Processed Fruits, Vegetables & Other Products 7 CFR part 51 & 52, approved on 8/16/2013.

Title: Specialty Crops Inspection Division Order Forms.

OMB Number: 0581—NEW.

Expiration Date of Approval: 3 years from approval.

Type of Request: New Information Collection with intent to merge with 0581–0125.

Abstract: The Agricultural Marketing Act of 1937, (7 U.S.C. 1621–1627) as amended authorizes the Agricultural Marketing Service, Specialty Crops Inspection Division to provide inspection and certification of the quality and condition of agricultural products. Specialty Crops Inspection Division provides a nationwide inspection, grading, and auditing service for fresh and processed fruits, vegetables and other products to shippers, importers, processors, sellers, buyers, and other financially interested parties on a ''user fee'' basis. The use of services is voluntary and is made available only upon request or when specified by some special program or contract. Information is needed to carry out the inspection, grading, or auditing services. Such information includes; the name and location of the person or company requesting services, the type and location of the product to be inspected, the type of inspection being requested, information that will identify the product or type and scope of audit requested. Upon approval AMS will request a merge for this NEW collection into the currently approved 0581–0125. Merging the Collections will enable the Division to more efficiently manage the collection and prevent duplication of burden.

This is a request for approval and subsequent merger of FV–380 Order Form for USDA SCI Division Inspection Equipment and Miscellaneous Items, FV–387 SCI Alternate Payment Application, and FV–357 Notification of Entry to the information collection. These forms are authorized under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*) The FV–380 and FV–387 are used by the Federal, Federal/State partners, and members of the industry to order equipment and other miscellaneous items from SCI Division's supply depot. The FV–357 form is a notification of entry of imported products covered under Section 8e, of the Agricultural Marketing Agreement Act of 1937. This notification of entry form addresses products such as fresh and processed fruits, vegetables, nuts, and specialty crops. It notes the port of entry and the type of inspection (quality and condition) required for the products.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 5 minutes per response.

Respondents: Federal and State.

Estimated Number of Respondents: 49,892.

Estimated Total Annual Responses: 49,892.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 4,156 hours.

(1) Order Form for Equipment and Miscellaneous items (FV–380)

Estimate of Burden: 5 minutes per response.

Respondents: Federal and State.

Estimated Number of Respondents: 584.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 48.65 hours

(2) Alternate Payment Application (FV–387):

Estimate of Burden: 5 minutes per response.

Respondents: Federal and State.

Estimated Number of Respondents: 708.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 58.98 hours.

(3) Notification of Entry (FV–357):

Estimate of Burden: 5 minutes per response.

Respondents: Federal and State.

Estimated Number of Respondents: 48,600.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 4,048.38 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology. Comments may be sent to ToiAyna Thompson, Management Support Staff, Specialty Crops Inspection Division, Fruit and Vegetable Programs, U.S. Department of Agriculture, STOP 0247, 1400 Independence Ave. SW., telephone: (202) 720–0867 and FAX: (202) 690–3824; or Internet: *http://www.regulations.gov.* All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: July 27, 2015.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2015–18701 Filed 7–29–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of Request for an Extension of a Currently Approved Information Collection

AGENCY: Office of Advocacy and Outreach, USDA/1890 Programs.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces the Office of Advocacy and Outreach, USDA/1890 Program's intention to request an extension for a currently approved information collection for the USDA/1890 National Scholars Program.

DATES: Comments on this notice must be received by September 28, 2015 to be assured of consideration.

ADDRESSES: Office of Advocacy and Outreach invites interested persons to submit comments on this notice. Comments may be submitted by one of the following methods:

Federal eRulemaking Portal: Go to *http://www.regulations.gov.* This site provides the ability to type short comments directly into the comment field on this Web page or attach a file for lengthier comments. Follow the on-line instructions for submitting comments. Send all U.S. Postal Service Mail and courier delivered submissions to: Docket Clerk, U.S. Department of Agriculture, Office of Advocacy and Outreach, 1400 Independence Avenue SW., Room 520–A, Whitten Building, Washington, DC 20250.

Instructions: All items submitted by mail or electronic mail must include the Agency name, Office of Advocacy and Outreach. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.*

Docket: For access to background documents or comments received, send to the Office of Advocacy and Outreach, 1400 Independence Avenue SW., 520–A, Whitten Building, Washington, DC 20250 between 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mary Jordan, USDA/1890 National Scholar Program Coordinator, U.S. Department of Agriculture, 1400 Independence Avenue SW., 520–A, Whitten Building, Washington, DC 20250 or call (202) 205–4307 (O) or (202) 720–7136 (Fax).

SUPPLEMENTARY INFORMATION:

Title: USDA/1890 National Scholars Program Application.

OMB Number: 0503–0015.

Expiration Date of Approval: August 31, 2015.

Type of Request: Extension of a currently approved information collection.

Abstract: The USDA/1890 National Scholars Program is a joint human capital initiative between the U.S. Department of Agriculture (USDA) and the 1890 Historically Black Land-Grant Universities. Through the 1890 Program, USDA offers scholarships to high school and college students who are seeking a bachelor's degree in the fields of agriculture, food, or natural resource sciences and related disciplines at 1890 Land-Grant Universities. In order for graduating high school students and current freshman and sophomores to be considered for the scholarship, a completed application is required. The first section of the high school application requests the applicant to include biographical information (*i.e.* name, address, age, etc.); educational background information (*i.e.* grade point average, test scores, name of university(ies), interested in attending, and desired major); and extracurricular activities. The second section of the application is completed by the student's guidance counselor and requests information pertaining to the student's academic status, grade point average, and test scores. The last section of the application, which is to be completed by a teacher, provides information that assesses the applicant's interests, habits, and potential. Two letters of recommendation must be submitted on behalf of the applicant. The letters may be from a Department Head, Dean of a College, or one of the University Vice Presidents or a College Professor for college-level applicants; and the Principal, Assistant Principal, Career Counselor, Guidance Counselor, or a Teacher for high school applicants. There are no sections included in the application that these individuals will need to complete.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: High School Students, Freshman, and Sophomore College Students, Teachers, and Guidance Counselors.

Estimated Number of Respondents: 2,400 (600 applications).

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 7,200 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Mary Jordan, USDA/1890 National Scholars Program Coordinator, U.S. Department of Agriculture, 1400 Independence Avenue SW., 520–A, Whitten Building, Washington, DC 20250. All comments received will be available for public inspection during regular business hours at the same address. All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Christian Obineme,

Associate Director, Office of Advocacy and Outreach.

[FR Doc. 2015–18118 Filed 7–29–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2015–0023]

Codex Alimentarius Commission: Meeting of the Codex Committee on Fish and Fishery Products

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA), National Oceanic and Atmospheric Administration (NOAA), and the Food and Drug Administration (FDA), are sponsoring a public meeting on September 24, 2015. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 34th Session of the Codex Committee on Fish and Fishery Products (CCFFP) of the Codex Alimentarius Commission (Codex), taking place in Ålesund, Norway from October 19–24, 2015. The Under Secretary for Food Safety, the National Oceanic and Atmospheric Administration (NOAA), and the Food and Drug Administration recognizes the importance of providing interested parties the opportunity to obtain background information on the 34th Session of CCFFP and to address items on the agenda.

DATES: The public meeting is scheduled for September 24, 2015, from 1:00–4:00 p.m.

ADDRESSES: The public meeting will take place at the Food and Drug Administration (FDA), Center for Food Safety and Applied Nutrition (CFSAN), Harvey Wiley Building, Room 1A–002, 5100 Paint Branch Parkway, College Park, MD 20740. Documents related to the 34th Session of CCFFP will be accessible via the Internet at the following address: *http://www.codexalimentarius.org/meetings-reports/en/.*

Dr. William Jones, U.S. Delegate to the 34th Session of CCFFP, invites U.S. interested parties to submit their comments electronically to the following email address: *William.Jones@fda.hhs.gov.*

Call In Number: If you wish to participate in the public meeting for the 34th Session of the CCFFP, by conference call, Please use the call in number listed below:

Call in Number: 301–796–7777 or Toll Free: 855–828–1770, Participant Meeting ID: 17359750#, Participant Password: 4021401#

Registration: Attendees may register to attend the public meeting by emailing *Melissa.Abbott@fda.hhs.gov* by September 21, 2015. Early registration is encouraged because it will expedite entry into the building. The meeting will be held in a Federal building. Attendees should also bring photo identification and plan for adequate time to pass through security screening systems. Attendees who are not able to attend the meeting in person, but who wish to participate, may do so by phone.

FOR FURTHER INFORMATION CONTACT:

For Further Information About the 34th Session of CCFFP Contact: Dr. William Jones, Director, Division of Seafood Safety, Office of Food Safety,(HFS–325) U.S. Food and Drug Administration, 5100 Paint Branch Parkway, College Park, MD, 20740, Phone: (240) 402–2300, Fax: (301) 436–2601, Email: *William.Jones@fda.hhs.gov.*

For Further Information About the Public Meeting Contact: Paulo Almeida, U.S. Codex Office, 1400 Independence Avenue, Room 4861, Washington, DC 20250. Phone: (202) 205–7760, Fax: (202) 720–3157, Email: *Paulo.Almeida@fsis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius (Codex) was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The CCFFP is responsible for elaborating worldwide standards for fresh, frozen (including quick frozen) or otherwise processed fish, crustaceans and molluscs.

The Committee is hosted by Norway.

Issues To Be Discussed at the Public Meeting

The following items on the agenda for the 34th Session of CCFFP will be discussed during the public meeting:

- Matters Referred to the Committee by the Codex Alimentarius Commission and other Codex Committees
- Matters arising from the Work of FAO and WHO
- Draft Code of Practice for Processing of Fish Sauce
- Proposed Draft Code of Practice on the Processing of Fresh and Quick-Frozen Raw Scallop Products
- Proposed Draft Code of Practice for Fish and Fishery Products (section on sturgeon caviar)
- Proposed Food Additive Provisions in Standards for Fish and Fishery Products
- Discussion Paper on Nitrogen Factors (amendments to section 7.4 of the Standard for Quick Frozen Fish Sticks (Fish Fingers), Fish Portions and Fish Fillets-Breaded or in Batter (Codex STAN 166–1989)
- Code of Practice for Fish and Fishery Products (optional final product requirements for commodities/appendix on MAP)
- Discussion Paper on Histamine
- Other Business and Future Work

(a) New Work Proposal on a standard for Fresh Chilled Pirarucu Fillet or whole Fish

(b) Discussion Paper on the future of the Committee

Each issue listed will be fully described in documents distributed, or to be distributed, by the Secretariat prior to the Meeting. Members of the public may access or request copies of these documents (see **ADDRESSES**).

Public Meeting

At the September 24, 2015, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 34th Session of CCFFP, Dr. William Jones (see **ADDRESSES**). Written comments should state that they relate to activities of the 34th Session of CCFFP.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication on-line through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register* .

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email

subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email Email: *program.intake@usda.gov.*

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on July 24, 2015.

Mary Frances Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2015–18629 Filed 7–29–15; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Rural Broadband Access Loans and Loan Guarantees Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of solicitation of applications (NOSA).

SUMMARY: The Rural Utilities Service (RUS), an agency of the United States Department of Agriculture (USDA), announces that it is accepting applications for fiscal year (FY) 2015 for the Rural Broadband Access Loan and Loan Guarantee program (the Broadband Program). RUS has published on its Web site *http://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas* the amount of funding received through the final appropriations act.

In addition to announcing the application window, RUS announces the minimum and maximum amounts for broadband loans for FY 2015. Moreover, the Agency is concurrently publishing a proposed interim final rule that will revise the current Broadband Program regulations at 7 CFR part 1738, as necessitated by *Pubic Law 113–79,* the Agricultural Act of 2014 (2014 Farm Bill).

DATES: Applications under this NOSA will be accepted immediately, July 30, 2015 through September 30, 2015, subject to the requirements of the interim regulation published concurrently with this NOSA.

ADDRESSES: Applications should be submitted to the RUS General Field Representative or to U.S. Department of Agriculture, Rural Utilities Service, Loan Originations and Approval Division, ATTN: Shawn Arner, STOP 1597, Room 2808–S, 1400 Independence Ave. SW., Washington, DC 20250–1597, as provided in the application guide found online at *http://www.rd.usda.gov/programs-services/farm-bill-broadband-loans-loan-guarantees.*

FOR FURTHER INFORMATION CONTACT: For further information contact Shawn Arner, Deputy Assistant Administrator, Loan Originations and Approval Division, Rural Utilities Service, STOP 1597, 1400 Independence Avenue SW., Washington, DC 20250–1597, Telephone (202) 720–0800.

SUPPLEMENTARY INFORMATION:

General Information

The Rural Broadband Access Loan and Loan Guarantee Program (the Broadband Program) is authorized by the Rural Electrification Act (7 U.S.C. 901 *et seq.*), as amended by the 2014 Farm Bill.

During FY 2015, loans will be made available for the construction, improvement, and acquisition of facilities and equipment to provide service at the broadband lending speed for eligible rural areas. Applications must be submitted in accordance with the interim final rule published concurrently with this NOSA.

To assist in the preparation of applications, the application guide is available online at: *http://www.rd.usda.gov/programs-services/farm-bill-broadband-loans-loan-guarantees.* Application guides may also be requested from RUS by contacting the agency contact.

Application requirements and Addresses: All requirements and addresses for submission of an application under the Broadband Program will be set forth in the interim regulation published concurrently with this NOSA.

Application Materials: Applications for the Broadband Program will be available at *http://www.rd.usda.gov/programs-services/farm-bill-broadband-loans-loan-guarantees.*

Minimum and Maximum Loan Amounts

Loans under this authority will not be made for less than $100,000. The maximum loan amount that will be considered for FY 2015 is $20,000,000.

Required Definitions for Broadband Program Regulation

The interim regulation for the Broadband Program requires that certain definitions affecting eligibility be revised and published from time to time by the agency in the **Federal Register**. For the purposes of this interim regulation, the agency shall use the following definitions: Broadband Service and Broadband Lending Speed. Until otherwise revised in the **Federal Register,** for applications in FY 2015, to qualify as broadband service, the minimum rate-of-data transmission shall be four megabits downstream and one megabit upstream for both fixed and mobile broadband service and the broadband lending speed will be a minimum bandwidth of ten megabits downstream and one megabit upstream for both fixed and mobile service to the customer.

Priority for Approving Loan Applications

Applications for FY 2015 will be accepted from July 30, 2015 through September 30, 2015. Although review of applications will start when they are submitted, all applications submitted by September 30, 2015 will be evaluated and ranked on the basis of the number of unserved households in the proposed funded service area. Subject to available funding, eligible applications that propose to serve the most unserved households will receive funding offers before other eligible applications that have been submitted.

Applications will not be accepted after September 30, 2015, until a new funding window has been opened with

the publication of an additional NOSA in the **Federal Register.**

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirements associated with Broadband loans, as covered in this NOSA, have been approved by the Office of Management and Budget (OMB) under OMB Control Number 0572–0130.

Dated: July 8, 2015.

Brandon McBride,

Administrator, Rural Utilities Service.

[FR Doc. 2015–18623 Filed 7–29–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Annual Survey of Entrepreneurs.

OMB Control Number: None.

Form Number(s): The online survey instrument does not have a form number.

Type of Request: New collection.

Number of Respondents: 290,000.

Average Hours per Response: 35 minutes.

Burden Hours: 169,167.

Needs and Uses: In an effort to improve the timely measurement of business dynamics in the United States, the U.S. Census Bureau plans to conduct a new annual survey focused on employer businesses. The new survey will be known as the Annual Survey of Entrepreneurs (ASE) and will collect information on characteristics of businesses and business owners. The survey was going to be called the Annual Survey of Business Owners, but that name was changed to fit the survey's focus on assessing entrepreneurial business practices and demographics. The ASE will be a supplement to the Survey of Business Owners and Self-Employed Persons (SBO), which provides economic and demographic characteristics for businesses and business owners by gender, ethnicity, race, and veteran status every 5 years. The ASE is an intercensal program. The ASE will help assess the health of the economy and provide detailed statistics on businesses and business owners more frequently. The ASE is a joint effort funded by the Ewing Marion Kauffman Foundation, the Minority Business Development Agency (MBDA), and the Census Bureau. On behalf of the Secretary of Commerce, pursuant to section 1(a)(3) of Executive Order 11625, the MBDA may enter into this agreement with the Census Bureau to establish a means for the development, collection, summation, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting the establishment and successful operation of minority business enterprises. The Census Bureau will collaborate with the Kauffman Foundation, the MBDA, and other agencies to ensure the ASE is as robust and effective as possible.

The Census Bureau will collect data starting with the 2014 reference year, with corresponding estimates released in 2016. Estimates will include number of firms, sales/receipts, annual payroll, and employment by gender, ethnicity, race, and veteran status. The ASE includes questions from the 2012 SBO long form SBO–1 with additional questions to collect data on entrepreneurs' access to capital. The ASE will introduce a new module each year focusing on an important component related to business growth. Proposed module topics include innovation, research and development, technological advances, Internet usage, management and business practices, exporting practices, and globalization. The 2014 ASE module covers innovation and research and development. The survey will be a sample of 290,000 employer businesses stratified by metropolitan statistical area (MSA), state, frame, and age of business. By oversampling young businesses, this survey will help assess the impact young firms have on the growth of the economy. Additionally, the survey will implement a longitudinal component that will allow the growth of the firms in the sample to be tracked and analyzed over time.

This collection will allow the Census Bureau to collaborate on the implementation of a key National Academies recommendation for improving the measurement of business dynamics in the U.S. economy, which recommended:

''The Census Bureau Survey of Business Owners (SBO) should be conducted on an annual basis. The survey should include both a longitudinal component and a flexible, modular design that allows survey content to change over time. In addition, the Census Bureau should explore the possibility of creating a public-use (anonymized) SBO or a restricted access version of the data file.''

Lisa M. Lynch, John Haltiwanger, and Christopher Mackie, eds. Understanding Business Dynamics: An Integrated Data System for America's Future. National Academies Press, 2007.

The additional sources of capital and financing questions will provide information on the financial trends and financial challenges faced by entrepreneurs. Tabulation of the financing questions will offer insight into the type of funding acquired and used by women-, minority-, and veteran-owned businesses. The 2014 ASE module will allow for a better understanding of the innovation and research and development activities conducted by entrepreneurs. Additionally, it will allow for an assessment on the competitiveness of businesses by ownership characteristics. The longitudinal component will help track and assess the growth of firms in the sample over time. This will also allow for research into the changes to the characteristics of businesses over time.

Under Title 13, United States Code, Section 182, the Secretary of Commerce has deemed it necessary to conduct an annual survey on characteristics of businesses and business owners. The ASE augments the quinquennial SBO collected and disseminated under Title 13, United States Code, Section 131.

Government program officials, industry organization leaders, economic and social analysts and researchers, and business entrepreneurs are anticipated users of ASE statistics. Examples of data use include:

- The Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) to assess business assistance needs and allocate available program resources.
- Local government commissions on small and disadvantaged businesses to establish and evaluate contract procurement practices.
- Federal, state and local government agencies as a framework for planning, directing and assessing programs that promote the activities of disadvantaged groups.
- The National Women's Business Council to assess the state of women's business ownership for policymakers, researchers, and the public at large.
- Consultants and researchers to analyze long-term economic and demographic shifts, and differences in ownership and performance among geographic areas.

• Individual business owners to analyze their operations in comparison to similar firms, compute their market share, and assess their growth and future prospects.

• Researchers and businesses to understand the innovation and research and development activities conducted by entrepreneurs.

• Federal agencies to assess the competitiveness of businesses by ownership characteristics.

• Data users to understand time-series data in certain industries for entrepreneurs.

• Business owners or perspective business owners to gain knowledge about the funding of businesses.

Businesses which reported any business activity on any one of the following Internal Revenue Service (IRS) tax forms will be eligible for survey selection: 1040 (Schedule C), ''Profit or Loss from Business'' (Sole Proprietorship); 1065, ''U.S. Return of Partnership Income''; 941, ''Employer's Quarterly Federal Tax Return''; 944 ''Employer's Annual Federal Tax Return''; or any one of the 1120 corporate tax forms. Current plans will only request responses from businesses filing the 941, 944, or 1120 tax forms. Estimates for businesses filing the 1040 or 1065 tax returns will be created using statistical modeling of administrative data and will only provide data by gender, ethnicity, race, and veteran status by geography, industry, and size of firm.

The 2014 ASE collection is electronic only. An initial letter that informs the respondents of their requirement to complete the survey and provides survey access instructions will be mailed from the Census Bureau's processing headquarters in Jeffersonville, Indiana. There will be 290,000 letters mailed to employer businesses that were in business during 2014. Initial mailout will occur in September 2015, with a due date of November 4, 2015. There will be two follow-up letter mailings to nonrespondents after the due date. Closeout of mail operations is scheduled for January 2016. Upon the close of the collection period, the response data will be processed, edited, reviewed, tabulated, and released publically.

The survey will collect data on the gender, ethnicity, race, and veteran status for up to four persons owning the majority of rights, equity, or interest in the business. These data are needed to evaluate the extent and growth of business ownership by women, minorities, and veterans in order to provide a framework for assessing and directing federal, state, and local government programs designed to promote the activities of disadvantaged groups.

The SBA and the MBDA will use the data to allocate resources for their business assistance programs.

The data will also be widely used by private firms and individuals to evaluate their own businesses and markets. Additionally, the data will be used by entrepreneurs to write business plans and loan application letters, by the media for news stories, by researchers and academia for determining firm characteristics, and by the legal profession in evaluating the concentration of minority businesses in particular industries and/or geographic areas.

Affected Public: Business or other for-profit; Not-for-profit institutions.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Sections 8(b), 131, and 182; and Executive Order 11625, Section 1(a)(3).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: July 27, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–18667 Filed 7–29–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–18–2015]

Foreign-Trade Zone (FTZ) 202—Los Angeles, California; Authorization of Production Activity; syncreon Logistics (USA), LLC; (Camera and Accessories Kitting) Torrance, California

On March 27, 2015, syncreon Logistics (USA), LLC (syncreon) submitted a notification of proposed production activity, on behalf of GoPro, Inc., to the Foreign-Trade Zones (FTZ) Board for its facility within FTZ 202—Site 43, in Torrance, California.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 18807, 04–08–2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the Board's regulations, including Section 400.14.

Dated: July 24, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–18729 Filed 7–29–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–20–2015]

Authorization of Production Activity, Foreign-Trade Zone 50, Mercedes Benz USA, LLC (Accessorizing Passenger Motor Vehicles), Long Beach, California

On March 24, 2015, the Port of Long Beach, grantee of FTZ 50, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of Mercedes Benz USA, LLC, within FTZ 50, in Long Beach, California.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (80 FR 19958, 4–14–2015). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: July 24, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–18728 Filed 7–29–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–804]

Ball Bearings and Parts Thereof From Japan: Notice of Court Decision Not in Harmony With the Final Results of Antidumping Duty Administrative Review; 2008–2009

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On July 14, 2015, the United States Court of International Trade (CIT)

issued final judgment in *NTN Bearing Corporation of America* v. *United States,* Court No. 10–00286, Slip Op. 15–76 (CIT July 14, 2015), affirming the Department of Commerce's (the Department) amended final results of redetermination pursuant to remand.[1]

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Japan covering the period May 1, 2008 through April 30, 2009.

DATES: *Effective Date:* July 24, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer, AD/CVD Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0410.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 2010, the Department published *AFBs 20.*[2] NTN Corporation (NTN) and other parties appealed *AFBs 20* to the CIT. On February 3, 2015, the CIT remanded *AFBs 20* and ordered the Department to revise its calculation of NTN's U.S. credit expenses to use the correct variable and recalculate the weighted-average dumping margin for NTN.[3] On May 4, 2015, the Department filed its final results of redetermination pursuant to remand in accordance with the CIT's order,[4] but on the same day the Department sought leave to file an amended remand redetermination, noting that The Timken Company had commented on the draft remand redetermination.[5] The CIT granted the Department's leave request on May 5, 2015.[6] On May 7 2015, the Department filed its amended final results of redetermination.[7] The changes to the Department's calculations with respect to NTN did not result in a change in the weighted-average dumping margin.[8] The CIT affirmed the Department's *Amended Final Remand* on July 14, 2015, and entered judgment.[9]

Timken Notice

In its decision in *Timken,* as clarified by *Diamond Sawblades,* the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's July 14, 2015, judgment affirming the *Amended Final Remand* constitutes a final decision of the CIT that is not in harmony with *AFBs 20.* This notice is published in fulfillment of the publication requirements of *Timken.*

Continuation of Suspension of Liquidation

The Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's ruling is not appealed, or if appealed and upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on appropriate entries of the subject merchandise using the rate calculated by the Department in *AFBs 20.*

Cash Deposit Requirements

Because we revoked the antidumping duty order on ball bearings and parts thereof from Japan, effective September 15, 2011, no cash deposits for estimated antidumping duties on future entries of subject merchandise will be required.[10]

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: July 24, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–18732 Filed 7–29–15; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See* Amended Final Results of Remand Redetermination pursuant to *NTN Bearing Corporation of America* v. *United States,* Court No. 10–00286, Slip Op. 15–12 (CIT February 3, 2015), dated May 6, 2015, and filed with the CIT on May 7, 2015 (*Amended Final Remand*).

[2] *See Ball Bearings and Parts Thereof From France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661 (September 1, 2010) (*AFBs 20*).

[3] *See NTN Bearing Corporation of America* v. *United States,* Court No. 10–00286, Slip Op. 15–12 (CIT February 3, 2015) at 21.

[4] *See* Final Results of Remand Redetermination pursuant to *NTN Bearing Corporation of America* v. *United States,* Court No. 10–00286, Slip Op. 15–12 (CIT February 3, 2015), dated April 13, 2015, and filed with the CIT on May 4, 2015.

[5] *See NTN Bearing Corporation of America* v. *United States,* Court No. 10–00286, Slip Op. 15–76 (CIT July 14, 2015) (*NTN Bearing II*) at 1 n.1.

[6] *Id.*

[7] *See Amended Final Remand.*

[8] *Id.*

[9] *See NTN Bearing II.*

[10] *See Ball Bearings and Parts Thereof From Japan and the United Kingdom: Final Results of Sunset Reviews and Revocation of Antidumping Duty Orders,* 79 FR 16771 (March 26, 2014).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Proposed Information Collection; Comment Request; Community Resilience Panel

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before September 28, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Nancy McNabb, Community Resilience Program, National Institute of Standards and Technology, 100 Bureau Drive MS8615, 301–975–3777 or *resilience@nist.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The Community Resilience Panel for Buildings and Infrastructure Systems (Panel) is an organization that will engage a diverse group of stakeholders around goals and actions needed to achieve community resilience and to derive benefits from improved buildings and infrastructure.

The mission of the Panel is to promote collaboration among stakeholders who strive to strengthen

the resilience of buildings, infrastructure, and social systems upon which communities rely. The Panel will consider the adequacy of standards, guidelines, best practices, and recommend, develop, and work with others to make improvements in community resilience.

The Panel will provide an open process for stakeholders to participate in the ongoing development, coordination and harmonization of community resilience guidance. The Panel will also evaluate existing metrics and standards to determine where improvements can be made to enhance resilience. Members will review case studies, recommend practices, coordinate, accelerate, and propose action plans for achieving community resilience goals.

The Panel will be managed and guided by the Community Resilience Panel Coordinating Committee (CRPCC) that approves and prioritizes work and arranges for the resources necessary to carry out its planned activities. The CRPCC's responsibilities include facilitating dialogue with standards development organizations and communities to ensure that proposed plans will be implemented.

A NIST contractor will serve as the Panel Administrator to review Panel documents and products approved by the CRPCC, add their own technical expertise to these deliverables prior to review by NIST, report on progress by managing the Panel's activities and ensure that all Panel work products are publicly available in the online Resilience Knowledge Base.

The Panel and CRPCC will constitute an open organization dedicated to balancing the needs of a variety of resilience related organizations. Any organization may become a member of the Panel. Members are required to declare an affiliation with an identified Stakeholder Category. Stakeholder members may contribute multiple Member Representatives, but only one voting Member Representative. Members must participate regularly in order to vote on the work products of the Panel.

The Panel membership form asks the applicant to provide his/her name, title, address, telephone, email address, organization, education, relevant work experience, standards developing experience, professional associations, stakeholder and standing committee areas of interest, as well as other relevant experience and areas of interest. The information provided by the applicants will be used to organize the Panel and select leaders who will use their expertise and experience in a consensus process that will achieve the goals and actions set forth in the Panel Charter and ByLaws.

The Panel is established under a contract to support NIST in its role under the NIST authorities set forth in 15 U.S.C. 272(b)(10), (c)(12) and (c)(15) and to fulfill NIST's responsibilities described in the President's Climate Action Plan of 2013. The Panel will identify, describe, and prioritize guidance for comprehensive community resilience planning across the United States,

II. Method of Collection

The Panel Administrator will launch a call for candidates for Panel members. Interested parties are encouraged to submit an application for membership electronically (Internet). Applications will also be accepted in paper format or by email.

III. Data

OMB Control Number: 0693–XXXX.

Form Number(s): None.

Type of Review: Regular submission, new information collection.

Affected Public: Organizations and individuals associated with the following stakeholder groups: Businesses and Industry, Building Construction and Safety, Community Planning, Community Social Institutions, Communication, Energy, Transportation and Water/Wastewater Systems, Facility Operations and Maintenance, Federal, Tribal, Regional, State and Local Governments, Insurance/Reinsurance, Relief Services, Standards Development and Vulnerable Populations.

Estimated Number of Respondents: 200.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 50.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 27, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–18658 Filed 7–29–15; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE059

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (workshop).

SUMMARY: The Pacific Fishery Management Council (Pacific Council), in collaboration with NMFS and NOAA's Southwest Fisheries Science Center (SWFSC), will convene a scientific workshop to consider the distribution of the northern subpopulation of Pacific sardine. The workshop is open to the public.

DATES: The workshop will take place August 17–19, 2015. Meeting times are Monday, August 17, from 1 p.m. to 6 p.m., Tuesday, August 18, from 8 a.m. to 6 p.m., and Wednesday, August 19, from 8 a.m. to 12 noon or until business for the workshop is complete.

ADDRESSES: The meeting will be held at the SWFSC Pacific Conference Room, 8901 La Jolla Shores Drive, La Jolla, CA 92037.

FOR FURTHER INFORMATION CONTACT: Kerry Griffin, Staff Officer; telephone: (503) 820–2409.

SUPPLEMENTARY INFORMATION: The purpose of the workshop is to consider scientific information, data, and potential alternative means for establishing the Distribution value used in the Pacific sardine harvest control rule (HCR). The workshop is not intended as a review of other aspects of the HCR, Pacific sardine harvest management, or policy. The current Distribution value of 0.87 is intended to account for the fact that some portion of the U.S. sardine stock is present and subject to harvest outside U.S. waters. It is intended as a long-term average,

recognizing that the distribution is variable because the sardine stock migrates seasonally and interannually.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Dale Sweetnam, (858) 546–7170, at least 5 days prior to the meeting date.

Dated: July 27, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–18663 Filed 7–29–15; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0030]

Proposed Extension of Approval of Information Collection; Comment Request—Testing and Recordkeeping Requirements for Carpets and Rugs

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission (''CPSC'' or ''Commission'') requests comments on a proposed extension of approval of information collection requirements for manufacturers and importers of carpets and rugs under the Standard for the Surface Flammability of Carpets and Rugs (16 CFR part 1630) and the Standard for the Surface Flammability of Small Carpets and Rugs (16 CFR part 1631). The Commission will consider all comments received in response to this notice before requesting an extension of this collection of information from the Office of Management and Budget (''OMB'').

DATES: The Office of the Secretary must receive comments not later than September 28, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2012–0030, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *http://www.regulations.gov.* Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through *www.regulations.gov.* The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov,* and insert the docket number CPSC–2012–0030, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7815, or by email to: *rsquibb@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Safety Standard for the Flammability of Carpets and Rugs and Standard for the Flammability of Small Carpets and Rugs.

OMB Number: 3041–0017.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of carpets and rugs.

Estimated Number of Respondents: 120 firms issue guarantees of compliance under the carpet and rug flammability standards. The actual number of tests performed to affirm the guarantees of compliance may vary from one to 200, depending on the number of carpet styles and annual production volume. To estimate a burden, a midpoint of 100 tests per year per firm is used.

Estimated Time per Response: 2.5 hours to conduct each test, and to establish and maintain test records.

Total Estimated Annual Burden: 30,000 hours (120 firms × 100 tests × 2.5 hours).

General Description of Collection: The Standard for the Surface Flammability of Carpets and Rugs (16 CFR part 1630) and the Standard for the Surface Flammability of Small Carpets and Rugs (16 CFR part 1631) establish requirements for testing and recordkeeping for manufacturers and importers who furnish guaranties subject to the carpet flammability standards.

Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

—Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
—Whether the estimated burden of the proposed collection of information is accurate;
—Whether the quality, utility, and clarity of the information to be collected could be enhanced; and
—Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Dated: July 27, 2015.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2015–18654 Filed 7–29–15; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0024]

Agency Information Collection Activities; Proposed Collection; Comment Request; Notification Requirements for Coal and Wood Burning Appliances

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission (''CPSC'' or ''Commission'') requests comments on a proposed extension of approval of a collection of information for notification requirements for coal and wood burning appliances. The Commission will consider all comments received in response to this notice before requesting an extension of this collection of information from the Office of Management and Budget (''OMB'').

DATES: Submit written or electronic comments on the collection of information by September 28, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2012–0024, by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *http://www.regulations.gov.* Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through *www.regulations.gov.* The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov,* and insert the docket number CPSC–2012–0024, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7815, or by email to: *rsquibb@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved collection of information:

Title: Notification Requirements for Coal and Wood Burning Appliances.

OMB Number: 3041–0040.

Type of Review: Renewal of collection.

Frequency of Response: On occasion.

Affected Public: Manufacturers and importers of coal and wood burning appliances.

Estimated Number of Respondents: An estimated five submissions annually.

Estimated Time per Response: Three hours per submission.

Total Estimated Annual Burden: 15 hours (5 submissions × 3 hours).

General Description of Collection: 16 CFR part 1406, Coal and Wood Burning Appliances—Notification of Performance and Technical Data requires that manufacturers and importers provide consumers with written notification regarding certain technical and performance information related to safety on each coal and wood burning appliance. Manufacturers are also required to provide to the Commission a copy of the notification to consumers and an explanation of all clearance distances contained in the notification. For existing models, all known manufacturers have complied with the requirements. Accordingly, there is no new burden associated with the requirements of 16 CFR part 1406, except in cases where existing models are changed or new models are introduced. Less than five submissions are estimated annually as a result of new stove models coming into the market or new firms entering the market.

Request for Comments

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

—Whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;

—Whether the estimated burden of the proposed collection of information is accurate;

—Whether the quality, utility, and clarity of the information to be collected could be enhanced; and

—Whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Dated: July 27, 2015.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2015–18653 Filed 7–29–15; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2015–OS–0074]

Proposed Collection; Comment Request

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Logistics Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by September 28, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, Regulatory and Audit Matters Office, 9010 Defense Pentagon, Washington, DC 20301–9010.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Attn: David Henry, DTS–PMO Suite 09F09–02, 4800 Mark Center Drive, Alexandria, VA 22350

SUPPLEMENTARY INFORMATION:

Title; Associated Form; And OMB Number: Defense Travel System Web Portal; OMB Control Number 0704–XXXX.

Needs and Uses: DTS (Defense Travel System) is a paperless system that provides DOD authorized users/travelers with automated travel planning and reimbursement capabilities. There are 2 groups of public travelers associated with DOD that DTS collects privacy information in order to book travel through the system.

1. Family members of DOD employees (Military and Civilian)

2. Invitational traveler. Persons invited by DOD who are not federal employees, contractors or foreign military personnel.

The following informations are collected from family members of DOD Employees (Military and Civilian):

- Family members first, middle and last name
- Family members relationship to the sponsor
- Family members passport number and expiration date
- Family members date of birth

The following informations are collected from DOD Invitational Traveler.

- Invitational traveler's first name, middle initial and last name
- Invitational traveler's gender
- Invitational traveler's Social Security Number or Tax Identification Number (foreign national only)
- Invitational traveler's address

The system used to collect the data contains Privacy Act Statements as required by 5 U.S.C. 522a(e)(3). Only authorized personnel with ''need to know'' can access an individual's PII information.

Affected Public: Family members of DOD military and civilian employees and eligible persons invited by DOD who are not federal employees, contractors or foreign military personnel.

Annual Burden Hours: 734,597 hours.

Number of Respondents: 4,407,584.

Responses per Respondent: 1.

Average Burden per Response: 10 minutes.

Frequency: As Needed.

The Defense Travel System (DTS) is a fully integrated, automated, end-to-end travel management system that enables DOD travelers to create authorizations and reservations, receive approvals, generate travel vouchers, and receive a split disbursement between their bank account and the Government Travel Charge Card. The traveler can access DTS via a single web portal available 24 hours a day, seven days a week. Only DOD military and civilian employees are issued DTS user account. Dependent family members travel arrangements are booked under the sponsorship of DTS user account holder. Invitational travelers are booked under the sponsorship of the requesting DOD organization or agency. Only necessary privacy information specified above are collected in order to complete travel booking through DTS.

Dated: July 24, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–18643 Filed 7–29–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0098]

Agency Information Collection Activities; Comment Request; Federal Perkins/NDSL Loan Assignment Form

AGENCY: Federal Student Aid (FSA), 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 September 28, 2015.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://wwww.regulations.gov* by searching the Docket ID number ED–2015–ICCD–0098. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* 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, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

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: Federal Perkins/NDSL Loan Assignment Form.

OMB Control Number: 1845–0048.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Private Sector, State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 15,096.

Total Estimated Number of Annual Burden Hours: 7,548.

Abstract: Institutions participating in the Federal Perkins Loan program use the assignment form to assign loans to the Department for collection without recompense, transferring the authority to collect on the loan. This request is for continuing approval off the paper based assignment form and for approval of the electronic process being finalized. The same information is being requested in both processing methods. The electronic process will allow for batch processing as well as individual processing.

Dated: July 27, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2015–18709 Filed 7–29–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Rehabilitation Training: Vocational Rehabilitation Technical Assistance Center—Youth With Disabilities

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information

Rehabilitation Training: Vocational Rehabilitation Technical Assistance Center—Youth with Disabilities.

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.264H.

DATES:

Applications Available: July 30, 2015.

Deadline for Transmittal of Applications: August 31, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Under the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by the Workforce Innovation and Opportunity Act (WIOA), the Rehabilitation Services Administration (RSA) makes grants to States and public or nonprofit agencies and organizations (including institutions of higher education (IHEs)) to support projects that provide training, traineeships, and technical assistance (TA) designed to increase the numbers of, and improve the skills of, qualified personnel, especially rehabilitation counselors, who are trained to: Provide vocational, medical, social, and psychological rehabilitation services to individuals with disabilities; assist individuals with communication and related disorders; and provide other services authorized under the Rehabilitation Act.

Priority: This notice includes one absolute priority. This priority is from the notice of final priority (NFP) for this program, published elsewhere in this issue of the **Federal Register**.

Absolute Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Vocational Rehabilitation Technical Assistance Center—Youth With Disabilities.

Note: The full text of this priority is included in the notice of final priority for this program, published elsewhere in this issue of the **Federal Register,** and in the application package for this competition.

Program Authority: 29 U.S.C. 772(a)(1).

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (d) 34 CFR part 385. (e) The NFP.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply only to IHEs.

II. Award Information

Type of Award: Discretionary grant.

Estimated Available Funds: $1,500,000.

Maximum Award: We will reject any application that proposes a budget exceeding $1,500,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register.**

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Continuing the Fourth and Fifth Years of the Project: In deciding whether to continue funding the Vocational Rehabilitation Technical Assistance Center—Youth with Disabilities for the fourth and fifth years, the Department, as part of the review of the application narrative and annual performance reports will consider the degree to which the program demonstrates substantial progress toward—

(a) Assisting State vocational rehabilitation (VR) agencies to identify and meet the VR needs of students and youth with disabilities consistent with section 101(a)(15) of the Rehabilitation Act;

(b) Improving the ability of State VR agencies to develop partnerships with State and local agencies, service providers, or other entities to ensure that students and youth with disabilities are referred for VR services and have access to coordinated supports, services, training, and employment opportunities, including: (1) Increasing the number of referrals and applications received by State VR agencies from agencies, service providers and others serving students and youth with disabilities; and (2) increasing the number of students and youth with disabilities receiving VR services;

(c) Improving the ability of VR personnel to develop individualized plans for employment that ensure the successful transition of students and youth with disabilities and the achievement of post-school goals; and

(d) Increasing the number of students and youth with disabilities served by VR agencies (particularly dropouts and youth involved in the correctional and foster care systems) who are engaged in education and training programs leading to the attainment of postsecondary educational skills and credentials needed for employment in high-demand occupations.

III. Eligibility Information

1. *Eligible Applicants:* States and public or nonprofit agencies and organizations, including Indian tribes and IHEs.

2. *Cost Sharing or Matching:* Cost sharing of at least 10 percent of the total cost of the project is required of grantees under the Rehabilitation Training Program. Any program income that may be incurred during the period of performance may only be directed towards advancing activities in the approved grant application and may not be used towards the 10 percent match requirement. The Secretary may waive part of the non-Federal share of the cost of the project after negotiations if the applicant demonstrates that it does not have sufficient resources to contribute the entire match (34 CFR 386.30).

Note: Under 34 CFR 75.562(c), an indirect cost reimbursement on a training grant is limited to the recipient's actual indirect costs, as determined by its negotiated indirect cost rate agreement, or eight percent of a modified total direct cost base, whichever amount is less. Indirect costs in excess of the limit may not be charged directly, used to satisfy matching or cost-sharing requirements, or charged to another Federal award.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet, from the Education Publications Center (ED Pubs), or from the program office.

To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.264H.

To obtain a copy from the program office, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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 person or team listed under *Accessible Format* in section VIII of this notice.

2.a. *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.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. Because of the limited time available to review applications and make a recommendation for funding, we strongly encourage applicants to limit the application narrative to no more than 50 pages, using the following standards:

• A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

• Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

In addition to the page-limit guidance on the application narrative section, we recommend that you adhere to the following page limits, using the standards listed above: (1) The abstract should be no more than one page, (2) the resumes of key personnel should be no more than two pages per person, and (3) the bibliography should be no more than three pages. The only optional materials that will be accepted are letters of support. Please note that our reviewers are not required to read optional materials.

Please note that any funded applicant's application abstract will be made available to the public.

b. *Submission of Proprietary Information:*

Given the types of projects that may be proposed in applications for the Rehabilitation Training: Vocational Rehabilitation Technical Assistance Center—Youth with Disabilities competition, an application may include business information that the applicant considers proprietary. The Department's regulations define ''business information'' in 34 CFR 5.11.

Because we plan to make the abstract of the successful application available to the public, you may wish to request confidentiality of business information.

Consistent with Executive Order 12600, please designate in your application any information that you feel is exempt from disclosure under Exemption 4 of the Freedom of Information Act. In the appropriate Appendix section of your application, under ''Other Attachments Form,'' please list the page number or numbers on which we can find this information. For additional information please see 34 CFR 5.11(c).

3. *Submission Dates and Times:*

Applications Available: July 30, 2015.

Deadline for Transmittal of Applications: August 31, 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.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make an award by the end of FY 2015.

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 Department of Education, 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 two to five 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: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

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 Rehabilitation Training: Vocational Rehabilitation Technical Assistance Center—Youth with Disabilities, CFDA number 84.264H, 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 Rehabilitation Training: Vocational Rehabilitation Technical Assistance Center—Youth with Disabilities 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 84.264, not 84.264H).

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 should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.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 Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), 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 (an ED-specified identifying number unique to your application).
- 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 that 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 prevents 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: Tara Jordan, U.S. Department of Education, 400 Maryland Avenue SW., Room 5040, Potomac Center Plaza (PCP), Washington, DC 20202–2800. FAX: (202) 245–7592.

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 Education, Application Control Center, Attention: (CFDA Number 84.264H), LBJ Basement Level 1, 400 Maryland Avenue 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 Secretary of the U.S. Department of Education.

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 Education, Application Control Center, Attention: (CFDA Number 84.264H), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

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 75.210 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary 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 Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary 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 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. 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 GAN. The GAN 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 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. 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 Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The Government Performance and Results Act of 1993 (GPRA) directs Federal departments and agencies to improve the effectiveness of programs by engaging in strategic planning, setting outcome-related goals for programs, and measuring program results against those goals.

The purpose of this priority is to fund a cooperative agreement to establish a Vocational Rehabilitation Technical Assistance Center—Youth with Disabilities to achieve, at a minimum, the following outcomes:

(a) Assist State VR agencies to identify and meet the VR needs of students and youth with disabilities consistent with section 101(a)(15) of the Rehabilitation Act;

(b) Improve the ability of State VR agencies to develop partnerships with State and local agencies, service providers, or other entities to ensure that students and youth with disabilities are referred for VR services and have access to coordinated supports, services, training, and employment opportunities, including: (1) Increasing the number of referrals and applications received by State VR agencies from agencies, service providers and others serving students and youth with disabilities; and (2) increasing the number of students and youth with disabilities receiving VR services;

(c) Improve the ability of VR personnel to develop individualized plans for employment that ensure the successful transition of students and youth with disabilities and the achievement of post-school goals; and

(d) Increase the number of students and youth with disabilities served by VR agencies, particularly dropouts and youth involved in the correctional and foster care systems, who are engaged in education and training programs leading to the attainment of postsecondary educational skills and credentials needed for employment in high-demand occupations.

The Cooperative Agreement will specify the short-term and long-term measures that will be used to assess the grantee's performance against the goals and objectives of the project and the outcomes listed in the preceding paragraph.

In its annual and final performance report to the Department, the grant recipient will be expected to report the data outlined in the Cooperative Agreement that is needed to assess its performance.

The Cooperative Agreement and annual report will be reviewed by RSA and the grant recipient between the third and fourth quarter of each project period. Adjustments will be made to the project accordingly in order to ensure demonstrated progress towards meeting the goals and outcomes of the project.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation grant, the Secretary 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 (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Tara Jordan, U.S. Department of Education, Rehabilitation Services Administration, 400 Maryland Avenue SW., Room 5040, PCP, Washington, DC 20202–2800. Telephone: (202) 245–7341 or by email: *tara.jordan@ed.gov.*

If you use a TDD or a TTY, call the 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 compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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: July 27, 2015.

Michael K. Yudin,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2015–18712 Filed 7–29–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–414]

Application to Export Electric Energy; Roctop Investments Inc.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Roctop Investments Inc. (Roctop) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before August 31, 2015.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On July 13, 2015, DOE received an application from Roctop for authority to transmit electric energy from the United States to Canada as a power marketer for five years using existing international transmission facilities.

In its application, Roctop states that it does not own or control any electric generation or transmission facilities, and it does not have a franchised service area. Roctop states that it has applied for market-based rate authority from the Federal Energy Regulatory Commission (FERC) to engage in the sale and purchase of electric energy to and from Independent System Operators and Regional Transmission Organizations. As such, the electric energy that Roctop proposes to export to Canada would be surplus energy purchased from third parties such as power marketers, independent power producers, electric utilities, and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by Roctop have previously been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning the Roctop application to export electric energy to Canada should be clearly marked with OE Docket No. EA–414. An additional copy is to be provided directly to Ruta Kalvaitis Skucas, Pierce Atwood LLC, 900 17th St. NW., Suite 350, Washington, DC 20006 and to Vincent Thellen, 1061 Merivale Road—Unit 5, Ottawa (ON), Canada K1Z 6A9.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021, *et seq.*) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on July 24, 2015.

Brian Mills,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2015–18688 Filed 7–29–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF15–20–000]

Rio Bravo Pipeline Company, LLC; Rio Grande LNG, LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Planned Rio Grande LNG Project and Rio Bravo Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Rio Grande LNG Project and Rio Bravo Pipeline Project (Rio Grande LNG Project) involving construction and operation of natural gas pipeline and liquefaction facilities by Rio Grande LNG, LLC, and Rio Bravo Pipeline Company, LLC, collectively the Rio Grande Developers (RG Developers), in Kleberg, Kenedy, Willacy, and Cameron Counties, Texas. The Commission will use this EIS in its decision-making process to determine whether the project is in the public interest.

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 EIS. 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 August 24, 2015.

If you sent comments on this project to the Commission before the opening of this docket on March 20, 2015, you will need to file those comments in Docket No. PF15–20–000 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 planned 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 planned 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.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). 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.

Public Participation

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. 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 (PF15–20–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend one of the public scoping meetings its staff will conduct in the project area, scheduled as follows.

FERC Public Scoping Meetings Rio Grande LNG Project

Date and time	Location
Monday, August 10, 2015, 3:00–8:00 p.m	Raymondville High School Auditorium, 419 FM 3168, Raymondville, TX 78580, (956) 689–8170.
Tuesday, August 11, 2015, 12:00–8:00 p.m	Port Isabel Event and Cultural Center, 309 E. Railroad St., Port Isabel, TX 78578, (956) 943–0719.
Thursday, August 13, 2015, 3:00–8:00 p.m	Helen Kleberg Community Center, 230 W. Yoakum Ave, Kingsville, TX 78363, (361) 592–8021.

You may attend *at any time* during the meetings, as the primary goal of a scoping meeting is for us to have your verbal environmental concerns documented. There will not be a formal presentation by Commission staff, but FERC staff will be available to answer your questions about the FERC environmental review process. Representatives of the RG Developers will also be present to answer questions about the project.

For your convenience, FERC staff will hold a joint scoping meeting on Tuesday, August 11, for the Rio Grande LNG Project, the Texas LNG Brownsville LNG Project (PF15–14), and Annova LNG Brownsville Project (PF15–15). This joint scoping meeting will give you the opportunity to provide your verbal comments on one or all three of the planned liquefied natural gas (LNG) export projects along the Brownsville Ship Channel currently in our pre-filing process. In addition to the RG Developers, representatives from the Texas LNG Brownsville LNG Project and Annova LNG Brownsville Project will be present at the joint scoping meeting on Tuesday to answer questions about their respective projects.

Verbal comments will be recorded by a stenographer and transcripts will be placed into the appropriate docket(s) for the project, and made available for public viewing on FERC's eLibrary system (see page 8 ''Additional Information'' for instruction on using eLibrary). It is important to note that verbal comments hold the same weight as written or electronically submitted comments. If a significant number of people are interested in providing verbal comments, a time limit of 3 to 5 minutes may be implemented for each commenter to ensure all those wishing to comment have the opportunity to do so within the designated meeting time. Time limits will be strictly enforced if they are implemented.

Please note this is not your only public input opportunity; please refer to the review process flow chart in appendix 1.[1]

Summary of the Planned Project

The RG Developers plan to construct and operate interrelated LNG terminal and natural gas infrastructure projects. The Rio Grande LNG Terminal (Terminal) would involve an LNG export terminal and marine facilities to accommodate LNG vessels along the Brownsville Ship Channel in Cameron County, Texas. The Rio Bravo Pipeline Project would include two new natural gas pipelines capable of transporting 4.5 billion cubic feet per day (bcf/d) of natural gas from Kleberg County, Texas, to the planned Terminal. The Rio Grande LNG Project would be constructed in two phases and, when complete, would export the LNG equivalent of about 3.8 bcf/d of natural gas. According to the RG Developers, their project would provide an additional source of firm, long-term, and competitively priced liquefied natural gas.

The Rio Grande LNG Project would consist of the following facilities:

- An export liquefaction terminal that includes:
  - Six liquefaction trains and natural gas treatment facilities;
  - a marine facility, including two LNG berths and a turning basin;
  - a 600-megawatt electrical power generation station;
  - truck loading/unloading facilities for LNG, natural gas liquid condensate, and refrigerant;
  - a marine construction dock; and
  - four full-containment LNG storage tanks;
- two parallel 140-mile-long, 42-inch-diameter pipelines extending northerly from the Terminal to Kleberg County, Texas;
- three compressor stations;
- two meter stations;
- multiple pipeline interconnects with third-party pipelines;
- mainline valves;
- pig launcher and receiver facilities;[2] and
- other pipeline-related facilities (*e.g.,* access roads, contractor and pipe yards).

The general location of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction and operation of the planned Terminal would disturb about 750 acres of land within a 1,000-acre parcel to accommodate the liquefaction facilities, marine berth, and turning basin. The RG Developers are assessing the total land requirements for construction of the planned pipelines but currently plan to maintain a permanent easement of up to 120 feet

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the 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.

[2] A ''pig'' is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

centered on the pipelines; the remaining acreage would be restored and would revert to former uses. About 64 percent of the planned pipeline routes parallel existing pipeline, utility, or road rights-of-way.

The EIS 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 EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. We will consider all filed comments during the preparation of the EIS.

In the EIS we will discuss impacts that could occur as a result of the construction and operation of the planned 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;
- socioeconomics;
- public safety; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to 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 related to this project to formally cooperate with us in the preparation of the EIS.[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 Texas State Historic Preservation Office, 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 SHPO 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 EIS for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities, comments received by the public to date, and the environmental information provided by RG Developers. This preliminary list of issues may change based on your comments and our analysis.

- Public health and safety;
- air quality;
- special status species, including the ocelot and aplomado falcon;
- biological diversity and wildlife preserves, including the Laguna Atascosa National Wildlife Refuge, and the Lower Rio Grande Valley National Wildlife Refuge;
- impacts on vegetation and habitat, including wetlands;
- economic impacts on fishing and tourism industries;
- environmental justice;
- visual impacts of the Terminal; and
- cumulative effects, including the effects of multiple planned LNG projects along the Brownsville Ship Channel.

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 planned project.

Copies of the completed draft EIS 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 3).

Becoming an Intervenor

Once the RG Developers file their application with the Commission, 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. Please note that

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[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 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.

the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

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 (*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.,* PF15–20). 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: July 23, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–18684 Filed 7–29–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF15–14–000]

Texas LNG Brownsville, LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Planned Texas LNG Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) examining the potential environmental effects of the Texas LNG Project (Project), planned by Texas LNG Brownsville LLC (Texas LNG). The Project involves the construction and operation of a liquefied natural gas (LNG) liquefaction and export terminal on the Brownsville Ship Channel located in Cameron County, Texas. The Project purpose is to liquefy domestically produced natural gas, store LNG, and deliver LNG to carriers for export overseas. The Commission will use the EIS in its decision-making process to determine whether to authorize the Project.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about 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's staff determine what issues need to be evaluated in the EIS. 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 August 24, 2015.

If you sent comments on this Project to the Commission *before* the opening of this docket on March 9, 2015, you will need to file those comments in Docket No. PF15–14–000 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 planned Project and encourage them to comment on their areas of concern. If you are a landowner receiving this notice, a Texas LNG representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities.

Public Participation

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. 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 (PF15–14–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend the public scoping meeting its staff will conduct in the Project area, scheduled as follows.

FERC Public Scoping Meeting; Tuesday, August 11, 2015, From 1:00 p.m. to 8:00 p.m.; Port Isabel Event & Cultural Center, 309 E. Railroad Ave., Port Isabel, TX 78578

You may attend *at any time* during the scoping meeting. There will not be a formal presentation presented by Commission staff, but you will be provided information about the FERC process. Commission staff will be available to take verbal comments.

For your convenience, we are combining the Port Isabel scoping meetings for the three Brownsville area LNG projects currently in our pre-filing process. Representatives of Texas LNG, as well as those of Annova LNG Common Infrastructure, LLC for its planned Annova LNG Brownsville Project (Docket No. PF15–15–000) and Rio Grande LNG, LLC for its planned Rio Grande LNG Export Project and Rio Bravo Pipeline Company, LLC for its planned Rio Bravo Pipeline Project (Docket No. PF15–20–000) will be present to answer questions about their respective planned projects.

You may comment on any one, two, or all three planned projects. Comments will be recorded by a stenographer and transcripts will be placed into the appropriate docket(s) for the project and made available for public viewing on FERC's eLibrary system (see page 8 ''Additional Information'' for instructions on using eLibrary). We believe it is important to note that

verbal comments hold the same weight as written or electronically submitted comments. If a significant number of people are interested in providing verbal comments, a time limit of 3 to 5 minutes may be implemented for each commenter to ensure all those wishing to comment have the opportunity to do so within the designated meeting time. Time limits will be strictly enforced if they are implemented.

Please note this is not your only public input opportunity; please refer to the review process flow chart in appendix 1.[1]

Summary of the Planned Project

Texas LNG plans to site, construct, and operate a natural gas liquefaction and export terminal at the Port of Brownsville, on north side of the Brownsville Ship Channel located in Cameron County, Texas. The Project would have the capacity to produce 4.4 million tons of LNG each year for export.

Texas LNG's proposed terminal is composed of multiple LNG facility components at an approximately 625-acre site. The Project would include a liquefaction plant, two single containment storage tanks with a capacity of 210,000 cubic meters (m^3) of LNG each, an LNG carrier berthing dock, and a materials offloading facility.

As currently planned, the Texas LNG Project site would consist of the following facilities:

- Natural Gas Pipeline Receiving Interface;
- Natural Gas Pretreatment Process;
- LNG Liquefaction Process;
- LNG Loading Marine Terminal;
- LNG Transfer Lines;
- LNG Storage Tanks;
- Vapor Handling System;
- Control Systems, and Safety Systems; and
- Utilities, Infrastructure, and Support Systems.

The general location of the planned facilities is shown in appendix 2.

Land Requirements for Construction

The planned Texas LNG Project would occupy an approximately 625-acre property secured via a lease option and subsequent amendment from the Brownsville Navigation District by Texas LNG. Of the approximately 625 acres, approximately 185 acres would support permanent operational facilities, approximately 75 acres would be temporarily disturbed during construction activities, and the remaining approximately 365 acres would be undisturbed. Of the approximately 185 acres supporting permanent operational facilities, approximately 46 acres would be converted to open water through excavation and dredging to create the LNG carrier berthing area. An additional approximately 19 acres of impacts located outside of the site boundaries would be associated with dredging of the turning basin within the Brownsville Ship Channel.

Non-Jurisdictional Facilities

The LNG facility would receive natural gas via a non-jurisdictional intrastate natural gas pipeline to be constructed from the Agua Dulce natural gas hub approximately 150 miles north of Brownsville to the Brownsville market. This pipeline would provide natural gas to the planned Project, industrial projects, power generation facilities, gas utility companies, and export markets in Mexico. Texas LNG does not plan to own or operate the proposed intrastate pipeline that will provide feed gas supply to the Texas LNG Project. Construction of the pipeline would likely require a construction right-of-way about 100 feet wide and additional temporary extra workspaces at features such as road and stream crossings.

The planned Project would also require the installation of a new non-jurisdictional electric transmission line. To provide power to the facility, American Electric Power would build a new approximately 10 mile long radial line to the Project site from the existing Union Carbide Substation located near the Port of Brownsville.

Although FERC has no regulatory authority to modify, approve, or deny the construction of the above-described facilities, we will disclose available information regarding the construction impacts in the cumulative impacts section of our EIS.

The EIS 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 authorization of LNG facilities under Section 3a of the Natural Gas Act. NEPA also requires us[2] 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 EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. We will consider all filed comments during the preparation of the EIS.

In the EIS, we will discuss impacts that could occur as a result of the construction and operation of the planned Project under these general headings:

- Geology and soils;
- land use, recreation, and visual resources;
- water resources and wetlands;
- cultural resources;
- vegetation, fisheries, and wildlife;
- endangered and threatened species;
- socioeconomics;
- air quality and noise;
- public safety and reliability; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 2 of this notice.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to environmental issues related to this Project to formally cooperate with staff in preparing the EIS.[3] Agencies that would like to request cooperating

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the 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.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

agency status should follow the instructions for filing comments provided in the Public Participation section of this notice. Currently, the U.S. Department of Energy, U.S. Department of Transportation, U.S. Coast Guard, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and the U.S. Army Corps of Engineers have expressed their intention to participate as cooperating agencies in the preparation of the EIS.

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 applicable State Historic Preservation Office (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.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the Project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction area, contractor storage yards, and access roads). Our EIS for this Project will document our findings on the impacts on historic properties and summarize the status of consultations under Section 106.

Currently Identified Environmental Issues

We have identified several issues based on a preliminary review of the planned facilities and the environmental information provided by Texas LNG that we think deserves attention. This preliminary list of issues may be changed based on your comments and our continued analysis. The issues identified to date include:

- Potential impacts on water quality;
- potential impact on fisheries and aquatic resources;
- potential impact on federally listed endangered and threatened species;
- visual effects on surrounding areas, including Port Isabel, Laguna Vista, and South Padre Island;
- potential impacts on tourism and recreational and commercial fisheries, including eco-tourism and the local shrimp fishery;
- potential for disproportionate impact on lower income communities;
- potential impacts on air quality, and associated impacts on human health and local agricultural areas;
- public safety and hazards associated with the transport of natural gas and LNG; and
- cumulative impacts from construction and operation of multiple LNG facilities within the Port of Brownsville, and from the Brownsville Ship Channel deepening project.

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 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. Staff will update the environmental mailing list as the analysis proceeds to ensure that it sends the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned Project.

Copies of the completed draft EIS 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 3).

Becoming an Intervenor

Once Texas LNG files its application with the Commission, 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 ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site (*http://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf*). Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp*. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the Project.

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 (*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.,* PF15–14). 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/esubscribenow.htm*.

FERC 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.

Finally, Texas LNG has established a Web site at *www.txlng.com* with further information about its planned Project.

Dated: July 23, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–18682 Filed 7–29–15; 8:45 am]

BILLING CODE 6717–01–P

[4] The Advisory Council on Historic Preservation 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 for Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–500–000]

Trans-Pecos Pipeline, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Presidio Border Crossing Project 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 Presidio Border Crossing Project involving construction and operation of facilities for the export of natural gas by Trans-Pecos Pipeline, LLC (Trans-Pecos) in Presidio County, Texas. The Commission will use this EA in its decision-making process to determine whether the project is in the public interest.

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 August 24, 2015.

If you sent comments on this project to the Commission before the opening of this docket on May 28, 2015, you will need to file those comments in Docket No. CP15–500–000 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.

Trans-Pecos 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 (CP15–500–000) 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

Trans-Pecos proposes to construct and operate a new border crossing at the international boundary between the United States and Mexico in Presidio County, Texas. The Presidio Border Crossing Project would consist of the construction of approximately 2,000 feet of FERC-jurisdictional 42-inch-diameter pipeline, installed beneath the Rio Grande River near the City of Presidio in Presidio County, Texas. The new pipeline would have a maximum design export capacity of approximately 1.3 billion cubic feet per day, in order to transport natural gas to a new delivery interconnect in the vicinity of the City of Manuel Ojinaga, State of Chihuahua, Mexico for electric generation and industrial market needs in Mexico.

The general location of the project facilities is shown in appendix 1.

Non-Jurisdictional Facilities

The Presidio Border Crossing Project has associated facilities that would be constructed in support of the project, but do not fall under the jurisdiction of the FERC. This would include Trans-Pecos' intrastate pipeline facilities, consisting of 143 miles of new 42-inch-diameter pipeline, multiple receipt and delivery metering stations, and other auxiliary facilities extending from Pecos County, Texas and terminating at the proposed FERC-jurisdictional project facilities in Presidio County. The intrastate facilities would be subject to the jurisdiction of the Texas Railroad Commission and would be non-jurisdictional to the FERC. In the EA, we will provide available descriptions of the non-jurisdictional facilities and include them under our analysis of cumulative impacts.

Land Requirements for Construction

Construction of the Presidio Border Crossing Project pipeline would affect a total of 13.7 acres of land in the United States, which includes temporary workspace for HDD construction, hydrostatic testing of the pipeline, and project access. Following construction, Trans-Pecos would retain 1.3 acres as a 50-foot-wide permanent easement for operation of the FERC-jurisdictional pipeline, and the remaining acreage would be restored and revert to former uses.

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 an Authorization. NEPA also requires us [2] 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 note that many comments were filed prior to this notice. We want to assure those commentors that their concerns will be considered in the scope of our environmental review; you do not need to resubmit comments. 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;

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

- 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 also 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 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.[3] 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 Office (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.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO 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.

When we publish and distribute the EA, copies 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 available on the Commission's Web site at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.*

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.,* CP15–500). 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 now 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/esubscribenow.htm.*

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: July 23, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–18680 Filed 7–29–15; 8:45 am]

BILLING CODE 6717–01–P

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, part 1501.6.

[4] 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

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15–1125–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Market Lateral Service Modifications to be effective 9/1/2015.

Filed Date: 7/20/15.

Accession Number: 20150720–5142.

Comments Due: 5 p.m. ET 8/3/15.

Docket Numbers: RP15–1126–000.

Applicants: TC Offshore LLC.

Description: § 4(d) Rate Filing: Superior Neg Rate Agmt Footnotes to be effective 7/20/2015.

Filed Date: 7/20/15.

Accession Number: 20150720–5205.

Comments Due: 5 p.m. ET 8/3/15.

Docket Numbers: RP15–1127–000.

Applicants: Dauphin Island Gathering Partners.

Description: § 4(d) Rate Filing: Negotiated Rates Filing 7–22–2015 to be effective 8/1/2015.

Filed Date: 7/22/15.

Accession Number: 20150722–5118.

Comments Due: 5 p.m. ET 8/3/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 23, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–18698 Filed 7–29–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–2191–000]

Grant Wind, 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 Grant Wind, 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 **August 10, 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: July 21, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–18478 Filed 7–29–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF15–15–000]

Annova LNG Common Infrastructure, LLC, Annova LNG Brownsville A, LLC, Annova LNG Brownsville B, LLC, Annova LNG Brownsville C, LLC; Notice of Intent To Prepare an Environmental Impact Statement For the Planned Annova LNG Brownsville Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the planned Annova LNG Brownsville Project (Project) involving construction and operation of a liquefied natural gas (LNG) production, storage, and export facility by Annova LNG Common Infrastructure, LLC; Annova LNG Brownsville A, LLC; Annova LNG Brownsville B, LLC; and Annova LNG Brownsville C, LLC (collectively, Annova) in Cameron County, Texas. The Commission will use this EIS in its decision-making process to determine whether the project is in the public interest.

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 EIS. 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 August 24, 2015.

If you sent comments on this project to the Commission before March 11, 2015, you will need to file those comments in Docket No. PF15–15–000 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 planned project and encourage them to comment on their areas of concern. If you are a landowner receiving this notice, an Annova representative may contact you about the acquisition of lands needed to construct, operate, and maintain the planned facilities.

Public Participation

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. 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 (PF15–15–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

(4) In lieu of sending written or electronic comments, the Commission invites you to attend the public scoping meeting its staff will conduct in the Project area, scheduled as follows.

FERC Public Scoping Meeting, Annova LNG Brownsville Project, Tuesday, August 11, 2015, From 1:00 p.m. to 8:00 p.m., Port Isabel Event & Cultural Center, 309 E. Railroad Ave., Port Isabel, TX 78578

You may attend *at any time* during the scoping meeting. There will not be a formal presentation by Commission staff, but you will be provided information about the FERC process. Commission staff will be available to take verbal comments.

For your convenience, we are combining the Port Isabel scoping meetings for the three Brownsville area LNG projects currently in our pre-filing process. Representatives of Annova, as well as those of Texas LNG Brownsville LLC for its planned Texas LNG Brownsville LNG Project (Docket No. PF15–14–000) and Rio Grande LNG, LLC for its planned Rio Grande LNG Export Project and Rio Bravo Pipeline Company, LLC for its planned Rio Bravo Pipeline Project (Docket No. PF15–20–000) will be present to answer questions about their respective planned projects.

You may comment on any one, two, or all three planned projects. Comments will be recorded by a stenographer and transcripts will be placed into the appropriate docket(s) for the project and made available for public viewing on FERC's eLibrary system (see page 8 ''Additional Information'' for instructions on using eLibrary). We believe it is important to note that verbal comments hold the same weight as written or electronically submitted comments. If a significant number of people are interested in providing verbal comments, a time limit of 3 to 5 minutes may be implemented for each commenter to ensure all those wishing to comment have the opportunity to do so within the designated meeting time. Time limits will be strictly enforced if they are implemented.

Please note this is not your only public input opportunity; please refer to the review process flow chart in appendix 1.[1]

Summary of the Planned Project

Annova plans to construct, own, and operate the Project on the southern bank of the Brownsville Ship Channel (BSC) at mile marker 8.2, in Cameron County, Texas. The site is owned by the Port of Brownsville (Port) and Annova has entered into a Lease Option Agreement for possible use of the site. The BSC has direct access to the Gulf of Mexico via the Brazos Santiago Pass and is within an area that has no zoning restrictions.

The Project would include six liquefaction trains with a total capacity of 6 million tonnes per annum of LNG. The natural gas delivered to the site would be treated, liquefied, and stored on site in two single containment LNG storage tanks, each with a net capacity of approximately 160,000 cubic meters. The LNG would be loaded onto LNG carriers (LNGCs) for export to overseas markets. On February 20, 2014, in Order No. 3394, the U.S. Department of Energy, Office of Fossil Energy, granted to Annova a long-term, multi-contract authorization to export LNG to Free Trade Agreement nations.

The Project includes two principal parts: the LNG facilities and the associated marine facilities. The LNG facilities would be designed to receive 0.89 billion cubic feet per day of feed gas via pipeline; treat the gas to remove constituents that affect the cryogenic process; liquefy the gas; and store the LNG in storage tanks prior to loading for shipment. The marine facilities would include an LNGC berth, a tug berth, a dock for support and security vessels, and a material offloading facility.

The Project would consist of the following facilities:

- Pipeline meter station;
- liquefaction facilities;
- two LNG storage tanks;
- marine and LNG transfer facilities;
- control room, administration/maintenance building; and
- utilities (site access road, power, water, and communication systems).

The general location of the project facilities is shown in appendix 2.

Land Requirements for Construction

The Project would be located within a parcel of 655 acres that is currently under a Least Option Agreement between Annova and the Port. Constructing the Project would affect approximately 580 acres of land. Following construction approximately 400 acres would be permanently converted for operation of the Project.

Non-Jurisdictional Facilities

Annova intends to receive natural gas for the facility from Energy Transfer Partners' intrastate pipeline system that is not under the jurisdiction of the FERC. Energy Transfer Partners has near-term plans to expand its existing system by constructing the Isla Grande Pipeline, a multi-customer pipeline connecting the Agua Dulce Hub in Nueces County, Texas, to end-users in Mexico and the Brownsville area. As part of this expansion, Energy Transfer Partners also plans to construct a lateral from the Isla Grande Pipeline eastward along the BSC to supply potential customers. This pipeline, known as the BND South Delivery Header, would include an interconnection to the Project site.

Although FERC doesn't have the regulatory authority to modify or deny the construction of the above-described facilities, we will disclose available information regarding the construction impacts in the cumulative impacts section of our EIS.

The EIS 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 authorization of LNG facilities under Section 3 of the Natural Gas Act. NEPA also requires us[2] 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 EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to

[1] The appendices referenced in this notice will not appear in the **Federal Register.** Copies of the 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.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

address in the EIS. We will consider all filed comments during the preparation of the EIS.

In the EIS we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- water resources and wetlands;
- vegetation, fisheries, and wildlife;
- endangered and threatened species;
- land use;
- socioeconomics;
- cultural resources;
- air quality and noise;
- public safety and reliability;
- environmental justice; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to 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 environmental issues related to this project to formally cooperate with us in the preparation of the EIS.[3] 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. Currently, the U.S. Department of Energy, U.S. Department of Transportation, U.S. Coast Guard, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and the U.S. Army Corps of Engineers have expressed their intention to participate as cooperating agencies in the preparation of the EIS.

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 Office (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.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the Project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include LNG facility site, contractor/equipment storage yards, and access roads). Our EIS for this Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities, the environmental information provided by Annova, and early comments filed with FERC. This preliminary list of issues may change based on your comments and our analysis.

- Potential impacts on water quality;
- potential impacts on wetlands and estuaries;
- potential impact on fisheries and aquatic resources;
- potential impact on Federally listed endangered and threatened species;
- potential impact on the Lower Rio Grande Valley National Wildlife Refuge (NWR) including the area known as the Loma Ecological Preserve, and the Laguna Atascosa NWR;
- visual effects on surrounding areas;
- potential impacts on tourism and recreational and commercial fisheries;
- potential for disproportionate impact on lower income communities;
- potential impacts on air quality;
- public health and safety; and
- cumulative impacts.

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), 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 planned project.

Copies of the completed draft EIS 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 3).

Becoming an Intervenor

Once Annova files its application with the Commission, 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 ''eFiling'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the Project.

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 (*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.,* PF15–15). Be sure you have selected an appropriate date range. For assistance,

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation 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.

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: July 23, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–18683 Filed 7–29–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–530–000]

Trans-Union Interstate Pipeline, LP; Notice of Request Under Blanket Authorization

Take notice that on July 10, 2015, Trans-Union Interstate Pipeline, LP (Trans-Union), 100 South Ashley, Suite 1400, Tampa, Florida 33602 filed a prior notice request pursuant to sections 157.205, 157.208, 157.210 and 157.211 of the Commission's regulations under the Natural Gas Act for authorization to increase the certificated capacity of its mainline by 30 million cubic feet (MMcf) per day by increasing its operating pressure by 50 pounds per square inch gauge (psig) for service to a new firm customer, El Dorado Chemical Company, who currently receives a small amount of service from a local distribution company, that cannot provide the increased service. In addition, related to this new service, Trans-Union requests authorization to construct, acquire by lease and operate facilities associated with a new meter station and delivery point in Union County, Arkansas, 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, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this Application should be directed to Vincent P. Crane, Vice President Asset Management and Engineering, Entegra TC, 100 South Ashley, Suite 1400, Tampa, FL 33602, at phone (813) 301–4949 or facsimile (813–301–4990) or *vcrane@entegrapower.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

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.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenter's will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with he Commission's environmental review process. Environmental commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and 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 via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: July 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–18681 Filed 7–29–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ15–16–000]

Bonneville Power Administration; Notice of Petition for Declaratory Order

Take notice that on July 17, 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), Bonneville Power Administration (Bonneville) filed a petition for a declaratory order that its Oversupply Management Protocol (OMP) satisfies the comparability and undue discrimination standards of section 211A of the Federal Power Act, 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 inlieu 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 August 7, 2015.

Dated: July 22, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–18482 Filed 7–29–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–492–000]

Dominion Transmission, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Leidy South 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 Leidy South Expansion Project involving construction and operation of facilities by Dominion Transmission, Inc. (DTI) in Clinton, Centre, and Franklin Counties, Pennsylvania, Frederick County, Maryland, and Loudoun and Fauquier Counties, Virginia. 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 August 22, 2015.

If you sent comments on this project to the Commission before the opening of this docket on May 15th, 2015, you will need to file those comments in Docket No. CP15–492–000 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 your property in order 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 property negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

DTI 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 (CP15–492–000) 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

DTI proposes to construct, install, own, operate, and maintain compression or appurtenant facilities located in Clinton, Franklin, and Centre Counties, Pennsylvania; Frederick County, Maryland; and Loudoun and Fauquier counties, Virginia.

The Leidy South Project would consist of the following facilities:

- 11,000 horsepower (hp) of additional compression at the Finnefrock Compressor Station in Clinton County, Pennsylvania;
- upgrade filter separators at the Centre Compressor Station in Centre County, Pennsylvania;
- 13,220 hp of additional compression at the Chambersburg Compressor Station in Franklin County, Pennsylvania;
- 15,900 hp of additional compression, installation of a selective catalytic reduction systems, and modifications to existing compressor unit at the Myersville Compressor Station in Frederick County, Maryland;
- 8,000 hp additional electric compression at the Leesburg Compressor Station in Loudoun County, Virginia;
- installation of a new cooler and filter separator at the Quantico Compressor Station in Fauquier County, Virginia; and
- construction of a new metering and regulation station at the Panda

Stonewall Meter Station, in Loudoun County, Virginia.

The Leidy South Project would provide about 155 million standard cubic feet of natural gas per day to existing and new electric power generation facilities. The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

Construction of the proposed facilities would temporarily disturb about 124.1 acres of land within DTI's or the Leidy Storage facility property boundaries, including 34.7 acres within existing compressor station fence lines. Following construction, DTI would maintain about 56.4 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses.

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 [2] 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;
- socioeconomics; 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. Depending on the comments received during the scoping process, we may also 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 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.[3] 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.[4] 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.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by DTI. This preliminary list of issues may be changed based on your comments and our analysis.

- Visual
- Air and noise; and
- Cumulative impacts

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.

If we publish and distribute the EA, 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.

[1] 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.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] 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.

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.,* CP15–492). 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.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–18679 Filed 7–29–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9931–44–Region 6]

Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Small Municipal Separate Storm Sewer Systems in New Mexico (NMR040000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed permit reissuance and notice of public meetings.

SUMMARY: The Environmental Protection Agency (EPA) Region 6 Water Quality Protection Division, today is proposing for public comment the reissuance of a National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges from small municipal separate storm sewer systems (MS4s) located within the State of New Mexico except MS4s located in Indian lands, Los Alamos County, the Middle Rio Grande Sub-Watersheds described in Appendix A of the NPDES permit No NMR04A000, or within the area of another MS4 permit. This proposed permit offers discharge authorization to regulated small MS4s within the boundaries of the Bureau of the Census-designated 2000 and 2010 Farmington, Santa Fe, Los Lunas, Las Cruces and El Paso Urbanized Areas and any other small MS4s in the State of New Mexico designated by the Director as needing a MS4 permit, other than those primarily located in Los Alamos. This permit is intended to replace the expired general permit NMR040000. The Director is also providing notice of public meetings to be held regarding today's proposed general permit reissuance.

The Region is also providing notice that general permits NMR04000I and OKR04000I (MS4s on Indian Country lands in New Mexico and Oklahoma, respectively) are not being reissued and are considered terminated by expiration.

DATES: Comments must be submitted in writing to EPA on or before October 28, 2015.

Proposed Documents: The proposed general permit and fact sheet which sets forth principal facts and the significant factual, legal, and policy questions considered in the development of the proposed general permit, may be obtained via the Internet at *http://epa.gov/region6/water/npdes/sw/sms4/index.htm.* To obtain hard copies of these documents or any other information in the administrative record, please contact Ms. Evelyn Rosborough using the contact information provided below.

How do I comment on this proposal?

Comment Submittals: Submit your comments, by one of the following methods:

- *Email: rosborough.evelyn@epa.gov.*
- *Mail:* Ms. Evelyn Rosborough, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

Administrative Record: The proposed general permit and other related documents in the administrative record are on file and may be inspected any time between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays, at the addresses listed for submission of comments. It is recommended that you write or call to the contact above for an appointment, so the record(s) will be available at your convenience.

Public Meetings and Public Hearing: EPA will be holding five informal public meetings in the Santa Fe, Farmington, Los Lunas, Las Cruces and El Paso urbanized areas. The public meetings will include a presentation on the proposed general permit and a question and answer session. Written, but not oral, comments for the official permit record will be accepted at the public meetings. Public notice of these meetings will be provided in The Sun News, Albuquerque Journal, The Santa Fe New Mexican, and The Farmington Daily Times.

El Paso Urbanized Area Meeting

Date and Time: Monday September 14, 2015 from 1:00 p.m.–2:30 p.m. MST.

Location: New Mexico State University, Dona Ana Community College-Sunland Park Campus, Room 102—Auditorium, 3365 McNutt Rd., Sunland Park, NM 88063.

Las Cruces Urbanized Area Meeting

Date and Time: Monday September 14, 2015 from 6:00 p.m.–7:30 p.m. MST

Location: New Mexico State University, Dona Ana Community College-East Mesa Campus, Student Resource Building, 2800 N. Sonoma Ranch Blvd., Las Cruces, NM 88003.

Los Lunas Urbanized Area Meeting

Date and Time: Tuesday September 15, 2015 from 6:00 p.m.–7:30 p.m. MST

Location: Holiday Inn Express Belen, 2110 Camino del Llano, Belen, NM 87002.

Farmington Urbanized Area Meeting

Date and Time: Wednesday September 16, 2015 at 6:00 p.m.–7:30 p.m. MST

Location: Courtyard by Marriott Farmington, 560 Scott Ave., Farmington, NM 87401.

Santa Fe Urbanized Area Meeting

Date and Time: Thursday September 17, 2015 from 6:00 p.m.–7:30 p.m. MST.

Location: The Lodge at Santa Fe, 750 N. St. Francis Dr., Santa Fe, NM 87501.

FOR FURTHER INFORMATION CONTACT: Ms. Evelyn Rosborough, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. Telephone: (214) 655–7515. Email address: *rosborough.evelyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

A. General Information

This permit authorizes stormwater discharges to waters of the United States from small MS4s within the State of New Mexico except MS4s located in Indian lands, Los Alamos County, the Middle Rio Grande Sub-Watersheds described in Appendix A of the NPDES permit No NMR04A000, or within the

area of another MS4 permit provided the MS4 is located fully or partially within an urbanized area as determined by the 2000 and 2010 Decennial Census; is designated as a regulated MS4 pursuant to 40 CFR 122.32; or this permit may also authorize an operator of a MS4 covered by this permit for discharges from areas of a regulated small MS4 located outside an Urbanized Areas or areas designated by the Director provided the permittee complies with all permit conditions in all areas covered under the permit. Maps of 2010 Census urbanized areas are available online at: *http://water.epa.gov/polwaste/npdes/stormwater/Urbanized-Area-Maps-for-NPDES-MS4-Phase-II-Stormwater-Permits.cfm.*

At the time the general permit NMR040000 was issued, permit coverage was actually provided by three legally separate and distinctly numbered permits (NMR040000, NMR04000I, OKR04000I). NMR04000I was issued for MS4s on Indian Country in New Mexico, general permit OKR04000I was issued for MS4s on Indian Country lands in Oklahoma. MS4 General Permit OKR04000I expired June 30, 2012, without any MS4s submitting a Notice of Intent to be covered. Since no MS4 operators took advantage of the authorization offered by that permit during its five year term and there are no administratively continued permittees covered by the permit, EPA Region 6 considers the permit terminated as of the expiration date and is not proposing to reissue MS4 General Permit OKR04000I at this time. Any MS4 operators on Indian Country lands in Oklahoma requiring permit coverage should contact EPA Region 6 for information on how to obtain permit coverage.

B. Statutory and Regulatory History

The overall intent of the permit conditions is to support the statutory goals of Section 101 of the Clean Water Act (CWA) to restore and maintain the chemical, physical and biological integrity for the Nation's waters. The 1987 Water Quality Act (WQA) amended the CWA by adding section 402(p) which requires that NPDES permits be issued for various categories of storm water discharges. Section 402(p)(2) requires permits for five categories of storm water discharges, commonly referred to as Phase I of the NPDES Storm Water Program. Included in Phase I are discharges from large municipal separate storm sewer systems (MS4s) (systems serving a population of 250,000 or more). Phase I regulations published November 16, 1990 (55 FR 47990) addressed discharges from large MS4s.

Section 402(p)(6) of the CWA requires permitting for certain additional storm water discharges (Phase II of the storm water program) to protect water quality. EPA promulgated final Phase II storm water regulations on December 8, 1999 (64 FR 68722). These regulations set forth the additional categories of discharges to be permitted and the requirements of the program. The additional discharges to be permitted included small MS4s located in Urbanized Areas designated by the Bureau of the Census and those designated by the Director on a case-by-case basis to protect water quality. This proposed permit offers coverage to Phase II regulated MS4s in the Farmington, Santa Fe, Los Lunas, Las Cruces, and El Paso UAs into a single general permit.

The discharge control conditions established by this permit are based on Section 402(p)(3)(B) of the Act which mandates that a permit for discharges from Phase II MS4s must effectively prohibit the discharge of non-stormwater to the MS4 and require controls to reduce pollutants in discharges from the MS4 to the maximum extent practicable (MEP) including management practices, control techniques and system design and engineering methods, and such other provisions as the Administrator deems appropriate for the control of pollutants. MS4 permits requiring implementation of Best Management Practices (BMPs) addressing the Six Minimum Control Measures at 40 CFR 122.34(b) are generally deemed to be an appropriate means of meeting the MEP standard. Protection of water quality and compliance with Total Maximum Daily Loads (TMDLs) are addressed through the CWA 402(p)(3)(B)(iii) authority for ''other such provisions as the Administrator deems appropriate for the control of pollutants.''

Paperwork Reduction Act

The information collection required by this permit will reduce paperwork significantly by implementation of electronic reporting requirements. EPA is working on an electronic notice of intent (eNOI) system so applicants will file their NOIs online. EPA estimates that it takes 10 to 15 minutes to fill up all information required by eNOI for each lease block. And it takes much less time to add, delete, or modify eNOI. EPA will also incorporate an electronic discharge monitoring report (NetDMR) requirement in the permit. The time for NetDMR preparation will be much less than that for paper DMR. The electronic filing systems will also significantly reduce the mailing cost.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* requires that EPA prepare a regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. As indicated below, the permit reissuance proposed today is not a ''rule'' subject to the Regulatory Flexibility Act.

Dated: July 20, 2015.

William K. Honker,

Director, Water Quality Protection Division, EPA Region 6.

[FR Doc. 2015–18720 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0039; FRL–9931–58–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Nonmetallic Mineral Processing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NSPS for Nonmetallic Mineral Processing (40 CFR part 60, subpart OOO) (Renewal)'' (EPA ICR No. 1084.13, OMB Control No. 2060–0050) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through July 31, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before August 31, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0039, to (1) EPA online using *www.regulations.gov* (our

preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *www.epa.gov/dockets.*

Abstract: The affected entities are subject to the General Provisions of the NSPS at 40 CFR part 60, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 60, subpart OOO. Owners or operators of the affected facilities must submit initial notification, performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative.

Form Numbers: None.

Respondents/affected entities: Nonmetallic mineral processing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 60, subpart OOO).

Estimated number of respondents: 4,896 (total).

Frequency of response: Initially and occasionally.

Total estimated burden: 14,120 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,648,000 (per year), includes $228,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase in the respondent burden from the most recently approved ICR. This increase is not due to any program changes. The previous ICR reflected burdens and costs associated with initial activities for subject facilities, including performance testing and establishing recordkeeping systems. This ICR accounts for the additional burden incurred by existing sources that must conduct five-year performance testing during this ICR period. This ICR also reflects an increase in the total number of respondents due to industry growth. The overall result is an increase in total burden hours and costs.

EPA has also updated the capital/startup and O&M costs to reflect the additional costs incurred by existing sources that must conduct five year performance tests. This adjustment resulted in an overall increase in the total capital/startup and O&M cost.

There is a decrease in Agency burden from the most recently approved ICR. The previous ICR's burden calculations largely overestimated the number of existing sources submitting performance test reports to EPA. We have adjusted the number of sources accordingly. This adjustment resulted in the overall decrease in the Agency burden.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–18661 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0479; FRL 9931–23–OEI]

Agency Information Collection Activities; Reporting in the FIFRA Cooperative Agreement Work Plan and Report Template; Submitted to OMB for Review and Approval; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): ''Reporting in the FIFRA Cooperative Agreement Work Plan and Report Template'' and identified by EPA ICR No. 2511.01 and OMB Control No. 2070–NEW. The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized in this document. EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on January 2, 2015 (80 FR 40). A correction notice published on January 8, 2015 (80 FR 1029).

DATES: Comments must be received on or before August 31, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2014–0479, to both EPA and OMB as follows:

- To EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- To OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Cameo G. Smoot, Field and External Affairs Division, (7605P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–5454; email address: *smoot.cameo@epa.gov.*

SUPPLEMENTARY INFORMATION: *Docket:* Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's

public docket, visit *http://www.epa.gov/dockets.*

ICR status: This ICR is for a new information collection activity.

Under PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR documents the Paperwork burden of the electronic collection of information for the pre-award burden activity for creating a work plan and the post-award and after-the-grant award activities related to reporting accomplishments to implement EPA's Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) State and Tribal Assistance Grant (STAG) program (7 U.S.C. 136u). This ICR augments the ICR entitled ''*EPA's General Regulation for Assistance Programs ICR*'' (EPA No. 0938.18; OMB No. 2030–0020) which accounts for the current PRA burden for the minimum management requirements for all recipients of EPA grants or cooperative agreements (assistance agreements). This new ICR provides OMB the burden assessment for collecting the same information in a different standardized electronic format for only the STAG grant program.

Respondents/Affected Entities: State, local governments, tribes and U.S. territories. Entities potentially affected by this ICR are grantees of Federal funds participating in the FIFRA and STAG program.

Respondent's obligation to respond: Mandatory (7 U.S.C. 136u and 40 CFR parts 30 and 31).

Estimated total number of potential respondents: 81.

Frequency of response: On occasion.

Estimated total burden: 6,318 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Estimated total costs: $233,280 (per year), includes no annualized capital investment or maintenance and operational costs.

Changes in the estimates: This is a new ICR. Relative to the baseline annual burden for reporting general management grant reporting requirements approved under EPA ICR No. 0938.18; OMB No. 2030–0020, the overall annual burden increase for FIFRA program specific activities is 6,318 hours, or 78 hours per respondent annually. This change documents the incremental burden for reporting FIFRA grant program specific activities (*e.g.,* 5,700 environmental enforcement and endangered species activities) and provides conservative projection for program growth. This is a program change.

Authority: 44 U.S.C. 3501 *et seq.*

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–18669 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9931–42–OEI; EPA–HQ–OEI–2015–0132]

Amendment for the EPA Travel, Other Accounts Payable and Accounts Receivable Files (EPA–29)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Environmental Protection Agency (EPA) is giving notice that it is amending the EPA Travel, Other Accounts Payable and Accounts Receivable Files system. The system is being amended to change the name from the EPA Travel, Other Accounts Payable and Accounts Receivable Files to the Compass Financials IT System. This system of records will contain information on EPA travel, accounts payable, accounts receivable, budgeting, and reporting.

DATES: Persons wishing to comment on this system of records notice must do so by September 8, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OEI–2015–0132, by one of the following methods:

- *www.regulations.gov:* Follow the online instructions for submitting comments.
- *Email: oei.docket@epa.gov.*
- *Fax:* 202–566–1752.
- *Mail:* OEI Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* OEI Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OEI–2014–0132. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov.* The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at OEI Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: Craig Clark, Office of Chief Financial Officer, (202) 564–8806.

SUPPLEMENTARY INFORMATION:

General Information

The EPA is amending the EPA Travel, Other Accounts Payable and Accounts Receivable Files (System number: EPA–29) to change the name to the Compass Financials IT System. This system of records will contain information on EPA travel, accounts payable and accounts receivable, budgeting and funds management activities. Compass Financials is a web application using object-oriented design methodologies and development techniques. It provides the tools needed to effectively manage, budget and track expenditures. Compass Financials supports the financial management information requirements of both managers and administrative staff. It provides financial information at both detailed and summary levels in a variety of formats, which enables agencies to evaluate and analyze the cost of operations. All Compass Financials subsystems are fully integrated, so that transactions update budgets, financial plans, and the general ledger at the time they are processed. Compass Financials provides local users with the flexibility to establish and maintain operating plans and provides users in the EPA with the information needed for consolidated financial reporting and control. Compass Financials is an IT system that spans two locations—the EPA National Computer Center (NCC) and the CGI Data Center (PDC).

Dated: July 16, 2015.

Ann Dunkin,

Chief Information Officer.

EPA–29

SYSTEM NAME:

Compass Financials IT System

LOCATION:

Compass Financials has components located in the CGI Phoenix Data Center (PDC), located in Phoenix, AZ, as well as the EPA National Computer Center, located in Research Triangle Park, NC.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

Individuals who owe monies to and individuals who are owed monies from the Environmental Protection Agency are covered by the system. This includes, but is not limited to, monies owed to the EPA for refunds, penalties, travel advances, Interagency Agreements, or Freedom of Information Requests. This system also contains information on corporations and other entities that are in debt to the EPA. Records on corporations and other entities are not subject to the Privacy Act. This system also includes monies owed by the EPA to Agency employees, consultants, private citizens, and others who travel or perform other services for the EPA.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records is composed of an accounts receivable module, travel, other accounts payable modules and reporting. The system contains personal identifying information such as names, addresses, and Social Security numbers of persons indebted to or owed money by the EPA. The accounts receivable module contains information about the nature of the debt or claim, the amount owed, the history status of the debt, and information that relates to and documents efforts to collect debts owed the Agency. The travel and other accounts payable modules contain information about the travel authorization; travel vouchers, which support the claim for the reimbursement to the travel; travel advance authorizations, which provide fund advances to pay travel expenses incurred in the performance of official government business; and itemized invoices for other services performed for the EPA. In both modules, banking information necessary to support electronic funds transfers may be maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

OMB Circular A–127; Chief Financial Officers Act of 1990, Public Law 101–576; Federal Managers Financial Integrity Act of 1982, Public Law 97–255 (31 U.S.C. 3512 *et seq.*); 31 U.S.C. Chapter 11.

PURPOSE(S):

Records in the accounts receivable module are used primarily to create a record of, and track, all accounts receivable and to assist the EPA in collecting debts owed the Agency. Records in the travel and other accounts payable modules are used primarily to create a record of and to track all monies owed by the EPA for authorized travel and for other services performed for the EPA. Tracks and executes the Agency's budget. Provides reporting in all areas listed above.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

General routine uses D, E, F, G, K and L apply to this system. Records may also be disclosed:

1. To the Office of Management and Budget, and Department of Treasury for Purpose of carrying out the EPA's financial management responsibilities. Another use for Treasury is to identify and prevent payment errors, waste, fraud, and abuse within federal spending.

2. To provide debtor information to debt collection agencies, under contract to the EPA, to help collect debts owed the EPA. Debt collection agencies will be required to comply with the Privacy Act and their agents will be made subject to the criminal penalty provisions of the Act.

Note: The term ''debtor information'' as used in the routine uses above is limited to the individual's name, address, social security number, and other information necessary to identify the individual; the amount, status and history of the claim; and the agency or program under which the claim arose.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Pursuant to 5 U.S.C. 552a(b)(12), disclosure may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(30)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Compass Momentum component stores records at the PDC on a storage area network (SAN). Backup tapes are maintained at a disaster recovery site. The Compass Data Warehouse also stores data on a SAN, located at Research Triangle Park, North Carolina.

RETRIEVABILITY:

Accounts receivable module records are indexed by account receivable control number (a number assigned to each ''incoming'' account receivable). Individual records can be accessed by using a cross reference table which links accounts receivable control numbers with the debtors name and associated debtor information. Travel and other accounts payable module records are retrievable by name and social security number.

SAFEGUARDS:

Computer records are maintained in a secure, password protected computer system. Paper records are maintained in lockable file cabinets. All records are maintained in secure, access-controlled areas or buildings.

RETENTION AND DISPOSAL:

Records are maintained for 6 years and 3 months after final payment. They

are deleted when no longer needed, unless related to the Superfund program cost recovery efforts. Superfund cost recovery records are maintained more than 30 years after the completion of cost recovery at the site.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Office of the Comptroller, Environmental Protection Agency, William Jefferson Clinton Building, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

NOTIFICATION PROCEDURES:

Any individual who wants to know whether this system of records contain a record about him or her, who wants access to his or her record, or who wants to contest the contents of a record, should make a written request to the EPA FOIA Office, Attn: Privacy Officer, MC2822T, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

RECORD ACCESS PROCEDURE:

Individuals seeking access to their own personal information in this system of records will be required to provide adequate identification (*e.g.,* driver's license, military identification card, employee badge or identification card). Additional identity verification procedures may be required as warranted. Requests must meet the requirements of the EPA regulations at 40 CFR part 16.

CONTESTING PROCEDURE:

Requests for correction or amendment must identify the record to be changed and the corrective action sought. Requests must be submitted to the Agency contact indicated on the initial document for which the related contested record was submitted.

RECORD SOURCE CATEGORIES:

Record subjects, supervisors, consumer reporting agencies, debt collection agencies, the Department of the Treasury and other Federal agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 2015–18722 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–1017; FRL–9930–51]

Product Cancellation Order for Certain Pesticide Registrations; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; correction.

SUMMARY: EPA issued a notice in the **Federal Register** of March 12, 2015, and June 3, 2015, concerning receipt of requests to voluntarily cancel certain pesticide registrations and its follow-up product cancellation order, respectively. In both notices, EPA inadvertently listed the pesticide product Biobor JF (EPA Reg. No. 065217–00001). The registrant did not request voluntary cancellation for this product. Therefore, EPA is not cancelling the pesticide product Biobor JF (EPA Reg. No. 065217–00001). This document removes the cancellation order for Biobor JF (EPA Reg. No. 065217–00001) listed in both the March 12, 2015, and June 3, 2015, **Federal Register** notices.

FOR FURTHER INFORMATION CONTACT: Joseph Nevola, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8037; email address: *nevola.joseph@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

The Agency included in the **Federal Register** notices of March 12, 2015 (80 FR 12996) (FRL–9923–27) and June 3, 2015 (80 FR 31596) (FRL–9926–88) a list of those who may be potentially affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2009–1017, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What does this correction do?

EPA issued a notice in the **Federal Register** of March 12, 2015, (80 FR 12996) (FRL–9923–27) and June 3, 2015 (80 FR 31596) (FRL–9926–88), concerning receipt of requests to voluntarily cancel certain pesticide registrations and its follow-up product cancellation order, respectively. In both notices, EPA inadvertently listed the pesticide product Biobor JF (EPA Reg. No. 065217–00001). The registrant did not request voluntary cancellation for this product and this document corrects the inclusion of this product registration for voluntary cancellation. Therefore, EPA is not cancelling the pesticide product Biobor JF (EPA Reg. No. 065217–00001). This document removes the cancellation order for Biobor JF (EPA Reg. No. 065217–00001) listed in both the March 12, 2015, and June 3, 2015, **Federal Register** notices.

Authority: 7 U.S.C. 136 *et. seq.*

Dated: July 17, 2015.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2015–18740 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2015–0467; FRL–9931–49–ORD]

Board of Scientific Counselors (BOSC) Safe and Sustainable Water Resources Subcommittee Meeting—August 2015

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, the U.S. Environmental Protection Agency (EPA), Office of Research and Development (ORD), gives notice of a meeting of the Board of Scientific Counselors (BOSC) Safe and Sustainable Water Resources Subcommittee.

DATES: The meeting will be held on Thursday, August 27, 2015, from 8:30 a.m. to 5:00 p.m., and will continue on Friday, August 28, 2015, from 8:30 a.m. until 2:15 p.m. All times noted are Eastern Time. The meeting may adjourn early if all business is finished. Attendees should register online at: *https://www.eventbrite.com/e/us-epa-bosc-safe-and-sustainable-water-resources-subcommittee-tickets-17396457272* by August 19, 2015. Requests for the draft agenda or for making oral presentations at the meeting will be accepted up to July 25, 2015.

ADDRESSES: The meeting will be held at the EPA's Andrew W. Breidenbach Environmental Research Center, 26 Martin Luther King Drive, Cincinnati, Ohio 45268. Submit your comments, identified by Docket ID No. EPA–HQ–

ORD–2015–0467, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email:* Send comments by electronic mail (email) to: *ORD.Docket@epa.gov,* Attention Docket ID No. EPA–HQ–ORD–2015–0467.
- *Fax:* Fax comments to: (202) 566–0224, Attention Docket ID No. EPA–HQ–ORD–2015–0467.
- *Mail:* Send comments by mail to: Board of Scientific Counselors (BOSC) Safe and Sustainable Water Resources Subcommittee Docket, Mail Code: 2822T, 1301 Constitution Ave. NW., Washington, DC 20004, Attention Docket ID No. EPA–HQ–ORD–2015–0467.
- *Hand Delivery or Courier:* Deliver comments to: EPA Docket Center (EPA/DC), Room 3334, William Jefferson Clinton West Building, 1301 Constitution Ave. NW., Washington, DC, Attention Docket ID No. EPA–HQ–ORD–2015–0467. Note: this is not a mailing address. Deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2015–0467. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/dockets/.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Board of Scientific Counselors (BOSC) Safe and Sustainable Water Resources Subcommittee Docket, EPA/DC, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer (DFO), via mail at: Cindy Roberts, Mail Code 8104R, Office of Science Policy, Office of Research and Development, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; via phone/voice mail at: (202) 564–1999; via fax at: (202) 565–2911; or via email at: *roberts.cindy@epa.gov.*

SUPPLEMENTARY INFORMATION:

General Information: The meeting is open to the public. Any member of the public interested in participating in the meeting should register online at: *https://www.eventbrite.com/e/us-epa-bosc-safe-and-sustainable-water-resources-subcommittee-tickets-17396457272* by August 19, 2015. Any member of the public interested in receiving a draft agenda, attending the meeting, or making a presentation at the meeting may contact Cindy Roberts, DFO, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. Members of the public wishing to provide comment in person should register by August 19, 2015, via the Eventbrite site noted above and contact Cindy Roberts, DFO, directly.

Written Statements: Written statements for the public meeting should be received by Cindy Roberts, DFO, via email at the contact information listed above by August 25, 2015. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS Power Point, or Rich Text files in IBM–PC/Windows 98/2000/XP format.

Oral Statements: In general, each individual making an oral presentation at the public meeting will be limited to a total of three minutes. Each person making an oral statement should also consider providing written comments so that the points presented orally can be expanded upon in writing. Interested parties should contact Cindy Roberts, DFO, in writing (preferably via email) at the contact information noted above by August 25, 2015 to be placed on the list of public speakers for the BOSC meeting.

For security purposes, all attendees must provide their names to Cindy Roberts, DFO, and register online at: *https://www.eventbrite.com/e/us-epa-bosc-safe-and-sustainable-water-resources-subcommittee-tickets-17396457272* by August 19, 2015, and must go through a metal detector, sign in with the security desk, and show government-issued photo identification to enter the building. Attendees are encouraged to arrive at least 15 minutes prior to the start of the meeting to allow sufficient time for security screening. Proposed agenda items for the meeting include, but are not limited to, the following: Overview of materials provided to the subcommittee; overview of ORD's Safe and Sustainable Water Resources Research program; poster session; and subcommittee discussion.

Information on Services for Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Cindy Roberts, DFO, at (202) 564–1999 or *roberts.cindy@epa.gov.* To request accommodation of a disability, please contact Cindy Roberts, DFO, preferably at least ten days prior to the meeting, to give the EPA as much time as possible to process your request.

Dated: July 22, 2015.

Fred S. Hauchman,

Director, Office of Science Policy.

[FR Doc. 2015–18724 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0069; FRL–9931–66–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Source Categories: Generic Maximum Achievable Control Technology Standards for Acetal Resin; Acrylic and Modacrylic Fiber; Hydrogen Fluoride and Polycarbonate Production (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Source Categories: Generic Maximum Achievable Control Technology Standards for Acetal Resin; Acrylic and Modacrylic Fiber; Hydrogen Fluoride and Polycarbonate Production (40 CFR part 63, subpart YY) (Renewal)'' (EPA ICR No. 1871.09, OMB Control No. 2060–0420) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through July 31, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before August 31, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0069, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: These regulations apply to new and existing facilities of the following four categories: Polycarbonates (PC) Production, Acrylic and Modacrylic Fibers (AMF) Production, Acetal Resins (AR) Production, and Hydrogen Fluoride (HF) Production. New facilities include those that commenced construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart YY.

In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP. Any owner/operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least five years following the date of such measurements, maintenance reports, and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the United States Environmental Protection Agency (EPA) regional office.

Form Numbers: None.

Respondents/affected entities: Respondents are existing facilities and new of the following four categories: Polycarbonates (PC) Production, Acrylic and Modacrylic Fibers (AMF) Production, Acetal Resins (AR) Production, and Hydrogen Fluoride (HF) Production. The PC industry consists of facilities that produce polycarbonates, a process that involves a polymerization reaction using either a solution or suspension process in either a batch or continuous mode. All production of polycarbonates in the United States is currently based on the polymerization reaction of bisphenols with phosgene in the presence of catalysts, solvents (mainly methylene chloride) and other additives. The AMF industry consists of facilities that produce acrylic and modacrylic fibers, which are manufactured synthetic fibers in which the fiber-forming substance is any long-chain synthetic polymer containing acrylonitrile units. The AR industry consists of facilities that produce homopolymers and/or copolymers of alternating oxymethylene units. Acetal resins are also known as polyoxymethylenes, polyacetals, and aldehyde resins. The HF industry consists of facilities that produce and recover hydrogen fluoride by reacting calcium fluoride with sulfuric acid. In this subpart, hydrogen fluoride production is not a process that produces gaseous hydrogen fluoride for direct reaction with hydrated aluminum to form aluminum fluoride (*i.e.,* the hydrogen fluoride is not recovered as an intermediate or final product prior to reacting with the hydrated aluminum).

Respondent's obligation to respond: Mandatory (40 CFR part 63 subpart YY).

Estimated number of respondents: 7 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 3,240 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $317,000 (per year), includes $127,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease in the total estimated respondent burden compared with the ICR currently approved by OMB. The decrease in burden from the most recently approved ICR is primarily because the number of sources in the PC and AMF has decreased. However, there is a small increase in EPA burden and other changes to the burden calculation in this ICR. This ICR incorporates the requirements of the rule amendment to the PC and AMF subcategories. The rule amendment added requirements related

to leak detection and repair (LDAR) and pressure relief devices (PRD) for subject PC and AMF facilities. We assume existing PC and AMF facilities will come into compliance with the new requirements during the three-year period covered under this ICR.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–18659 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0025; FRL—9931–57–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Asbestos (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Asbestos (40 CFR part 61, subpart M) (Renewal)'' (EPA ICR No. 0111.14, OMB Control No. 2060–0101) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through July 31, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before August 31, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0025, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *www.epa.gov/dockets.*

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 61, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 61, subpart M. Owners or operators of the affected facilities must submit initial notification, performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Form Numbers: None.

Respondents/affected entities: Demolition and renovation facilities; disposal of asbestos wastes; asbestos milling, manufacturing and fabricating; use of asbestos on roadways; asbestos waste conversion facilities; and the use of asbestos insulation and spray-on materials.

Respondent's obligation to respond: Mandatory (40 CFR part 61, subpart M).

Estimated number of respondents: 9,603 (total).

Frequency of response: Initially, occasionally, quarterly and semiannually.

Total estimated burden: 292,050 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $29,370,000 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. The change is due to an increase in the asbestos demolition and renovation operations each year; it is not due to any program changes. We have updated respondent and Agency burdens to reflect EPA's current estimates of sources subject to the rule. We have also updated respondent and Agency labor rates, which were referenced from the Bureau of Labor Statistics and OPM, respectively.

During the preparation of this ICR, EPA identified several discrepancies related to rule reporting/recordkeeping requirements and associated burdens. We have updated the respondent and Agency burden tables accordingly in order to reconcile the discrepancies. For example, the previous ICR did not correctly reflect the number of demolition/renovation contractors that will participate in refresher training. The revisions did not result in a substantial burden change, as the average reporting and recordkeeping burden hours per response in this ICR is equal to that of the previous ICR.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–18660 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[CERCLA–04–2015–3752; FRL–9931–52–Region 4]

Capitol City Plume Superfund Site Montgomery, Montgomery County, Alabama; Notice of settlement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of settlement.

SUMMARY: Under 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency (EPA) has entered into a settlement with multiple parties concerning the Capitol City Plume Superfund Site located in Montgomery, Montgomery County, Alabama. The settlement addresses costs from a fund-lead Remedial Investigation performed by EPA at the Site. The Agency is deferring the Site to the State of Alabama for cleanup.

DATES: The Agency will consider public comments on the settlement until August 31, 2015. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the amended settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Environmental Protection Specialist using the contact information provided in this notice. Comments may also be submitted by referencing the Site's name through one of the following methods:

- *Internet: www.epa.gov/region4/superfund/programs/enforcement/enforcement.html.*
- *U.S. Mail:* U.S. Environmental Protection Agency, Superfund Division, Attn: Paula V. Painter, 61 Forsyth Street SW., Atlanta, Georgia 30303.
- *Email: Painter.Paula@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at (404) 562–8887.

Dated: June 9, 2015.

Anita L. Davis,

Chief, Enforcement and Community Engagement Branch, Superfund Division.

[FR Doc. 2015–18727 Filed 7–29–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0397]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; State Enforcement Notifications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled, ''State Enforcement Notifications'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On June 8, 2015, the Agency submitted a proposed collection of information entitled, ''State Enforcement Notifications'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0275. The approval expires on July 31, 2018. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: July 24, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–18649 Filed 7–29–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–1305]

Multicriteria-Based Ranking Model for Risk Management of Animal Drug Residues in Milk and Milk Products; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA or we) is extending the comment period for the risk assessment entitled ''Multicriteria-Based Ranking Model for Risk Management of Animal Drug Residues in Milk and Milk Products.'' A notice of the availability of the risk assessment and our request for comments appeared in the **Federal Register** of April 30, 2015. We initially established July 29, 2015, as the deadline for the submission of requested comments that can help improve the ranking model approach, including the specific criteria, scoring, and weighting scheme; the scientific data and assumptions used to inform scoring used in the model; the selection of animal drugs evaluated; and the clarity and the transparency of the risk assessment. We are taking this action in response to a request for an extension to allow interested persons additional time to submit comments.

DATES: FDA is extending the comment period on the risk assessment whose availability we announced in a notice published on April 30, 2015 (80 FR 24260). Submit either electronic or written comments on the risk assessment by October 27, 2015.

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

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions 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 Docket No. FDA–2015–N–1305. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number(s), 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: Jane Van Doren, Center for Food Safety and Applied Nutrition (HFS–005), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–2927.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of April 30, 2015, FDA published a notice announcing the availability of a risk assessment entitled ''Multicriteria-Based Ranking Model for Risk Management of Animal Drug Residues in Milk and Milk Products,'' with a 90-day comment period to request comments on the risk assessment.

We received a request for a 90-day extension of the comment period for the risk assessment. The request conveyed concern that the current 90-day comment period does not allow sufficient time to develop meaningful or thoughtful comments to the risk assessment.

FDA has considered the request and is extending the comment period for the risk assessment for 90 days, until October 27, 2015. We believe that a 90-

day extension allows adequate time for interested persons to submit comments.

II. Request for Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Electronic Access

Persons with access to the Internet may obtain the risk assessment at *http://www.fda.gov/Food/FoodScienceResearch/RiskSafetyAssessment/ucm443549.htm.*

Dated: July 24, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–18668 Filed 7–29–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0155]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Veterinary Feed Directive

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Veterinary Feed Directive'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On May 19, 2015, the Agency submitted a proposed collection of information entitled ''Veterinary Feed Directive'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0363. The approval expires on July 31, 2018. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: July 24, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–18650 Filed 7–29–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60 Day Comment Request Conference, Meeting, Workshop, and Poster Session Registration Generic Clearance (OD)

Summary: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH), Office of the Director (OD), will publish periodic summaries of proposed projects to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and for Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Ms. Mikia P. Currie, Program Analyst, Office of Policy for Extramural Research Administration, 6705 Rockledge Drive, Suite 350, Bethesda, Maryland 20892, or call a non-toll-free number 301–435–0941 or Email your request, including your address to *curriem@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: Conference, Meeting, Workshop, and Poster Session Registration Generic Clearance (OD), 0925–New, National Institutes of Health (NIH), Office of the Director (OD).

Need and Use of Information Collection: The information collections encompassed by this generic clearance will allow the NIH to select the most appropriate participants for non-grantee activities sponsored, organized, and run by the NIH staff, according to the type and purpose of the activity. For example, the NIH may develop an application process or information collection to select a limited number of researchers to participate in a poster session, identify speakers and panelists with desired expertise on a specific topic to be covered at a meeting, or determine which researchers would most likely benefit from a training course or other opportunity. For the NIH to plan and conduct activities that are timely for participants and their fields of research, it is often necessary for such information to be collected with a relatively short turnaround time. In general, submitted abstracts or other application materials will be reviewed by an internal NIH committee responsible for planning the activities. This committee will be responsible for selecting and notifying participants.

The information collected for these activities generally includes title, author(s), institution/organization, poster size, character limitations along with other requirements. This information is necessary to identify attendees as eligible for poster presentations, to present their research, speak on panels, and discuss innovative approaches to science and technology to their peers. The registration form collects information from interested parties necessary to register them for a workshop.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 8,500.

ESTIMATED ANNUALIZED BURDEN TABLE

Type of respondent	Number of respondents	Number of responses per respondent	Average burden (in hours) er response	Total burden hours
Individuals or Households	2,500	1	1	2,500
Organizations	2,500	1	1	2,500
Businesses	2,500	1	1	2,500
State, territory, tribal or local governments	1,000	1	1	1,000

Dated: July 23, 2015.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2015–18678 Filed 7–29–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Agency Information Collection Activities: Post-Award Contract Information

AGENCY: Office of the Chief Procurement Officer, DHS.

ACTION: 30-Day Notice and request for comments; Extension without change, 1600–0003.

SUMMARY: The Department of Homeland Security, Office of the Chief Procurement Officer, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

DHS previously published this information collection request (ICR) in the **Federal Register** on Thursday, May 14, 2015 at 80 FR 27695 for a 60-day public comment period. No comments were received by DHS. The purpose of this notice is to allow additional 30-days for public comments.

DATES: Comments are encouraged and will be accepted until August 31, 2015. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

SUPPLEMENTARY INFORMATION: The Department of Homeland Security (DHS) collects information, when necessary, in administering public contracts for supplies and services. The information is used to determine compliance with contract terms placed in the contract as authorized by the Federal Property and Administrative Services Act (41 U.S.C. 251 *et seq.*), the Federal Acquisition Regulation (FAR) (48 CFR Chapter 1), and the Homeland Security Acquisition Regulation (HSAR) (48 CFR Chapter 30). Examples of information DHS contracting officers normally collect when administering contracts include notices of changes in key personnel, invoices, subcontracting reports, and evidence of compliance with hazardous removal requirements. Examples of collections under the HSAR include: 3052.204–71 Contractor employee access, 3052.205–70 Advertisements, Publicizing Awards, and Releases, 3052.209–72 Organizational Conflict of Interest, 3052.209–75 Prohibited Financial Interests for Lead System Integrators, 3052.215–70 Key personnel or facilities, 3052.219–70 Small Business subcontracting plan reporting, 3052.223–70 Removal or disposal of hazardous substances—applicable licenses and permits.

The information requested is used by the Government's contracting officers and other acquisition personnel, including technical and legal staff, for various reasons such as determining the suitability of contractor personnel accessing DHS facilities; to ensure no organizational conflicts of interest exist during the performance of contracts; to ensure the contractor maintains applicable licenses and permits for the removal and disposal of hazardous materials; and to otherwise ensure firms are performing in the Government's best interest. Failure to collect this information would adversely affect the quality of products and services DHS receives from contractors. For example, potentially, contractors who are lead system integrators could acquire direct financial interests in major systems the contractors are contracted to procure, which would compromise the integrity of acquisitions for the Department. In addition, contractors who own, control or operate a business providing protective guard services could possess felony convictions during the performance of contracts, putting the Department at risk. Furthermore, contractors could change key personnel during the performance of contracts and use less experienced or less qualified personnel to reduce costs, which would adversely affect DHS's fulfillment of its mission requirements.

Many sources of the requested information use automated word processing systems, databases, spreadsheets, project management and other commercial software to facilitate preparation of material to be submitted. With Government wide implementation of e-Government initiatives, it is commonplace within many of DHS's Components for submissions to be electronic.

Disclosure/non-disclosure of information is handled in accordance with the Freedom of Information Act, other disclosure statutes, and Federal and agency acquisition regulations.

Based upon definitive contract award data reported by DHS and its Components to the Federal Procurement Data System (FPDS) for Fiscal Year 2014. No program changes occurred, however the burden was adjusted to reflect an increase in the number of respondents within DHS for Fiscal Year 2014.

The prior information collection request for OMB No. 1600–0003 was approved through August 31, 2015 by OMB. This collection will be submitted to OMB for review to request an approval to extend the expiration date of the collection. There are no proposed changes to the information being collected, instructions, frequency of the collection or the use of the information being collected.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Office of the Chief Procurement Officer, DHS.

Title: Agency Information Collection Activities: Post-Award Contract Information.

OMB Number: 1600–0003.

Frequency: On occasion.

Affected Public: Private Sector.

Number of Respondents: 11,885.

Estimated Time per Respondent: 14 hours.

Total Burden Hours: 499,170 hours.

Dated: July 22, 2015.

Carlene C. Ileto,

Executive Director, Enterprise Business Management Office.

[FR Doc. 2015–18656 Filed 7–29–15; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2015–N130; FXES11130600000–156–FF06E00000]

Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following recovery permit applications to conduct activities intended to enhance the survival of target endangered species.

DATES: To ensure consideration, please send your written comments by August 31, 2015.

ADDRESSES: You may submit comments or requests for copies or more information by any of the following methods. Alternatively, you may use one of the following methods to request hard copies or a CD–ROM of the documents. Please specify the permit you are interested in by number (*e.g.,* Permit No. TE–XXXXXX).

- *Email: permitsR6ES@fws.gov.* Please refer to the respective permit number (*e.g.,* Permit No. TE–XXXXXX) in the subject line of the message.
- *U.S. Mail:* Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486–DFC, Denver, CO 80225.
- *In-Person Drop-off, Viewing, or Pickup:* Call (719) 628–2670 to make an appointment during regular business hours at 134 Union Blvd., Suite 645, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Kathy Konishi, Recovery Permits Coordinator, Ecological Services, (719) 628–2670 (phone); *permitsR6ES@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

The Act (16 U.S.C. 1531 *et seq.*) prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. Along with our implementing regulations at 50 CFR 17, the Act provides for permits and requires that we invite public comment before issuing permits for endangered species.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittees to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, and Federal agencies and the public to comment on the following applications. Documents and other information the applicants have submitted with their applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit Application Number TE07858A

Applicant: Utah State University, Department of Plants, Soils, and Climate, AGRS 339, Logan, UT.

The applicant requests an amendment to their permit that will extend the expiration date. They wish to continue fruit and seed research for the shrubby reed-mustard (*Schoenocrambe suffrutescens*) in Utah for the purpose of enhancing the species' survival.

Permit Application Number TE106387

Applicants: USDA Bridger-Teton National Forest, Pinedale, WY.

The applicant requests an amendment to their permit to adjust the take allocation for Kendall Warm Springs dace (*Rhinichthys osculus thermalis*). The request corrects an omission from the original consultation for the purpose of enhancing the species' survival.

National Environmental Policy Act

In compliance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), we have made an initial determination that the proposed activities in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM 6 Appendix 1, 1.4C(1)).

Public Availability of Comments

All comments and materials we receive in response to these requests will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Michael G. Thabault,

Assistant Regional Director, Mountain-Prairie Region.

[FR Doc. 2015–18673 Filed 7–29–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2015–N142]; [FXES11130800000–154–FF08E00000]

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (Act) prohibits activities with endangered and threatened species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing recovery permits to conduct certain activities with endangered species.

DATES: Comments on these permit applications must be received on or before August 31, 2015.

ADDRESSES: Written data or comments should be submitted to the Endangered Species Program Manager, U.S. Fish and Wildlife Service, Region 8, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825 (telephone: 916–414–6464; fax: 916–414–6486). Please refer to the respective permit number for each application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, Fish and Wildlife Biologist; see **ADDRESSES** (telephone: 760–431–9440; fax: 760–431–9624).

SUPPLEMENTARY INFORMATION: The following applicants have applied for scientific research permits to conduct certain activities with endangered species under section 10(a)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*). We seek review and comment from local, State, and Federal agencies and the public on the following permit requests.

Applicants

Permit No. TE–72047A–2

Applicant: Martina Pernicano, Golden, Colorado

The applicant requests a permit renewal to take (harass by survey and locate and monitor nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with survey and population monitoring throughout the range of the species for the purpose of enhancing the species' survival.

Permit No. TE–69046B

Applicant: Jim Asmus, San Diego, California

The applicant requests a permit to take (harass by survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey activities throughout the range of the species for the purpose of enhancing the species' survival.

Permit No. TE–012137

Applicant: Fort Hunter Liggett, Fort Hunter Liggett, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardi*); take (capture, band, and release) the least Bell's vireo (*Vireo bellii pusillus*); and take (capture, handle, measure, test for chytrid fungus, captive rear, and release) the arroyo toad (arroyo southwestern) (*Anaxyrus californicus*) in conjunction with surveys and research on Fort Hunter Liggett for the purpose of enhancing the species' survival.

Permit No. TE–830213

Applicant: EcoPlan Associates, Inc., Mesa, Arizona

The applicant requests a permit renewal and amendment to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with survey activities throughout the range of the species in Imperial, Riverside, and San Bernardino Counties, California, and Clark County, Nevada, for the purpose of enhancing the species' survival.

Permit No. TE–12511A

Applicant: Kathryn Allan, San Francisco, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, mark, and release) the salt marsh harvest mouse (*Reithrodontomys raviventris*) in conjunction with survey activities throughout the range of the species for the purpose of enhancing the species' survival.

Permit No. TE–225974

Applicant: Midpeninsula Regional Open Space District, Los Altos, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, transfer, and release) the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) and California red-legged frog (*Rana draytonii*) (*R. aurora d.*) in conjunction with habitat management activities within the Midpeninsula Regional Open Space District in Santa Clara and San Mateo Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–122632

Applicant: Kimberly Ferree, Encinitas, California

The applicant requests a permit renewal to take (locate and monitor nests, capture, mark, band, release, and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*); and take (harass by survey, locate and monitor nests, and remove brown-headed cowbird eggs and chicks from parasitized nests) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys and population studies throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–001075

Applicant: Marc Blain, Pasadena, California

The applicant requests a permit renewal to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with survey activities throughout Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–820658

Applicant: AECOM Technical Services, San Diego, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardi*); take (harass by survey and locate and monitor nests) the California least tern (*Sternula antillarum browni*) (*Sterna a. browni*); take (harass by survey, capture, handle, and release) the California tiger salamander (Santa Barbara County

Distinct Population Segment (DPS) and Sonoma County DPS) (*Ambystoma californiense*); take (locate and monitor nests) the least Bell's vireo (*Vireo bellii pusillus*); take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*); and take (harass by survey, capture, handle, and release) the giant kangaroo rat (*Dipodomys ingens*), Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*), and unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) in conjunction with surveys and population monitoring throughout the range of the species in California; take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*); and take (harass by survey, capture, handle, and release) the Pacific pocket mouse (*Perognathus longimembris pacificus*) in conjunction with surveys throughout Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–815214

Applicant: Oceano Dunes State Vehicular Recreation Area, Pismo Beach, California

The applicant requests a permit renewal to take (harass by survey, locate and monitor nests, erect fence and nest exclosures, use remote sensing cameras, remove nonviable eggs, translocate viable eggs from abandoned nests, transport eggs, capture, band, and release chicks, and carry out predator control) the California least tern (*Sternula antillarum browni*) (*Sterna a. browni*)) in conjunction with surveys and population monitoring within Santa Barbara and San Luis Obispo Counties, California, for the purpose of enhancing the species' survival.

Permit No. TE–72045A

Applicant: Alisa Zych, Cardiff by the Sea, California

The applicant requests a permit renewal to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with survey activities throughout range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–758175

Applicant: Griffith Wildlife Biology, Calumet, Michigan

The applicant requests a permit renewal to take (harass by survey, locate and monitor nests, and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the southwestern willow flycatcher (*Empidonax traillii extimus*); take (harass by survey) the light-footed Ridgway's rail (light-footed clapper r.) (*Rallus obsoletus levipes*) (*R. longirostris l.*) and Yuma Ridgway's rail (Yuma clapper r.) (*Rallus obsoletus yumanensis*) (*R. longirostris y.*); and take (use recorded vocalizations, locate and monitor nests, capture, band, release, and remove brown-headed cowbird eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and population studies throughout the range of the species in Arizona, California, Nevada, and New Mexico, for the purpose of enhancing the species' survival.

Permit No. TE–816187

Applicant: David Cook, Santa Rosa, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, and release) the California tiger salamander (Santa Barbara County DPS and Sonoma County DPS) (*Ambystoma californiense*) and Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–07059A

Applicant: Paul Marsh, Tempe, Arizona

The applicant requests a permit renewal to take (capture, mark, tag, measure, and release) the Virgin River chub (*Gila robusta seminuda*), woundfin (*Plagopterus argentissimus*), and Colorado pikeminnow (squawfish) (*Ptychocheilus lucius*); take (capture, mark, tag, measure, and release or collect) the razorback sucker (*Xyrauchen texanus*); and take (capture, mark, tag, measure, fin clip, collect vouchers, and release) the desert pupfish (*Cyprinodon macularius*) in conjunction with survey, research, genetic analysis, and population monitoring activities in California and Nevada for the purpose of enhancing the species' survival.

Permit No. TE–70888B

Applicant: Robert Klinger, Oakhurst, California

The applicant requests a new permit to take (harass by survey, capture, mark, handle, release, and construct predator exclosures) the Amargosa vole (*Microtus californicus scirpensis*) in conjunction with research activities throughout the range of the species for the purpose of enhancing the species' survival.

Permit No. TE–778195

Applicant: HELIX Environmental Planning, La Mesa, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, release, collect adult vouchers, collect branchiopod cysts, collect, process, and analyze soil samples for egg identification) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardi*); take (locate and monitor nests and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*); take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*); and take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys and population monitoring throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–065741

Applicant: John Lovio, San Diego, California

The applicant requests a permit renewal and amendment to take (harass by survey, capture, handle, release, collect adult vouchers, collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardi*); take (harass by survey, locate and monitor nests, and remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests) the southwestern willow flycatcher (*Empidonax traillii extimus*); take (locate and monitor nests and remove brown-headed cowbird eggs and chicks from parasitized nests) the least Bell's vireo (*Vireo bellii pusillus*); and take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys and population monitoring throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–055013

Applicant: San Bernardino National Forest, San Bernardino, California

The applicant requests a permit renewal to remove/reduce to possession the following species, in conjunction with implementing land management strategies on and adjacent to the San Bernardino National Forest, California, for the purpose of enhancing the species' survival.

- *Eremogone ursina* (Bear Valley sandwort),
- *Astragalus albens* (Cushenbury milk-vetch),
- *Astragalus brauntonii* (Braunton's milk-vetch),
- *Astragalus lentiginosus* var. *coachellae* (Coachella Valley milk-vetch),
- *Astragalus tricarinatus* (triple-ribbed milk-vetch),
- *Berberis nevinii* (Nevin's barberry),
- *Brodiaea filifolia* (thread-leaved brodiaea),
- *Castilleja cinerea* (ash-grey paintbrush),
- *Dodecahema leptoceras* (slender-horned spineflower),
- *Eriastrum densifolium* subsp. *sanctorum* (Santa Ana River woolly-star),
- *Eriogonum kennedyi* var. *austromontanum* (southern mountain wild-buckwheat),
- *Eriogonum ovalifolium* var. *vineum* (Cushenbury buckwheat),
- *Erigeron parishii* (Parish's daisy),
- *Physaria kingii* subsp. *bernardina* (*Lesquerella k.* subsp. *b.*) (San Bernardino Mountains bladderpod),
- *Acanthoscyphus parishii* var. *goodmaniana* (*Oxytheca p.* var. *g.*) (Cushenbury oxytheca),
- *Poa atropurpurea* (San Bernardino bluegrass),
- *Sidalcea pedata* (pedate checker-mallow),
- *Taraxacum californicum* (California taraxacum), and
- *Thelypodium stenopetalum* (slender-petaled mustard)

Permit No. TE–100008

Applicant: Daniel Cooper, Oak Park, California

The applicant requests a permit renewal to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with survey activities throughout range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–36500A

Applicant: Western Foundation for Vertebrate Zoology, Camarillo, California

The applicant requests a permit renewal and amendment to take (locate and monitor nests, remove brown-headed cowbird (*Molothrus ater*) eggs and chicks from parasitized nests, capture, band, and release) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and population monitoring throughout the Santa Clara River corridor in Ventura County, California, for the purpose of enhancing the species' survival.

Permit No. TE–139628

Applicant: Garcia and Associates, San Francisco, California

The applicant requests a permit amendment to take (harass by survey, capture, handle, and release) the Sierra Nevada yellow-legged frog (*Rana sierrae*) in conjunction with survey activities throughout the range of the species for the purpose of enhancing the species' survival.

Permit No. TE–119861

Applicant: Quad Knopt, Inc., Fresno, California

The applicant requests a permit renewal to take the (harass by survey, capture, handle, release, collect adult vouchers, and collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardi*); take (harass by survey, capture, handle, and release) the California tiger salamander (Santa Barbara County DPS and Sonoma County DPS) (*Ambystoma californiense*) and California red-legged frog (*Rana draytonii*) (*R. aurora d.*); take (harass by survey, capture, handle, mark, fit with radio transmitters, hold in captivity, and release) the Fresno kangaroo rat (*Dipodomys nitratoides exilis*), giant kangaroo rat (*Dipodomys ingens*), and Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*); and take (harass by survey, capture, handle, mark, take biological samples, and release) the Buena Vista Lake shrew (*Sorex ornatus relictus*) in conjunction with surveys, population monitoring, and research activities throughout the range the species in California for the purpose of enhancing the species' survival.

Permit No. TE–137006

Applicant: Thea Benson, Paso Robles, California

The applicant requests a permit renewal to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with survey activities throughout range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–799557

Applicant: Robert Hamilton, Long Beach, California

The applicant requests a permit renewal to take (harass by survey) the southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with survey activities throughout range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–71214B

Applicant: Tara Collins, Sacramento, California

The applicant requests a new permit to take (harass by survey, capture, handle, release, collect adult vouchers, collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta sandiegonensis*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey activities throughout the range of the species for the purpose of enhancing the species' survival.

Permit No. TE–95006A

Applicant: Stephen Chen, San Luis Obispo, California

The applicant requests a permit amendment to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–172638

Applicant: Kevin Livergood, Lake Forest, California

The applicant requests a permit renewal to take (harass by survey, capture, handle, release, collect adult vouchers, collect branchiopod cysts) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), San Diego fairy shrimp (*Branchinecta*

sandiegonensis), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool tadpole shrimp (*Lepidurus packardi*) in conjunction with survey activities throughout the range of the species for the purpose of enhancing the species' survival.

Permit No. TE–71221B–0

Applicant: Kimberly Boydstun, Temecula, California

The applicant requests a new permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with survey activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–105545–3

Applicant: Wendy Knight, San Luis Obispo, California

The applicant requests a permit amendment to take (harass by survey, capture, handle, take biological samples, hold, and release) the California tiger salamander (Santa Barbara County DPS and Sonoma County DPS) (*Ambystoma californiense*) in conjunction with surveys and research activities throughout the range of the species in California for the purpose of enhancing the species' survival.

Permit No. TE–005956

Applicant: U.S. Geological Survey, Western Fisheries Research Center, Reno, NV

The applicant requests a permit amendment to take (capture, mark, tag, measure, transport, and release) the Pahranagat roundtail chub (*Gila robusta jordani*) in conjunction with survey, research, genetic analysis, and population monitoring activities in Nevada for the purpose of enhancing the species' survival.

Public Comments

We invite public review and comment on each of these recovery permit applications. Comments and materials we receive will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

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: July 24, 2015.

Michael Long,

Acting Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2015–18707 Filed 7–29–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2015–N126; FXES11130000–156–FF08E00000]

Endangered and Threatened Wildlife and Plants; Draft Recovery Plan for Vine Hill Clarkia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of the Draft Recovery Plan for Vine Hill Clarkia (*Clarkia imbricata*) for public review and comment. The draft recovery plan includes recovery objectives and criteria, and specific actions necessary to achieve downlisting and delisting from the Federal Lists of Endangered and Threatened Wildlife and Plants.

DATES: We must receive any comments on the draft recovery plan on or before September 28, 2015.

ADDRESSES: You may obtain a copy of the recovery plan from our Web site at *http://www.fws.gov/endangered/species/recovery-plans.html*. Alternatively, you may contact the Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W–2605, Sacramento, CA 95825 (telephone 916–414–6700).

FOR FURTHER INFORMATION CONTACT: Jennifer Norris, Field Supervisor, at the above street address or telephone number (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program and the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). Recovery means improvement of the status of listed species to the point at which listing is no longer appropriate under the criteria specified in section 4(a)(1) of the Act. The Act requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species.

We listed Vine Hill clarkia throughout its entire range as endangered on October 22, 1997 (62 FR 55791). It is a narrow endemic, historically known from three locations in central Sonoma County, California, all three of which may be extirpated. Currently, the species is only known to exist as a single introduced population on the 0.6-hectare (1.5-acre) Vine Hill Preserve, owned and managed by the California Native Plant Society. Between 2007 and 2012, the population fluctuated from approximately 500 to 8,781 plants.

All known populations of Vine Hill clarkia are located between 60 to 75 meters (197 to 246 feet) elevation, on what has been mapped as Goldridge acidic sandy loams, in an area sometimes referred to as the Sonoma Barrens. The ability of Vine Hill clarkia to persist naturally outside of Sonoma Barrens conditions is unknown. The Sonoma Barrens are an area within Sonoma County located halfway between maritime and inland climates, in a pronounced fog gap that makes it subject to peculiar climatic fluctuations (Roof 1972).

At this time, the primary threats to Vine Hill clarkia are competition for light and space with native and non-native species and risk of extinction from stochastic environmental events associated with small populations. Because of the extreme range restriction of this already-narrow endemic, and its small population size, the plant is highly vulnerable to extinction from random events, including wildfire, herbivory, disease and pest outbreaks, and human disturbance.

Two species of concern are also addressed in this draft recovery plan, Vine Hill manzanita (*Arctostaphylos densiflora*) and Vine Hill ceanothus (*Ceanothus foliosus* var. *vineatus*), which historically coexisted with Vine Hill clarkia. Vine Hill manzanita and Vine Hill ceanothus are included in this draft recovery plan because a community-based recovery strategy provides for conservation of species with similar habitat requirements to those of Vine Hill clarkia, and because recovery actions implemented for Vine Hill clarkia that do not consider these other rare species may negatively affect the community. These two species are, respectively, State listed as endangered and listed Rank 1B by the California Native Plant Society.

Recovery Plan Goals

The purpose of a recovery plan is to provide a framework for the recovery of species so that protection under the Act is no longer necessary. A recovery plan includes scientific information about the species and provides criteria that enable us to gauge whether downlisting or delisting the species is warranted. Furthermore, recovery plans help guide our recovery efforts by describing actions we consider necessary for each species' conservation and by estimating time and costs for implementing needed recovery measures.

The goal of this recovery plan is to improve the status of Vine Hill clarkia so that it can be delisted. The interim goal is to recover the species to the point that it can be downlisted from endangered to threatened status. The recovery objectives of the plan are:

- Restore Sonoma Barrens habitat and establish Vine Hill clarkia.
- Manage native and nonnative vegetation that competes with Vine Hill clarkia.
- Ensure locations with Vine Hill clarkia are secure from incompatible uses.

The draft recovery plan contains recovery criteria based on protecting, maintaining, and increasing populations, as well as increasing habitat quality and quantity. As Vine Hill clarkia meets recovery criteria, we will review its status and consider it for downlisting or removal from the Federal Lists of Endangered and Threatened Wildlife and Plants.

Community conservation efforts recommended for Vine Hill manzanita and Vine Hill ceanothus include establishing these species, either in concert with each other and Vine Hill clarkia, or separately.

Request for Public Comments

We request written comments on the draft recovery plan described in this notice. All comments received by the date specified above will be considered in development of a final recovery plan for Vine Hill clarkia. You may submit written comments and information by mail or in person to the Sacramento Fish and Wildlife Office at the above address (see **ADDRESSES**).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We developed this recovery plan under the authority of section 4(f) of the Act, 16 U.S.C. 1533(f). We publish this notice under section 4(f) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: July 23, 2015.

Ren Lohoefener,

Regional Director, Pacific Southwest Region.

[FR Doc. 2015–18671 Filed 7–29–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

National Earthquake Prediction Evaluation Council

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 106–503, the National Earthquake Prediction Evaluation Council (NEPEC) will hold its next meeting at the Southern Methodist University in Dallas, Texas. The Committee is comprised of members from academia, industry, and State government. The Committee shall advise the Director of the U.S. Geological Survey (USGS) on matters relating to the USGS's participation in the National Earthquake Hazards Reduction Program.

At the meeting, the Council will receive briefings and updates on: The USGS's strategic plan for operational earthquake forecasting and outcomes of a user-needs workshop on that subject held in March 2015; on USGS work to calculate the probability of future earthquakes in areas of the U.S. subject to induced seismicity; on the estimation of aftershock probabilities and on new modeled estimates of earthquake likelihood along the Wasatch fault zone by a technical working group; and on development of a plan for rapid communication of earthquake information in the Cascadia region. The NEPEC will review USGS procedures for calculating and communicating aftershock probabilities following large earthquakes in areas outside of California and the application of these procedures following the M7.8 Gorkha, Nepal earthquake of April 2015. The council will also finalize a statement for public release summarizing the proper procedures for posing and testing earthquake predictions and forecasts.

Meetings of the National Earthquake Prediction Evaluation Council are open to the public. A draft meeting agenda is available upon request from the Executive Secretary on request (contact information below). In order to ensure sufficient seating and hand-outs, it is requested that visitors pre-register by September 13. Members of the public wishing to make a statement to the Council should provide notice of that intention by August 26 so that time may be allotted in the agenda. A meeting summary will be posted by September 30 to the committee Web site: *http://earthquake.usgs.gov/aboutus/nepec/.*

DATES: September 2, 2015, commencing at 2:00 p.m. in Room 253 in the McGuire Building on the SMU campus and adjourning at 6:00 p.m. September 3, 2015, Commencing at 9:00 a.m. in Room 220 (Earnst & Young Gallery) in the Fincher Building on campus and adjourning at 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Dr. Michael Blanpied, U.S. Geological Survey, MS 905, 12201 Sunrise Valley Drive, Reston, Virginia 20192, (703) 648–6696, *mblanpied@usgs.gov.*

William Leith,

Senior Science Advisor for Earthquake and Geologic Hazards.

[FR Doc. 2015–18645 Filed 7–29–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[Docket No. ATF 2015R–15]

International Trade Data System Test—Voluntary Pilot Project

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice.

ACTION: Notice.

SUMMARY: Along with more than a dozen other agencies, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) will participate in a U.S. Customs and Border Protection (CBP) pilot test of the International Trade Data System (ITDS) for processing import-related forms and data using the Partner Government Agency (PGA) Message Set and the Automated Commercial Environment (ACE). Industry participation in the pilot program is entirely voluntary.

The pilot test will allow participating importers to submit forms and information to CBP through ACE for the purpose of obtaining CBP release and

receipt. CBP will validate that information, and electronically transmit entry and release information to agencies (including ATF) for purposes of satisfying CBP's certification requirements. The pilot program seeks to streamline this part of the import process. Interested parties should regularly check the following Web site to confirm the list of participating ports: *http://www.cbp.gov/document/guidance/list-aceitds-pga-message-set-pilot-ports.* Information on ATF's rules and regulations, and answers to commonly asked questions, can be found on the agency's Web site: *http://www.atf.gov.*

DATES: Interested parties may submit electronic or written requests to participate in the pilot program throughout the duration of the pilot. This pilot will begin no earlier than August 19, 2015, and will continue until concluded by publication of a notice ending it. Requests to participate in the pilot program should be submitted to William E. Majors, whose contact information can be found below.

FOR FURTHER INFORMATION CONTACT: William E. Majors, Chief, Firearms and Explosives Imports Branch, Firearms and Explosives Services Division, Enforcement Programs and Services; Bureau of Alcohol, Tobacco, Firearms and Explosives; U.S. Department of Justice; 244 Needy Road, Martinsburg, WV 25401; telephone: (304) 616–4589; fax: (304) 616–4551; email: *William.Majors@atf.gov.* For technical questions regarding ACE or ABI transmissions, or the PGA message set data transmission, please contact your assigned CBP client representative. Interested parties without an assigned client representative should submit an email to Steven Zaccaro at *steven.j.zaccaro@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION: ATF intends to join CBP's pilot program no earlier than August 19, 2015. Like other agencies, it encourages the voluntary participation of U.S. importers. Importers or their licensed customs broker who wish to participate in this test must have the capability to file the relevant data through the ACE using a software program that has completed ACE certification testing for the PGA message set. Instead of using the existing process, participating U.S. importers will use the PGA Message Set to send pertinent information through ACE for CBP release and receipt. These data elements include Agency Program Codes, Category Type Codes, ATF Category Code, Type Codes, and Exemption Codes. CBP will validate that information, and electronically transmit entry and release information to ATF for purposes of satisfying CBP's certification requirements.

All data submitted and entered into ACE is subject to the Trade Secrets Act (18 U.S.C. 1905) and is considered confidential, except to the extent as otherwise provided by law. As stated in previous notices, however, the submitter's participation in this or any of the previous ACE tests is not confidential and upon a written Freedom of Information Act request, the name(s) of an approved participant(s) will be disclosed by CBP in accordance with 5 U.S.C. 552.

A list of participating ports is available at *http://www.cbp.gov/document/guidance/list-aceitds-pga-message-set-pilot-ports.* Interested parties should regularly check the Web site for updates to the list of ports where this pilot is effective. This pilot program will begin no earlier than August 19, 2015, and will continue until concluded by publication of a notice ending it. Interested parties may submit requests to participate through the duration of the program.

Thomas E. Brandon,

Acting Director.

[FR Doc. 2015–18664 Filed 7–29–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Telemanagement Forum

Notice is hereby given that, on July 8, 2015, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The TeleManagement Forum (''The Forum'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Sitronics Telecom Solutions Co. (Pvt.) Ltd., Lahore, PAKISTAN; Broadpeak, Rennes, FRANCE; Manx ICT Association (MICTA), Douglas, UNITED KINGDOM; Virgin Media, Hook, UNITED KINGDOM; CENX, Ottawa, CANADA; Thomson Video Networks, CESSON–SEVIGNE Cedex, FRANCE; Cloudsoft Corporation, Edinburgh, SCOTLAND; ItsOn Inc., Redwood City, CA; Guavus, San Mateo, CA; UNITEL S.A., Município de Luanda, ANGOLA; Entel Chile PCS Telecomunicaciones SA, Santiago, CHILE; MayerConsult Inc., Ottawa, CANADA; WebAction, Palo Alto, CA; IneoQuest Technologies, Inc., Mansfield, MA; Hochschule für Telekommunikation Leipzig (HfTL), Leipzig, GERMANY; Moogsoft Inc., San Francisco, CA; GTD Larga Distancia, Santiago, CHILE; TMNS b.v., Den Haag, THE NETHERLANDS; UK Broadband Ltd., London, UNITED KINGDOM; Intersec Group, Paris La Défense, FRANCE; Apptium, Herndon, VA; Efiniti Services, New South Wales, AUSTRALIA; Scarlet S.A, Evere, BELGIUM; Mobile Telecomunications Company K.S.C.P, Kuwait City, KUWAIT; Mobifone Corporation, Hanoi, VIETNAM; Inmarsat, St. Johns, CANADA; Facebook, Menlo Park, CA; MTN Ghana, Accra, GHANA; Millicom Tigo Guatemala, Guatemala City, GUATEMALA; Banan IT FZ–LLC, Dubai Internet City, UAE; Oliver Solutions Ltd., Hertzlia, ISRAEL; SourceConnect, Chicago, IL; Agillis Satcom, Singapore, SINGAPORE; AFNS, LLC, Reston, VA; Gn0man, Glen Ellyn, IL; Yozma Timeturns, Kinshasa, DEMOCRATIC REPUBLIC OF THE CONGO; ieon consulting Ltd., London, UNITED KINGDOM; and Massy Group, Port of Spain, TRINIDAD AND TOBAGO, have been added as parties to this venture.

The following members have changed their names: Axiata Management Services Sdn Bhd to Axiata Intelligence Unit, Kuala Lumpur, MALAYSIA; Nixu Software Oy Ltd. to FusionLayer, Inc., Espoo, FINLAND; Qvantel Software Solutions Ltd. to Qvantel Oy, Tampere, FINLAND; Woodward Systems Inc. to Cloud Perspectives (a Woodward Systems Inc Company), Nepean, CANADA; Grupo GTD to GTD Larga Distancia, Santiago, CHILE; Source Connections LLC to SourceConnect, Chicago, IL; and Johanne Mayer to MayerConsult Inc., Ottawa, CANADA.

The following members have withdrawn as parties to this venture: AAPT Limited, Sydney, AUSTRALIA; Active Broadband Networks, Framingham, MA; Advanced Technology Group, Kansas City, MO; Agiled, Santiago, CHILE; Avigato Consulting GmbH, Bad Homburg, GERMANY; BAIX Corporation, Cheyenne, WY; Basset AB, Sundysberg, SWEDEN; Bell Aliant, Hallifax, CANADA; Big Data Works, Plano, TX; Bull Telecom & Media, Les-Clayes-Sous-Bois, FRANCE; BVG IT Services bvba, Mechelen, BELGIUM; Canoe Ventures, Englewood, CO; CellVision, Lysaker, NORWAY; Century Telecom Lebanon,

Beirut, LEBANON; Cliintel, Centennial, CO; Covalense Technologies Ltd., Hyderabad, INDIA; Cricket Wireless, San Diego, CA; CTC Ltd., Kyiv, UKRAINE; Enhancesys Innovations LLC, Cupertino, CA; EPAEON LTD, Nicosia, CYPRUS; E-Plus Mobilfunk GmbH & Co. KG, Duesseldorf, GERMANY; Intel Corporation, Santa Clara, CA; Iskratel, d.o.o., Kranj, SLOVENIA; Laboratory For Telecomm-Faculty of Elect. Eng. University of Ljubljana, Ljubljana, SLOVENIA; Limtel Sp. z o.o., Olsztyn, POLAND; Mendix Inc., Boston, MA; Mirus Teknologia, Osterville, MA; Modern Times Group MTG AB, Stockholm, SWEDEN; Network Rail, Milton Keynes, UNITED KINGDOM; NetYCE, Amsterdam, THE NETHERLANDS; New South Wales Government Telecommunications Authority, Sydney, AUSTRALIA; NII Holdings, Inc., Reston, VA; Nordiska Servercentralen AB, Bromma, SWEDEN; Olds Fibre Ltd., Olds, CANADA; Omera Consulting P/S, Copenhagen, DENMARK; Pacific Broadband Networks Limited, Scoresby, AUSTRALIA; Petrobras, Rio de Janeiro, BRAZIL; Proxwel, Bizerte, TUNISIA; Resolvetel Ltd., Henley-on-Thames, UNITED KINGDOM; Selex ES, Rome, ITALY; Singer TC GmbH, Schwedeneck, GERMANY; SLA Mobile, Belfast, UNITED KINGDOM; Smart Information Systems Gmbh, Vienna, AUSTRIA; Systex Corporation, Taipei, TAIWAN; TELEMAR NORTE LESTE S.A., Rio de Janeiro, BRAZIL; TOA Technologies, Inc., Beachwood, OH; University of Stuttgart, Stuttgart, GERMANY; Univision LLC, Ulaanbaatar, MONGOLIA; VDVL, Rijswijk, THE NETHERLANDS; Viasat, Inc., Carlsbad, CA; VIP Operator, Skopje, MACEDONIA; Vodacom (Pty) Ltd., Midrand, SOUTH AFRICA; WebRadar, Rio de Janeiro, BRAZIL; wwite p/l, Eaglemont, AUSTRALIA; Zain Kuwait, Kuwait City, KUWAIT; Zettics, Seattle, WA; beCloud, Minsk, BELARUS; CORRELOR TECHNOLOGIES PTE. LTD., Singapore, SINGAPORE; Innovise ESM Ltd., Slough, UNITED KINGDOM; Kwezi Software Solutions, Woodmead, SOUTH AFRICA; Maksen Consulting, S.A., Lisbon, PORTUGAL; Maxis Broadband Sdn Bhd, Kuala Lumpur, MALAYSIA; Mediaan/abs bv, Heerlen, THE NETHERLANDS; Polish Telephones Foundation, Warszawa, POLAND; Portugal Telecom Inovacao, SA, Aveiro, PORTUGAL; PT Comunicacoes, Lisbon, PORTUGAL; SAPO (PT Comunicacoes), Lisbon, PORTUGAL; Softera Oy, Helsinki, FINLAND; Telecom Argentina, S.A., Buenos Aires, ARGENTINA; Telefonica Global Technology SA, Caba, ARGENTINA; Ufone, Islamabad, PAKISTAN; Vodafone India Limited, Mumbai, INDIA; and Zain KSA, Riyadh, SAUDI ARABIA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and The Forum intends to file additional written notifications disclosing all changes in membership.

On October 21, 1988, The Forum filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 8, 1988 (53 FR 49615).

The last notification was filed with the Department on April 21, 2015. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on May 27, 2015 (80 FR 30268).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2015–18627 Filed 7–29–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Apertus Pharmaceuticals

ACTION: Notice of registration.

SUMMARY: Apertus Pharmaceuticals applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants Apertus Pharmaceuticals registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated March 20, 2015, and published in the **Federal Register** on March 27, 2015, 80 FR 16440, Apertus Pharmaceuticals, 331 Consort Drive, St. Louis, Missouri 63011 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted to this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Apertus Pharmaceuticals to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed:

Controlled substance	Schedule
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I

The company plans to divide the synthesized cannabidiol, with a portion going for sale as an API in nabiximol. The raw material will be used to synthesize dronabinol. Therefore, they anticipate consuming and purchasing small quantities of CS for generating data to support the Drug Master File with the FDA including validation batches, standards and stability studies.

No other activity for this drug code is authorized for this registration.

Dated: July 23, 2015.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–18695 Filed 7–29–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: Cambridge Isotope Lab

ACTION: Notice of registration.

SUMMARY: Cambridge Isotope Lab applied to be registered as a manufacturer of a certain basic class of controlled substance. The Drug Enforcement Administration (DEA) grants Cambridge Isotope Lab registration as a manufacturer of this controlled substance.

SUPPLEMENTARY INFORMATION: By notice dated February 5, 2015, and published in the **Federal Register** on February 11, 2015, 80 FR 7635, Cambridge Isotope Lab, 50 Frontage Road, Andover, Massachusetts 01810 applied to be registered as a manufacturer of a certain basic class of controlled substance. No comments or objections were submitted to this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Cambridge Isotope Lab to manufacture the basic class of controlled substance is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of morphine (9300), a basic class of controlled substance listed in schedule II.

The company plans to utilize small quantities of the listed controlled substance in the preparation of analytical standards.

Dated: July 23, 2015.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–18693 Filed 7–29–15; 8:45 am]

BILLING CODE 4410–09P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration: Stepan Company

ACTION: Notice of registration.

SUMMARY: Stepan Company applied to be registered as an importer of certain basic class of controlled substances. The Drug Enforcement Administration (DEA) grants Stepan Company registration as an importer of this controlled substance.

SUPPLEMENTARY INFORMATION: By notice dated April 14, 2015, and published in the **Federal Register** on April 22, 2015, 80 FR 22561, Stepan Company, Natural Products Dept., 100 W. Hunter Avenue, Maywood, New Jersey 07607 applied to be registered as an importer of a certain basic class of controlled substance. Comments and request for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of Stepan Company to import the basic class of controlled substance is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above-named company is granted registration as an importer of coca leaves (9040) a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance to manufacture bulk controlled substances for distribution to its customers.

Dated: July 23, 2015.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–18691 Filed 7–29–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Manufacturer of Controlled Substances Registration: American Radiolabeled Chemicals, Inc.

ACTION: Notice of registration.

SUMMARY: American Radiolabeled Chemicals, Inc. applied to be registered as a manufacturer of certain basic classes of controlled substances. The Drug Enforcement Administration (DEA) grants American Radiolabeled Chemicals, Inc. registration as a manufacturer of those controlled substances.

SUPPLEMENTARY INFORMATION: By notice dated January 28, 2015, and published in the **Federal Register** on February 5, 2015, 80 FR 6547, American Radiolabeled Chemicals, Inc., 101 Arc Drive, St. Louis, Missouri 63146 applied to be registered as a manufacturer of certain basic classes of controlled substances. No comments or objections were submitted to this notice.

The DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of American Radiolabeled Chemicals, Inc. to manufacture the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above-named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed:

Controlled substance	Schedule
Gamma Hydroxybutyric Acid (2010)	I
Ibogaine (7260)	I
Lysergic Acid Diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Dimethyltryptamine (7435)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Normorphine (9313)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Amobarbital (2125)	II
Phencyclidine (7471)	II

Controlled substance	Schedule
Phenylacetone (8501)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Ecgonine (9180)	II
Hydrocodone (9193)	II
Meperidine (9230)	II
Metazocine (9240)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Oripavine (9330)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Phenazocine (9715)	II
Carfentanil (9743)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the listed controlled substances as radiolabeled compounds for biochemical research.

Dated: July 23, 2015.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–18692 Filed 7–29–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Registration: Pharmacore

ACTION: Notice of registration.

SUMMARY: Pharmacore applied to be registered as an importer of a certain basic class of controlled substance. The Drug Enforcement Administration (DEA) grants Pharmacore registration as an importer of this controlled substance.

SUPPLEMENTARY INFORMATION: By notice dated April 14, 2015, and published in the **Federal Register** on April 22, 2015, 80 FR 22553, Pharmacore, 4180 Mendenhall Oaks Parkway, High Point, North Carolina 27265 applied to be registered as an importer of a certain basic class of controlled substance. Comments and request for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

The DEA has considered the factors in 21 U.S.C. 823, 952(a) and 958(a) and determined that the registration of Pharmacore to import the basic class of controlled substance is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. The DEA investigated the company's maintenance of effective controls against diversion by inspecting and testing the company's physical security systems, verifying the company's compliance with state and local laws, and reviewing the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above-named company is granted registration as an importer of poppy straw concentrate (9670), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance to manufacture bulk controlled substance intermediates for sale to its customers.

Dated: July 23, 2015.

Joseph T. Rannazzisi,

Deputy Assistant Administrator.

[FR Doc. 2015–18690 Filed 7–29–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1110—NEW]

Agency Information Collection Activities;Proposed eCollection eComments Requested; Approval of an Existing Collection in Use Without an OMB Control Number; Records Modification Form (FD–1115)

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the 80 *FR* 30269, on May 27, 2015, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until August 31, 2015.

FOR FURTHER INFORMATION CONTACT: If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC, 20503. Additionally, comments may be submitted via email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to

respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Approval of a collection in use without an OMB control number.

(2) *Title of the Form/Collection:* Records Modification Form

(3) *Agency form number:* FD–1115(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: This form is utilized by criminal justice and affiliated judicial agencies to request appropriate modification of criminal history information from an individual's record.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 152,430 respondents are authorized to complete the form which would require approximately 10 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 22,011 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC, 20530.

Dated: July 27, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–18651 Filed 7–29–15; 8:45 am]

BILLING CODE 4410–12–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0097]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension With Change, of a Previously Approved Collection; Leased/Charter/Contract Personnel Expedited Clearance Request

AGENCY: U.S. Marshals Service, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), U.S. Marshals Service, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 28, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Nicole Feuerstein, Publications Specialist, U.S. Marshals Service, CS–3, 10th Floor, Washington, DC 20530–0001 (phone: 202–307–5168).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Leased/Charter/Contract Personnel Expedited Clearance Request

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is USM–271. The applicable component within the Department of Justice is the U.S. Marshals Service.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. This form is to be completed by people applying to become contract personnel. It is required so that USMS can perform an expedited background check before workers may be hired to transport USMS and Bureau of Prisons prisoners.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* USMS estimates that approximately 180 applicants will complete Form-271. Based on testing, it takes an average of 5 minutes for the applicant to complete a Form USM–271. The USMS will use Form USM–271 to conduct a National Criminal Information Center (NCIC) check for each temporary contractor (working on contract 6 months or less and require physical access only) to determine eligibility to work on USMS contracts.

The following factors were considered when created the burden estimate: The estimated total number of active personal service contract guards, and the number of leased/charter flights over the previous fiscal year.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 15 hours. It is estimated that applicants will take 5 minutes to complete a Form USM–271. In order to calculate the public burden for Form USM–271, USMS multiplied 5 by 180 and divided by 60 (the number of minutes in an hour), which equals 15 total annual burden hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N street NE., 3E.405B, Washington, DC 20530.

Dated: July 27, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–18652 Filed 7–29–15; 8:45 am]

BILLING CODE 4410–04–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

177th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Correction

In notice document 2015–17424, appearing on pages 42121 through 42122 in the issue of Thursday, July 16, 2015, make the following corrections:

1. On page 42121, in the third column, in the first full paragraph, on the eighth line, ''12 p.m. on May 29.'' should read ''12 p.m. on August 20.''

2. On the same page, in the same paragraph, on the fifteenth line, ''May 29'' should read ''August 20''.

3. On the same page, in the same column, in the second full paragraph, on the twelfth line, ''August 18 or19'' should read ''August 18 or 19''.

[FR Doc. C1–2015–17424 Filed 7–29–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act; Native American Employment and Training Council

AGENCY: Employment and Training Administration, U.S. Department of Labor.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended, and Section 166(i)(4) of the Workforce Innovation and Opportunity Act (WIOA) [29 U.S.C. 3221(i)(4))], notice is hereby given of the next meeting of the Native American Employment and Training Council (Council), as constituted under WIOA.

DATES: The meeting will begin at 10:00 a.m., (Central Time Zone) on Tuesday, August 18, 2015, and continue until 5:30 p.m. that day. The meeting will reconvene at 10:00 a.m., on Wednesday, August 19, 2015, and adjourn at 5:30 p.m. that day. The period from 3:00 p.m. to 5:00 p.m. on August 18, 2015, will be reserved for participation and comment by members of the public.

ADDRESSES: The meeting will be held at the Choctaw Conference Center, 4216 S. Hwy. 69/75, Durant, Oklahoma 74701.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Members of the public not present may submit a written statement on or before August 14, 2015, to be included in the record of the meeting. Statements are to be submitted to Athena R. Brown, Designated Federal Officer (DFO), U.S. Department of Labor, 200 Constitution Avenue NW., Room S–4209, Washington, DC 20210. Persons who need special accommodations should contact Craig Lewis at (202) 693–3384, at least two business days before the meeting. The formal agenda will focus on the following topics: (1) U.S. Department of Labor, Employment and Training Administration Update and follow-up on the Workforce Innovation and Opportunity Act of 2014 (WIOA) recommendations; (2) Performance Outcomes and Reporting; (3) Recommendations on WIOA regulations; (4) Training and Technical Assistance; (5) Council and Workgroup Updates and Recommendations; (6) New Business and Next Steps; and (7) Public Comment.

FOR FURTHER INFORMATION CONTACT: Athena R. Brown, DFO, Division of Indian and Native American Programs, Employment and Training Administration, U.S. Department of Labor, Room S–4209, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number (202) 693–3737 (VOICE) (this is not a toll-free number).

Portia Wu,

Assistant Secretary, Employment and Training Administration.

[FR Doc. 2015–18677 Filed 7–29–15; 8:45 am]

BILLING CODE 4510–FR–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations, 30 CFR part 44, govern the application, processing, and disposition of petitions for modification. This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by the Office of Standards, Regulations, and Variances on or before August 31, 2015.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Sheila McConnell, Acting Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION:

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2015–015–C.

Petitioner: Canyon Fuel Company, LLC, Three Gateway Center, Suite 1340, 401 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

Mine: Sufco Mine, MSHA I.D. No. 42–00089, located in Sevier County, Utah.

Regulation Affected: 30 CFR 75.1713–1(b) (Arrangements for emergency

medical assistance and transportation for injured persons; agreements; reporting requirements; posting requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit an alternative method of compliance for the existing standard because the application of the standard results in a diminution of safety. The petitioner proposes to:

1. Contract for transportation services to be available at all times when it is feasible to fly to the 4 East Portal and airlift miners from there.

2. Construct a ''safe house'' at the 4 East Portal for miners exiting that portal. The portal will contain food, water, medical supplies, and communication equipment.

3. Submit proposed revisions for its approved part 48 training plan to the District Manager within 60 days after the Proposed Decision and Order (PDO) becomes final. These proposed revisions will specify initial and refresher training regarding the terms and conditions stated in the PDO. The petitioner states that:

—Canyon Fuel is a large mine with a number of portals to the outside, either for transportation of miners or ventilation. The 4 East Portal was constructed to the outside in approximately 1991.

—For approximately 24 years, Canyon Fuel has routed its alternate escapeway to this portal as the safest and shortest route out of the mine.

—The escapeway at issue has been designated as an escapeway for a number of years. It has been inspected every quarter by MSHA inspectors and no issue has been raised.

—The escapeway is the shortest most practical route to the nearest mine opening suitable for the safe evacuation of miners. The alternative routes that would be available would be two to three times longer. The route to the 4 East Portal is also the least difficult of the alternate routes to travel. Such routes would require five or six self-contained self-rescuer ''changeouts'' as opposed to two. The route that Canyon Fuel would have to use for other routes is not as safe as the current secondary escapeway.

—In discussions with MSHA, concerning such designation, Citation Nos. 8483666 and 84807666 were issued on May 22, 2015 and May 26, 2015, respectively, pursuant to Section 104(a) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. Section 814(a), alleging violations of 30 CFR 75.1713–1(b) and 30 CFR 75.380(a), requiring the availability of transportation from the 4 East Portal. Such citations are subjects of notices of contest.

The petitioner asserts that the proposed alternative method will at times guarantee no less than the same measure of protection afforded by the existing standard.

Dated: July 27, 2015.

Sheila McConnell,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2015–18657 Filed 7–29–15; 8:45 am]

BILLING CODE 4510–43–P

OFFICE OF MANAGEMENT AND BUDGET

Request for Comments on Improving Cybersecurity Protections in Federal Acquisitions

AGENCY: Office of Management and Budget (OMB).

ACTION: Notice.

SUMMARY: OMB's Office of E-Government & Information Technology (E-Gov) is seeking public comment on draft guidance to improve cybersecurity protections in Federal acquisitions.

DATES: Interested parties may submit comments and feedback by the deadline listed on *policy.cio.gov.*

ADDRESSES: Interested parties should provide comments at the following link: *policy.cio.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Stuntz, OMB at *egov@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The threats facing Federal information systems have dramatically increased as agencies provide more services online, digitally store data, and rely on contractors for a variety of these information technology services. The Federal Information Security Modernization Act of 2014 (FISMA),[1] Office of Management and Budget (OMB) guidance, and National Institute of Standards and Technology (NIST) standards provide agencies with a framework for securing their information and information systems regardless of where this information is stored. This information can be on government information systems, contractor information systems, and contractor information systems that are part of an Information Technology (IT) service operated on behalf of the government. The increase in threats facing Federal information systems demand that certain issues regarding security of information on these systems is clearly, effectively, and consistently addressed in Federal contracts.

[1] *https://www.congress.gov/bill/113th-congress/senate-bill/2521/text.*

Tony Scott,

Administrator, Office of E-Government and Information Technology.

[FR Doc. 2015–18747 Filed 7–29–15; 8:45 am]

BILLING CODE P

NATIONAL CAPITAL PLANNING COMMISSION

Proposed Agency Information Collection Activities, Comment Request

AGENCY: National Capital Planning Commission.

ACTION: Proposed agency information collection activities, comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA or Act) and its implementing regulations, the National Capital Planning Commission (NCPC or Commission) announces an opportunity for a thirty (30) day public comment on a proposed Generic Clearance for the Collection of Qualitative Date for Planning Initiatives undertaken by the NCPC. A copy of the draft supporting statement is available at *www.ncpc.gov.* Following review and disposition of public comments, NCPC will submit this generic information request to the Office of Management and Budget (OMB) for review and approval, and additional public comment will be solicited. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Written comments will be available for public review at *www.ncpc.gov.*

DATES: Submit comments on or before August 31, 2015.

ADDRESSES: You may submit comments on the proposed rule by either of the methods listed below.

1. *U.S. mail, courier, or hand delivery:* NCPC Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

2. *Electronically: OIRA_Submission@obm.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Director, Office of Public Engagement, National Capital Planning Commission, 401 9th Street NW., Suite 500, Washington, DC 20004; *info@ncpc.gov,* (202) 482–7200.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal

Agencies must obtain approval from the Office of Management and Budget (OMB) for collection of information they conduct or sponsor. *Collection of information* is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records or provide information to a third party. Section 3507(b) of the PRA requires Federal Agencies to provide the public with at least 30 days to provide comments to OMB concerning each proposed collection of information. To comply with this requirement, NCPC is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, NCPC invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of NCPC's functions, including whether the information will have practical utility; (2) the accuracy of NCPC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Below is a summary of the collection activities the NCPC will submit for clearance by OMB as required under the PRA.

NCPC is the federal government's central planning agency for the National Capital Region. Pursuant to the National Capital Planning Act (40 U.S.C., 8701 *et seq*.) NCPC prepares a comprehensive plan for the National Capital Region; reviews federal and some District of Columbia proposed developments, projects and plans; reviews District zoning amendments; prepares an annual Federal Capital Improvements Program and reviews the District Capital Improvements Program. To fulfill the mission established in the National Capital Planning Act, NCPC needs to conduct additional planning studies to inform the activities noted above.

Over the next three years, NCPC anticipates it will complete an update to elements of the ''Comprehensive Plan for the National Capital,'' including a new urban design element; update the parks and open space element and conduct a study of parks in Washington, DC; advance an initiative for Pennsylvania Avenue; conduct regional climate adaptation and infrastructure studies; prepare one or more viewshed studies; study trail proposals; prepare commemoration studies and plans; and develop area-specific plans for federal precincts in the Monumental Core, including the SW Ecodistrict and NW Rectangle.

Other new initiatives may be proposed during the next three years. While NCPC establishes a multi-year strategic plan and a yearly work program anticipating major initiatives, the agency's work is often shaped by external factors, including new Administration directives and the planning and development decisions of other federal agencies and local governments in the region.

To fulfill the agency mission and consistent with best planning practices, NCPC's planning initiatives are predicated on receiving public input at all development stages. Public input is voluntary. The affected public may include individuals, agencies, and organizations within the National Capital Region, as well as national and even international audiences. Agency staff may receive requests from the Commission to solicit public input on specific topic areas identified as a planning process unfolds. NCPC's plans affect federal and non-federal properties, regional residents and workers, federal and local government agencies, visitors, development interests, businesses, and civic and interest-based organizations.

Based on prior experience and current practice, each initiative collects qualitative, voluntary public feedback to inform NCPC in their planning initiatives. While the specific information requested from the public cannot be determined at this time, the general nature of the collection and collection tools used are described below. NCPC will provide more refined individual estimates of burden in subsequent notices to OMB.

To offer the public the broadest possible opportunity to comment, NCPC may ask the same questions in different formats: On line, in writing, and verbally at public meetings and focus groups. The purpose of collecting public input is to inform and shape NCPC's planning work at the earliest opportunity. Early in a planning study, public feedback is used to shape the direction and scope of the study, including possible vision and goals, study alternatives, and anticipated issues. At later stages, NCPC has often completed technical studies, and identified and developed options and alternatives for policies, physical development plans, or programs. Public input helps the agency evaluate the accuracy and usefulness of studies, and conveys preferences and responses to alternatives. Towards the end of a planning study, NCPC has typically developed early drafts of plans and policies and is seeking more detailed public comments, often on a preferred plan idea or approach. Public input is often organized around major plan/policy topics and key decisions. Public input helps the agency evaluate the full range of possible impacts and understand the preferences of the public prior to acting on a proposed policy or plan.

Information collected will be used by agency staff as they develop policy and development plans. For some initiatives, steering committees comprised of representatives from federal agencies provide advisory guidance on agency policy and development plans. These committees review and consider public input prior to providing guidance. The Commission reviews informal public input, sometimes provided in summary form, as well as formally-submitted public comments as part of their deliberations and actions on draft and final agency plans.

NCPC estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED THREE YEAR REPORTING BURDEN

[Footnote]

	Number of events	Average number of respondents/ event	Number of responses	Hours/ response	Total hours
Focus Groups	119	15	1,785	1.5	2,677.5
Public Meetings	57	50	2,850	1	2,850
Online comment	27	300	8,100	0.5	4,050

TABLE 1—ESTIMATED THREE YEAR REPORTING BURDEN—Continued

[Footnote]

	Number of events	Average number of respondents/ event	Number of responses	Hours/ response	Total hours
Questionnaire	15	100	1,500	0.25	375
Ideas Competition	5	400	2,000	.5	1,000
Design Charrette	3	100	300	1.5	450
Total	226	965	15,235	.....	11,402.5

Footnote: There are no capital costs or operating and maintenance costs associated with this collection.

The number of respondents to be included in each new event may vary, depending on the nature of the material and the target audience. Table 1 provides examples of the types of collection tools that may be administered and estimated burden levels during the three year period. Time to read, view or listen to the subject material is built into the estimated ''Total Hours.''

Authority: 44 U.S.C. 3501–3520.

Dated: July 23, 2015.

Anne R. Schuyler,

General Counsel.

[FR Doc. 2015–18638 Filed 7–29–15; 8:45 am]

BILLING CODE 7520–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Privacy Act of 1974: New System of Records

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of a new system of records.

SUMMARY: NCUA proposes to add a new system of records titled ''Credit Union Service Organization Registry System'' to its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This action is necessary to meet the requirements of the Privacy Act that federal agencies publish in the **Federal Register** a notice of the existence and character of records it maintains that are retrieved by an individual identifier (5 U.S.C. 552a(e)(4)).

DATES: Submit comments on or before August 31, 2015. This action will be effective without further notice on September 8, 2015 unless comments are received that would result in a contrary determination.

ADDRESSES: You may submit comments by any of the following methods, but please send comments by one method only:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *NCUA Web site: http://www.ncua.gov/RegulationsOpinionsLaws/proposed_regs/proposed_regs.html.* Follow the instructions for submitting comments.
- *Email:* Address to *regcomments@ncua.gov.* Include ''[Your name]—Comments on CUSO Registry SORN'' in the email subject line.
- *Fax:* (703) 518–6319. Use the subject line described above for email.
- *Mail:* Address to Gerard Poliquin, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.
- *Hand Delivery/Courier:* Same as mail address.

FOR FURTHER INFORMATION CONTACT: Lisa Dolin, System Manager, Office of Examination & Insurance, Kevin Johnson, Staff Attorney, or Linda Dent, Senior Agency Official for Privacy, Office of General Counsel, at the National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia, 22314, or telephone: (703) 518–6540.

National Credit Union Administration

NCUA–18

SYSTEM NAME:

Credit Union Service Organization (CUSO) Registry System

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

Office of Examination and Insurance, National Credit Union Administration, 1775 Duke Street, Alexandria, VA. 22314–3428.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

Individuals responsible for the content and submission of information to the CUSO Registry System and individuals with an ownership interest in the CUSO.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information used to identify and contact individuals covered by the system including name, address, and telephone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1756, 1757(5)(D) and (7)(I), 1766, 1781(b)(9), 1782, 1784, 1785, 1786 and 1789(11).; 12 CFR parts 712 and 741.

PURPOSE(S):

The collected information enables NCUA to identify concentrations and interdependencies between CUSOs and across supervised credit unions. It also improves the consistency and transparency of CUSO information and facilitates NCUA's ability to identify any potential systemic safety and soundness concerns stemming from relationships between credit unions and CUSOs.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

NCUA may share information in this system with appropriate federal or state financial supervision authorities. Contact information is used for communication and authentication purposes. A registered CUSO may authorize other users, such as owner credit unions or affiliated CUSOs or individuals, to access its record.

POLICIES AND PRACTICE FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored electronically.

RETRIEVABILITY:

Records are retrieved by individual business identifiers such as business name, system-assigned registry number, unique user identification, or by an individual identifier with non-individually identifiable information.

SAFEGUARDS:

Information in the system is safeguarded in accordance with the applicable laws, rules and policies governing the operation of federal information systems. Information in the system that is available to the general public does not include any privacy-related information. Access to privacy-related information is password protected and restricted to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained until they become inactive. Records are disposed in accordance with NCUA record retention schedules and consistent with destruction methods appropriate to the type of information.

SYSTEM MANAGER(S) AND ADDRESS:

CUSO Program Officer, Office of Examination and Insurance, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to the individual by addressing a request in writing to the system manager listed above. If there is no record on the individual, the individual will be so advised. The individual must provide his/her full name and identify the CUSO he/she is associated with as well as contact information for a response.

RECORD ACCESS PROCEDURES:

Upon verification that an individual has a record in the system, as determined by the notification procedure above, the system manager will provide the procedure for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above. Requesters should also reasonably identify the record, specify the information they are contesting, state the corrective action sought and the reasons for the correction along with supporting justification showing why the record is not accurate, timely, relevant, or complete.

RECORD SOURCE CATEGORIES:

Information is provided by the individual to whom the record pertains or by a representative of the associated CUSO.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

By the National Credit Union Administration on July 24, 2015.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2015–18639 Filed 7–29–15; 8:45 am]

BILLING CODE P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to Office of Management and Budget Review for Reinstatement, With Change, of a Previously Approved Collection, Prompt Corrective Action; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection related to NCUA's Prompt Corrective Action (PCA) regulation to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). The purpose of this notice is to allow for 30 days of public comment. NCUA uses the information provided for this collection to ensure the purpose of PCA is being carried out and that credit unions build adequate levels of net worth within a reasonable time.

DATES: Comments will be accepted until August 31, 2015.

ADDRESSES: Interested parties are invited to submit written comments to the NCUA Contact and the OMB Reviewer listed below:

NCUA Contact: Joy Lee, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, Email: *OCIOPRA@ncua.gov.*

OMB Reviewer: Office of Management and Budget, ATTN: Desk Officer for the National Credit Union Administration, Office of Information and Regulatory Affairs, Washington, DC 20503, Email: *oirasubmission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information, a copy of the information collection request, or a copy of submitted comments should be directed to: NCUA Contact: Joy Lee, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, Email: *OCIOPRA@ncua.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract and Request for Comments

NCUA is requesting reinstatement, with change, of the previously approved collection of information related to NCUA's regulation on PCA, 12 CFR part 702 (Part 702), which provides the requirements for PCA for federally insured credit unions (FICUs). Section 216 of the Federal Credit Union Act (12 U.S.C. 1790d) mandates the requirements of PCA. Section 216 requires the NCUA Board to (1) adopt, by regulation, a system of PCA to restore the net worth of inadequately capitalized FICUs; and (2) develop an alternative system of PCA for new credit unions that carries out the purpose of PCA while allowing reasonable time to build net worth to an adequate level. Part 702 implements the statutory mandate by establishing a system of PCA to restore the net worth of inadequately capitalized FICUs. To achieve this, various information collections are required on occasion as the circumstances require.

In the **Federal Register** of January 22, 2015 (80 FR 3256), NCUA published a 60-day notice requesting public comment on the proposed collection of information. NCUA received no comments.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

NCUA requests that you send your comments on this collection to the locations listed in the **ADDRESSES** section. Your comments should address: (a) The necessity of the information collection for the proper performance of NCUA, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility, and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents such as through the use of automated collection techniques or other forms of information technology. It is NCUA's policy to make all comments available to the public for review.

II. Data

Title: Prompt Corrective Action, 12 CFR part 702.

OMB Number: 3133–0154.

Form Number: None.

Type of Review: Reinstatement, with change.

Description: Part 702 provides for a system of PCA. To comply with Part

702, a FICU may be subject to reporting requirements based on its net worth classification. Additionally, the rule allows FICUs to request waivers from certain requirements to which they may otherwise be subject. NCUA uses the information provided to ensure the purpose of PCA is being carried out and that FICUs build adequate levels of net worth within a reasonable time.

Respondents: Federally insured credit unions.

Estimated Number of Respondents: 642 FICUs.

Estimated Burden Hours per Response: Varies by collection.

Frequency of Response: On occasion.

Estimated Total Annual Burden Hours: 3,847 hours.

Estimated Total Annual Cost: $122,680.33.

By the National Credit Union Administration Board on July 24, 2015.

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2015–18696 Filed 7–29–15; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board's Committee on Audit and Oversight (AO), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATE AND TIME: Wednesday, August 5, 2015 at 2:00–3:00 p.m. EDT.

SUBJECT MATTER: Discussion of the current faculty salary two-month rule and possible prospective options.

STATUS: Closed.

This meeting will be held by teleconference. Please refer to the National Science Board Web site for additional information and schedule updates (time, place, subject matter or status of meeting), which may be found at *http://www.nsf.gov/nsb/meetings/notices/jsp.* Point of contact for this meeting is Ann Bushmiller (*abushmil@nsf.gov*).

Kyscha Slater-Williams,

Program Specialist.

[FR Doc. 2015–18895 Filed 7–28–15; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–387 and 50–388; NRC–2015–0178]

Susquehanna Nuclear, LLC; Susquehanna Steam Electric Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Renewed Facility Operating License Nos. NPF–14 and NPF–22, issued to Susquehanna Nuclear, LLC, for operation of the Susquehanna Steam Electric Station, Units 1 and 2 (SSES or the licensee). The proposed amendment would revise Technical Specification (TS) 3.4.10, ''RCS [Reactor Coolant System] Pressure and Temperature (P/T) Limits.''

DATES: Submit comments by August 31, 2015. Requests for a hearing or petition for leave to intervene must be filed by September 28, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0178. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jeffrey Whited, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–4090, email: *Jeffrey.Whited@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0178 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–2015–0178.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0178 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering issuance of an amendment to Renewed Facility Operating License Nos. NPF–14 and NPF–22, issued to Susquehanna Nuclear, LLC, for operation of SSES, Units 1 and 2, located in Luzerne County, Pennsylvania.

The amendment proposes changes to SSES, Units 1 and 2, Technical Specification (TS) 3.4.10, ''RCS [Reactor Coolant System] Pressure and Temperature (P/T) Limits,'' which includes revisions to the P/T Limits curves. The revision is to provide P/T Limits curves that extend into the vacuum region to mitigate the risk of a level transient during startup and shutdown, and to update the analysis supporting use of the new curves. Updated analysis will address considerations included in Regulatory Information Summary (RIS) 2014 11, ''Information on Licensing Applications for Fracture Toughness Requirements for Ferritic Reactor Coolant Pressure Boundary Components,'' dated October 14, 2014 (ADAMS Accession No. ML14149A165). The new curves account for updated surveillance material and fluence data for the vessel beltline materials. References to the new, updated analysis will be made in an associated TS Bases change when the new limits are approved for use in the TS. A notice of consideration of issuance for the license amendment request (LAR) was previously noticed in the **Federal Register** on November 25, 2014 (79 FR 70217). The license amendment request is being renoticed due to an expansion in the scope of the license amendment. In addition, on June 1, 2015, the NRC staff issued an amendment changing the name on the SSES license from PPL Susquehanna, LLC, to Susquehanna Nuclear, LLC (ADAMS Accession No. ML15054A066). This amendment was issued subsequent to an order issued on April 10, 2015, to SSES, approving an indirect license transfer (ADAMS Accession No. ML15058A073).

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the LAR involves no significant hazards consideration. Under the NRC's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes request that the P/T limits curves in TS 3.4.10, ''RCS Pressure and Temperature (P/T) Limits'' be revised by extending each of the P/T Limits curves below 0 psig to allow operation with the RPV [reactor pressure vessel] at a vacuum. These changes update the analysis for ferritic RPV components, taking into account the considerations discussed by RIS 2014–11, and account for updated surveillance material and fluence data for the vessel beltline materials.

The P/T curves are used as operational limits during heatup or cooldown maneuvering, when pressure and temperature indications are monitored and compared to the applicable curve to determine that operation is within the allowable region. The P/T curves provide assurance that station operation is consistent with previously evaluated accidents.

Therefore, the probability of an accident or the radiological consequences of an accident previously evaluated are not significantly increased.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not change the response of any plant equipment to transient conditions. The proposed changes do not introduce any new equipment, modes of system operation, or failure mechanisms.

Therefore, there are no new types of failures or new or different kinds of accidents or transients that could be created by these changes. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The consequences of a previously evaluated accident are not increased by these proposed changes, since the Loss of Coolant Accident analyzed in the FSAR [Final Safety Analysis Report] assumes a complete break of the reactor coolant pressure boundary. The proposed changes to the P/T Limits curves do not change this assumption.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the LAR involves no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the LAR involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the LAR. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*.

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the

petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Hearing requests or petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance

available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated August 11, 2014 (ADAMS Accession No. ML14223A780), as supplemented by letters dated April 6, 2015 (ADAMS Accession No. ML15097A386), and July 16, 2015 (ADAMS Accession No. ML15197A256).

Attorney for licensee: Damon D. Obie, Associate General Counsel, Talen Energy Supply, LLC, 835 Hamilton St., Suite 150, Allentown, PA 18101.

NRC Branch Chief: Douglas A. Broaddus.

Dated at Rockville, Maryland, this 23rd day of July 2015.

For the Nuclear Regulatory Commission.

Jeffrey A. Whited,

Project Manager, Plant Licensing Branch I–2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–18733 Filed 7–29–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0131]

Open Phase Conditions in Electric Power System

AGENCY: Nuclear Regulatory Commission.

ACTION: Branch technical position-final; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a final version of Branch Technical Position (BTP) 8–9, ''Open Phase Conditions in Electric Power System,'' of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition.''

DATES: The effective date of this Branch Technical Position is August 31, 2015.

ADDRESSES: Please refer to Docket ID NRC–2014–0131 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–2014–0131. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The final version for BTP 8–9, ''Open Phase Conditions in Electric Power System,'' is available under ADAMS Accession No. ML15057A085. A redline strikeout comparing the proposed and final revision of the document can be found in ADAMS under Accession No. ML15056A316.
- *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.
- The NRC posts its issued staff guidance on the NRC's external Web page (*http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/*).

FOR FURTHER INFORMATION CONTACT: Mark D. Notich, Office of New Reactors,

U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–6992, email: *Mark.Notich@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 5, 2014 (79 FR 32580), the NRC published for public comment the proposed version of BTP 8–9, ''Open Phase Conditions in Electric Power System,'' in Chapter 8, ''Electrical Power,'' of NUREG–0800. The staff received many comments on the draft BTP. A summary of the comments and the staff's disposition of the comments are available in a separate document, ''Response to Public Comments on Draft Standard Review Plan, BTP 8–9, Open Phase Conditions in Electric Power System'' (ADAMS Accession No. ML15056A521). The BTP is guidance to the NRC Staff for reviewing applications for licenses for nuclear power reactors under 10 CFR parts 50 and 52 and amendments to licenses issued under parts 50 and 52. The NRC Staff intends to reference the BTP in NUREG–0800 for the same purpose.

II. Backfitting and Issue Finality

Branch Technical Position 8–9 provides guidance to the staff for reviewing applications for a construction permit and an operating license under part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities,'' with respect to compliance with General Design Criteria 17, ''Electric Power Systems,'' of Appendix A, ''General Design Criteria for Nuclear Power Plants.'' BTP 8–9 also provides guidance for reviewing an application for a standard design approval, a standard design certification, a combined license, and a manufacturing license under 10 CFR part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants,'' with respect to those same subject matters.

Issuance of BTP 8–9 does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) nor is it inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. The BTP 8–9 Positions Would Not Constitute Backfitting, Inasmuch as the SRP Is Internal Guidance to NRC Staff

The BTP provides internal guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. Application of BTP 8–9 to Existing Licensees

The NRC staff may consider imposing the positions described in the BTP on existing licenses, the NRC staff will address backfit considerations in any plant-specific action it takes. If, in the future, the NRC staff seeks to impose a position in the BTP on holders of already issued licenses in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described in the applicable issue finality provision.

3. Backfitting and Issue Finality Do Not—With Limited Exceptions Not Applicable Here—Protect Current or Future Applicants

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. Neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions—were intended to apply to every NRC action that substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (*e.g.,* an early site permit) or NRC regulatory approval (*e.g.,* a design certification rule) with specified issue finality provisions. The NRC staff does not, at this time, intend to impose the positions represented in the SRP in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the BTP section in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

III. Congressional Review Act

This action is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated at Rockville, Maryland, this 22nd day of July 2015.

For the Nuclear Regulatory Commission.

Lawrence Burkhart,

Acting Chief, New Reactor Rulemaking and Guidance Branch, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2015–18634 Filed 7–29–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–286; NRC–2012–0236]

Entergy Nuclear Operations, Inc.; Indian Point Nuclear Generating, Unit No. 3

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The Nuclear Regulatory Commission (NRC) has granted the request of Entergy Nuclear Operations, Inc., to withdraw its application dated August 14, 2012, for a proposed amendment to Facility Operating License No. DPR–64 for Indian Point Nuclear Generating, Unit No. 3. The proposed change would have changed the licensing basis for the emergency diesel generator fuel oil storage tank requirements, revised Technical Specification (TS) 3.8.3, ''Diesel Fuel Oil, and Starting Air,'' and relocated the specific numerical values for fuel oil storage requirements from the TSs to the TS Bases in accordance with Technical Specification Task Force (TSTF) Traveler TSTF–501, Revision 1, ''Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control.''

ADDRESSES: Please refer to Docket ID NRC–2012–0236 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–2012–0236. 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: Douglas V. Pickett, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1364, email: *Douglas.Pickett@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC has granted the request of Entergy Nuclear Operations, Inc. (the licensee), to withdraw its application dated August 14, 2012 (ADAMS Accession No. ML12234A250), for a proposed amendment to Facility Operating License No. DPR–64 for Indian Point Nuclear Generating, Unit No. 3, located in Westchester County, New York.

The proposed change would have changed the licensing basis for the emergency diesel generator fuel oil storage tank requirements, revised TS 3.8.3, ''Diesel Fuel Oil, and Starting Air,'' and relocated the specific numerical values for fuel oil storage requirements from the TSs to the TS Bases in accordance with TSTF–501, Revision 1, ''Relocate Stored Fuel Oil and Lube Oil Volume Values to Licensee Control'' (ADAMS Accession No. ML090510686).

A Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing was published in the **Federal Register** on October 16, 2012 (77 FR 63350). The licensee's application dated August 14, 2012, was supplemented by letters dated April 15, 2013, July 23, 2013, and April 14, 2014 (ADAMS Accession Nos. ML13116A010, ML13211A167, and ML14112A477, respectively). The licensee withdrew the application by letter dated June 25, 2015 (ADAMS Accession No. ML15187A072).

Dated at Rockville, Maryland, this 22nd day of July 2015.

For the Nuclear Regulatory Commission.

Douglas V. Pickett,

Senior Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–18730 Filed 7–29–15; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–69 and CP2015–107; Order No. 2610]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Express & Priority Mail Contract 19 negotiated service agreement to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 3, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Express & Priority Mail Contract 19 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–69 and CP2015–107 to consider the Request pertaining to the proposed Priority Mail Express & Priority Mail Contract 19 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than August 3, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Kenneth R. Moeller to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–69 and CP2015–107 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than August 3, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2015–18706 Filed 7–29–15; 8:45 am]

BILLING CODE 7710–FW–P

[1] Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 19 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, July 24, 2015 (Request). The caption of the Request referenced an incorrect docket number, which the Postal Service corrected by errata. Notice of the United States Postal Service of Filing Errata to Request, July 27, 2015.

REAGAN-UDALL FOUNDATION FOR THE FOOD AND DRUG ADMINISTRATION

[BAC 416404]

Request for Steering Committee Nominations

ACTION: Request for nominations to the Steering Committee for the Foundation's PredicTox project.

SUMMARY: The Reagan-Udall Foundation (RUF) for the Food and Drug Administration (FDA), which was created by Title VI of the Food and Drug Amendments of 2007, is requesting nominations for its PredicTox Steering Committee. The Steering Committee will provide oversight and guidance for the PredicTox project, and will report to the Reagan-Udall Foundation for the FDA's Board of Directors. This is a resubmission of FR Doc. 2015–18123, Published July 24, 2015. This resubmission includes hyperlinks that were not present in the earlier notice.

DATES: All nominations must be submitted to the Reagan-Udall Foundation for the FDA by August 28, 2015. The PredicTox Steering Committee members will be selected by the Reagan-Udall Foundation for the FDA's Board of Directors; those selected will be notified by September 30 regarding the Board's decision. See the **SUPPLEMENTARY INFORMATION** section for Steering Committee responsibilities, selection criteria and nomination instructions.

ADDRESSES: The Reagan-Udall Foundation for the FDA is located at 1025 Connecticut Ave. NW., Suite 1000, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Questions should be sent to The Reagan-Udall Foundation for the FDA, 202–828–1205, *PredicTox@ReaganUdall.org.*

SUPPLEMENTARY INFORMATION:

I. Background

The Reagan-Udall Foundation for the FDA (the Foundation) is an independent 501(c)(3) not-for-profit organization created by Congress to advance the mission of FDA to modernize medical, veterinary, food, food ingredient, and cosmetic product development; accelerate innovation; and enhance product safety. The Foundation acts as a neutral third party to establish novel, scientific collaborations. With the ultimate goal of improving public health, the Foundation provides a unique opportunity for different sectors (FDA, patient groups, academia, other government entities, and industry) to work together in a transparent way to create exciting new research projects to advance regulatory science.

PredicTox is a public-private partnership led by the Foundation, which brings together multiple stakeholder groups to leverage collective knowledge, technical expertise, data, funding, and other resources to explore systems pharmacology approaches to better understand and predict adverse events (AEs). Developing new tools and approaches for mechanism-based drug safety assessment and prediction is a priority for the FDA, as highlighted in the Agency's 2011 Strategic Plan for Advancing Regulatory Science (*http://goo.gl/BPemhh*). This project aims to harness scientific and technological knowledge, data and computational capacity across various sectors and disciplines to develop and apply systems-based approaches and multi-scales models to drug safety assessment in a coordinated manner.

While systems-based approaches can be applied to the development of predictive models for any class of drug or AE, the PredicTox pilot seeks to first provide a proof of concept pilot by focusing on large and small molecule tyrosine kinase inhibitors (TKIs) and cardiac AEs, specifically left ventricular dysfunction. TKIs are a rapidly growing treatment for oncology and select other therapeutic areas, making them an area of intense importance for patients, the FDA, and pharmaceutical manufacturers. Learnings from the PredicTox pilot will then be applied to other drug classes and/or other toxicities.

The primary objective of PredicTox is to advance systems-based science and tools necessary to support mechanism-based drug safety assessment and prediction. To accomplish this objective, the PredicTox pilot project will be conducted in an iterative, phased manner over the course of several years. The first phase will center on building and populating a knowledge management platform for molecular data, preclinical in vivo pharmacologic and toxicologic data as well as clinical data from both public and private sources.

The PredicTox platform will enable integration, mining, and analysis of highly heterogeneous data not typically combined. Future phases of the project will focus on data mining and development of analytic and visualization tools along with development of multi-scale predictive models capable of linking events at the molecular level with events at the clinical level (AEs) for improved safety assessment. For additional project information, see the Reagan-Udall Foundation Web site: *http://goo.gl/ubXMbJ.*

II. PredicTox Steering Committee Roles and Responsibilities

The PredicTox Steering Committee will provide guidance on the operation of PredicTox, in conjunction with the RUF Board, project staff, and others. The Steering Committee will provide overall programmatic oversight to ensure a focus on the long-term vision of the project, while the Scientific Advisory Committee will provide highly specialized technical expertise.

The PredicTox Steering Committee will be charged with several responsibilities, including:

- Reviewing and approving the PredicTox Charter
- Monitoring adherence to the PredicTox mission and operational principles in the Charter
- Developing metrics and evaluating the project at various milestones
- Reviewing and approving the PredicTox Research Agenda
- Reviewing proposals and contracts submitted to the project

The PredicTox Steering Committee Chair must be able to complete additional responsibilities, including:

- Defining the Steering Committee's meeting agendas and facilitating those meetings
- Recommending for termination, as necessary, any PredicTox Steering Committee members demonstrating dereliction of duties as specified in the PredicTox Charter
- Other responsibilities as required upon implementation of PredicTox

A full list of Steering Committee responsibilities, as well as responsibilities of the Chair, may be found on the Reagan-Udall Foundation Web site: *http://goo.gl/00HtQL.*

III. PredicTox Steering Committee Positions and Selection Criteria

RUF is seeking nominations for 7 voting members of the PredicTox Steering Committee, comprised of the following 5 categories:

- Patient Advocate: 1 member
- Pharmaceutical sector: 2 members
- Technology sector: 1 members
- Academia/Research Institute: 2 members
- At Large: 1 member

The Steering Committee will also have 2 members from the FDA (appointed by the FDA) and 1 member from the National Institutes of Health (appointed by the National Institutes of Health). These 3 individuals will be non-voting members.

Nominees for the voting positions will be evaluated by the RUF Board based on

the following required criteria for each of the 7 positions:

- Ability to complete Steering Committee responsibilities, listed above
- Currently employed by/volunteering for stakeholder field (*e.g.,* pharmaceutical, academia, patient advocate, etc.) with several years of relevant experience
- Leading expert in their relevant field (based on position, publications, or other experience)
- Working knowledge of at least one of the following areas: Risk assessment; drug safety profiling; pharmacology or systems pharmacology; toxicology or systems toxicology; biostatistics; cardiology; oncology; bioinformatics; ontology; multi-scale modeling; knowledge management platforms; software development; or data sharing
- Prior experience serving on a related or similar governance body
- Understanding of the landscape and the impact on impact on the stakeholder group they are representing with their seat

IV. Terms of Service

• The PredicTox Steering Committee meets in-person at least twice per year, with teleconferences in between meetings as deemed necessary by the Chair.

• Members will serve two or three year, staggered terms, as determined by the RUF Board.

• Members do not receive compensation from RUF.

• Members can be reimbursed by RUF for actual and reasonable expenses incurred in support of PredicTox in accordance with applicable law and their specific institutional policies.

• Members are subject to the PredicTox Conflict of Interest policies (additional information can be accessed on the Reagan-Udall Foundation Web site at: *http://goo.gl/00HtQL*).

V. Nomination Instructions

• The nomination form can be accessed on the Reagan-Udall Foundation Web site: *http://goo.gl/00HtQL.*

• Individuals may be nominated for 1 or more of the 5 stakeholder categories.

• Individuals may nominate themselves or others.

• The nomination deadline is August 28, 2015.

Dated: July 24, 2015.

Nancy Beck,

Manager, Program Development, Reagan-Udall Foundation for the FDA.

[FR Doc. 2015–18637 Filed 7–29–15; 8:45 am]

BILLING CODE 4164–04–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75518; File No. SR–BATS–2015–55

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Extend the Pilot Period of the BATS Exchange, Inc. Supplemental Competitive Liquidity Provider Program

July 24, 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 July 23, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to extend the pilot period for the Exchange's Supplemental Competitive Liquidity Provider Program (the ''Program''), which is currently set to expire on July 28, 2015, for 3 months, to expire on October 28, 2015.

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

On August 30, 2011, the Exchange received approval of rules applicable to the qualification, listing and delisting of securities of issuers on the Exchange.[5] More recently, the Exchange received approval to operate a pilot program that is designed to incentivize certain Market Makers[6] registered with the Exchange as ETP CLPs, as defined in Interpretation and Policy .03 to Rule 11.8, to enhance liquidity on the Exchange in certain ETPs[7] listed on the Exchange and thereby qualify to receive part of a daily rebate as part of the Program under Interpretation and Policy .03 to Rule 11.8.[8]

The Program was approved by the Commission on a pilot basis running one-year from the date of implementation.[9] The Commission approved the Program on July 28, 2014.[10] The Exchange implemented the Program on July 28, 2014 and the pilot period for the Program is scheduled to end on July 28, 2015.

Proposal To Extend the Operation of the Program

The Exchange established the Program in order to enhance liquidity on the Exchange in certain ETPs listed on the Exchange (and thereby enhance the Exchange's ability to compete as a listing venue) by providing a mechanism by which ETP CLPs compete for part of a daily quoting incentive on the basis of providing the most aggressive quotes with the greatest amount of size. Such competition has the ability to reduce spreads, facilitate the price discovery process, and reduce costs for investors trading in such securities, thereby promoting capital formation and helping the Exchange to compete as a listing venue. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See* Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018).

[6] As defined in BATS Rules, the term ''Market Maker'' means a Member that acts a as a market maker pursuant to chapter XI of BATS Rules.

[7] ETP is defined in Interpretation and Policy .03(b)(4) to Rule 11.8.

[8] *See* Securities Exchange Act Release No. 72692 (July 28, 2014), 79 FR 44908 (August 1, 2014) (SR–BATS–2014–022) (''CLP Approval Order'').

[9] *See id* at 44909.

[10] *Id.*

Exchange believes that extending the pilot is appropriate because it will allow the Exchange and the Commission additional time to analyze data regarding the Program that the Exchange has committed to provide.[11] As such, the Exchange believes that it is appropriate to extend the current operation of the Program. Further information related to the Program including data can be found on the Exchange's Web site.[12] Through this filing, the Exchange seeks to extend the current pilot period of the Program until October 28, 2015.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of section 6(b) of the Act.[13] In particular, the Exchange believes the proposed change furthers the objectives of section 6(b)(5) of the Act,[14] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes that extending the pilot period for the Program is consistent with these principles because the Program is reasonably designed to enhance quote competition, improve liquidity in securities listed on the Exchange, support the quality of price discovery, promote market transparency, and increase competition for listings and trade executions, while reducing spreads and transaction costs in such securities. Maintaining and increasing liquidity in Exchange-listed securities will help raise investors' confidence in the fairness of the market and their transactions. The extension of the pilot period will allow the Commission and the Exchange to continue to monitor the Program for its potential effects on public price discovery, and on the broader market structure.

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 rule change extends an established pilot program for 3 months, thus allowing the Program to enhance competition in both the listings market and in competition for market makers. The Program will continue to promote competition in the listings market by providing issuers with a vehicle for paying the Exchange additional fees in exchange for incentivizing tighter spreads and deeper liquidity in listed securities and allow the Exchange to continue to compete with similar programs at Nasdaq Stock Market LLC[15] and NYSE Arca Equities, Inc.[16]

The Exchange also believes that extending the pilot program for an additional 3 months will allow the Program to continue to enhance competition among market participants by creating incentives for market makers to compete to make better quality markets. By continuing to require that market makers both meet the quoting requirements and also compete for the daily financial incentives, the quality of quotes on the Exchange will continue to improve. This, in turn, will attract more liquidity to the Exchange and further improve the quality of trading in exchange-listed securities participating in the Program, which will also act to bolster the Exchange's listing business.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from Members or other interested parties.

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[17] and Rule 19b-4(f)(6) thereunder.[18]

A proposed rule change filed under Rule 19b-4(f)(6) normally does not become operative before 30 days from the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),[19] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

The Exchange has asked the Commission to waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Waiver of the operative delay will allow the Exchange to extend the Program prior to its expiration on July 28, 2015, which will ensure that the Program continues to operate uninterrupted while the Exchange and the Commission continue to analyze data regarding the Program. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing with the Commission.[20]

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 proposal is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–BATS–2015–55 on the subject line.

[11] *See* CLP Approval Order, *supra* note 8 at 44913.

[12] *See http://www.bats.com/us/equities/listings/clp_reports/*.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *See* Securities Exchange Act Release No. 69195 (March 20, 2013), 78 FR 18393 (March 26, 2013) (SR–NASDAQ–2012–137).

[16] *See* Securities Exchange Act Release No. 69335 (April 5, 2013), 78 FR 35340 (June 12, 2013) (SR–NYSEARCA–2013–34).

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(6).

[19] 17 CFR 240.19b-4(f)(6)(iii).

[20] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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 No. SR–BATS–2015–55. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BATS–2015–55 and should be submitted on or before August 20, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–18636 Filed 7–29–15; 8:45 am]

BILLING CODE 8011–01–P

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–75517; File No. SR–NASDAQ–2015–082]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change To Introduce an Additional Data Element to the IPO Indicator Service

July 24, 2015.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 15, 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, 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 the Substance of the Proposed Rule Change

The Exchange proposes to introduce an additional data element to its IPO Indicator Service. The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.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

Nasdaq is proposing to introduce an additional data element—to be known as the ''IPO Book Viewer''—to its IPO Indicator Service, which currently assists Nasdaq Participants in monitoring the Orders they have entered for execution in the Nasdaq Halt Cross for an IPO. The Nasdaq Halt Cross is an auction process designed to provide an orderly, single-priced opening of securities subject to an intraday halt, including securities that are the subject of an IPO. Prior to the execution of the Nasdaq Halt Cross for an IPO (the ''IPO Cross''), Participants enter Orders eligible for participation in the IPO Cross, and Nasdaq disseminates certain information regarding buying and selling interest entered and indicative execution price information, with such information known collectively as the Net Order Imbalance Indicator or ''NOII''. The NOII is disseminated every five seconds during a period prior to the completion of the IPO Cross, in order to provide Participants with information regarding the possible price and volume of the IPO Cross execution. The NOII information includes, among other things, the Current Reference Price,[3] which is the price at which the IPO Cross would occur if it executed at the time of the NOII's dissemination. The IPO Indicator Service in turn provides a Participant with information about the number of shares of its Orders that would execute in the IPO Cross at the Current Reference Price.[4] The IPO Cross executes and regular market trading commences in the IPO security when the designated representative of the underwriting syndicate for the IPO informs Nasdaq that the IPO security is ready to commence trading and the parameters of the IPO Cross pass validation checks pertaining to the price of the execution and the execution of all entered market Orders.[5] The representative of the underwriting syndicate that serves this function—usually the lead underwriter—also serves as the stabilizing agent for the IPO.

Following the execution of the IPO Cross, the stabilizing agent engages in permissible ''stabilizing'', as defined in Rule 100 under SEC Regulation M,[6] for the IPO. As provided by Rule 104 under Regulation M,[7] stabilizing of an offering is permitted only to the extent that the person engaging in the activity complies with limitations described in that rule. These limitations include a requirement that stabilizing must be solely for the purpose of preventing or retarding a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rule 4753(a)(3)(A).

[4] The IPO Indicator Service is available either as a feature of the Nasdaq Workstation poduct, or through a standalone product known as the Nasdaq IPO Workstation. See Rule 7015.

[5] *See* Rule 4120(c)(8).

[6] 17 CFR 242.100.

[7] 17 CFR 242.104.

decline in the market price of the security, limitations on the maximum price of a stabilizing bid, and a requirement that a syndicate engaging in an offering maintain no more than one stabilizing bid at the same price and time in a given market.

As discussed above, the stabilizing agent has responsibility for monitoring the submission of buying and selling interest into the IPO Cross and informing Nasdaq when the IPO security is ready to initiate trading. In addition, following the completion of the IPO Cross, the stabilizing agent may enter a stabilizing bid into the market for the purpose of supporting the price of the IPO security during the remainder of its first day of trading. Thus, the stabilizing agent stands ready during the course of the day to commit its capital in support of the IPO security, buying from investors that wish to sell the IPO security to realize short-term gains (or to minimize short-term losses). The stabilizing agent thereby serves to dampen volatility in the IPO security and promote the maintenance of a fair and orderly market. Because the function performed by the stabilizing agent is unique on the day of the IPO, Nasdaq has concluded that providing additional information about pre-opening interest in the stock to the stabilizing agent will help it to optimize the opening of the stock and manage its own risk, thereby assisting it in promoting a fair and orderly market for the IPO security. Accordingly, Nasdaq is proposing to introduce the IPO Book Viewer, a specialized data product that will be made available solely to the stabilizing agent.

Access to the IPO Book Viewer data element will be limited through a secure entitlement process to designated individuals employed by the stabilizing agent. On the day of an IPO, beginning with the start of the Display-Only Period described in Nasdaq Rule 4120 and ending upon the completion of the IPO Cross for an IPO security, the IPO Book Viewer will display aggregated buying and selling interest information for the IPO security, reflecting all Orders on the Nasdaq Book, and consisting of the total number of Orders and the aggregate size of all Orders, grouped in $0.05, $0.10, or $0.25 price increments. The pricing increments may be adjusted by the stabilizing agent during the period that the IPO Book Viewer is available.[8] Thus, for example, if the IPO Book Viewer was configured to show $0.05 increments and the Nasdaq Book had 100 Orders to buy with a size of 200 shares each at each price from $39.99 to $39.95; and 100 Orders to buy with a size of 100 shares each at each price from $39.94 to $39.90, the IPO Book Viewer would show 500 Orders with an aggregate size of 100,000 shares for the $39.99 to $39.95 price band; and 500 Orders with an aggregate size of 50,000 shares for the $39.94 to $39.90 price band. The IPO Book Viewer would also show comparable information with respect to Orders to sell. The aggregated information provided through this data element would include all Orders and Size, including Orders with a Time-in-Force of Immediate or Cancel (*i.e.,* Orders designated to execute in the IPO Cross, if possible, or to cancel if not); Orders with Reserve Size; and Non-Displayed Orders. The placement of the price bands will be standardized, beginning at $0. Thus, for example, a user selecting $0.05 increments would always see Orders priced from $20.00 to $20.04 and from $20.05 to $20.09, but could not modify the starting point of the price band to see Orders priced from $20.01 to $20.05. Information provided through the IPO Book Viewer will be updated every five seconds, along with updates to the NOII.

The IPO Book Viewer will provide no information other than that described above, unless Nasdaq submits a proposed rule change to add additional data to it. In particular, the IPO Book Viewer will not provide any information regarding IOC or Non-Displayed Orders or Reserve Size other than in the aggregated format described above, and will not provide any information regarding the identity of Participants posting Orders.

Nasdaq believes that providing this information to the stabilizing agent will provide the stabilizing agent with insights into the scope of demand for, and supply of, the IPO Security, in a manner that will allow it to make more informed decisions about the appropriate time to initiate the opening of the IPO security through the IPO Cross. In addition, the information will allow the stabilizing agent to respond in a more informed way to questions from its customers and other participants regarding expectations that an Order to buy or sell with a stated price and size may be executable in the IPO Cross. Finally, the information will assist the stabilizing agent in making decisions about the appropriate level of capital to commit to support the IPO security once trading commences.

Once the IPO Cross executes, the IPO Book Viewer will cease to be available, both with respect to the state of the Nasdaq Book during the continuous market and with respect to retrospective information about the state of the Nasdaq Book leading up to the IPO Cross. Thus, the stabilizing agent will not be provided with any information not available to other market participants once continuous market trading in the IPO security commences.

Nasdaq believes that providing the information contained in the IPO Book Viewer is not a novel proposal, but rather is similar to established New York Stock Exchange (''NYSE'') practices with respect to the flow of information to market participants during an IPO. Currently, as provided in NYSE Rule 104, the Designated Market Maker (''DMM'') for a security has access to aggregated and order-specific information about securities for which it is the DMM, not only in the process of opening an IPO but at all times throughout the day of an IPO and on subsequent days. Moreover, the DMM is permitted to share this information with floor brokers; such sharing is subject to no restriction with respect to aggregated information, while the sharing of order-specific information must be made ''in response to a specific request.'' When an IPO is being conducted at NYSE, the DMM therefore has access to aggregated order book information and is free to share it with the floor broker for the firm acting as stabilizing agent for the IPO. Using this information, the DMM and the stabilizing agent collaborate to determine when the IPO security should commence trading; the stabilizing agent may use the information to respond to requests from its customers and others regarding expectations about the commencement of trading; and the stabilizing agent may use the information to inform decisions about committing capital in support of the IPO security. In fact, information from the DMM remains available not only prior to the commencement of trading, but throughout the trading day.

While Nasdaq's market structure differs in significant respects from NYSE's, Nasdaq believes that the IPO Book Viewer will allow it to provide benefits to stabilizing agents for IPOs conducted on Nasdaq comparable to those provided for IPOs on NYSE, without altering the competing market maker model that Nasdaq employs. In the time before its IPO Cross, Nasdaq possesses order book information comparable to the information transmitted by NYSE to a DMM prior to the commencement of trading in an IPO security on NYSE. Thus, the IPO Book Viewer will allow Nasdaq to share with the stabilizing agent information that is

[8] However, the stabilizing agent cannot view multiple increments at the same time. For example, the viewer could view all $0.05 increments or all $0.25 increments, but could not view a $0.05 increment for prices near the NOII and wider increments for prices further away.

comparable to the information shared by NYSE with the DMM and by the DMM with the stabilizing agent for a NYSE IPO.

In approving NYSE Rule 104 in its current form, the Commission did not express any concerns regarding the availability of *aggregated* order information of the sort that would be provided through the IPO Book Viewer; rather, the Commission analyzed the potential for abuse associated with the DMM sharing *disaggregated* order information, because some of this order-specific information was available solely to the DMM.[9] Because Nasdaq is not proposing that the IPO Book Viewer will contain any disaggregated order information, the concerns analyzed, and ultimately resolved in favor of the NYSE, by the Commission are simply not present in the case of the IPO Book Viewer.

Nevertheless, since the aggregated information provided through the IPO Book Viewer is unique and directly available only to the stabilizing agent, Nasdaq believes that it is appropriate to adopt safeguards in order to ensure that the aggregated information is not misused. Accordingly, Nasdaq's proposed rule will require the stabilizing agent receiving the IPO Book Viewer to maintain and enforce written policies and procedures reasonably designed to achieve the following purposes:

• Restrict electronic access [10] to aggregated information only to associated persons of the stabilizing agent who need to know the information in connection with establishing the opening price of an IPO security and stabilizing the IPO security;

• Except as may be required for purposes of maintaining books and records for regulatory purposes,[11] prevent the retention of aggregated information following the completion of the IPO Cross for the IPO security; and

• Prevent persons with access to aggregated information from engaging in transactions in the IPO security other than transactions in the IPO Cross; transactions on behalf of a customer; or stabilizing. Thus, for example, the stabilizing agent or its affiliates would not be permitted to use the information to engage in proprietary trading other than in support of *bona fide* stabilizing activity.

However, for the avoidance of doubt regarding appropriate uses of the aggregated information, the proposed rule will also provide that nothing contained in the rule shall be construed to prohibit the member acting as the stabilizing agent from (i) engaging in stabilizing consistent with that role, or (ii) using the information provided from the IPO Book Viewer to respond to inquiries from any person, including, without limitation, other members, customers, or associated persons of the stabilizing agent, regarding the expectations of the member acting as the stabilizing agent with regard to the possibility of executing stated quantities of an IPO security at stated prices in the IPO Cross. Nasdaq believes that these permitted uses are entirely consistent with established practices at NYSE, under which the DMM may display aggregated and certain unique, order-specific disaggregated information to the floor broker acting as stabilizing agent, who is then free to discuss this information with other members, customers, and associated persons of the stabilizing agent.

The aggregated information provided through the IPO Book Viewer will be available solely for display on the screen of a computer for which an entitlement has been provided by Nasdaq. Under no circumstances may a member redirect aggregated information to another computer or reconfigure it for use in a non-displayed format, including, without limitation, in any trading algorithm. If a member becomes aware of any violation of the restrictions contained in the proposed rule, it must report the violation promptly to Nasdaq.

The IPO Indicator Service is currently provided free of charge through the IPO Workstation, and at no additional charge to users of the Nasdaq Workstation. Although Nasdaq may, in the future, institute a charge for the IPO Indicator Service, it is not proposing a fee at this time. Accordingly, the additional IPO Book Viewer element would likewise be provided free of charge at this time. The proposed rule change also adds to Rule 7015 definitions of ''IPO security'', ''stabilizing'', ''stabilizing agent'', ''IPO Indicator Service'', and ''IPO Book Viewer''. The added definitions are intended to promote a clear understanding of the rule text by delineating the products addressed by the rule and the scope of activities to which they pertain.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 6 of the Act,[12] in general, and with section 6(b)(5) of the Act [13] in particular, in that the proposal 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. Nasdaq further believes that the introduction of the IPO Book Viewer element without a fee at this time is consistent with sections 6(b)(4) and (5) of the Act,[14] in that it provides for the equitable allocation of reasonable dues, fees and other charges among recipients of Nasdaq data and is not designed to permit unfair discrimination between them.

Nasdaq believes that the proposed rule change will promote the goals of the Act by assisting the stabilizing agent for an IPO security in promoting a fair and orderly market. Specifically, by providing unique, aggregated information concerning all Orders on the Nasdaq Book prior to the commencement of an IPO Cross, the IPO Book Viewer will give the stabilizing agent information that will assist it in achieving a range of goals. Specifically, by being able to share aggregated information with other members and customers, the stabilizing agent will enable greater participation in the IPO Cross because it will be able to provide more certain information about the ability of investors to execute Orders at particular sizes and prices. Moreover, being able to compare information about potential interest in participating in the IPO Cross with more detailed information about the state of the Nasdaq Book will enable the stabilizing agent to determine with more certainty the appropriate time to allow the IPO Cross to execute. Finally, having greater knowledge about the range of trading interest in the Nasdaq Book prior to the execution of the IPO Cross will enable the stabilizing agent to make more informed decisions about the extent of capital it may need to commit after the commencement of trading in order to stabilize the price of the IPO security

[9] Securities Exchange Act Release No. 71175 (December 23, 2013), 78 FR 79534 (December 30, 2013) (SR–NYSE–2013–21; SR–NYSEMKT–2013–25).

[10] As discussed below, electronic access to the IPO Book Viewer will be available on a displayed basis only.

[11] *See, e.g.,* SEC Rule 17a–4(a)(4), 17 CFR 240.17a–4(a)(4).

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(5).

[14] 15 U.S.C. 78f(b)(4), (5).

and thereby dampen volatility that might undermine investor confidence.

Nasdaq further believes that the restrictions it proposes to impose on the use of the IPO Book Viewer will protect against possible misuse of the provided information. Notably, the information will be provided only prior to the completion of the IPO Cross and may not be retained thereafter, except to the extent necessary for record-retention purposes. The information will be disseminated in a display format only and may not be redirected or reconfigured for non-display usage (such as usage by a trading algorithm). Moreover, electronic access to the information will be available only to certain designated individuals with a role in conducting stabilizing activities, and persons with access may not engage in transactions other than stabilizing or transactions in the IPO Cross or on behalf of a customer. Although the Commission has not expressed any concerns about the availability of aggregated information to DMMs and floor brokers (including stabilizing agents) with whom they share such information, Nasdaq believes that the safeguards it proposes around the use of such aggregated information by its members will provide added assurance to members and the investing public that the IPO Book Viewer will not be misused.

Finally, Nasdaq notes that although the IPO Book Viewer will be available only to stabilizing agents, this limitation is consistent with the protection of investors because the stabilizing agent plays a unique role on the day of an IPO because it must decide when the IPO security should commence trading and must commit capital in support of the IPO security once trading begins. Because the IPO Book Viewer will assist the stabilizing agent in performing these functions, which are performed by no other broker, Nasdaq believes that it is reasonable to limit access to the IPO Book Viewer to the stabilizing agent. Moreover, because the IPO Book Viewer will cease to be available once regular trading in the IPO security commences and the information provided therein will quickly become stale, Nasdaq does not believe that access to the information will provide the stabilizing agent with any unfair advantage.

Nasdaq believes that the proposal to add certain defined terms to Rule 7015 is consistent with the Act because the definitions are intended to promote a clear understanding of the rule text by delineating the products addressed by the rule and the scope of activities to which they pertain. Nasdaq further believes that the proposal to make the IPO Book Viewer available to eligible recipients at no additional charge is reasonable because it will not result in any increase in the costs incurred by a stabilizing agent to receive the additional information. Nasdaq further believes that the proposal is consistent with an equitable allocation of fees and not unfairly discriminatory because additional information is being provided to a limited group of potential users in order to assist in the promotion of fair and orderly markets during an IPO. Accordingly, the absence of an additional fee is designed to encourage eligible members to accept the information in order to ensure that the goals of the proposal are advanced to the greatest extent possible.

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. In fact, Nasdaq believes that the proposal will help to redress an anti-competitive disparity that exists at present due to the availability of order book information to stabilizing agents conducting IPOs on NYSE through the DMM. Given that the proposal will result in a stabilizing agent on Nasdaq receiving less information than is available on NYSE, and that the usage of the information will be subject to greater restrictions, Nasdaq does not believe that there can be any reasonable objection to the proposal on competitive grounds.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2015–082 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–2015–082. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–082, and should be submitted on or before August 20, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2015–18635 Filed 7–29–15; 8:45 am]

BILLING CODE 8011–01–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 September 28, 2015.

ADDRESSES: Send all comments to Timothy C. Treanor, Chair, SBA Outreach Task Force, Small Business Administration, 409 3rd Street, Room 7221, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Mr. Treanor, 202–619–1029, *timothy.treanor@sba.gov,* or Curtis B. Rich, SBA PRA Officer, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: This form is a three-page questionnaire, principally in checklist form, designed to give SBA feedback from those who attend events which SBA cosponsors with other organizations. The form does not ask respondents to identify themselves except by NAICS Code. The form asks whether the event provided practical information which allowed them to manage their businesses more effectively and efficiently and gave them a good working knowledge of the subject. It asks whether the program was sufficient. It asks whether each speaker was well-organized, interesting, presented information at the appropriate level, and communicated well. It asks for suggestions for improvement, and for ideas for new topics.

The form asks some demographic information so that SBA can better understand the community which these events serve. Where the event relates to government contracting, it asks whether the respondent has taken advantage of various government contracting programs which SBA offers.

SBA may also use this form to help evaluate programs which it conducts by itself.

Responding to the questionnaire is entirely voluntary.

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: Outreach Event Survey.

Description of Respondents: Those who attend events which SBA cosponsors with other organizations.

Form Number: 20.

Total Estimated Annual Responses: 40,000.

Total Estimated Annual Hour Burden: 20 minutes.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2015–18705 Filed 7–29–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 9208]

Meeting on United States-Singapore Free Trade Agreement Environment Chapter Implementation and Biennial Review Under the United States-Singapore Memorandum of Intent on Environmental Cooperation

ACTION: Notice of meeting on United States-Singapore Free Trade Agreement Environment Chapter implementation and the Biennial Review under the United States-Singapore Memorandum of Intent on Environmental Cooperation, and request for comments.

SUMMARY: The U.S. Department of State and the Office of the United States Trade Representative (USTR) are providing notice that the United States and Singapore intend to hold a meeting on implementation of the United States-Singapore Free Trade Agreement (FTA) Environment Chapter and the Biennial Review under the Memorandum of Intent on Environmental Cooperation (MOI) on August 3, 2015. The purpose of the meeting is to review implementation of Chapter 18 (Environment) of the United States-Singapore FTA and the results of environmental cooperation under the MOI guided by the 2013–2014 Plan of Action (POA), which was extended to the end of 2015. The United States and Singapore also expect to approve a new 2016–2017 POA.

The meeting's public session will be held on August 3, 2015, at 5:00 p.m. at the U.S. Department of State, 2201 C Street NW., Washington, DC 20520, Room 1408. The Department of State and USTR invite interested organizations and members of the public to attend the public session, and to submit in advance written comments or suggestions regarding implementation of Chapter 18 and the POAs, and any issues that should be discussed at the meetings. If you would like to attend the public session, please notify Tiffany Prather and David Oliver at the email addresses listed below under the heading **ADDRESSES**. Please include your full name and any organization or group you represent.

In preparing comments, submitters are encouraged to refer to:

- Chapter 18 of the FTA, *https://ustr.gov/trade-agreements/free-trade-agreements/singapore-fta/final-text*
- the Final Environmental Review of the FTA, *https://ustr.gov/sites/default/files/Singapore%20final%20review.pdf,* and
- the 2013–2014 POA, *www.state.gov/documents/organization/209543.pdf*

These and other useful documents are available at:*https://ustr.gov/trade-agreements/free-trade-agreements/singapore-fta* and at *http://www.state.gov/e/oes/eqt/trade/singapore/index.htm*

DATES: The public session for the meeting on FTA Environment Chapter implementation and the Biennial Review under the MOI will be held on August 3, 2015, at 5:00 p.m., at the U.S. Department of State, 2201 C Street NW., Washington, DC 20520, Room 1408. Written comments and suggestions should be submitted no later than July 31, 2015 to facilitate consideration.

ADDRESSES: Written comments and suggestions should be submitted to both:

(1) Tiffany Prather, Office of Environmental Quality and Transboundary Issues, U.S. Department of State, by electronic mail at *PratherTA@state.gov* with the subject line ''U.S.-Singapore Meeting''; and

[15] 17 CFR 200.30–3(a)(12).

(2) David Oliver, Office of Environment and Natural Resources, Office of the United States Trade Representative, by electronic mail at *David_Oliver@ustr.eop.gov* with the subject line ''U.S.-Singapore Meeting.''

FOR FURTHER INFORMATION, CONTACT: Tiffany Prather, Telephone (202) 647–4548.

SUPPLEMENTARY INFORMATION: The FTA entered into force on January 1, 2004. The MOI entered into force on June 13, 2003. Section 3 of the MOI calls for biennial meetings to review the status of environmental cooperation and update the POA. In 2014, the United States and Singapore agreed to extend the 2013–2014 POA through 2015.

Dated: July 23, 2015.

Deborah Klepp,

Director, Office of Environmental Quality and Transboundary Issues, Department of State.

[FR Doc. 2015–18697 Filed 7–29–15; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0305]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 35 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions were granted May 27, 2015. The exemptions expire on May 27, 2017.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

II. Background

On April 23, 2015, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (80 FR 22773). That notice listed 35 applicants' case histories. The 35 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 35 applications on their merits and made a determination to grant exemptions to each of them.

III. Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 35 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, macular scar, optic atrophy, enucleation, optic nerve hypoplasia, corneal scar, aphakia, complete loss of vision, deformed retina, retinal scar, refractive amblyopia, central macula scar, light perception, retinal detachment, large choroidal scar over macula, and chorioretinal scar. In most cases, their eye conditions were not recently developed. Nineteen of the applicants were either born with their vision impairments or have had them since childhood.

The 16 individuals that sustained their vision conditions as adults have had it for a range of two to 52 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 35 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging from two to 52 years. In the past three years, one driver was involved in a crash, and one was convicted of a moving violation in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the April 23, 2015 notice (80 FR 22773).

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 35 applicants, one driver was involved in a crash, and one was convicted of a moving violation in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 35 applicants listed in the notice of April 23, 2015 (80 FR 22773).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 35 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Discussion of Comments

FMCSA received two comments in this proceeding. The comments are discussed below.

Daniel Acosta stated that CDL holders should be able to remove convictions on their CDL in one year, and that CMVs should have anti-collision sensors, a radar system that allows drivers to see through ''blinding conditions'' (*e.g.* fog). Mr. Acosta also believes that CMV drivers should be required to go through 2 DOT inspections per year, and a different CSA system.

An anonymous driver stated that drivers who can see shapes in colors in a deficient eye and meet the qualifications in the other should be allowed to operate a CMV in interstate commerce, especially if they receive an evaluation from a doctor stating they are capable of driving.

VI. Conclusion

Based upon its evaluation of the 35 exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)):

Donald A. Becker, Jr. (MI)
Ronald G. Bradley (IN)
Rober J. Bruce (AZ)
Mark A. Carter (OK)
William T. Costie (NY)
Donald W. Donaldson (GA)
Glenn E. Dowell (IN)
James L. Duck (NM)
Terrence R. Ervin (CA)
Douglas E. Hetrick (CO)
Arthur R. Hughson (AP)
Marc R. Johnston (OR)
Joseph M. Jones (ID)
Larry C. Kautz (PA)
Theodore J. Kenyon (VT)
Howard H. Key, Jr. (AR)
Bernard Khraich (CA)
Bradley R. King (IA)
David C. Leoffler (CO)
Melvin D. Moffett (KY)
Armando F. Pedroso (MN)
Quang M. Pham (TX)
William A. Ramirez Vazquez (CA)
Donald W. Randall (UT)
Glen E. Robbins (WY)
Enrique F. Rodriguez Gonzalez (NC)
Ronald P. Schoborg (AR)
Raymond Sherrill (PA)
Roger D. Simpson (AR)
Mehrzad Tavanaie (CA)
Steven M. Tewhill (AR)
Brett E. Thomas (TX)
Keith E. Thompson (MO)
Jeffrey W. Tucker (IN)
Thomas W. Workman (IL)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: July 20, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–18674 Filed 7–29–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2015–0059]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

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

ACTION: Notice of final disposition.

SUMMARY: FMCSA confirms its decision to exempt 51 individuals from its rule prohibiting persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals to operate CMVs in interstate commerce.

DATES: The exemptions were effective on June 11, 2015. The exemptions expire on June 11, 2017.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Room W64–224, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov*.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

II. Background

On May 11, 2015, FMCSA published a notice of receipt of Federal diabetes exemption applications from 51 individuals and requested comments from the public (80 FR 26979). The public comment period closed on June 10, 2015, and two comments were received.

FMCSA has evaluated the eligibility of the 51 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

Diabetes Mellitus and Driving Experience of the Applicants

The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The diabetes rule provides that ''A person is physically qualified to drive a commercial motor vehicle if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control'' (49 CFR 391.41(b)(3)).

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

These 51 applicants have had ITDM over a range of one to 33 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the past 5 years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes-related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

The qualifications and medical condition of each applicant were stated

and discussed in detail in the May 11, 2015, **Federal Register** notice and they will not be repeated in this notice.

III. Discussion of Comments

FMCSA received two comments in this proceeding. The comments are addressed below.

Doreen Dupont stated that, as a licensed physician, she does not believe any insulin-dependent drivers should be granted exemptions to operate CMVs in interstate commerce.

Alvin Williams stated he wants to renew his Class A driver's license but would like to know if a restricted Class A license is available so he does not have to downgrade.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes requirement in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered medical reports about the applicants' ITDM and vision, and reviewed the treating endocrinologists' medical opinion related to the ability of the driver to safely operate a CMV while using insulin.

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption will be provided to the applicants in the exemption document and they include the following: (1) That each individual submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) that each individual reports within 2 business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (4) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Conclusion

Based upon its evaluation of the 51 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above 49 CFR 391.64(b)):

Galen W. Abitz (IA)
Kenneth V. Bartlett (PA)
Derek A. Becker (IL)
Robert J. Boardwick (NJ)
Delano W. Brede (IA)
Stanley L. Buckley (WI)
Matthew J. Burris (MN)
Robert E. Clark, Jr. (VA)
Stephen M. Cooper (WI)
George L. Crockett (OH)
Thomas J. Cummings (IA)
Gary E. Davidge (MD)
Delawrence D. Dillard (IL)
Stephen L. Drake (TX)
Kevin P. Fulcher (MA)
Cecil E. Glenn (CA)
David E. Goddard, Jr. (WV)
Wesley H. Green (OK)
David H. Heins (IL)
Thomas P. Henry (VA)
Leslie W. Holmes (DE)
Korry W. Hullinger (UT)
James V. Kuhns, Jr. (PA)
Craig C. Leckie (OR)
Robert T. Lee (WI)
Tyler S. Lewis (AK)
Zackery L. Lowe (VA)
Eugene T. Mapp (SC)
Edward W. Masser (PA)
Robert S. Medberry (OH)
Brian L. Merlo (CA)
Brian K. Miesner (MO)
James D. Miller (MN)
Isse A. Moalin (AZ)
Patrick S. Murray (OK)
Douglas W. Olson (TX)
Lisa R. Olson (MT)
John C. Osterhout (ID)
Kevin J. Riedl (WI)
Richard E. Roberts (NC)
Ian L. Robinson (VA)
Stephen D. Sandine (AR)
Michael J. Simko (PA)
Steven L. Sobczak (WI)
Richard J. Tallen (IN)
Brett E. Thein (GA)
Ryan R. Turnbull (NY)
Jonathan C. Walston (IA)
Graciano Wharton-Ramirez (NJ)
Rick G. White (WA)
Randall L. Williamson (IL)

In accordance with 49 U.S.C. 31136(e) and 31315 each exemption is valid for two years unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315. If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: July 20, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–18675 Filed 7–29–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0032]

Commercial Driver's License Standards: Application for Renewal of Exemption; Daimler Trucks North America (Daimler)

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

ACTION: Notice of final disposition; granting of application for renewal of exemption.

SUMMARY: FMCSA announces its decision to grant Daimler Trucks North America's (Daimler) application for renewal of an exemption from the requirement for a commercial driver's license (CDL) for one of its commercial motor vehicle (CMV) drivers, Sven Ennerst. Mr. Ennerst has operated safely under this one-year exemption since July 22, 2014. The renewal allows Mr. Ennerst, a Daimler engineering executive who holds a German commercial driver's license, to continue to test-drive Daimler CMVs on U.S. roads to improve Daimler's understanding of product requirements in ''real world'' environments. FMCSA has concluded that this exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved if Mr. Ennerst were required to obtain a U.S. CDL.

DATES: This exemption is renewed effective July 22, 2015 and will expire July 22, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Schultz, FMCSA Driver and Carrier Operations Division; Office of

Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325. Email: *MCPSD@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the CDL requirements of 49 CFR 383.23 for a maximum 2-year period if it finds that ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The procedures and standards for exemptions are prescribed in part 381 of the Federal Motor Carrier Safety Regulations (FMCSRs) (49 CFR part 350 *et seq.*). The Agency must provide an opportunity for public comment on the request. The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for granting or denying the exemption renewal, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must specify the effective period of the exemption (up to 2 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Daimler manufactures CMVs in the U.S. for sale in this country. From time to time, it applies to FMCSA for CDL exemptions allowing individual Daimler employees to operate CMVs on U.S. roads. The employees are engineering executives who design and test advanced CMV safety and emissions technology. They reside in Germany but come to the U.S. three or four times a year to test drive prototype Daimler CMVs in the ''real world'' environment of U.S. roads. Under 49 CFR 383.23, operators of CMVs are required to hold a CDL issued by a State. Daimler employees are residents of Germany and cannot obtain a CDL in the U.S. because they are not residents of a State. They are duly licensed to operate CMVs in Germany, have years of experience driving CMVs in Europe, and maintain exemplary records of driving safety. Daimler has explained in prior exemption applications that the German knowledge and skills tests and training program that these drivers have undergone are comparable to the CDL licensing programs of the States. Daimler asserts that its CMV drivers operating under the exemption in the U.S. will achieve a level of safety that is equivalent to, or greater than, the level of safety would be obtained by complying with the U.S. requirement for a CDL. Previous exemptions require a U.S. CDL-holder to accompany the Daimler employee operating a CMV. Daimler's prior applications and this Agency's analysis of them are in the docket of this matter referenced above. Most recently, on March 20, 2015, the Agency granted a similar exemption to Daimler driver Martin Zeilinger (80 FR 16511).

On July 22, 2014, FMCSA granted Daimler and its driver Sven Ennerst a one-year exemption from § 383.23 (79 FR 42626). The exemption will expire July 22, 2015. Mr. Ennerst is a Daimler engineering executive and holds a valid German commercial driver's license. Daimler's original application outlines Mr. Ennerst's CMV driving qualifications and experience, and is in the docket.

Daimler Application for Renewal

By letter dated February 18, 2015, Daimler applied for renewal of this exemption for Sven Ennerst for the two-year period beginning July 22, 2015. A copy of the request for renewal is in the docket. Daimler states that Mr. Ennerst typically drives CMVs no more than 200 miles per day over a two-day period, and that only 10 percent of his driving is on two-lane State highways. The rest of his driving is on interstate highways.

Method To Ensure an Equivalent or Greater Level of Safety

As in each of Daimler's exemption requests, FMCSA carefully considered the merits of this application and the driver's demonstrated knowledge and skill in CMV operations. The Agency has received no information indicating that the terms and conditions of Mr. Ennerst's 2014 exemption have not been satisfied fully. FMCSA has previously determined that the process for obtaining a German commercial license is comparable to, or as effective as, the requirements of part 383, and adequately assesses the driver's ability to operate CMVs in the U.S.

Public Comment

On April 16, 2015, FMCSA published notice of this application and provided a period of 60 days for public comment (80 FR 20561). No comments were received.

FMCSA Decision

Based upon the merits of this application, including Mr. Ennerst's extensive CMV driving experience, safety record, and successful completion of the training and testing requisite to a German CDL, FMCSA has concluded that exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption. Consequently, the Agency renews the exemption from the CDL requirement of § 383.23 previously granted to Daimler and Mr. Ennerst. Mr. Ennerst may drive CMVs in this country without a U.S. State-issued CDL for two additional years unless this exemption is revoked earlier by the FMCSA.

Terms and Conditions

The exemption remains subject to the same terms and conditions originally imposed by FMCSA: (1) Daimler and the driver must comply with all other applicable provisions of the FMCSRs, (2) the driver must be in possession of this exemption document and a valid German CDL, (3) the driver must be employed by and operate the CMV within the scope of his duties for Daimler, (4) Daimler must notify FMCSA within 5 business days in writing of any accident, as defined in 49 CFR 390.5, involving this driver, and (5) Daimler must notify FMCSA in writing if this driver is convicted of a disqualifying offense under § 383.51 or § 391.15 of the FMCSRs. The exemption will be revoked if: (1) Mr. Ennerst fails to comply with the terms and conditions of the exemption; (2) the exemption results in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would be inconsistent with the goals and objectives of 49 U.S.C. 31315 and 31136. The exemption expires on July 22, 2017.

Issued on: July 20, 2015.

T.F. Scott Darling, III,

Chief Counsel.

[FR Doc. 2015–18676 Filed 7–29–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2011–0126]

Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for

review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on January 2, 2015 [80 FR 99].

DATES: Comments must be submitted on or before August 31, 2015.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Kil-Jae Hong, NHTSA, 1200 New Jersey Avenue SE., W52–232, NPO–520, Washington, DC 20590. Ms. Hong's telephone number is (202) 493–0524 and email address is *kil-jae.hong@dot.gov.*

SUPPLEMENTARY INFORMATION: In compliance with the Paperwork Reduction Act of 1995, NHTSA conducted a qualitative phase of Consumer Research which included Focus Groups. Based upon the qualitative phase research results, NHTSA developed the communications materials its Fuel Economy Consumer Education Program. This notice announces that the ICR for a quantitative study of the communications materials, abstracted below, has been forwarded to OMB requesting review and comment. The ICR describes the nature of the information collection and its expected burden. This is a request for new collection.

Title: 49 CFR 575—Consumer Information Regulations (sections 103 and 105) Quantitative Research.

OMB Number: Not Assigned.

Type of Request: New collection.

Abstract: The Energy Independence and Security Act of 2007 (EISA), enacted in December 2007, included a requirement that the National Highway Traffic Safety Administration (NHTSA) develop a consumer information and education campaign to improve consumer understanding of automobile performance with regard to fuel economy, Greenhouse Gases (GHG) emissions and other pollutant emissions; of automobile use of alternative fuels; and of thermal management technologies used on automobiles to save fuel. A critical step in developing the consumer information program was to conduct proper market research to understand consumers' knowledge surrounding these issues, evaluate potential consumer-facing messages in terms of clarity and understand the communications channels in which these messages should be present. The research allowed NHTSA to refine messaging to enhance comprehension and usefulness and help guide the development of an effective communications plan. The consumer market research informed NHTSA that digital assets would be the best format and distribution through web and mobile channels would be the best media. The assets being tested during this quantitative study are a result from the qualitative focus groups, and include an animated infographic, video, and fact sheets.

Affected Public: Passenger vehicle consumers.

Estimated Total Annual Burden: 666.67 hours.

Number of Respondents: 2,000.

The estimated annual burden hour for the online survey is 666.67 hours. Based on the Bureau of Labor and Statistics' median hourly wage (all occupations) in the May 2013 National Occupational Employment and Wage Estimates, NHTSA estimates that it would cost an average of $16.87 per hour if all respondents were interviewed on the job. Therefore, the agency estimates that the cost associated with the burden hours is $11,247 ($16.87 per hour x 666.67 interviewing hours).

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. Comment to OMB is most effective if OMB receives it within 30 days of publication.

Colleen Coggins,

Acting Senior Associate Administrator, Policy and Operations.

[FR Doc. 2015–18648 Filed 7–29–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Denial of Motor Vehicle Defect Petition

AGENCY: National Highway Traffic Safety Administration, (NHTSA), DOT.

ACTION: Denial of a petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition, DP14–004, submitted by the Center for Auto Safety (the petitioner) to the Administrator of NHTSA by a letter dated August 21, 2014, under 49 CFR part 552. The petition requests the agency to initiate a safety defect investigation into alleged failures of Totally Integrated Power Modules (TIPMs) installed in sport utility vehicles, trucks, and vans built by Chrysler FCA (Chrysler) beginning in the 2007 model year. The petitioner alleges that TIPM defects may result in the following safety defect conditions: Engine stall, airbag non-deployment, failure of fuel pump shutoff resulting in unintended acceleration, and fire.

After conducting a technical review of: (1) Consumer complaints and other material submitted by the petitioner; (2) information provided by Chrysler in response to information requests regarding TIPM design, TIPM implementation and the complaints submitted by the petitioner; and (3) Chrysler safety recalls 14V–530 and 15V–115 addressing a fuel pump relay defect condition that may result in engine stall while driving in certain vehicles equipped with TIPM body control modules; and the likelihood that additional investigations would result in a finding that a defect related to motor vehicle safety exists, NHTSA has concluded that further investigation of the issues raised by the petition is not warranted. The agency, accordingly, has denied the petition.

FOR FURTHER INFORMATION CONTACT: Mr. Kareem Habib, Vehicle Control Division, Office of Defects Investigation, NHTSA, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone 202–366–8703. Email *Kareem.Habib@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

Interested persons may petition NHTSA requesting that the agency initiate an investigation to determine whether a motor vehicle or item of replacement equipment does not comply with an applicable motor vehicle safety standard or contains a defect that relates to motor vehicle safety. 49 CFR 552.1. Upon receipt of a properly filed petition, the agency conducts a technical review of the petition, material submitted with the petition, and any additional information. § 552.6. After considering the technical review and taking into account appropriate factors, which may include, among others, allocation of agency resources, agency priorities, and

the likelihood of success in litigation that might arise from a determination of a noncompliance or a defect related to motor vehicle safety, the agency will grant or deny the petition. § 552.8.

II. Defect Petition Background Information

By a letter dated August 21, 2014, the Center for Auto Safety (CAS) submitted a petition to NHTSA under 49 U.S.C. 30162 requesting ''*a safety defect investigation into failures associated with the Totally Integrated Power Module (TIPM) installed in Chrysler SUV's, trucks, and vans beginning in the 2007 model year.''* On August 27, 2014, CAS sent NHTSA a supplemental letter identifying 24 fatal crashes from Chrysler Early Warning Reporting (EWR) submissions that CAS alleged may be related to TIPM failures (Supplement I). On September 8, 2014, CAS sent another supplemental letter to NHTSA with 35 additional complaints allegedly related to TIPM failures (Supplement II). On September 25, 2014, NHTSA's Office of Defects Investigation (ODI) opened DP14–004 to evaluate the petition for a grant or deny decision. In a September 29, 2014 letter to CAS, ODI acknowledged receipt of the petition and requested additional information from CAS in support of its allegations that TIPM malfunctions may result in airbag non-deployment or unintended acceleration caused by the fuel pump failing to shutoff. After opening DP14–004, ODI received four additional CAS complaint supplements on September 30, 2014 (Supplement III), November 13, 2014 (Supplement IV), January 14, 2015 (Supplement V), and April 1, 2015 (Supplement VI).

The CAS petition provided the following broad allegation of defect conditions in TIPM modules:

> Chrysler TIPM failures result in a variety of safety-related issues in multiple vehicle components, many of which have the potential for destructive results. Not only do Chrysler's faulty TIPMs result in vehicle stalling, they have also been implicated in airbag non-deployment, random horn, headlight, taillight, door lock, instrument panel and windshield wiper activity, power windows going up and down on their own, failure of fuel pump shutoff resulting in unintended acceleration, and fires. In the interim, these owners remain at the mercy of a defect which many have likened to the vehicle being possessed and uncontrollable. A look at consumer complaints filed with CAS suggests a better name for the TIPM—Totally Inept Power Module.

Additionally, CAS referenced a recent filing of a class action lawsuit in the United States District Court, Central District of California, Velasco et al vs. Chrysler LLC, Case No. CV13–08080–DDP–VBKx affecting fifteen different Chrysler models and cited recalls 07V–291 and 13V–282. According to CAS, ''*neither of these recalls was sufficient to address the TIPM problem throughout Chrysler's fleet, instead focusing on a highly limited set of vehicles and circumstances. Given the number and range of complaints related to Chrysler TIPMs, it is time for NHTSA to formally investigate TIPM failures across the board in 2007 and later models''.*

III. Summary of the Petition

The petitioner requests that NHTSA formally investigate TIPM failures across the board in 2007 and later models and cites the following allegations:

1. Vehicle Stall

CAS stated in the defect petition letter and complaint Supplements III and IV that:

> TIPM failure contributes to a range of problems in vehicle electric components, the safety issue which continues to present itself in complaints is stalling, often in traffic where the dangers are obvious. The most often cited TIPM failure is a loss of vehicle power that can create a dangerous stall condition at any speed. Additionally, a survey of complaints related to Chrysler TIPMs suggests that a stall/no-start condition is most reported outcome of TIPM failure, leaving drivers without power in traffic and stranded for unknown periods of time before the vehicle regains the capacity to be started.

2. Airbag Non-Deployment

According to CAS defect petition letter and complaint Supplement IV, *''Not only do Chrysler's faulty TIPMs result in vehicle stalling, they have also been implicated in airbag non-deployment. As NHTSA knows from the GM ignition switch mass defect, it is virtually impossible to be sure that an airbag will deploy until there is a crash. Complaints directly citing airbag system warnings can be found in the complaints received by CAS''.*

3. Unintended Acceleration

CAS uses the term ''unintended acceleration'' in complaint letter Supplement IV dated November 13, 2014, *''to indicate reports where the vehicle continued to move or accelerate when the operator did not want this to happen. TIPM issues related to acceleration appear to arise from lack of fuel pump shut-off as well as problems with gear shift, throttle, and cruise control. Consumer problems related to acceleration, gear and/or throttle control may be found in CAS complaints.''*

4. Fire and Other Symptoms

According to CAS defect petition letter and complaint Supplement IV, *''Chrysler's faulty TIPMs have also been implicated in fires. Additionally, there are numerous complaints alleging bizarre and unexplained headlight and taillight failure, windshield wiper activity, instrument panel failure, and door lock problems.''*

5. EWR Fatalities

CAS included as Attachment A to Supplement I what it believes to be EWR information for all fatal crashes involving TIPM failure. CAS claims that *''[s]ince the TIPM functions as the central gateway for all vehicle electronics, there are multiple EWR component codes that could point to the defect. There are 24 such crashes involving 28 deaths that the agency must consider in reviewing our petition, at least twelve of which have been the subject of DI requests. There are also a large number of injury crashes reported to EWR that involve these components.''*

6. Class Action Lawsuit

The petition references a class action lawsuit as evidence of the breadth and scope of ''the actual TIPM problem.'' [1] The class action cited by the petition was originally filed on November 1, 2013. The plaintiffs in the original complaint, which were not limited to TIPM equipped vehicles, included 2 MY 2011 Jeep Grand Cherokee owners, a MY 2011 Dodge Grand Caravan owner and a MY 2008 Chrysler 300 owner.[2] The lawsuit provided the following description of the alleged defect and affected vehicles:

> *Plaintiffs and the Class members they propose to represent purchased or leased 2008 model year Chrysler 300 and 2011–2012 model year Jeep Grand Cherokees, Dodge Durangos, and Dodge Grand Caravans equipped with defective Totally Integrated Power Modules, also known as TIPMs. The TIPM controls and distributes power to all of the electrical functions of the vehicle, including the vehicle safety and ignition systems. Vehicles equipped with defective TIPMs progress through a succession of symptoms that begin with an inability to reliably start the vehicle and lead to, among other things, the vehicle not starting, the fuel pump not turning off and the engine stalling while driving.*

A second amended complaint for the class action was filed on May 5, 2014,

[1] The petition references Velasco et al vs Chrysler LLC, Case No. 13-cv-08080–DDP–VBK, in the United States District Court for the Central District of California as ''incorporated herein by reference, covering fifteen different Chrysler models over a number of model years.''

[2] The MY 2008 Chrysler 300 is not equipped with a TIPM body control module.

listing seven plaintiffs and redefining the scope of vehicles as all Chrysler vehicles equipped with TIPM–7 modules. The plaintiffs in the amended complaint consist of 6 MY 2011 Jeep Grand Cherokee owners and 1 MY 2011 Dodge Durango owner. The plaintiffs all alleged experiencing ''no-start'' concerns, with one also alleging a fuel pump run-on condition and another reporting a single incident of engine stall while driving. The amended complaint continued to focus on problems with starting, engine stall while driving and fuel pumps that do not turn off, while adding ''headlights and taillights shutting off'' and ''random and uncontrollable activity of the horn, windshield wipers, and alarm system'' to the claimed TIPM deficiencies. The class action does not include airbag non-deployment, unintended acceleration or fire among the alleged consequences of the claimed TIPM defect.

7. Petition Issues

ODI identified several issues with the scope and supporting evidence for defect allegations in the petition submitted by CAS. The petition was unnecessarily broad in scope and included several alleged defects that had no factual basis. After failing to identify any clear basis for several of the petition allegations, ODI included a request for supporting information for claims regarding airbag non-deployment and unintended acceleration in its September 29, 2014 petition acknowledgement letter. The CAS response, provided in a November 13, 2014 letter, did not provide any technical basis for claims of airbag non-deployment and appeared to equate any illumination of the airbag warning lamp with TIPM failure, even when the complaint clearly cited other causes for the airbag system fault (*e.g,* ''faulty wiring in passenger front seat causing airbag failure warning to illuminate'' [3] and ''open circuit in drivers [sic] seat airbag'' [4]). Several other complaints cited by CAS do not allege any airbag failures but, in apparent reference to CAS petition claims, state that TIPM failure ''can cause the airbags to not deploy.''

With regard to the basis for its claims that TIPM failures can result in unintended acceleration, CAS repeated its allegation that such failures are associated with fuel pump shut-off failures,[5] even while acknowledging that none of the reports that it provided actually involved instances where fuel pumps failing to shut off resulted in unintended acceleration.[6] ODI notes that claims that unintended acceleration is caused by, or related to, a ''lack of fuel pump shut-off'' are not supported by any known incidents. Moreover, any allegation that a running fuel pump can, absent extremely idiosyncratic failures of many other systems, cause a vehicle to accelerate on its own demonstrates a fundamental misunderstanding of basic automotive engineering.

IV. ODI Analysis

A. Scope Analysis

The CAS petition requests investigation of alleged failures of TIPM modules in Chrysler light vehicles, with no reference to the automotive industry body control technology implementations or architecture functionality distinctions: *''The CAS hereby petitions the National Highway Traffic Safety Administration (NHTSA) to initiate a safety defect investigation into failures associated with the Totally Integrated Power Module (TIPM) installed in Chrysler SUV's, trucks, and vans beginning in the 2007 model year''.* Interpreted broadly, the CAS petition potentially affects approximately 10 million [7] vehicles equipped with TIPM–6 or TIPM–7 modules. The petition scope does not appear to recognize the functional distinctions between TIPM–6 and TIPM–7. The petition also does not distinguish between the significant electronics technology differences between the relay based TIPM–7 and an all solid-state Field Effect Transistors (FET) TIPM–6.

TIPM–7 vehicle function outputs (such as fuel pump control, wiper/ washer control. . .etc.) are a mix of electro-mechanical relays and solid state FET devices equipped with digital Serial Peripheral Interface (SPI) communication ports while TIPM–6 vehicle function outputs are strictly solid state SPI-based FET devices with no electro-mechanical relays. Relays are electro-mechanical devices with specific inherent break down mechanisms including, but not limited to, the degradation of the mechanically coupled moving contact spring arm and contact resistance; [8] both are design elements that do not exist in silicon only devices associated with TIPM–6. Similarly, TIPM–7 implementations include a fuse for overcurrent protection while the TIPM–6 system design uses an integrated silicon overcurrent protection feature specific to solid state devices.

ODI is interpreting the petition as a request for investigation of only vehicles equipped with the TIPM–7 (subject vehicles) for the following reasons: (1) The petition refers to TIPM installed in Chrysler vehicles ''beginning in the 2007 model year'' and TIPM–7 was introduced in the 2007 model year; (2) the affected models listed in the petition and in the class action lawsuit referenced by the petition are all TIPM–7 vehicles; [9] (3) approximately 93 percent [10] of the complaints submitted by CAS involve vehicles equipped with TIPM–7; (4) only 3 percent of CAS complaints are related to vehicles equipped with TIPM–6 and ODI's review of these complaints did not identify any safety defect trends; [11] and (5) the significant technical differences between the TIPM–6 and TIPM–7 modules as described above.

The TIPM–7 population includes approximately 4.7 million Chrysler sport utility vehicles, trucks, and vans across 11 vehicle platforms beginning in model year 2007 (Table 1). ODI conducted a detailed review of complaint narratives submitted by CAS and consumers including careful analysis of vehicle repair histories, warranty claims obtained from the manufacturer and any available Customer Assistance Inquiry reports (CAIR). In total, there were 296 complaints submitted by the petitioner in the original petition and five supplements, including 271 complaints related to the subject vehicles equipped with TIPM–7. ODI's complaint analysis focused on vehicles equipped with TIPM–7.

[3] Identified by CAS as complaint number 62.

[4] Identified by CAS as complaint number 146.

[5] The CAS November 13, 2014 letter states that, ''TIPM issues related to acceleration appear to arise from lack of fuel pump shut-off as well as problems with gear shift, throttle, and cruise control.''

[6] The CAS November 13, 2014 letter states that, ''There are quite a few consumer complaints in both CAS and NHTSA databases citing lack of fuel pump shutoff that result in stalling and/or nonstart condition but do not produce uncontrolled acceleration.'' This statement, which also misstates the effects of fuel pump shutoff failure, acknowledges the absence of any related complaints of unintended acceleration.

[7] Chrysler SUV's, trucks, and vans equipped with TIMP–7 and TIPM–6 beginning MY 2007.

[8] Fuel pump relays were tested in simulated vehicle environments incorporating variable factors such as relay type; relay manufacture, simulated fuel pump current and inductance levels of representative TIPM–7 vehicles.

[9] The CAS petition references a recent filing of a class action lawsuit in US District Court, Velasco *et al.* vs. Chrysler LLC affecting fifteen different Chrysler models in which CAS cited the same fifteen vehicle models in the defect petition dated August 21, 2014. The Court order referenced by CAS specifically cited TIPM–7 in Case No. CV 13–08080 DDP, Dkt. No. 42, ''*Plaintiffs allege that the TIPM with which the Class Vehicles are equipped, referred to as TIPM 7.*''

[10] Percentage based on CAS complaints through Supplement V.

[11] The remaining CAS complaints are associated with vehicles equipped with Front Control Module and Body Control Modules.

TABLE 1—TIPM–7 POPULATION

Models (platforms)	Model years	Population
Chrysler Town and Country/Dodge Grand Caravan (RT)	2008–14	1,632,250
Jeep Wrangler (JK)	2007–14	962,098
Ram 1500/2500/3500/4500and5500 (DS/DJ/DD/DP)	2009–12	929,036
Jeep Grand Cherokee/Dodge Durango (WK/WD)	2011–13	526,939
Jeep Liberty (KK)	2008–12	331,717
Dodge Nitro (KA)	2007–11	198,581
Dodge Journey (JC)	2009–10	156,537
Total TIPM–7	2007–14	4,737,158

B. TIPM Function

TIPM–7 is a controller area network (CAN) based body controller integrated with an electrical power distribution center; and is designed to support centralized and distributed vehicle control functions. The TIPM–7 electrical architecture features three levels of functional interactions with other vehicle systems: (1) Power only interaction- circuits that only pass through the integrated fuse box (*e.g.* occupant restraint controller); (2) power and data transfer interaction for circuits that pass through the power distribution center with no TIPM control function (*e.g.* powertrain controller and transmission controller); and (3) power and control interaction for circuits that pass through the power distribution center and are directly controlled by the TIPM. The latter include power and control logic for exterior lighting, windshield wiper/washer, door lock, and horn. A distinguishing feature of the TIPM–7 from other Chrysler body controllers is the integration of the fuel pump relay.

C. Fuel Pump Relay Defect

In a September 3, 2014 letter to NHTSA, Chrysler submitted a Defect Information Report (DIR) identifying a defect in the fuel pump relay (FPR) within the TIPM–7 which can result in a no start or stall condition in approximately 188,723 model year (MY) 2011 Jeep Grand Cherokee (WK) and Dodge Durango (WD) vehicles manufactured from January 5, 2010 through July 20, 2011 (14V–530). In a February 24, 2015 letter, Chrysler submitted a second DIR expanding the scope of the FPR defect condition to include an additional 338,216 MY 2012 through 2013 Jeep Grand Cherokee vehicles manufactured from September 17, 2010 through August 19, 2013 and MY 2012 through 2013 Dodge Durango vehicles manufactured from January 18, 2011 through August 19, 2013 (15V–115). Chrysler identified the root cause as deformation of the relay contact spring due to the heat caused by contact power, ambient temperature around the fuel pump relay, and battery voltage. These factors, present in combination and in high amounts, led to premature fuel pump relay failures, which usually resulted in a no-start concern. When the fuel pump relay fails while driving, the fuel pump will cease to function and the engine will shut off or ''stall.'' In the case of a stall, the vehicle maintains power and functionality for certain features, such as hazard indicators, seat belt pre-tensioners and airbags. Chrysler's recall remedy involved installing a new, more robust fuel pump relay, external to the TIPM.

Detailed analysis of relay material composition, lab reports and fuel pump system design reviews performed by Chrysler and Continental that ODI reviewed in examining the petition identified the root cause of the premature relay failure to be contact erosion and the deformation of the contact spring due to under-hood temperatures around the fuel pump relay, current draws, and fuel pump inductance levels specific to Delphi fuel pumps installed on MY 2011–2013 Jeep Grand Cherokee and Dodge Durango vehicles. Vehicle fuel pump system measurements indicated that WK/WD vehicles have the highest current draw and inductance while RT minivans have the lowest current draw coupled with lower fuel pump inductance. Relay durability test data provided by Chrysler indicated that other TIPM–7 vehicle platform relays substantially outlasted relays tested in a simulated WK/WD environment. NHTSA believes that because the current draw is lower for other vehicles equipped with the TIPM–7 than for the WK/WD vehicles, the risk of fuel pump relay deformation for these other vehicles is lower than for the WK/WD vehicles.

On October 20, 2014, ODI sent an Information Request (IR) letter to Chrysler requesting production, complaint, and warranty claim data related to the complaints provided by CAS and ODI complaints involving stall while driving allegations potentially related to TIPM faults. The IR letter also requested information related to the fuel pump relay root cause analysis and technical data regarding TIPM design and construction. Analysis of the field data submitted indicated that the WK/WD vehicles exhibited significantly higher complaint rates related to FPR failures than other subject vehicles (Table 2). The data show that the primary failure mode of the fuel pump relay is a no-start condition, with no-starts and starts followed immediately by stall accounting for approximately 68% of the complaints for both the recalled WK/WD vehicles and the non-recalled subject vehicles.

TABLE 2—FUEL PUMP RELAY COMPLAINT ANALYSIS, BY TOTAL FAILURE RATE [1] [2]

[All rates are in complaints per 100,000 vehicles]

TIPM–7 vehicles		Fuel pump relay failure mode									
Fuel pump relay recalls	Platforms	Stall while driving		Start with immediate stall		No-start		Pump run-on		Total	
		No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate
Recalled	WK/WD	37	7.0	4	0.8	82	15.6	3	0.6	126	23.9
Non-recalled	JC	2	1.3	0	0.0	3	1.9	0	0.0	5	3.2

TABLE 2—FUEL PUMP RELAY COMPLAINT ANALYSIS, BY TOTAL FAILURE RATE [12]—Continued

[All rates are in complaints per 100,000 vehicles]

TIPM–7 vehicles		Fuel pump relay failure mode									
Fuel pump relay recalls	Platforms	Stall while driving		Start with immediate stall		No-start		Pump run-on		Total	
		No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate
	KA	1	0.5	0	0.0	2	1.0	0	0.0	3	1.5
	RT	1	0.1	1	0.1	4	0.2	1	0.1	7	0.4
	JK	1	0.1	0	0.0	3	0.3	0	0.0	4	0.4
	Ram	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
	KK	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
	Total	5	0.1	1	0.0	12	0.3	1	0.0	19	0.5
Grand Total TIPM–7		42	0.9	5	0.1	94	2.0	4	0.1	145	3.1

ODI's analysis of all confirmed FPR failures identified a total of 145 complaints, including 42 resulting in at least one incident of stall while driving. The recalled WK/WD vehicles, which comprise only 11 percent of the subject vehicle population, account for 126 of the total FPR related complaints (87 percent) and 37 of those involving stall while driving (88 percent). This analysis combined with overall warranty claim data analysis and vehicle test data related to FPR root cause analysis indicate that, based on currently available information, the scope of recalls 14V–530 and 15V–115 adequately address the FPR defect condition.

D. Other Stall While Driving Defects

In addition to the analysis of complaints related to confirmed FPR failures to assess the scope of Chrysler recalls 14V–530 and 15V–115, ODI also examined all stall while driving complaints allegedly related to TIPM failures in the subject vehicles to assess whether any other engine stall related defect conditions may exist in the subject vehicles that are not already addressed by a safety recall. ODI's analysis did not identify any specific TIPM faults resulting in incidents of stall while driving that are not already addressed by safety recalls [13] and analysis of complaints did not identify any additional defect trends associated with potentially TIPM-related stall while driving that warrant additional investigation.

ODI's analysis identified a total of 131 complaints alleging TIPM related stall while driving incidents. Fifty-five (55) of the complaints were found to be unrelated to TIPM failures, including 10 associated with a defect condition addressed by alternator replacement recall 14V–634.[14] A total of 76 complaints were identified that were either confirmed to be related to a TIPM fault condition (49) or where either the FPR or other, unspecified, TIPM fault condition may have been the cause (27).[15] Table 3 shows the failure rates for potentially TIPM related stall while driving incidents for the recalled WK/WD vehicles and for each of the non-recalled platforms. These data do not indicate a stall while driving defect trend outside of the recall population.

TABLE 3—STALL WHILE DRIVING ANALYSIS, ALL CAUSES [17]

TIPM–7 vehicles		Not related to TIPM			Potentially TIPM related			
Fuel pump relay recalls	Platforms	Alternator recall 14V–634	Other non-TIPM [16]	Total	Fuel pump relay	Possible TIPM	Total	Total rate (C/100k)
Recalled	WK/WD	10	17	27	40	14	54	10.2
Non-recalled	KA	0	5	5	1	3	4	2.0
	JC	0	1	1	2	1	3	1.9
	RT	0	9	9	4	6	10	0.6
	Ram	0	5	5	1	2	3	0.3
	JK	0	6	6	1	1	2	0.2
	KK	0	2	2	0	0	0	0.0
	Total	0	28	28	9	13	22	0.5
Grand Total TIPM–7		10	45	55	49	27	76	1.6

[12] Complaint data in Table 2 is limited to CAS complaints and ODI VOQ's potentially related to stall while driving that were identified prior to ODI's information request letter to Chrysler for DP14–004.

[13] In addition to FPR recalls 14V–530 and 15V–115, Chrysler previously initiated recall 07V–291 to address a defect condition in approximately 81,000 MY 2007 JK and KA vehicles associated with the PCM momentarily shutting the engine down due to a prolonged (75ms) TIPM microprocessor reset triggered by a vehicle-wide CAN bus error event.

[14] For recall 14V–634, vehicles equipped with the 3.6L engine and 160 Amp Alternator may experience a rapid alternator failure having limited or no detection, which can result in vehicle shutdown/shut off and/or fire.

[15] Unknown/possible TIPM's include several for which the condition could not be duplicated by the servicing dealer.

vehicles and other TIPM–7 platforms differ significantly when age and exposure are considered. The subject vehicles range from less than 1 year to up to 9 years of service exposure, while the recalled WK/WD vehicles range in age from 2 to 5 years of service. Most of the WK/WD complaints involved the MY 2011 vehicles recalled under 14V–530, which account for 98 (78%) of the total WK/WD FPR complaints shown in Table 2 and 48 (89%) of the potentially TIPM related WK/WD stall complaints shown in Table 3. Table 4 shows complaint data related to FPR failures resulting in stall while driving for the subject vehicles for just MY 2011 vehicles. The recalled MY 2011 WK/WD vehicles account for 25 percent of production, 88 percent of confirmed FPR stall while driving incidents and 81 percent of all potentially TIPM related stall while driving incidents in MY 2011 subject vehicles.

TABLE 4—STALL WHILE DRIVING ANALYSIS, POTENTIALLY TIPM RELATED, MY 2011 ONLY

MY 2011 TIPM–7 vehicles			Potentially TIPM related			
Fuel pump relay recalls	Platforms	Population	Verified TIPM (FPR)	Possible TIPM	Total	Total rate (C/100k)
Recalled	WK/WD	188,723	36	12	48	25.4
Non-recalled	JC	0	0	0	0	0.0
	KA	35,609	0	0	0	0.0
	RT	137,740	4	4	8	5.8
	JK	103,881	0	0	0	0.0
	Ram	242,676	1	2	3	1.2
	KK	56,939	0	0	0	0.0
Total		576,845	5	6	11	1.9
Grand Total MY 2011		765,568	41	18	59	7.7

E. Airbag Non-Deployment

The CAS petition alleges that TIPM failures are responsible for airbag non-deployments. ODI examined this contention and finds it has no merit. First, ODI's analysis of the airbag system architecture in the subject vehicles indicates that airbag control is performed by the Occupant Restraint Control (ORC) module in the Chrysler vehicles and the TIPM–7 functions only to provide power to the ORC and does not contain any logic for airbag deployment control or crash event discrimination. Second, the TIPM supplies power to the ORC through two independent fused power feeds providing an extra level of redundancy and safety to the airbag system in the subject vehicles.[18] Third, ODI did not identify any mechanisms for TIPM failure or power disruptions in a crash event. Fourth, any interruption in power resulting from such a failure would not interfere with the ORC deployment decision or prevent it from operating on reserve power.[19] Lastly, the complaint data offered by the petitioner, analysis of ODI complaint data, and analysis of EWR death and injury claims cited by the petitioner that were related to airbag deployment also failed to support a finding that TIPM failures have caused any incidents of airbag non-deployment (see Section F. EWR Fatalities). ODI's review of CAS and ODI complaints related to airbags and TIPM did not identify any incidents where a TIPM failure was followed by a crash event or any non-deployment incidents in which the airbags would have been expected to deploy or were associated with evidence of TIPM malfunction.

The Run-Start and Run-Only relays are integral to the TIPM and provide power to multiple circuits including the ORC. The Run-Start relay is powered during engine crank and both the Run-Start and Run-Only relays are powered when the ignition is in RUN mode. Examination of the airbag system architecture for the subject vehicles shows that power flows in the Run-Only and Run-Start condition through the TIPM–7 to the ORC through two independent and redundant fused power feeds. The ORC dual feed safety strategy is designed so that each power feed alone is capable of providing the necessary power to deploy all required restraints. According to Chrysler's IR response, the loss of power from one ORC power feed will result in an Airbag Warning Lamp (ABWL), but will not affect deployment capability. The ORC is still able to evaluate sensor inputs, determine if a deployment is required, and deploy airbags as needed. In the event of a loss of a single power feed, whether the IGN_RS or the IGN_RO feed, the ORC will set a specific fault code and turn on the ABWL.

If for any reason the ORC loses both power feeds while the vehicle remains powered, the instrument cluster will set a fault and activate the ABWL. None of the CAS or ODI complaints reviewed by ODI contained evidence that either a single or dual power loss to the ORC occurred. Simultaneous power loss on both ORC feeds could result from a complete TIPM failure. However, in the event of a complete TIPM failure, the vehicle will lose power to multiple other systems with instrument cluster lights indicating faults in systems powered through the TIPM. None of the repair history records provided by Chrysler included any evidence of faults indicating a loss of power to the ORC or other vehicle systems resulting from a failure of the power feed from the TIPM. Complaints reporting active ABWL were either related to internal ORC malfunctions or other SRS (Supplemental Restraint System) component failures such as seat harness or clock spring shorting conditions.

The petitioner identified complaints citing airbag system warnings as evidence of TIPM failures resulting in possible airbag non-deployments. These

[16] Faults reported in repair histories included WIN control module faults, PCM faults, engine misfire and other engine compartment components and harness issues.

[17] Table 3 includes all CAS (through Supplement VI) and ODI complaints related to allegations of SWD.

[18] The use of independent power feeds is a level of functional safety that makes the power delivery for the ORC module in the subject vehicles fairly robust in comparison to the airbag ECU's in many peer designs reviewed by ODI.

[19] There is a minimum of 150ms of back-up power internal to the ORC that is available as reserve power in the event of power interruption during a crash event.

complaints, once analyzed, were found to be either related to specific airbag system component malfunctions (such as seat harness, clock spring failures . . . etc.), or occurred in vehicles subject to previous TIPM–7 recalls, ORC recalls (13V–282),[20] or inadvertent ignition key (WIN/FOBIK) displacement recalls (11V–139 and 14V–373). None of the incidents reported by the petitioner, ODI complaints or EWR claims cited by the petitioner can be traced to a TIPM fault that resulted in a loss of power to the ORC.

F. Unintended Acceleration

ODI finds no basis for CAS claims that TIPM failures have resulted in incidents of unintended acceleration, either based on a technical review of the vehicle powertrain control function area or analysis of complaints. The Powertrain Control Module (PCM) performs all engine and transmission management control functions in the Chrysler vehicles and the TIPM functions only to provide power to the PCM and does not contain any torque management control logic. ODI reviewed each complaint submitted by CAS and consumers and did not identify any evidence of TIPM, or any other vehicle component, failures resulting in unintended acceleration.

The petitioner's allegations of UA resulting from the fuel pump failing to shut-off after ''key-off'' vehicle shutdown are premised on an incorrect belief that continued fuel pump operation and presence of fuel line pressure would somehow translate into un-commanded acceleration. The fuel pump only makes fuel available to the engine; actual use of that fuel is controlled by the PCM through the fuel injectors, not the pump. Moreover, once fuel is fed to the engine cylinders by the fuel injectors, it must have both a stoichiometric air mass from the throttle and be ignited by a spark, which are also controlled by the PCM. When the ignition has been turned ''Off'', power is removed from the PCM, the electronic throttle is disabled and the ignition system no longer provides a spark. If a TIPM failure resulted in the fuel pump continuing to run after the key is turned off, the most likely harmful result would be a dead battery.

Analyses of the UA incidents alleged to have occurred by the petitioner do not support a finding of any TIPM failure or any other vehicle malfunction. For example, CAS cited an incident involving a MY 2013 Dodge Challenger. According to CAS Supplement IV, *''You will find attached to this letter an accident report from a May 2014 crash involving unintended acceleration in Vancouver, WA. The vehicle involved, a 2013 Dodge Challenger, is not a model included in the CAS petition, but does contain a TIPM that is the alleged source of the acceleration event''.* The referenced attachment provided a 42-page police report and photographs. According to the police report, the Challenger passed directly in front of a patrol car within approximately 20–30 feet. The report specifically indicates that the operator's head position appeared to be downward with chin resting against the chest. The crash occurred when the operator did not make any attempts to slow or steer the vehicle to negotiate a roundabout. The PAR report made no reference to unintended acceleration or any attempts by the driver to slow down the vehicle or avoid property damage. Finally, ODI notes that the 2013 Challenger is not equipped with a TIPM.

G. Fire and Other Symptoms

ODI finds no basis for CAS claims that TIPM failures have resulted in vehicle fires or any other failure modes representing potential safety hazards. Vehicle inspection reports of the alleged fires in the petition letter and supplemental submissions lack any evidence of a safety related defect or a trend of such defects in the subject vehicles. Allegations reporting fire or smoke are either related to external aftermarket vehicle body builder up-fitter integration [21] or thermal damage in the alternator diode with no damage beyond the alternator assembly, recall 14V–634.

Additionally, ODI carefully analyzed the petitioner data related to headlight and taillight failure, windshield wiper activity, instrument panel failure, and door lock problems. Vehicle functions related to TIPM–7 EX–2 relays typically fail in an active state [22] with no loss of system functionality. ODI's analysis of complaints provided by CAS and received by the agency did not identify any patterns or trends related to loss of headlights or taillights while driving or to driver distraction from unexpected activation of windshield wipers/washers, horn or car alarm while driving due to TIPM malfunction.[23] No safety related defect or a trend of such defects in the subject vehicles is observed.

H. EWR Fatalities

ODI's analysis of 24 EWR death claims identified by CAS in Supplement I as potentially related to TIPM failures,[24] did not identify any evidence that TIPM faults caused or contributed to any of the incidents. None of the reports cited by the petitioner alleged loss of control or airbag non-deployment due to loss of power from the TIPM module. The petitioner posits that there was a loss of power to the ORC and other vehicle systems in the referenced crash and non-deployment events that led to the death and injury.

Sixteen (16) of the reports cited by CAS are related to TIPM–7 equipped vehicles and included 6 death and injury incidents in which a frontal airbag, side airbag, or pre-tensioner successfully deployed, demonstrating the integrity of power delivery from the TIPM was not compromised before or during the collision event. Of the remaining reports, two reports did not involve any claims relating to loss of control or airbag non-deployment, or any other vehicle defect.[25] The remaining claims were related to an unpowered rollaway due to documented incorrect gear selection, an alleged sudden acceleration with no evidence of any throttle control or brake system faults, a brake failure claim, 3 airbag non-deployments with crash dynamics that did not warrant deployment, and 2 non-deployment where the non-deployment may have involved inadvertent ignition key (WIN/FOBIK) displacement.[26]

V. Conclusion

ODI's analysis of the CAS allegations of TIPM defects resulting in stall while driving, airbag non-deployment, unintended acceleration, fire and other faults identified a single defect condition related to 1 of over 60 different circuits in the TIPM assembly. The most common effect of this defect

[20] For recall 13V–282, Occupant Restraint Control (ORC) module resistor may fail from electrical overstress (EOS), resulting in airbag light and loss of head restraint function.

[21] Inspection and assessment confirmed that the cause of this incident was improper installation of aftermarket equipment. There are two aftermarket wire bundles extending from the B+ cable, which are secured using a non OEM aftermarket nut. There was significant aftermarket wiring throughout the vehicle that was not installed, or connected in accordance with the Chrysler provided Ram Body Builders Guide.

[22] Active state typically involves a powered relay.

[23] Repair records indicated malfunctions outside of TIPM, *e.g.* wiper stalk.

[24] According to CAS Supplement I: ''Since the TIPM functions as the central gateway for all vehicle electronics, there are multiple EWR component codes that could point to the defect. These codes include airbags, electrical system, engine and engine cooling, exterior lighting, fire related, powertrain, service brake, speed control, and unknown''.

[25] The ''claims'' were simply requests for assistance with downloading EDR data for the crash event.

[26] Both vehicles were 2008 Chrysler Town and Country minivans that were in the scope of WIN/FOB recall 14V–373.

condition, related to the fuel pump relay, was a no-start concern, but it could also result in stall while driving. This fuel pump relay defect was limited to approximately 11 percent of the 4.7 million subject vehicles equipped with TIPM–7 and has been addressed by safety recalls 14V–530 and 15V–115. No valid evidence was presented in support of claims related to airbag non-deployment, unintended acceleration or fire resulting from TIPM faults and these claims were found to be wholly without merit based on review of the field data and design of the relevant systems and components.

Except insofar as the petitioner's contentions relate to the defect condition addressed by the Chrysler recalls, the factual bases of the petitioner's contentions that any further investigation is necessary are unsupported. In our view, additional investigation is unlikely to result in a finding that a defect related to motor vehicle safety exists or a NHTSA order for the notification and remedy of a safety-related defect as alleged by the petitioner at the conclusion of the requested investigation. Therefore, the petition is denied. This action does not constitute a finding by NHTSA that a safety-related defect does not exist. The agency will take further action if warranted by future circumstances.

Authority: 49 U.S.C. 30162(d); delegations of authority at CFR 1.95.

Frank S. Borris II,

Acting Associate Administrator for Enforcement, National Highway Traffic Safety Administration, U.S. Department of Transportation.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2015–0071]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before September 28, 2015.

ADDRESSES: You may submit comments [identified by DOT Docket No. NHTSA–2015–0071] by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1–800–647–5527.
- *Fax:* 202–493–2251.

Instructions: All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

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 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be obtained at no charge from Timothy M. Pickrell, NHTSA,1200 New Jersey Avenue SE., W55–320, NVS–421, Washington, DC 20590. Mr. Pickrell's telephone number is (202) 366–2903. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) how to enhance the quality, utility, and clarity of the information to be collected;

(iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

Title: The National Survey on the Use of Booster Seats.

OMB Control Number: 2127–0644.

Affected Public: Motorists in passenger vehicles at gas stations, fast food restaurants, and other types of sites frequented by children during the time in which the survey is conducted.

Form Number: NHTSA Form 1010.

Abstract

The National Survey of the Use of Booster Seats is being conducted to respond to the Section 14(i) of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act of 2000. The act directs the Department of Transportation to reduce the deaths and injuries among children in the 4 to 8 year old age group that are caused by failure to use a booster seat by 25%. Conducting the National Survey of the Use of Booster Seats provides the Department with invaluable information on who is and is not using booster seats, helping the Department better direct its outreach programs to ensure that children are

protected to the greatest degree possible when they ride in motor vehicles. The OMB approval for this survey is scheduled to expire on 1/31/16. NHTSA seeks an extension to this approval in order to obtain this important survey data, save more children and help to comply with the TREAD Act requirement.

Estimated Annual Burden: 320 hours.

Estimated Number of Respondents

Approximately 4,800 adult motorists in passenger vehicles at gas stations, fast food restaurants, and other types of sites frequented by children during the time in which the survey is conducted.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Terry Shelton,

Associate Administrator, National Center for Statistics and Analysis, National Highway Traffic Safety Administration, U. S. Department of Transportation.

[FR Doc. 2015–18647 Filed 7–29–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. DOT–NHTSA–2015–0072]

Federal Interagency Committee on Emergency Medical Services Meeting

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Meeting notice—Federal Interagency Committee on Emergency Medical Services.

SUMMARY: NHTSA announces a meeting of the Federal Interagency Committee on Emergency Medical Services (FICEMS) to be held in the Washington, DC area. This notice announces the date, time, and location of the meeting, which will be open to the public. Pre-registration is encouraged.

DATES: The meeting will be held on August 12, 2015, from 10:00 a.m. EDT to 1:00 p.m. EDT.

ADDRESSES: The meeting will be held at the Thomas ''Tip'' O'Neill Building, 200 C Street SW. (Corner of 3rd Street and C SW.—huge glass building on the corner), Washington, DC, 20201. Lower Level/Willow Conference Room.

FOR FURTHER INFORMATION CONTACT: Drew Dawson, Director, Office of Emergency Medical Services, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., NTI–140, Washington, DC 20590, Telephone number (202) 366–9966; Email *Drew.Dawson@dot.gov.*

Registration Information: This meeting will be open to the general public; however, pre-registration is highly encouraged to comply with security procedures. Members of the public wishing to attend should register online at *http://events.SignUp4.com/FICEMS* Mtg August 2015 no later than August 10, 2015. Please note that the information collected for registration, including full name, place of business, telephone # and email address, will be used solely for the purposes of providing registrants with access to the meeting site and to provide meeting materials to registrants via email when they become available.

A picture I.D. must be provided to enter the Thomas O'Neill Building. For Non-Govt. Badge persons, they will need to be signed in and leave their Drivers' License at Security and Pick up when they leave. It is suggested that visitors arrive 30 minutes early in order to facilitate entry. Attendees who are not United States citizens must produce a valid passport to enter the building. Please be aware that visitors to the Thomas O'Neill Building are subject to search and must pass through a magnetometer. Weapons of any kind are strictly forbidden in the building unless authorized through the performance of the official duties of your employment (*i.e.* law enforcement officer). Federal staff will be in the lobby beginning at 9:30 a.m. EDT on the day of the meeting to escort members of the public to the meeting room.

SUPPLEMENTARY INFORMATION: Section 10202 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (SAFETEA–LU), Pub. L. 109–59, provides that the FICEMS consist of several officials from Federal agencies as well as a State emergency medical services director appointed by the Secretary of Transportation.

Tentative Agenda: This meeting of the FICEMS will focus on addressing the requirements of SAFETEA–LU and the opportunities for collaboration among the key Federal agencies involved in emergency medical services. The tentative agenda includes:

- Report from the National EMS Advisory Council (NEMSAC)
- Presentation on ''Bystanders: The Nation's Immediate Responders''
- Discussion of EMS Active Shooter Response
- Update on Opioid Overdoses and the Use of Narcan by EMS Systems
- Reports on Progress Related to Four Priority Areas of the Strategic Plan
  - o EMS Preparedness
  - o EMS Data Standardization & Exchange
  - o Evidence-Based Guidelines Development and Implementation
  - o Military Veteran Credentialing, including Considering of a Position Statement on the Topic
- Reports, updates, and recommendations from FICEMS members
- A public comment period

There will not be a call-in number provided for this FICEMS meeting; however, minutes of the meeting will be available to the public online at *www.EMS.gov.* A final agenda and other meeting materials will be posted at *www.EMS.gov/FICEMS.htm* prior to the meeting.

Jeffrey P. Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2015–18670 Filed 7–29–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 551 (Sub-No. 2X)]

Knox and Kane Railroad Company—Abandonment Exemption—McKean County, PA

Knox and Kane Railroad Company (Knox & Kane) has filed a verified notice of exemption under 49 CFR part 1152 subpart F–*Exempt Abandonments and Discontinuances of Service* to abandon a stub-ended line of railroad between Mt. Jewett, Pa. (milepost 165.2) and the Kinzua Bridge (milepost 169.1), a distance of 3.9 miles in McKean County, Pa. (the Line). The Line traverses United States Postal Service Zip Code 16740.[1]

Knox & Kane has certified that: (1) No local traffic has moved over the Line for at least two years; (2) there is no

[1] By decision served on April 14, 2015, the Board directed Knox & Kane to submit supplemental information and postponed the effectiveness of the exemption until further order of the Board. Knox & Kane submitted its supplemental information on June 1, 2015. In a decision served today in this docket, the Board removes this case from abeyance and deems the notice of abandonment exemption to have been filed on July 9, 2015.

overhead traffic on the Line; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

Where the carrier is abandoning its entire line, the Board generally does not impose labor protective conditions under 49 U.S.C. 10502(g), unless the evidence indicates the existence of: (1) A corporate affiliate that will continue substantially similar rail operations; or (2) a corporate parent that will realize substantial financial benefits over and above relief from the burden of deficit operations by its subsidiary railroad. *See, e.g., W. Ky. Ry.—Aban. Exemption—in Webster, Union, Caldwell & Crittenden Cntys., Ky.,* AB 449 (Sub-No. 3X), slip op. at 2 (STB served Jan. 20, 2011). Because Knox & Kane does not appear to have a corporate affiliate or parent that will continue similar operations or that will realize substantial financial benefits over and above relief from the burden of deficit operations by Knox & Kane, employee protective conditions will not be imposed.

Provided no formal expression of intent to file an OFA has been received, the exemption will be effective on August 31, 2015, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by August 7, 2015. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 28, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to Knox & Kane's representative: Richard R. Wilson, 518 N. Center Street, Suite 1, Ebensburg, PA 15931.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Knox & Kane has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. The Board's Office of Environmental Analysis (OEA) issued an environmental assessment (EA) in this proceeding, which was served on March 23, 2015. Environmental, historic preservation, public use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), Knox & Kane shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by Knox & Kane's filing of a notice of consummation by July 24, 2016, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.*''

Decided: July 24, 2015.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2015–18640 Filed 7–29–15; 8:45 am]

BILLING CODE 4915–01–P

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25). Although Knox & Kane suggests that it might be appropriate for the Board to exempt this transaction from the OFA provisions, it expressly states that it has not sought such an exemption. Knox & Kane Notice 4 n.2.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

AGENCY: Department of the Treasury.

ACTION: Notice.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before August 31, 2015 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by emailing *PRA@treasury.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Alcohol and Tobacco Tax and Trade Bureau (TTB)

OMB Number: 1513–0013.

Type of Review: Revision of a currently approved collection.

Title: Change of Bond (Consent of Surety).

Form: TTB F 5000.18.

Abstract: To ensure that the Federal excise tax revenue imposed on alcohol and tobacco products under the provisions of chapter 51 and chapter 52 of the IRC is not jeopardized, TTB is authorized by the IRC at 26 U.S.C. 5114, 5173, 5272, 5354, 5401, and 5711 to require persons qualified to operate or deal in these industries to post a bond to ensure payment of Federal excise taxes by the bonding company should the proprietor default. Should the circumstances of a proprietor's operation change from the original bond agreement, TTB regulations require the filing of form TTB F 5000.18, Change of Bond (Consent of Surety), in lieu of obtaining a new bond. This form is executed by both the proprietor and the bonding company, and it acts as an extension of the original bond, identifying new activities or conditions previously not identified on the bond. TTB F 5000.18 is executed in the same manner as a bond and has the same authority as a binding legal agreement to protect the revenue.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 2,000.

OMB Number: 1513–0020.

Type of Review: Revision of a currently approved collection.

Title: Application for and Certification/Exemption of Label/Bottle Approval.

Form: TTB F 5100.31.

Abstract: To provide consumers with adequate information as to the identity of alcohol beverage products and to prevent consumer deception and unfair

advertising practices, the Federal Alcohol Administration Act at 27 U.S.C. 205(e) requires that alcohol beverages sold or introduced into interstate or foreign commerce be labeled in conformity with regulations issued by the Secretary of the Treasury. Further, the producer, bottler, or importer of alcohol beverages must receive approval of the label for such products from TTB prior to their introduction into commerce. TTB F 5100.31 is a dual-use form; industry members use it to request and to obtain the required label approval. The form serves as both an application for and, if approved by TTB, a certificate of label approval (or exemption from a certificate of label approval).

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 73,596.

OMB Number: 1513–0052.

Type of Review: Extension without change of a currently approved collection.

Title: Alcohol Fuel Plants (AFP) Records, Reports, and Notices (REC 5110/10).

Form: TTB F 5110.75.

Abstract: To safeguard Federal alcohol excise tax revenue, 26 U.S.C. 5181 and 5207 require that a proprietor of an alcohol fuel plant (AFP) make such application, maintain such records, and render such reports as the Secretary of the Treasury shall prescribe. The TTB regulations in 27 CFR, part 19, subpart X, implement those statutory requirements. The information collected under these regulations is necessary to identify and determine that persons are qualified to produce alcohol for fuel purposes, to account for distilled spirits produced and verify its proper disposition, to keep registrations current, and to evaluate permissible variations from prescribed procedures.

Affected Public: Private Sector: Businesses or other for-profits; farms.

Estimated Annual Burden Hours: 2,784.

OMB Number: 1513–0107.

Type of Review: Revision of a currently approved collection.

Title: Monthly Report—Importer of Tobacco Products or Processed Tobacco.

Form: TTB F 5220.6.

Abstract: Reports on the importation and disposition of tobacco products and processed tobacco are used, along with other information, to determine whether those persons issued the permits required by 26 U.S.C. 5713 are complying with TTB regulations. Those engaged in importing tobacco products and processed tobacco are required to account for the importation and disposition of such products on a monthly basis so TTB may determine if tobacco products or processed tobacco are being diverted for illegal purposes and to ensure that holders of basic permits are engaging in the operations stated on their basic permit.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 3,696.

OMB Number: 1513–0118.

Type of Review: Revision of a currently approved collection.

Title: Formulas for Fermented Beverage Products, TTB REC 5052/1.

Abstract: Section 5052 of the Internal Revenue Code of 1986 (IRC; 26 U.S.C. 5052) defines the term ''beer'' to include, among other things, certain traditional products such as beer, ale, porter, and stout. The TTB regulations require brewers to file formulas for certain non-traditional fermented products, including products to which flavors, colorings, or other nonbeverage ingredients are added (see 27 CFR 25.55). As needed, brewers file a formula as written notice, and the TTB regulations provide that a brewer operating multiple breweries may file a single formula to cover the production of a specified fermented product at all of their breweries.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 1,326.

Dated: July 27, 2015.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2015–18644 Filed 7–29–15; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

AGENCY: Department of the Treasury.

ACTION: Notice.

The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before August 31, 2015 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by email at *PRA@treasury.gov* or the entire information collection request may be found at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

OMB Number: 1545–0430.

Type of Review: Extension without change of a previously approved collection.

Title: Request for Prompt Assessment Under Internal Revenue Code Section 6501(d).

Form: 4810.

Abstract: Form 4810 is used to request a prompt assessment under IRC Section 6501(d). IRS uses this form to locate the return to expedite processing of the taxpayer's request.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 24,800.

OMB Number: 1545–1018.

Type of Review: Extension without change of a previously approved collection.

Title: FI–27–89 (Temporary and Final) Real Estate Mortgage Investment Conduits; Reporting Requirements and Other Administrative Matters; FI–61–91 (Final) Allocation of Allocable Investment.

Abstract: The regulations prescribe the manner in which an entity elects to be taxed as a real estate mortgage investment conduit (REMIC) and the filing requirements for REMICs and certain brokers.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 978.

OMB Number: 1545–1231.

Type of Review: Extension without change of a previously approved collection.

Title: TD 9436—Tax Return Preparer Penalties Under Sections 6694 and 6695.

Abstract: This information is necessary to make the record of the name, taxpayer identification number, and principal place of work of each tax

return preparer, make each return or claim for refund prepared available for inspection by the Commissioner of Internal Revenue, and to document that the tax return preparer advised the taxpayer of the penalty standards applicable to the taxpayer in order for the tax return preparer to avoid penalties under section 6694. These regulations implements amendments to the tax return preparer penalties under sections 6694 and 6695 of the Internal Revenue Code and related provisions under sections 6060, 6107, 6109, 6696, and 7701(a)(36) reflecting amendments to the Code made by section 8246 of the Small Business and Work Opportunity Tax Act of 2007 and section 506 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 10,679,320.

OMB Number: 1545–1290.

Type of Review: Extension without change of a previously approved collection.

Title: TD 8513—Bad Debt Reserves of Banks.

Abstract: Section 585(c) of the Internal Revenue Code requires large banks to change from the reserve method of accounting to the specific charge off method of accounting for bad debts. The information required by section 1.585–8 of the regulations identifies any election made or revoked by the taxpayer in accordance with section 585(c).

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 625.

OMB Number: 1545–1725.

Type of Review: Extension without change of a previously approved collection.

Title: REG–146097–09 (Final) Guidance on Reporting Interest Paid to Nonresident Aliens.

Abstract: This document contains final regulations that provide guidance on the reporting requirements for interest on deposits maintained at the U.S. office of certain financial institutions and paid to nonresident alien individuals. These regulations affect persons making payments of interest with respect to such a deposit.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 500.

OMB Number: 1545–1959.

Type of Review: Revision of a previously approved collection.

Title: Contributions of Motor Vehicles, Boats, and Airplanes.

Form: 1098–C.

Abstract: Section 884 of the American Jobs Creation Act of 1004 (Pub. L. 108–357) added paragraph 12 to section 170(f) for contributions of used motor vehicles, boats, and airplanes. Section 170(f)(12) requires that a donee organization provide an acknowledgement to the donor of this type of property and is required to file the same information to the Internal Revenue Service. Form 1098–C may be used as the acknowledgement and it, or an acceptable substitute, must be filed with the IRS.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Annual Burden Hours: 46,810.

OMB Number: 1545–1992.

Type of Review: Revision of a previously approved collection.

Title: TD 9324 (Final)—Designated Roth Contributions Under Section 402A (REG–146459–05).

Abstract: The final regulations set forth the rules for taxation of distributions from Designated Roth Accounts which are a part of a 401(k) plan or 403(b) plan.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 828,000.

OMB Number: 1545–2120.

Type of Review: Extension without change of a previously approved collection.

Title: Revenue Procedures 2008–60, 2012–27: Election Involving the Repeal of the Bonding Requirement under § 42(j)(6).

Abstract: This revenue procedure affects taxpayers who are maintaining a surety bond or a Treasury Direct Account (TDA) to satisfy the low-income housing tax credit recapture exception in § 42(j)(6) of the Internal Revenue Code, as in effect on or before July 30, 2008. This revenue procedure provides the procedures for taxpayers to follow when making the election under section 3004(i)(2)(B)(ii) of the Housing Assistance Tax Act of 2008 (Pub. L. 110–289) to no longer maintain a surety bond or a TDA to avoid recapture.

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 7,810.

OMB Number: 1545–2144.

Type of Review: Extension without change of a previously approved collection.

Title: Validating Your TIN and Reasonable Cause.

Form: 13997.

Abstract: Under the provisions of Internal Revenue Code Section (IRC §) 6039E, Information Concerning Resident Status, individuals are required to provide certain information (see IRC § 6039E(b)) with their application for a U.S. passport or with their application for permanent U.S. residence. This form is an attachment to Letter 4318 to inform the individual about the IRC provisions, the penalty, and to request them to complete this form and return it to the IRS.

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 2,000.

OMB Number: 1545–2221.

Type of Review: Extension without change of a previously approved collection.

Title: Form 1098–MA—Mortgage Assistance Payments.

Form: 13997.

Abstract: Information is needed to identify taxpayers who may not be taking a correct mortgage interest deduction, since mortgage servicers processing mortgage payments may not be able to segregate payments received from government funds versus payments made by individual mortgagees.

Affected Public: State, Local, and Tribal Governments.

Estimated Annual Burden Hours: 170,000.

Dated: July 27, 2015.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2015–18703 Filed 7–29–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

AGENCY: Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before August 31, 2015 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and

Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by emailing *PRA@treasury.gov,* calling (202) 927–5331, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Bureau of the Fiscal Service (FS)

OMB Number: 1530–0019.

Type of Review: Extension without change of a currently approved collection.

Title: Request for Payment of Federal Benefit by Check, EFT Waiver Form.

Form: FS Form 1201W, 1201W (SP), 1201W–DFAS.

Abstract: Title 31 CFR part 208 requires that all Federal non-tax payments be made by electronic funds transfer (EFT). This form is used to collect information from individuals requesting a waiver from the EFT requirement because of a mental impairment and/or who live in a remote geographic location that does not support the use of EFT. These individuals may continue to receive payment by check; however, 31 CFR part 208 requires individuals requesting one of these waiver conditions to submit a written justification.

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 1,083.

OMB Number: 1530–0035.

Type of Review: Extension without change of a currently approved collection.

Title: Request by Fiduciary for Reissue of United States Savings Bonds.

Form: FS Form 1455.

Abstract: One or more fiduciaries (individual or corporate) must use this form to establish entitlement and request distribution of United States Treasury Securities and/or related payments to the person lawfully entitled due to termination of a trust, distribution of an estate, attainment of majority, restoration to competency, or other reason.

Affected Public: Individuals or Households.

Estimated Annual Burden Hours: 8,850.

Dated: July 27, 2015.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2015–18662 Filed 7–29–15; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of amendment to system of records.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e), notice is hereby given that the Department of Veteran Affairs (VA) is amending the system of records currently entitled ''Non-VA Fee Basis Records—VA'' (23VA16) as set forth in the **Federal Register** 74 FR 44905–44911, August 31, 2009. VA is amending the system of records by revising the System Name, System Number, System Location, Category of Records in the System, Authority for Maintenance, Purpose, Retention and Disposal, System Manager and Address, and Record Access Procedure, and Records Source Categories. VA is republishing the system notice in its entirety.

DATES: Comments on the amendment of this system of records must be received no later than August 31, 2015. If no public comment is received, the amended system will become effective August 31, 2015.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov;* by mail or hand-delivery to Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 (this is not a toll-free number) for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Veterans Health Administration (VHA) Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; telephone (704) 245–2492.

SUPPLEMENTARY INFORMATION: VA is renaming the system of records from Non-VA Fee Basis Records-VA to Non-VA Care (Fee) Records-VA. The system number is changed from 23VA16 to 23VA10NB3 to reflect the current organizational alignment.

The System Location in this system of records is being amended to include the VA Financial Services Center (FSC), Austin, Texas; Austin Information Technology Center (AITC), Austin, Texas. This section will remove electronic images of fee claims processed as certified payments retained at the VA Financial Service Center (FSC) & Austin Information Technology Center (AITC), Austin, Texas. The words Non-VA Care and Purchased Care have also been included.

The Category of Records in the System is amended to include Explanation of Benefits. The Authority for Maintenance of the System is being amended to include Title 26 U.S.C 61, U.S.C. 31, 1151,1741–1743, 1781, 1786, 1787, 3102, 5701 (b)(6)(g)(2)(g)(4)(c)(1), 5724, 7332, 8131–8137. 38 Code of Federal Regulations 2.6 and 45 CFR part 160 and 164. Title 44 U.S.C and Title 45 U.S.C. Veterans Access, Choice, and Accountability Act of 2014.

The Purpose in this system of records is being amended to include Third Party Liability. Also, this section will include the VA FSC as one of the agencies conducting audits, reviews, and investigations.

The Retention and Disposal is being amended to include Non-VA Care. The System Manager and Address is amending the official maintaining the System as the Director, National Non-VA Care (Fee) Program Office, VHA Chief Business Office Purchased Care.

The Record Access Procedure section is being amended to include health records. Also including those individuals seeking information regarding access to claims and/or billing records will write to the VHA Chief Business Office Purchased Care, Privacy Act Office, P.O. BOX 469060, Denver, CO. All Requests for records about another person are required to provide a Request for an Authorization to Release Medical Records or Health Information signed by the record subject by using form VA Form 10–5345.

The Record Source Categories is being amended to include the VA FSC as a source of information to the record system.

The Report of Intent to Amend a System on Records Notice and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management

and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (65 FR 77677), December 12, 2000.

Signing Authority: The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Robert L. Nabors II, Chief of Staff, approved this document on [insert date], for publication.

Approved: July 9, 2015.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy and Records Management, Department of Veterans Affairs.

23VA10NB3

SYSTEM NAME:

Non-VA Care (Fee) Records-VA

SYSTEM LOCATION:

Paper and electronic records, including electronic images of Non-VA Care (fee) claims are maintained at the authorizing VA healthcare facility; the VA Financial Services Center (FSC), Austin, Texas; Austin. Information Technology Center (AITC), Austin, Texas; and Federal record centers. Information is also stored in automated storage media records that are maintained at the authorizing VA healthcare facility; VA Chief Business Office Purchased Care (CBOPC), Denver, Colorado; Department of Veterans Affairs Headquarters, Washington, DC; VA Allocation Resource Center (ARC), Braintree, Massachusetts; VA Office of Information Field Offices (OIFOs); and FSC & AITC. Address locations for VA facilities are listed in VA Appendix 1 of the biennial Privacy Act Issuances publication.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Veterans who seek healthcare services under 38 U.S.C. Chapter 17.

2. Beneficiaries of other Federal agencies authorized VA medical services.

3. Pensioned members of allied forces seeking healthcare services under 38 U.S.C.109.

4. Healthcare providers treating individuals who receive care under 38 U.S.C. Chapters 1 and 17.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in this system include application, eligibility, and claim information regarding payment determination for medical services provided to VA beneficiaries by non-VA healthcare institutions and providers. Application and eligibility data may include personal information of the claimant (*e.g.,* name, address, social security number, date of birth, date of death, VA claim number, other health insurance data), description of VA adjudicated compensable or non-compensable medical conditions, and military service data (*e.g.,* dates, branch and character of service, medical information). Claim data in this system may include information needed to properly consider claims for payment such as an Explanation of Benefit (EOB), description of the medical conditions treated and services provided, authorization and treatment dates, amounts claimed for healthcare services, health records including films, and payment information (*e.g.,* invoice number, account number, date of payment, payment amount, check number, payee identifiers). Additional information may include the healthcare provider's name, address, and taxpayer identification number, correspondence concerning individuals and documents pertaining to claims for medical services, reasons for denial of payment, and appellate determinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C 301, Title 26 U.S.C 61. Title 38, U.S.C. sections 31, 109, 111, 501, 1151 1703, 1705, 1710, 1712, 1717, 1720, 1721, 1724, 1725, 1727, 1728, 1741–1743, 1781, 1786, 1787, 3102, 5701 (b)(6)(g)(2)(g)(4)(c)(1), 5724, 7105, 7332, and 8131–8137. 38 Code of Federal Regulations 2.6 and 45 CFR part 160 and 164. Title 44 U.S.C and Title 45 U.S.C. Veterans Access, Choice, and Accountability Act of 2014.

PURPOSE(S):

Records may be used to establish, determine, and monitor eligibility to receive VA benefits and for authorizing and paying Non-VA healthcare services furnished to veterans and beneficiaries. Other uses of this information include reporting healthcare provider earnings to the Internal Revenue Service; Third Party Liability, preparing responses to inquiries; performing statistical analyses for use in managerial activities, resource allocation and planning; processing and adjudicating administrative benefit claims by VBA Regional Office (RO) staff; conducting audits, reviews and investigations by staff of the VA healthcare facility, Veterans Integrated Service Network (VISN) Offices, VA FSC, VA Headquarters, and the VA Office of Inspector General (OIG); in the conduct of law enforcement investigations; and in the performance of quality assurance audits, reviews and investigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the extent that records contained in the system include information protected by 45 CFR parts 160 and 164, *i.e.,* individually identifiable health information, and 38 U.S.C. 7332, *i.e.,* medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus, that information cannot be disclosed under a routine use unless there is also specific statutory authority in 38 U.S.C. 7332 and regulatory authority in 45 CFR parts 160 and 164 permitting disclosure.

1. VA may disclose on its own initiative any information in this system, except the names and home addresses of veterans and their beneficiaries, which is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal or regulatory in nature, and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal, State, local, or Tribal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order. VA may disclose on its own initiative the names and addresses of Veterans and their beneficiaries to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal, or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto.

2. A record from this system of records may be disclosed to a Federal, State, or local government agency, maintaining civil, criminal, or other relevant information, such as current licenses, registration or certification, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the use of an individual as a consultant, attending or to provide Non-VA Care (fee), the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other health, educational or welfare benefits. Any information in this system also may be disclosed to any of the above-listed governmental organizations as part of a series of ongoing computer matches to determine if VA healthcare practitioners and private practitioners used by the VA hold current, unrestricted licenses, or are currently registered in a State, and are board certified in their specialty, if any.

3. VA may disclose information from this system of records to a Federal

agency or the District of Columbia government, in response to its request, in connection with the hiring or retention of an employee and the issuance of a security clearance as required by law, the reporting of an investigation of an employee, the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision.

4. Information from this system of records may be disclosed to the Department of the Treasury to facilitate VA payment to physicians, clinics, and pharmacies for reimbursement of services rendered, to facilitate payments to veterans for reimbursements of authorized expenses, or to collect, by set off or otherwise, debts owed the United States.

5. Disclosure may be made to a congressional office, from the record of an individual, in response to an inquiry from the congressional office made at the request of that individual.

6. Disclosure may be made to National Archives and Records Administration (NARA), and General Services Administration (GSA) in records management inspections conducted under authority of 44 United States Code.

7. Records from this system of records may be disclosed to a Federal agency or to a State or local government licensing board and/or to the Federation of State Medical Boards or a similar nongovernment entity which maintains records concerning individuals' employment histories or concerning the issuance, retention or revocation of licenses, certifications, or registration necessary to practice an occupation, profession or specialty, in order for the agency to obtain information relevant to an agency decision concerning the hiring, retention or termination of an employee or to inform a Federal agency or licensing boards or the appropriate non-government entities about the healthcare practices of a terminated, resigned or retired healthcare employee whose professional healthcare activity so significantly failed to conform to generally accepted standards of professional medical practice as to raise reasonable concern for the health and safety of patients in the private sector or from another Federal agency. These records may also be disclosed as part of an ongoing computer-matching program to accomplish these purposes.

8. Identifying information in this system, including name, address, social security number, and other information as is reasonably necessary to identify such individual, may be disclosed to the National Practitioner Data Bank at the time of hiring and/or clinical privileging of healthcare practitioners, and other times as deemed necessary by VA, in order for VA to obtain information relevant to a Department decision concerning the hiring, privileging, retention or termination of the applicant or employee.

9. Relevant information from this system of records may be disclosed to the National Practitioner Data Bank and/or State Licensing Board in the State(s) in which a practitioner is licensed, in which the VA facility is located, and/or in which an act or omission occurred upon which a medical malpractice claim was based when VA reports information concerning: (a) Any payment for the benefit of a physician, dentist, or other licensed healthcare practitioner which was made as the result of a settlement or judgment of a claim of medical malpractice if an appropriate determination is made in accordance with agency policy that payment was related to substandard care, professional incompetence or professional misconduct on the part of the individual; (b) a final decision which relates to possible incompetence or improper professional conduct that adversely affects the clinical privileges of a physician or dentist for a period longer than 30 days; or (c) the acceptance of the surrender of clinical privileges or any restriction of such privileges by a physician or dentist either while under investigation by the healthcare entity relating to possible incompetence or improper professional conduct, or in return for not conducting such an investigation or proceeding. These records may also be disclosed as part of a computer-matching program to accomplish these purposes.

10. Relevant identifying and medical treatment information (excluding medical treatment information related to drug or alcohol abuse, infection with the human immunodeficiency virus or sickle cell anemia) may be disclosed to a Federal agency or non-VA healthcare provider or institution, including their billing or collection agent, when VA refers a patient for treatment or medical services, or authorizes a patient to obtain non-VA medical services and the information is needed by the Federal agency or non-VA institution or provider to perform the services, or for VA to obtain sufficient information in order to consider or make payment for health care services, to evaluate the services rendered, or to determine the need for additional services.

11. Information maintained in this system concerning non-VA healthcare institutions and providers, including name, address, social security or employer's taxpayer identification numbers, may be disclosed to the Department of the Treasury, Internal Revenue Service, to report calendar year earnings of $600 or more for income tax reporting purposes.

12. The name, date of birth and social security number of a Veteran or beneficiary, and any other identifying and claim information as is reasonably necessary, such as provider identification, description of services furnished, and VA payment amount, may be disclosed to another Federal agency for its use in identifying potential duplicate payments for healthcare services paid by Department of Veteran Affairs and that agency. This information may also be disclosed as part of a computer matching agreement to accomplish this purpose.

13. Relevant information from this system of records may be disclosed to individuals, organizations, or private or public agencies, with whom VA has a contract or agreement to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

14. Any relevant information in this system of records may be disclosed to attorneys, insurance companies, employers, and courts, boards, or commissions; such disclosures may be made only to the extent necessary to aid VA in the preparation, presentation, and prosecution of claims authorized under Federal, State, or local laws, and regulations promulgated thereunder.

15. VA may disclose information from this system of records to the Department of Justice (DoJ), either on VA's initiative or in response to DoJ's request for the information, after either VA or DoJ determines that such information is relevant to DoJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of the records to the DoJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

16. Any information in this system may be disclosed in connection with

any proceeding for the collection of an amount owed to the United States by virtue of a person's participation in any benefit program administered by the Veterans Health Administration when in the judgment of the Secretary, or an official generally delegated such authority under standard agency delegation of authority rules (38 CFR 2.6), such disclosure is deemed necessary and proper, in accordance with 38 U.S.C. 5701(b)(6).

17. The name and address of a veteran or beneficiary, and other information as is reasonably necessary to identify such individual, including personal information obtained from other Federal agencies through computer matching programs, and any information concerning the individual's indebtedness to the United States by virtue of the individual's participation in a benefits program administered by VA, may be disclosed to a consumer reporting agency for the purpose of locating the individual, obtaining a consumer report to determine the ability of the individual to repay an indebtedness, or assisting in the collection of such indebtedness provided that the applicable requirements of 38 U.S.C. 5701(g)(2) and 38 U.S.C. 5701(g)(4) have been met.

18. In response to an inquiry about a named individual from a member of the general public, information from this system may be disclosed to report the amount of VA monetary benefits being received by the individual. This disclosure is consistent with 38 U.S.C. 5701(c)(1).

19. VA may disclose information from this system to a Federal agency for the purpose of conducting research and data analysis to perform a statutory purpose of that Federal agency upon the prior written request of that agency, provided that there is legal authority under all applicable confidentiality statutes and regulations to provide the data and VA has determined prior to the disclosure that the VA data handling requirements are satisfied.

20. Any information in this system of records relevant to a claim of a Veteran or beneficiary, such as the name, address, the basis and nature of a claim, amount of benefit payment information, medical information and military service and active duty separation information may be disclosed to accredited service organizations, VA approved claim agents and attorneys acting under a declaration of representation, so that these individuals can aid claimants in the preparation, presentation and prosecution of claims under the laws administered by VA. The name and address of a claimant will not, however, be disclosed to these individuals under this routine use if the claimant has not requested the assistance of an accredited service organization, claims agent or an attorney.

21. Any information in this system, including medical information, the basis and nature of claim, the amount of benefits, and other personal information may be disclosed to a VA Federal fiduciary or a guardian ad litem in relation to his or her representation of a claimant, but only to the extent necessary to fulfill the duties of the VA Federal fiduciary or the guardian ad litem.

22. The individual's name, address, social security number and the amount (excluding interest) of any indebtedness which is waived under 38 U.S.C. 3102, compromised under 4 CFR part 103, otherwise forgiven, or for which the applicable statute of limitations for enforcing collection has expired, may be disclosed to the Department of the Treasury, Internal Revenue Service, as a report of income under 26 U.S.C. 61(a)(12).

23. The name of a veteran or beneficiary, other information as is reasonably necessary to identify such individual, and any other information concerning the individual's indebtedness by virtue of a person's participation in a benefits program administered by VA, may be disclosed to the Department of the Treasury, Internal Revenue Service, for the collection of Title 38 benefit overpayments, overdue indebtedness, and/or costs of services provided to an individual not entitled to such services, by the withholding of all or a portion of the person's Federal income tax refund.

24. The name, date of birth, and social security number of a Veteran or beneficiary, and other identifying information as is reasonably necessary may be disclosed to Social Security Administration for the purpose of validating social security numbers. This information may also be disclosed as part of a computer matching agreement to accomplish this purpose.

25. The name and address of any healthcare provider in this system of records who has received payment for claimed services in behalf of a Veteran or beneficiary may be disclosed in response to an inquiry from a member of the general public.

26. Relevant information from this system of records may be disclosed to an accrediting Quality Review and Peer Review Organization with which VA has an agreement or contract to conduct such reviews in connection with the review of claims or other review activities associated with VA healthcare facility accreditation to professionally accepted standards, such as The Joint Commission or Utilization Review Accreditation Commission (URAC) or American Accreditation HealthCare Commission.

27. Eligibility and claim information from this system of records may be disclosed verbally or to a healthcare provider seeking reimbursement for claimed medical services to facilitate billing processes, verify eligibility for requested healthcare services, and provide payment information for claimed services. Eligibility or entitlement information disclosed may include the name, social security number, effective dates of eligibility, reasons for any period of ineligibility, and evidence of other health insurance information of the named individual. Claim information disclosed may include payment information such as payment identification number, date of payment, date of service, amount billed, amount paid, name of payee, and reasons for non-payment.

28. Identifying information, including social security number of Veterans, spouse(s) of Veterans, and dependents of Veterans, may be disclosed to other Federal agencies for purposes of conducting computer matches, to obtain information to determine or verify eligibility of Veterans who are receiving VA medical care under relevant sections of Title 38 U.S.C.

29. VA may disclose patient identifying information to Federal agencies and VA and government-wide third-party insurers responsible for payment of the cost of medical care for the identified patients, in order for VA to seek recovery of the medical care costs. These records may also be disclosed as part of a computer matching program to accomplish this purpose.

30. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

31. VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of

this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by the Department to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper documents or stored electronically by magnetic discs, magnetic tape, and optical or digital imaging at the authorizing VA healthcare facility. Reports and information on automated storage media (*e.g.,* microfilm, microfiche, magnetic tape and disks, and digital and laser optical media) is stored at the authorizing VA healthcare facility, VA Headquarters, ARC, OIFOs, FSC, AITC, and Veterans Integrated Service Network (VISN) offices.

Information pertaining to electronic claims submitted to VA for payment consideration may be stored at the authorizing VA healthcare facility, FSC, AITC, and at CBOPC. Records maintained at CBOPC are stored electronically.

RETRIEVABILITY:

Paper and electronic records pertaining to the individual may be retrieved by the name or Social Security number of the record subject. Records pertaining to the healthcare provider are retrieved by the name or Social Security and taxpayer identification number of the non-VA healthcare institution or provider. Records at the ARC are retrieved only by Social Security number.

SAFEGUARDS:

1. VA will maintain the data in compliance with applicable VA security policy directives that specify the standards that will be applied to protect sensitive personal information. Contractors and their subcontractors who access the data are required to maintain the same level of security as VA staff. Working spaces and record storage areas in VA facilities are restricted to VA employees. Generally, file areas are locked after normal duty hours and healthcare facilities are protected from outside access by security personnel. Access to the records is restricted to VA employees who have a need for the information in the performance of their official duties. Employee records or records of public figures or otherwise sensitive records are generally stored in separate locked files.

2. Electronic data security complies with applicable Federal Information Processing Standards (FIPS) issued by the National Institute of Standards and Technology (NIST). Access to computer rooms at healthcare facilities is generally limited by appropriate locking devices and restricted to authorized VA employees and vendor personnel. Peripheral devices are generally placed in secure areas (areas that are locked or have limited access) or are otherwise protected. Access to file information is controlled at two levels: The system recognizes authorized employees by a series of individually unique passwords/codes that must be changed periodically by the employee, and employees are limited by role-based access to only that information in the file which is needed in the performance of their official duties. Information that is downloaded and maintained on personal computers is afforded similar storage and access protections as the data that is maintained in the original files. Remote access to file information by staff of the OIFOs, and access by OIG staff conducting an audit or investigation at the healthcare facility or an OIG office location remote from the healthcare facility is controlled in the same manner.

3. Access to FSC and AITC is generally restricted to each Center's employees, custodial personnel and security personnel. Access to computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons gaining access to computer rooms are escorted. Authorized VA employees at remote locations, including VA healthcare facilities, OIFOs, VA Headquarters, VISN offices, and OIG headquarters and field staff, may access information stored in the computer. Access is controlled by individually unique passwords/codes that must be changed periodically by the employee.

4. Access to records maintained at VA Headquarters, ARC, OIFOs, and VISN offices is restricted to VA employees who have a need for the information in the performance of their official duties. Access to information stored on automated storage media is controlled by individually unique passwords/codes that must be changed periodically by the employee. Authorized VA employees at remote locations including VA healthcare facilities may access information stored in the computer. Access is controlled by individually unique passwords/codes. Records are maintained in manned rooms during nonworking hours. The facilities are protected from outside access during working hours by security personnel.

5. Information downloaded and maintained by the OIG Headquarters and field offices on automated storage media is secured in storage areas or facilities to which only OIG staff members have access. Paper documents are similarly secured. Access to paper documents and information on automated storage media is limited to OIG employees who have a need for the information in the performance of their official duties. Access to information stored on automated storage media is controlled by individually unique passwords/codes.

6. Access to records maintained at CBOPC Office of Information and Technology (OI&T) is restricted to VA employees who have a need for the information in the performance of their official duties. Access to information stored on automated storage media is controlled by individually unique passwords/codes that must be changed periodically by the employee. Authorized VA employees at remote locations including VA healthcare facilities may access and print information stored in the computer. Access is controlled by individually assigned unique passwords/codes. Records are maintained in a secured, pass card protected and alarmed room. The facilities are protected from outside access during non-working hours by security personnel.

RETENTION AND DISPOSAL:

Paper and electronic documents at the authorizing healthcare facility related to authorizing the Non-VA Care (fee) and the services authorized, billed and paid for are maintained in ''Patient Medical Records—VA'' (24VA10P2). These records are retained at healthcare facilities for a minimum of three years after the last episode of care. After the third year of inactivity the paper records are transferred to a records facility for seventy-two (72) more years of storage.

Automated storage media, imaged Non-VA Care (fee) claims, and other paper documents that are included in this system of records and not maintained in ''Patient Medical Records—VA'' (24VA10P2) are retained

and disposed of in accordance with disposition authority approved by the Archivist of the United States.

Paper records that are imaged for viewing electronically are destroyed after they have been scanned, and the electronic copy is determined to be an accurate and complete copy of the paper record imaged.

SYSTEM MANAGER(S) AND ADDRESS:

Official responsible for policies and procedures: Chief Business Officer (10NB), Department of Veterans Affairs, Veterans Health Administration, VA Central Office, 810 Vermont Avenue NW., Washington, DC 20420. Official Maintaining the System: Director, National Non-VA Care (Fee) Program Office, VHA Chief Business Office Purchased Care, P.O. Box 469066, Denver, CO 80246.

NOTIFICATION PROCEDURE:

An individual who wishes to determine whether a record is being maintained in this system under the individual's name or other personal identifier, or who wants to determine the contents of such record, should submit a written request or apply in person to the last VA healthcare facility where care was authorized or rendered. Addresses of VA healthcare facilities may be found in VA Appendix 1 of the Biennial Publication of Privacy Act Issuances. All inquiries must reasonably identify the portion of the Non-VA Care (fee) record involved and the place and approximate date that medical care was provided. Inquiries should include the patient's full name, social security number, and return address.

RECORD ACCESS PROCEDURE:

Individuals seeking information regarding access to health records and/or contesting health l records may write, call or visit the VA facility where medical care was last authorized or provided. Individuals seeking information regarding access to claims and/or billing records will write to the VHA Chief Business Office Purchased Care, Privacy Office, PO BOX 469060, Denver, CO. All Requests for records about another person are required to provide a Request for an Authorization to Release Medical Records or Health Information signed by the record subject by using form VA Form 10–5345.

CONTESTING RECORD PROCEDURES:

(*See* Record Access Procedures above.)

RECORD SOURCE CATEGORIES:

The Veteran or other VA beneficiary, family members or accredited representatives, and other third parties; military service departments; private medical facilities and healthcare professionals; electronic trading partners; other Federal agencies; Veterans Health Administration facilities and automated systems; Veterans Benefits Administration facilities and automated systems; VA FSC facility and automated systems; and deployment status and availability.

[FR Doc. 2015–18646 Filed 7–29–15; 8:45 am]

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