



# FEDERAL REGISTER

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Vol. 80

Monday,

No. 45

March 9, 2015

Pages 12321–12554

OFFICE OF THE FEDERAL REGISTER



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## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Part 1471

RIN 0551-AA86

#### Pima Agriculture Cotton Trust Fund and Agriculture Wool Apparel Manufacturers Trust Fund

**AGENCY:** Foreign Agricultural Service and Commodity Credit Corporation (CCC), USDA.

**ACTION:** Final rule with request for comments.

**SUMMARY:** This final rule implements the Pima Agriculture Cotton Trust Fund (Agriculture Pima Trust) and the Agriculture Wool Apparel Manufacturers Trust Fund (Agriculture Wool Trust) Fund established in the Agricultural Act of 2014 (Farm Bill). The Agriculture Pima Trust provides annually for one payment, called the Pima Cotton Payments. The Agriculture Wool Trust provides annually for four payments. The first payment under the Agriculture Wool Trust is currently administered by the Department of Commerce's Office of Textiles and Apparel (OTEXA), and is called the Grants to Manufacturers of Certain Worsted Wool Fabrics. This program is being transferred from OTEXA to the Secretary of Agriculture (Secretary), who will administer the payment for the 2015–2019 calendar years, and will be called Payments to Manufacturers of Certain Worsted Wool Fabrics. The second payment is called Monetization of the Wool TRQ. The Farm Bill requires the Secretary to determine a monetary amount equivalent to what a person would have saved if OTEXA's Wool Tariff Rate Quota program (Wool TRQ) were still in effect. This payment will be based on OTEXA's Wool Tariff Rate Quota program, which terminated at the end of calendar year 2014. The

Monetization of the Wool TRQ will be administered by the Secretary for the 2015–2019 calendar years. The third payment is called the Wool Yarn, Wool Fiber, and Wool Top Duty Compensation Payment. Payments are made to processors of wool yarn, wool fiber, and wool top to compensate them for termination of the suspension of import duties on such wool. This payment will be administered by the Secretary for the 2015–2019 calendar years. The fourth payment is called the Refund of Duties Paid on Imports of Certain Wool Products. This program is currently administered by the Department of Homeland Security's Customs and Border Protection (CBP) through calendar year 2015. The program will be transferred in calendar year 2016 to the Secretary, who will administer the program for the 2016–2019 calendar years. Regulations for the fourth payment will be published at a later date.

**DATES:** This final rule is effective March 9, 2015. Comments concerning this final rule must be received by April 8, 2015, to be assured consideration. We are issuing this final rule without prior notice and opportunity for comment.

**ADDRESSES:** The Foreign Agricultural Service (FAS), USDA, invites interested persons to submit comments on this final rule. Comments may be submitted by one of the following methods:

- *Federal e-Rulemaking Portal:* Go to <http://www.regulations.gov>. Preferred method; follow the on-line instructions for submitting comments on the final rule.
- *Email:* Comments can also be addressed to Mr. Benjamin Chan at [pimawool@fas.usda.gov](mailto:pimawool@fas.usda.gov). All comments submitted in response to this rule will be included in the record and will be made available to the public. FAS will make the comments publicly available online at: <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Benjamin Chan, Import Policies and Export Reporting Division, Office of Trade Policy, Foreign Agricultural Service, U.S. Department of Agriculture; email: [pimawool@fas.usda.gov](mailto:pimawool@fas.usda.gov); 202–720–8877.

#### SUPPLEMENTARY INFORMATION:

##### Background

##### Purpose of the Regulatory Action

This rule sets forth regulations regarding the implementation of the

Pima Agriculture Cotton Trust Fund and the Agriculture Wool Apparel Manufacturers Trust Fund.

#### Subpart A. Pima Agriculture Cotton Trust Fund (Agriculture Pima Trust)

The Agriculture Pima Trust was established in section 12314 of the Farm Bill. The Agriculture Pima Trust is a funding mechanism for pima cotton payments.

##### (1) Pima Cotton Payments

The Secretary is required in section 12314 of the Farm Bill to establish an annual payment for domestic users of pima cotton, pima cotton yarn spinners, and pima cotton trade associations. The Foreign Agricultural Service (FAS) has been delegated the authority to administer this payment and to issue regulations to carry it out for calendar years 2014–2018. There was insufficient time to publish regulations for the 2014 payment and a notice was published in the **Federal Register** at 72 FR 29363 on May 2, 2014. Subpart A is applicable to annual payments in the 2015–2018 calendar years.

The purpose of the annual payment is to provide monetary relief to certain persons in the U.S. that have incurred economic injury through the importation of pima cotton and have incurred tariffs on pima cotton fabric that are higher than tariffs on certain imported apparel articles made of pima cotton fabric. The first Pima Cotton Trust Fund was established under the Tax Relief and Health Care Act of 2006 and administered by the Customs and Border Protection Agency of the Department of Homeland Security (CBP) in 2007 and 2008. Section 12314 of the Farm Bill authorized the Agriculture Pima Trust and pima cotton payment for the 2014–2018 calendar years. The Farm Bill authorizes \$16 million from the Commodity Credit Corporation (CCC) for each calendar year to fund annual payments.

Section 12314 requires that a specific percentage of annual funding be distributed to certain sectors of the domestic pima cotton apparel industry. Twenty-five percent is to be paid to one or more nationally recognized associations established for the promotion of pima cotton for use in textile and apparel goods.

Twenty-five percent is to be paid to domestic yarn spinners of pima cotton that, during the calendar year

immediately preceding the payment and during calendar year 2013, produced ring spun cotton yarns in the United States measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form. A payment to a yarn spinner is based on the ratio of the yarn spinner's 2013 production to the total production of all domestic yarn spinners in 2013 who qualify for a payment.

The remaining fifty percent is to be paid to manufacturers that during both the calendar year immediately preceding the payment and during the 2013 calendar year used imported pima cotton fabric (80s or higher count and 2-ply in warp) to manufacture men's and boys' woven pima cotton shirts. A payment to a manufacturer is based on the ratio of the dollar value (excluding duty, shipping, and insurance) of the manufacturer's 2013 production of men's and boys' woven pima cotton shirts to the dollar value (excluding duty, shipping, and insurance) of the total production in 2013 of all men's and boys' woven pima cotton shirts by manufacturers who qualify for a payment. The Farm Bill explicitly requires exclusion of "duty, shipping, and related costs" from the reported dollar value of imported woven cotton shirting fabric. Of the costs "related" to shipping that are separate from the freight cost itself, insurance is generally the largest. As payments to manufacturers are based on a production ratio incorporating the intrinsic dollar value of the imported fabric, excluding "duty, shipping, and related costs" in both parts of the ratio, to limit "related costs" to insurance gives effect to the purpose of the statute and affords simplicity of calculation.

To apply for a payment, claimants are required to submit an affidavit by March 15 of the calendar year of the application for a payment. Payments will be made not later than April 14.

Persons applying for a payment must provide information required by the Secretary through annual affidavits.

*Subpart B. Agriculture Wool Apparel Manufacturers Trust Fund (Agriculture Wool Trust)*

The Agriculture Wool Trust was established in section 12315 of the Farm Bill. The Agriculture Wool Trust is a funding mechanism for four payments: (1) Payments to Manufacturers of Certain Worsted Wool Fabrics; (2) Monetization of the Wool Tariff Rate Quota; (3) Wool Yarn, Wool Fiber, and Wool Top Duty Compensation Payment; and (4) Refund of Duties Paid on Imports of Certain Wool Products.

(1) Payments to Manufacturers of Certain Worsted Wool Fabrics

OTEXA has administered the Grants to Manufacturers of Certain Worsted Wool Fabrics program through calendar 2014. Section 4002(c)(6) of the Miscellaneous Trade and Technical Corrections Act of 2004, as amended, authorizes OTEXA to administer this payment through 2014. Section 12315(b)(1) of the Farm Bill directed the Secretary to continue to administer this payment for the 2015–2019 calendar years. The title is changed to "Payments to Manufacturers of Certain Worsted Wool Fabrics" to avoid confusion with competitive grant programs also administered by the Secretary.

The purpose of this payment is to provide financial assistance to persons in the U.S. that manufactured worsted wool fabrics during 1999, 2000, and 2001. Section 12315 of the Farm Bill authorizes the Secretary to continue to make these payments to the same persons that, during the calendar year immediately preceding the payment and during calendar years 1999, 2000, and 2001, were manufacturers of at least one of two kinds of worsted wool fabrics: (1) Subheading 9902.51.11 of the Harmonized Tariff Schedule of the United States (HTS) containing 85 percent or more by weight of wool, with average fiber diameters greater than 18.5 microns; and (2) subheading 9902.51.15 of the HTS containing 85 percent or more by weight of wool, with average fiber diameters of 18.5 microns or less.

All references to subheadings of the HTS in the context of this payment are to the subheadings as described in the HTS in 2014.

As specified by the Miscellaneous Trade and Technical Corrections Act of 2004, an amount of \$2.666 million is available each year for each HTS subheading of wool fabric, to be divided between persons based on the percentage of each person's total actual manufacturing of that type of worsted wool fabric during each of calendar years 1999, 2000, and 2001 in relation to the total manufacturing of such fabric by all persons who qualified for payments in those years.

Persons applying for a payment must provide information required by the Secretary through annual affidavits.

(2) Monetization of the Wool Tariff Rate Quota (TRQ)

The Wool TRQ was established in Title V of the Trade and Development Act of 2000, and provided for temporary duty reductions—*i.e.*, lower duty rates—on limited quantities of two categories of worsted wool fabrics suitable for use

in making suits, suit-type jackets, or trousers for men and boys. The TRQ has been administered since 2004 by OTEXA, and the authority for the TRQ expired on December 31, 2014.

This worsted wool fabric is of the kind described in subheading 9902.51.11 of the HTS with average fiber diameters greater than 18.5 microns, and subheading 9902.51.15 of the HTS with average fiber diameters of 18.5 microns or less. A third worsted wool fabric HTS subheading was added to the TRQ by the Miscellaneous Trade Act of 2004, subheading 9902.51.16 of the HTS, with average fiber diameters of 18.5 microns or less.

All references to subheadings of the HTS in the context of this payment are to the subheadings as described in the 2014 HTS. The subheading references are to a past HTS because these subheadings have expired and have been subsumed under other HTS headings in 2015. Congress also used these now expired HTS subheadings in the Farm Bill, further necessitating their use here. The term "duty paid" means the dollar amount of the duty actually paid by an importer in the calendar year immediately preceding the payment. In other words, duty paid equals the applicable duty rate multiplied by the quantity of worsted wool fabric imported. The term "lower duty rate" means the rate of duty that would have been applied under the 2014 HTS because of the duty reduction percentage required by the Wool TRQ that ended on December 31, 2014.

On February 7, 2014, Congress created in section 12315(e) of the Farm Bill a new payment that "monetizes" OTEXA's Wool TRQ. Because the lower duty rate is no longer available to importers after December 31, 2014, when authority for the TRQ expired, Congress decided to monetarily compensate importers of worsted wool fabric of the kind covered by the three HTS subheadings for the additional cost of the increased tariff. Congress accomplished this in section 12315(e) by requiring that in the event that the Wool TRQ administered by OTEXA should expire during the administration of the Agriculture Wool Trust by the Secretary (through 2019), the Secretary shall determine an amount ". . . that is equal to the amount the manufacturer or successor-in-interest would have saved during the calendar year of the payment if the suspension [or reduction] of duty on wool fabrics were in effect." The Secretary has delegated this function to FAS at 7 CFR 2.43.

Section 12315(e) provides that only the person (or a successor-in-interest to the person) that imported worsted wool

fabric involving one or more of the three HTS subheadings covered by this payment is eligible for the payment. To be eligible for a payment, the person must also have used the imported worsted wool fabric to produce in the U.S. suits, suit-type jackets, or trousers for men and boys (or, in the case of imported wool of the kind described in HTS subheading 9902.51.16, must have manufactured the wool fabric) during the calendar year immediately preceding the payment.

The worsted wool fabric covered by the three HTS subheadings under this payment are either imported directly by persons (*i.e.*, importing manufacturer), in which case the person directly purchased the imported worsted wool fabric and paid the duty, or imported indirectly (*i.e.*, non-importing manufacturer) through a third party broker that had directly paid the duty. The payment applies to persons that either directly or indirectly imported worsted wool fabric.

The calendar year immediately preceding the payment is the time period that will be used to establish the basis for calculating a payment. This historical basis applies to the duty paid and to the production or processing by the person applying for a payment. The duty paid arises from application of the duty rate applicable to imports of one or more of the three worsted wool fabrics of the kind described in the three subheadings covered by the payment. To be eligible for a payment, during the calendar year immediately preceding the payment a person must have imported, directly or indirectly, one or more of these HTS subheadings of worsted wool fabric, and used such worsted wool fabric in the U.S. to make men's and boy's suits, suit-type jackets, or trousers (or, in the case of subheading 9902.51.16, manufactured such worsted wool fabric).

Section 12315(e) of the Farm Bill anticipates a time when the TRQ's lower duty rate is no longer in effect, acknowledges that duty rates will have increased upon expiration of the TRQ, and focuses on the savings that an importer (direct or indirect) of worsted wool fabric would have realized had the lower duty rate remained in effect. Section 12315(e) states that the savings is ". . . an amount . . . equal to the amount the manufacturer or successor-in-interest would have saved during the calendar year . . . if the suspension [or reduction] of duty on wool fabrics were in effect." The focus of the savings is on the difference between the duty paid for the worsted wool fabric in the calendar year immediately preceding the payment, and the duty that would have

been paid on the same quantity of worsted wool fabric if the lower duty rate had applied. This allows the payment to address the "savings" contemplated in 12315(e) of the Farm Bill as close to the real time experience of the person as is administratively possible. For example, a person's import of worsted wool fabric in calendar year 2016 will be the basis for calculating the person's payment in 2017. This is consistent with the statute's focus on the savings that would have been realized if a TRQ were still in effect, and is also consistent with OTEXA previously basing a TRQ allocation on a period of time immediately prior to the allocation.

The payment will be made to eligible persons by April 15 of the calendar year subsequent to the year of the person's reported wool fabric imports. This allows the Secretary to base the payment on the person's total actual imports of wool fabric during the calendar year immediately preceding the payment.

The savings involves three factors spread over two time periods: (1) The duty paid at the higher duty rate applicable to the worsted wool fabric described in the applicable 2014 HTS subheadings in the calendar year immediately preceding the payment; (2) the production or further processing of the imported worsted wool fabric in the calendar year immediately preceding the payment; and (3) the duty paid at the lower duty rate applicable to that HTS subheading of worsted wool fabric in 2014, the last year the TRQ was effective. The higher value of duty paid in the calendar year immediately preceding the payment is used to calculate the 2016–2019 payments. However, for the 2015 payment, the higher duty rate in the 2015 HTS will be used instead of the duty rate applicable in the calendar year immediately preceding the payment, which would be 2014. The reason for this exception for the 2015 payment is that 2014 is both the last year in which the TRQ's lower duty rate was still in effect, and is also the calendar year immediately preceding the payment (2015). As a result, for the 2015 payment, a proxy is necessary to serve as the higher duty rate in the calendar year immediately preceding the payment. It is necessary to create such a proxy and generate a 2015 payment, because the statute requires that this payment be made in any year in which the wool TRQ is not in effect. The first year the TRQ is not in effect is calendar year 2015. Notwithstanding this proxy for the higher duty rate for a 2015 payment, the calendar year immediately

preceding the payment (2014) will still be used to establish that production or processing by the eligible person occurred (which is an eligibility requirement).

There were three essential data components of the wool TRQ that terminated at the end of the 2014 calendar year: (1) The quantity of imported wool fabric subject to the lower duty rate; (2) the price of the imported wool fabric; and (3) the person's actual production of worsted wool suits, suit-type jackets, or trousers for men and boys (or, in the case of wool under HTS subheading 9902.51.16, manufactured the wool fabric). This information has been annually collected by OTEXA by means of affidavits supplied by persons applying for a payment. The Secretary will continue to collect this information through annual affidavits to ensure that the person, during the calendar year immediately preceding the payment, (1) imported, either directly or indirectly, the quantity of worsted wool fabric of the kind described under one or more of the HTS subheadings covered by this payment, and (2) produced in the U.S. suits, suit-type jackets, or trousers for men and boys (or, in the case of wool under HTS subheading 9902.51.16, manufactured the wool fabric).

The dollar value and quantity of such imports are also factors in determining the savings that would have been realized because of the TRQ. Dollar value data effectively captures the price of such fabric and the dollar amount paid by the person. OTEXA has collected data about the dollar value and quantity of such imports by requiring the person to report the dollar value and quantity of the imports during the first six months of the calendar year of the license allocation. The Secretary will continue to collect the person's reported dollar value and quantity of imports of worsted wool fabric, but will require information about imports for the entire calendar year immediately preceding the payment. The savings in the context of the payment can be restated accordingly. In any calendar year in which the lower duty rate on worsted wool fabric of the kind described in subheadings 9902.51.11, 9902.51.15, and 9902.51.16 of the 2014 HTS is not in effect, a person (or a successor-in-interest of the person) that, during the calendar year immediately preceding the payment, in the U.S., (1) directly or indirectly imported worsted wool fabric of the kind described under one or more of the three HTS subheadings covered by this payment, and (2) used the worsted wool fabric to produce suits, suit-type jackets, or

trousers for men and boys (or, in the case of worsted wool fabric covered by subheading 9902.51.16, manufactured for the worsted wool fabric), is eligible for a payment that is equivalent to the difference between the higher duty paid on such worsted wool fabric in the calendar year immediately preceding the payment and the reduced duty that would have been payable under the TRQ (in 2014) on the quantity of worsted wool fabric imported in the calendar year immediately preceding the payment. For the purpose of calculating the payment for each of the 2015–2019 calendar years, it will be assumed that 100% of the person's imports were covered by the lower duty. The rationale for this assumption is that under the wool TRQ that expired on December 31, 2014, persons that received licenses to import up to specific amounts of worsted wool fabric at reduced duty rates never used the entire license allotment, and the excess allotment was left unused. In those cases, because 100% of the person's imports were in fact covered by the available lower duty rate under the TRQ, the savings referenced in section 12315(e) should also apply to 100% of a person's imports.

The duty rate codified in the 2014 HTS applicable to imports of worsted wool fabric in the calendar year immediately preceding the payment fall into one of three categories: (1) The general duty rate that is applicable to worsted wool fabric covered by the subheading unless one of the other two categories applies; (2) the duty rate is 0%, because imports from certain listed countries are duty free; and (3) duty rates applicable to imports from specific countries (e.g., 7.5% duty rate for imports of worsted wool fabric under subheading 9902.51.11 of the HTS from Oman in 2015). Because the HTS is statutory, one of the three categories must be applied when calculating a monetary payment. Similarly, in years following 2014, the applicable duty may vary as a function of the country of origin of the imported fabric. In any given year, the country of origin of the worsted wool fabric will affect the applicable duty rate and resulting duty paid used to calculate the payment. The duty rate applicable to worsted wool fabric under subheadings 9902.51.15 and 9902.51.16 of the 2014 HTS was 0%, and for subheading 9902.51.11 of the 2014 HTS was 10%. Thus, in any given year, duty rates may vary based on the country of origin of the imported fabrics, and as a result, the amount of the payment may be significantly affected.

The payment will be annually calculated for each of the 2015–2019 calendar years as follows. For each HTS subheading, the savings of the person for any given calendar year will be the difference between the higher duties paid in the calendar year preceding the payment and the duties that would have been payable at the lower 2014 duty rate. The savings for each of the three subheadings will then be added together, the sum of which will equal the annual payment for that person.

Two simple examples, the first involving imports in 2017 and the other in 2015, illustrate how this calculation will work.

The first example applies to a payment in 2017. Under the TRQ that expired on December 31, 2014, worsted wool fabrics entering the United States under HTS subheadings 9902.51.15 and 9902.51.16 were assessed zero duty, and worsted wool fabrics from Oman entering under 9902.51.11 were assessed a 10% duty. Starting on January 1, 2017, assume that imports entering the United States of worsted wool fabrics previously described under HTS subheadings 9902.51.15 and 9902.51.16 (but in 2017 actually entering under a different HTS subheading, because of the expiration of the particular subheadings under HTS chapter 99) are assessed a 20% duty, and worsted wool fabrics from Oman previously described under 9902.51.11 are assessed a 10% duty.

A person imports 200 square meters of worsted wool fabric in 2017, 100 square meters of which is of the kind described by HTS subheadings 9902.51.15 and 9902.51.16, and the remaining 100 square meters is of the kind described in HTS subheading 9902.51.11, imported from Oman. The person reports a dollar value of \$1 per square meter. For the 100 square meters of worsted wool described under HTS subheadings 9902.51.15 and 9902.51.16, the calculation would be 0.20 (20% converted to a numeric value), which is the duty rate in 2016, minus 0 (2014 duty rate, 0%, converted to a numeric value), multiplied by 100 (dollar value), which would equal \$20  $((0.20 - 0) \times 100)$ . For the 100 square meters of worsted wool fabric described under HTS subheading 9902.51.11 and imported from Oman, the calculation would be 0.10 (10% converted to a numeric value), the duty rate in 2015, the calendar year immediately preceding the payment, minus 0.10 (10%, the 2016 duty rate when Oman is the country of origin) multiplied by 100 (dollar value), which would equal \$0  $((0.10 - 0.10) \times 100)$ .

The second example applies to a payment in 2015 using the “2015 proxy” discussed above. Recall that under the applicable TRQ that expired on December 31, 2014, worsted wool fabrics entering the United States under HTS subheadings 9902.51.15 and 9902.51.16 were assessed zero duty, and worsted wool fabrics from Oman entering under 9902.51.11 were assessed a 10% duty. Starting on January 1, 2015, imports entering the United States of worsted wool fabrics previously described under HTS subheadings 9902.51.15 and 9902.51.16 are assessed a 25% duty, and imports of worsted wool fabrics from Oman previously described under 9902.51.11 are assessed a 20% duty.

A person imports 200 square meters of worsted wool fabric in 2015, 100 square meters of which is of the kind previously described by HTS subheadings 9902.51.15 and 9902.51.16, and the remaining 100 square meters is of the kind previously described in HTS subheading 9902.51.11 imported from Oman. The person reports a dollar value of \$1 per square meter. For the 100 square meters of worsted wool under HTS subheadings 9902.51.15 and 9902.51.16, the calculation would be 0.25 (25% converted to a numeric value), which is the 2015 higher duty proxy used when the calendar year immediately preceding the payment is 2014, minus 0 (2014 duty rate, 0%, converted to a numeric value), multiplied by 100 (dollar value), which would equal \$25  $((0.25 - 0) \times 100)$ . For the 100 square meters of worsted wool fabric under HTS subheading 9902.51.11 imported from Oman, the calculation would be 0.20 (20% converted to a numeric value), the 2015 higher duty proxy when the calendar year immediately preceding the payment is 2014, minus 0.10 (10%, the 2014 duty rate when Oman is the country of origin) multiplied by 100 (dollar value), which would equal \$10  $((0.20 - 0.10) \times 100)$ . The statutory language of section 12315 directs the Secretary to determine the savings that the person would have realized if the lower duty rate had been in effect. Thus, it is not necessary to determine what the person would have done with the savings realized from the lower duty rate. Nor is it necessary to inquire about the person's imports in a year that also include imported worsted wool fabric that is of the kind under HTS subheadings other than those covered by this payment, imported worsted wool fabric not subject to the duty reduction, or domestic wool.

As discussed earlier, the payment applies to direct and indirect imports of

worsted wool fabric of the kind described in the three specific HTS subheadings. If the import was through a third party broker, the person must so state in the affidavit prior to the payment, and provide any other information required by FAS. For persons that are indirect importers of worsted wool fabric, the dollar value of the imports reported in their affidavit will be subject to a 10% reduction by the Secretary. The reason for this reduction is that the broker that directly imported the worsted wool fabric is assumed to sell it to the person who submits the affidavit for an amount higher than the tariff price. The 10% reduction is intended to compensate for that higher price, and make the reported price paid by indirect importers more equivalent to the price paid by direct importers. OTEXA also administered this 10% reduction in the reported price paid by indirect importers as part of its administration of the wool TRQ.

Persons that imported worsted wool fabric directly are required to submit to FAS as part of the affidavit package scanned copies of the CBP Form 7501 "Entry Summary" for the relevant calculations made in the affidavit. Persons that imported worsted wool fabric indirectly are required to submit to FAS as part of the affidavit package invoices from third party brokers for the relevant calculations made in the affidavit.

Persons applying for a payment must provide information required by the Secretary through annual affidavits.

### (3) Wool Yarn, Wool Fiber, and Wool Top Duty Compensation Payment

All references to subheadings of the HTS in the context of this payment are to the subheadings as described in the 2014 HTS.

The duty on imported wool yarn of the kind described in subheading 9902.51.13 of the HTS, and the duty on wool fiber and wool top of the kind described in subheading 9902.51.14 of the HTS were suspended in their entirety in section 503 of the Trade and Development Act of 2000. The total duty suspension for both subheadings has been extended three times since then, most recently through December 31, 2014. Section 12315(e) of the Farm Bill requires the Secretary to make payments to processors of wool yarn, fiber, and top of the kind described in subheadings 9902.51.13 and 9902.51.14 of the HTS, respectively, in amounts that the processors would have saved if the duty suspension had been in effect.

To be eligible for a payment, during the calendar year immediately preceding the payment a person must

have imported into the U.S., directly or indirectly, wool yarn, fiber or top of the kind described in subheadings 9902.51.13 and 9902.51.14, and manufactured such wool yarn, fiber, or top in the U.S.

The duty rates in chapter 99 of the HTS for subheadings 9902.51.13 and 9902.51.14 are listed in three categories: (1) The general duty rate applicable to wool yarn covered by the subheading, unless one of the other two categories applies; (2) the duty rate is 0 because imports from certain listed countries are duty free; and (3) duty rates applicable to imports from specific countries (e.g., 2.4% duty rate for imports of wool yarn from Oman in calendar year 2014). Because the HTS is statutory, one of the three categories must be applied when calculating a monetary payment equivalent to the savings that a person would have realized if the suspension of the duty rate had been in effect. Thus, the country of origin of the wool yarn, wool fiber, or wool top, may significantly affect the duty rate used to calculate a person's payment. The general duty rate applicable to subheading 9902.51.13 in 2000 was 6% of the import price of the imported wool yarn at the time the duties were suspended. The general duty rate reverted to 6% of the import price of the imported wool yarn in 2015.

However, subheading 9902.51.14, which expired at the end of 2014, applied to wool fiber and top now described in eight subheadings of chapter 51 of the HTS, and the duty applicable to each subheading in chapter 51 varies. Thus, a determination of the applicable duty is subject to the determination of the Secretary in accordance with duty rates applicable to the specific sub-subheading of wool fiber or top imported.

The difference between the 0% duty in effect during the duty suspension and the duty applicable in the calendar year immediately preceding the payment for the two HTS subheadings of wool yarn, fiber, and top (which is 100% of the duty) will be used to calculate duty compensation payments. Section 12315(e) of the Farm Bill anticipates a time when the total duty suspension is no longer in effect, acknowledges that duty rates will have increased upon expiration of the total duty suspension, and focuses on the savings that an importer (direct or indirect) of wool yarn, fiber, or top would have realized had the 0% duty rate remained in effect. Section 12315(e) of the Farm Bill states that the annual payment is ". . . an amount . . . equal to the amount the manufacturer or successor-in-interest would have saved during the calendar

year . . . if the suspension . . . of duty on wool fabrics were in effect." The focus of the savings is on the difference between the duty paid for the wool yarn, fiber or top of the kind described in subheadings 9902.51.13 and 9902.51.14 in the calendar year immediately preceding the payment, and the 0% duty that would have been paid for such wool imported into the U.S., directly or indirectly, if the total duty suspension were still in effect. This allows the payment to address the "savings" contemplated in 12315(e) of the Farm Bill as close to the real time experience of the person as is administratively possible. For example, a person's import of wool yarn, fiber or top in calendar year 2016 will be the basis for calculating the person's payment in 2017. This is consistent with the statute's focus on the savings that would have been realized if a duty suspension were still in effect, and is also consistent with CBP's treatment of wool yarn, fiber or top in its Wool Duty Refund Program, in which it based the Duty Refund payment on the prior year. The payment will be made to eligible persons by April 15 of the calendar year subsequent to the year of the person's reported imports. This allows the Secretary to base the payment on the person's total actual imports of wool yarn, fiber or top during the calendar year immediately preceding the payment.

The savings involves three factors spread over two time periods: (1) The higher duty rate applicable to the wool yarn, fiber or top described in the applicable 2014 HTS subheadings in the calendar year immediately preceding the payment; (2) the further processing of the imported wool yarn, fiber or top in the calendar year immediately preceding the payment; and (3) the total duty suspension applicable to that HTS subheading of wool yarn, fiber or top in 2014, the last year the duty suspension was effective. The higher duty rate paid by the eligible person in the calendar year immediately preceding the payment is used to calculate the 2016–2019 payments. However, for the 2015 payment, the higher duty rate in the 2015 HTS will be used instead of the total duty suspension effective through the 2014 calendar year. The reason for this exception for the 2015 payment is that 2014 is both the last year in which the total duty suspension was still in effect and the calendar year immediately preceding the payment (in 2015). As a result, for the 2015 payment, a proxy is necessary for the higher duty rate. It is necessary to create this proxy for the 2015 payment because Congress

requires that this payment be made when the duty suspension is no longer in effect. The first year the duty suspension is not in effect is calendar year 2015. Finally, for a 2015 payment, the calendar year immediately preceding the payment will still be used to establish the dollar value of the imported wool yarn, fiber, or top by the eligible person.

The dollar value of the wool yarn, fiber or top imported into the U.S. is also a factor in determining the savings that would have been realized because of the TRQ. Dollar value data effectively captures the price of such fabric and the dollar amount paid by the person. CBP has not been collecting this data in the context of its Wool Duty Refund Program. But in light of the statutory requirement to capture the savings that would have been realized for wool yarn, fiber or top imported into the U.S. had the duty suspension been in effect, the Secretary will collect the person's reported dollar value and quantity of imports of wool yarn, fiber or top imported into the U.S. during the entire calendar year immediately preceding the payment.

The Secretary has determined that the intent of the savings language in section 12315 of the Farm Bill can be best realized by looking at what the person would have saved during the calendar year immediately preceding the payment. For example, the dollar value of the person's imports wool yarn, fiber, or top in calendar year 2014 will be the basis for calculating the payment in 2015 (in contrast to the proxy duty used for the 2015 payment). This allows the payment to address the "savings" in section 12315(e) of the Farm Bill as close to the real time experience of the person as is administratively possible yet still cover the full prior year's imports.

Other than with respect to the 2015 payment calculated using a proxy duty rate as described above, the duty compensation payment under this section will be equal to 100% of the duty paid for wool yarn, fiber, or top of the kind described in subheadings 9902.51.13 and 9902.51.14 imported in the calendar year immediately preceding the payment.

The two HTS subheadings of imported wool yarn, fiber, or top covered by this payment are either imported directly by persons, in which case the person also directly paid the duty, or imported indirectly through a third party broker that directly paid the duty. The payment applies to persons that either directly or indirectly imported wool yarn, fiber, and top. If the import was through a third party

broker, the person must so state in the affidavit prior to the payment, and provide any other information required by FAS. For persons that are indirect importers of wool yarn, fiber, or top, the dollar value of the imports reported in their affidavit will be subject to a 10% reduction by the Secretary. The reason for this reduction is that the broker that directly imported the wool yarn, fiber, or top is assumed to sell it to the person who submits the affidavit for an amount higher than the price merely increased by the applied duty. The 10% reduction is intended to compensate for that higher price, and make the reported price paid by indirect importers more equivalent to the price paid by direct importers. CBP also administers this 10% reduction in the reported price paid by indirect importers as part of its administration of the Wool Duty Refund Program (which includes subheadings 9902.51.13 and 9902.51.14).

Persons that imported wool yarn, fiber or top directly are also required to submit to FAS as part of the affidavit package scanned copies of the CBP Form 7501 "Entry Summary" for the relevant calculations made in the affidavit. Persons that imported wool yarn, fiber or top indirectly are required to submit to FAS as part of the affidavit package invoices from third party brokers for the relevant calculations made in the affidavit.

Persons applying for a payment must provide information required by the Secretary through annual affidavits.

#### (4) Refund of Duties Paid on Imports of Certain Wool Products

CBP is administering this payment to U.S. manufacturers and processors of wool for duties paid on the imported wool in 2000, 2001, and 2002 through calendar year 2015. FAS will continue this payment for calendar years 2016–2019, and will publish regulations later next year. The regulations for this payment will be published at 7 CFR 1471.12.

#### Effective Date and Notice and Comment

We are issuing this final rule without prior notice and opportunity for comment. The Administrative Procedure Act exempts rules "relating to agency management or personnel or to public property, loans, grants, benefits, or contracts" from the statutory requirement for prior notice and opportunity for comment 5 U.S.C. 553(a)(2). Accordingly, this rule may be made effective less than 30 days after publication in the **Federal Register**. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We will

consider the comments we receive and may conduct additional rulemaking based on the comments. This rule allows FAS to provide adequate notice to eligible manufacturers about the new Pima Agriculture Cotton and Wool Apparel Manufacturers Trusts regulation so that they will be ready to begin filing for payments by March 15 in the case of Agriculture Pima Trust payment, and by March 1 in the case of the several Agriculture Wool Trust payments.

#### Executive Order 12630

This Executive Order requires careful evaluation of governmental actions that interfere with constitutionally protected property rights. This rule does not interfere with any property rights and, therefore, does not need to be evaluated on the basis of the criteria outlined in Executive Order 12630.

#### Executive Order 12866

This final rule is issued in conformance with Executive Order 12866 and Administrative Procedure Act (5 U.S.C. 553). It has been determined to be not significant for the purposes of Executive Order 12866 and was not reviewed by OMB for this purpose. A cost-benefit assessment of this rule was not completed.

#### Executive Order 12372

This final rule is not subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

#### Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988. This rule would not preempt State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule. This rule would not be retroactive.

#### Executive Order 13132

This final rule has been reviewed under Executive Order 13132, "Federalism." The policies contained in this final rule do not have any substantial direct effect on States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government, nor does this final rule impose substantial direct compliance costs on State and local governments. Therefore, consultation with the States is not required.

**Executive Order 13175**

This final rule has been reviewed for compliance with E.O. 13175. The policies contained in this final rule do not have tribal implications that preempt tribal law.

**Regulatory Flexibility Act**

The Regulatory Flexibility Act does not apply to this rule because FAS is not required by 5 U.S.C. 553 or any other law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

**Civil Rights Impact Statement**

No major civil rights impact is likely to result from the announcement of this notice. It will not have a negative civil rights impact on very-low income, low income, and moderate income and minority populations.

**Environmental Assessment**

The environmental impacts of this rule have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347), the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and FAS regulations for compliance with NEPA (7 CFR part 799). FAS has determined that NEPA does not apply to this rule and that no environmental assessment or environmental impact statement will be prepared.

**Unfunded Mandates Reform Act**

This final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA). Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

**E-Government Act Compliance**

FAS 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, services and for other purposes. The forms, regulations, and other information collection activities required to be utilized by a person subject to this rule are available at: <http://www.fas.usda.gov>.

**List of Subjects in 7 CFR Part 1471**

Agricultural commodities, Imports.

For the reasons set forth in the preamble, 7 CFR part 1471 is added to read as follows:

**PART 1471—PIMA AGRICULTURE COTTON TRUST FUND (AGRICULTURE PIMA TRUST) AND AGRICULTURE WOOL APPAREL MANUFACTURERS TRUST FUND (AGRICULTURE WOOL TRUST)**

**Subpart A—Agriculture Pima Trust**

Sec.

- 1471.1 Provisions common to this subpart.
- 1471.2 Pima cotton payments.
- 1471.3 Affidavit of producers of ring spun pima cotton yarn.
- 1471.4 Affidavit of manufacturers of pima cotton shirts.
- 1471.5 Affidavit of pima cotton trade association.

**Subpart B—Agriculture Wool Trust**

- 1471.10 Provisions common to this subpart.
- 1471.11 Payments to manufacturers of certain worsted wool fabrics.
- 1471.12 [Reserved]
- 1471.13 Monetization of the wool tariff rate quota.
- 1471.14 Wool yarn, wool fiber, and wool top duty compensation payment.

**Authority:** Sections 501–506, Pub. L. 106–200, (114 Stat. 299–304); Section 4002, Pub. L. 108–429 (7 U.S.C. 7101 note); Section 1633, Pub. L. 109–280 (120 Stat. 1166); Section 325, Pub. L. 110–343 (122 Stat. 3875); Sections 12314 and 12315, Pub. L. 113–79 (7 U.S.C. 2101 note and 7101 note).

**Subpart A—Agriculture Pima Trust****§ 1471.1 Provisions common to this subpart.**

(a) *Agriculture Pima Trust*—(1) *Establishment.* The Agriculture Pima Trust has been established to provide funding for payments under this part.

(2) *Purpose.* The purpose of the Agriculture Pima Trust is to reduce the injury to domestic manufacturers resulting from tariffs on cotton fabric that are higher than tariffs on certain apparel articles made of cotton fabric.

(3) *Funding availability.* \$16,000,000 will be available annually for eligible payments authorized under subpart A of this part.

(4) *Definitions.* As used in this subpart:

*Agriculture Pima Trust* means the Pima Agriculture Cotton Trust Fund.  
*CCC* means the Commodity Credit Corporation.

*FAS* means the Foreign Agricultural Service.

*Secretary* means the Secretary of Agriculture.

*Agriculture Pima Trust* means the Pima Agriculture Cotton Trust Fund.

*U.S.* means the United States of America.

(b) Other provisions common to subpart A of this part—(1) *Affidavits.* FAS shall annually, not later than February 15 of the year of the applicable

payment, make affidavits available on the FAS Web site, which can be found at <http://www.fas.usda.gov/>. Affidavits must be submitted electronically to [pimawool@fas.usda.gov](mailto:pimawool@fas.usda.gov).

(2) *Filing deadline.* Any person filing an affidavit under this part for a particular year must file the affidavit for such calendar year, during calendar years 2015 through 2018, not later than March 15 of the applicable calendar year.

(3) *Basic information.* In addition to information required in §§ 1471.3, 1471.4, and 1471.5, as applicable, every person applying for a payment must provide the following information, applicable to the year for which a payment is sought:

(i) The current company name, address, contact, phone number of the person;

(ii) The name and address of each plant or location of the person during the calendar year immediately preceding the payment; and

(iii) A W–9 providing the Federal tax identification number of the person;

(4) *Standard Form 1199A.* Every person claiming a payment must provide Standard Form 1199A, a direct deposit sign-up form, to facilitate any transfer of funds.

(5) *Affirmation.* Every person applying for a payment must affirm in its affidavit that “all information contained in the application is complete and correct and that the information does not contain a false claim, statement, or representation.”

(6) *Document retention.* All persons receiving a payment under this part must maintain all pertinent documentation for 3 years after the year of receipt of the payment.

(7) *False statements.* Persons providing false or fraudulent claims, or persons making materially false statements or representations in their affidavit, are subject to civil or criminal penalties pursuant to 18 U.S.C. 1001.

(8) *Confidentiality.* Specific business information that is marked “business confidential” will be protected from disclosure to the full extent permitted by law.

(9) *Review of affidavits.* Affidavits will be reviewed to determine whether they are complete and responsive to the content and form of affidavit requirements under this part.

(10) *Finality of determinations by Secretary.* A determination by the Secretary about a payment under this part shall be final and is not subject to appeal or protest.

(11) *Timing of payments.* A payment for which a person is eligible under this part will be disbursed in each of

calendar years 2015 through 2018, not later than April 15 of the applicable year.

(12) *Sequester*. Payments covered by this part shall be subject to sequester of payments, if required by law.

#### § 1471.2 Pima cotton payments.

From available funds in the Agriculture Pima Trust, CCC will annually make payments for each of calendar years 2015 through 2018 as follows:

(a) Twenty-five percent of the amounts in the Agriculture Pima Trust shall be paid to one or more nationally recognized associations established for the promotion of pima cotton for use in textile and apparel goods, as determined by the Secretary, during the calendar year immediately preceding the payment.

(b) Twenty-five percent of the amounts in the Agriculture Pima Trust shall be paid to yarn spinners of pima cotton that produce ring spun cotton yarns in the U.S. during 2013 and the calendar year immediately preceding the payment, to be allocated to each yarn spinner in an amount that bears the same ratio as

(1) The yarn spinner's production of ring spun cotton yarns in 2013, measuring less than 83.33 decitex (exceeding 120 metric number) from pima cotton in single and plied form during calendar year 2013, bears to

(2) The production of the yarns described in paragraph (b)(1) of this section during calendar year 2013 by all yarn spinners that qualify under this paragraph (b).

(c) Fifty percent of the amounts in the Agriculture Pima Trust shall be paid to manufacturers that, during the calendar year immediately preceding the payment, certify, pursuant to the affidavit under § 1471.4, they used imported pima cotton fabric during calendar year 2013 to produce such shirts, to be allocated to each manufacturer in an amount that bears the same ratio as

(1) The dollar value (excluding duty, shipping, and insurance of imported woven pima cotton shirting fabric of 80s or higher count and 2-ply in warp used by the manufacturer during calendar year 2013 to produce men's and boys' pima cotton shirts, bears to

(2) The dollar value (excluding duty, shipping, and insurance of the fabric described in paragraph (c)(1) of this section used to manufacture men's and boy's pima cotton shirts in 2013 by all manufacturers that qualify under this paragraph (c).

#### § 1471.3 Affidavit of producers of ring spun pima cotton yarn.

In addition to reporting and information requirements in § 1471.1, the affidavit of a yarn spinner that is a producer of ring spun cotton yarn must be an affidavit provided annually by an officer of the yarn spinner that produces ring spun yarns affirming that:

(a) During the calendar year immediately preceding the payment and during calendar year 2013, the yarn spinner used pima cotton to produce ring spun cotton yarns in the U.S. measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form;

(b) During 2013, the yarn spinner actually produced the quantity, measured in pounds, of ring spun cotton yarns measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form; and

(c) The yarn spinner continues to maintain supporting documentation about such production during calendar year 2013 which shows the actual quantity of such yarns produced, and evidencing the yarns as ring spun pima cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form.

#### § 1471.4 Affidavit of manufacturers of pima cotton shirts.

(a) *In general*. In addition to applicable information requirements in § 1471.1, an affidavit of a manufacturer that is a producer of men's and boys' pima cotton shirts must be an affidavit provided annually by an officer of the manufacturer which affirms the following information

(1) During the calendar year immediately preceding the payment and during calendar year 2013, the manufacturer used imported pima cotton fabric to cut and sew men's and boys' pima cotton shirts in the U.S.;

(2) During calendar year 2013, the dollar value of imported woven pima cotton shirting fabric of 80s or higher count and 2-ply in warp purchased and used by the manufacturer to cut and sew men's and boys' woven pima cotton shirts in the U.S.;

(3) The manufacturer continues to maintain invoices and other supporting documentation (such as price lists and other technical descriptions of the fabric qualities) showing the dollar value of such fabric purchased, the date of purchase, and evidencing the fabric as woven pima cotton fabric of 80s or higher count and 2-ply in warp; and

(4) The imported pima cotton fabric purchased in 2013 and in the calendar year immediately preceding the payment was suitable for use in the

manufacturing of men's and boys' cotton shirts.

(b) *Date of purchase*. For purposes of the affidavit under paragraph (a) of this section, the date of purchase shall be the invoice date, and the dollar value shall be determined excluding duty, shipping, and insurance.

#### § 1471.5 Affidavit of pima cotton trade associations.

In addition to applicable information requirements in § 1471.1, trade associations filing a claim for a payment must electronically provide a statement which states whether, during the calendar year immediately preceding the payment and in calendar year 2014, they were, as determined by the Secretary, a domestic nationally recognized association established and operating for the promotion of pima cotton for domestic use in textile and apparel goods.

### Subpart B—Agriculture Wool Trust

#### § 1471.10 Provisions common to this subpart.

(a) *Agriculture wool trust—(1) Establishment*. The Agriculture Wool Trust has been established to provide funding for payments under this part.

(2) *Purpose*. The purpose of the Agriculture Wool Trust is to reduce the injury to domestic manufacturers resulting from tariffs on wool fabric that are higher than tariffs on certain apparel articles made of wool fabric.

(3) *Funding availability*. Not more than \$30,000,000 will be available annually for payments authorized under this part.

(4) *Definitions*. As used in this subpart:

*Agriculture Wool Trust* means the Agriculture Wool Apparel Manufacturers Trust Fund.

*U.S.* means the United States of America.

*CCC* means the Commodity Credit Corporation.

*FAS* means the Foreign Agricultural Service.

*HTS* means the Harmonized Tariff Schedule of the United States.

*Secretary* means the Secretary of Agriculture.

*TRQ* means Tariff Rate Quota.

(b) *Provisions common to this part—(1) Affidavits*. FAS shall annually, not later than February 15 of the year of the applicable payment, make affidavits available on the FAS Web site, which can be found at <http://www.fas.usda.gov/>. Affidavits must be submitted electronically to: [pimawool@fas.usda.gov](mailto:pimawool@fas.usda.gov).

(2) *Filing deadline*. Any person filing an affidavit under this part for a



particular year must file the affidavit for such calendar year, during calendar years 2015 through 2019, not later than March 1 of such year.

(3) *Required information.* In addition to information required in §§ 1471.11, 1471.13, and 1471.14, as applicable, every person applying for a payment under this part must provide the following information applicable to the year for which a payment is sought:

(i) The current company name, address, contact, phone number of the person;

(ii) The name and address of each plant or location of the person in the year immediately preceding the payment; and

(iii) A W-9 providing the Federal tax identification number of the person.

(4) *Standard Form 1199A.* Every person seeking a payment must also provide Standard Form 1199A, a direct deposit sign-up form, to facilitate any transfer of funds.

(5) *Affidavits.* A person filing an affidavit under this part must affirm that “all information contained in the application is complete and correct and that the information does not contain a false claim, statement, or representation.”

(6) *Document retention.* All persons receiving a payment under this part must maintain all pertinent documentation for three years after the year of receipt of the payment.

(7) *False statements.* Persons providing false or fraudulent claims or making materially false statements or representations are subject to civil or criminal penalties pursuant to 18 U.S.C. 1001.

(8) *Confidential information.* Specific business information provided in affidavits that is marked “business confidential” will be protected from disclosure to the full extent permitted by law.

(9) *Review of affidavits.* Affidavits will be reviewed to determine whether they are complete and responsive to the content and form of affidavit requirements in this part.

(10) *Finality of determination by the Secretary.* A determination by the Secretary about a payment under this part shall be final and is not subject to appeal or protest.

(11) *Timing of payments.* A payment for which a person eligible under this part will be disbursed in each of calendar years 2015 through 2019 not later than April 15 of the applicable year.

(12) *Proration and sequester.* Payments covered by this part will be subject to proration in the event that insufficient funds exist in the

Agriculture Wool Trust during the year of the payment, and will be subject to sequester, if required by law.

(13) *HTS subheadings.* All references to subheadings of the HTS in this part are to the subheadings as described in the HTS in 2014.

**§ 1471.11 Payments to manufacturers of certain worsted wool fabrics.**

(a) *Definitions.* In this section the following definitions apply:

*Eligible person.* The term “eligible person” means a manufacturer in the U.S. of qualifying worsted wool fabric during the calendar year immediately preceding the payment and during each of calendar years 1999, 2000, and 2001.

*Qualifying worsted wool fabric.* The term “qualifying worsted wool fabric” means a worsted wool fabric containing at least 85% by weight worsted wool of the kind described in subheading 9902.51.11 or 9902.51.15 of the 2014 HTS that, during the calendar year immediately preceding the payment and during each of calendar years 1999, 2000, and 2001, was manufactured by an eligible person in the United States.

(b) *Distribution of funds.* From amounts in the Agriculture Wool Trust, CCC will annually make payments for each of calendar years 2015 through 2019 to eligible persons that manufactured qualifying worsted wool fabric as provided in paragraphs (b)(1) or (2) of this section.

(1) *Payments for production under subheading 9902.51.11 of the HTS—(i) In general.* Eligible persons that manufactured qualifying worsted wool fabric during calendar years 1999, 2000, and 2001 that is of the kind described in subheading 9902.51.11 of the HTS are eligible for a payment as provided in paragraph (b)(1)(ii) of this section.

(ii) *Payment amounts.* A total of \$2,666,000 will be allocated annually among eligible persons covered by this paragraph on the basis of the percentage of each eligible person’s total production (actual production, not estimates) for the calendar year immediately preceding the payment of qualifying worsted wool fabric described in paragraph (b)(1)(i) of this section in relation to the total production for the calendar year immediately preceding the payment of such fabric by all eligible persons who qualify for payments under this paragraph.

(2) *Payments for production under subheading 9902.51.15—(i) In general.* Eligible persons that manufactured qualifying worsted wool fabric during calendar years 1999, 2000, and 2001 that conforms in composition to subheading 9902.51.15 of the HTS are

eligible for a payment as provided in paragraph (b)(2)(ii) of this section.

(ii) *Payment amounts.* A total of \$2,666,000 will be allocated annually among eligible persons covered by this paragraph on the basis of the percentage of each eligible person’s total production (actual production, not estimates) for the calendar year immediately preceding the payment of qualifying worsted wool fabric described in paragraph (b)(2)(i) of this section in relation to the total production for the calendar year immediately preceding the payment of such fabric by all eligible persons who qualify for payments under this paragraph.

(c) *Annual affidavit—(1) In general.* An eligible person applying for a payment under this section shall comply with all applicable reporting requirements of this section and of § 1471.10.

(2) *Specific business information.* An eligible person shall, for the calendar year immediately preceding the payment and for each of calendar years 1999, 2000, and 2001, annually report the actual dollar value and the actual quantity (linear yards) of qualifying worsted wool fabric that was manufactured.

(3) *Manufacturing of wool.* When reporting the annual dollar value and quantity of imports of qualifying worsted wool fabric, and the annual dollar value and quantity of the qualifying wool fabric that was manufactured, an eligible person may either have manufactured the qualifying worsted wool on its own behalf or had another person manufacture the qualifying worsted wool fabric, provided the eligible person owned the qualifying worsted wool fabric at the time of manufacture.

**§ 1471.12 [Reserved]**

**§ 1471.13 Monetization of the wool tariff rate quota.**

(a) *Definitions.* In this section the following definitions apply:

(1) *Lower duty rate.* The term “lower duty rate” means the duty rate as codified in the 2014 HTS that would have been applicable to qualifying worsted wool fabric of the kind described in subheadings 9902.51.11, 9902.51.15, and 9902.51.16 of the 2014 HTS prior to the expiration of the Wool TRQ on December 31, 2014.

(2) *Eligible person—(i) In general.* The term “eligible person” means a manufacturer (or a successor-in-interest to the manufacturer) in the U.S. during the calendar year immediately preceding the payment that:

(A) Imported qualifying worsted wool fabric; and

(B) Used the imported qualifying worsted wool fabric

(1) In the case of wool of the kind described in subheadings 9902.51.11 or 9902.51.15 of the 2014 HTS, to produce worsted wool suits, suit-type jackets and trousers for men and boys; or

(2) In the case of wool fabric of the kind described in subheading 9902.51.16 of the 2014 HTS, used such wool fabric in manufacturing.

(ii) *Successor-in-interest.* If a person satisfies the criteria for becoming a successor-in-interest to an eligible person under paragraph (a)(4) of this section, the person shall succeed to the status of the eligible person and become eligible for the payment.

(3) *Qualifying worsted wool fabric.* The term “qualifying worsted wool fabric” means imported worsted wool fabric containing at least 85% by weight worsted wool of the kind described in subheadings 9902.51.11, 9902.51.15, or 9902.51.16 of the 2014 HTS that, during the calendar year immediately preceding the payment was:

(i) Imported by an eligible person in the U.S.; and

(ii) Used by the eligible person in the U.S.

(A) In the case of wool fabric of the kind described in subheadings 9902.51.11 or 9902.51.15 of the HTS, to produce worsted wool suits, suit-type jackets and trousers for men and boys; or

(B) In the case of wool fabric of the kind described in subheading 9902.51.16 of the HTS, was used in manufacturing.

(4) *Successor-in-interest.* The term “successor-in-interest” means a person that is eligible to claim a payment under this section as if the person were the original eligible person, without regard to section 3727, title 31, United States Code because of—

(i) An assignment of the claim;

(ii) An assignment of the original eligible person’s right to manufacture under the same trade name; or

(iii) A reorganization of the eligible person.

(b) *Purposes.* The purposes of a TRQ monetization payment are to provide an eligible person—

(1) Compensation for termination of the TRQ for qualifying worsted wool fabric; and

(2) A payment that is equivalent to the amount the eligible person would have saved during the calendar year for imports of qualifying worsted wool fabric if the lower duty rate under the applicable 2014 HTS subheading(s) of a qualifying worsted wool fabric were in effect.

(c) *Calculation of monetized TRQ payment.* A payment will be established by calculating, as provided in paragraphs (c)(1) through (4) of this section, the savings that would have been realized by the eligible person for imports of qualifying worsted wool fabric of the kind described in one of the three subheadings 9902.51.11, 9902.51.15, or 9902.51.16 of the 2014 HTS (as applicable), had the lower duty rate been in effect.

(1) *Payment formula.* Except as provided in paragraph (c)(2) of this section, a payment shall be calculated by

(i) Establishing the reported dollar value of imported worsted wool fabric, for each of the 2014 HTS subheadings of worsted wool fabric, during the calendar year immediately preceding the payment;

(ii) Subtracting the duty rate (converted to numeric value) for each applicable 2014 HTS subheading of worsted wool fabric that would have been paid in calendar year 2014 from the duty rate (converted to numeric value) that was actually paid in the calendar year immediately preceding the payment;

(iii) For each applicable 2014 HTS subheading of worsted wool fabric, multiplying the numeric values described in paragraphs (c)(1)(i) and (ii) of this section; and

(iv) Adding each product obtained in paragraph (c)(1)(iii) of this section.

(2) *Exception for 2015 payment.* In the case of the payment to be made in 2015, for purposes of the calculation component described in paragraph (c)(1)(ii) of this section the duty rate applicable in 2015 shall be deemed the duty rate actually paid in 2014. The reason for this exception for the 2015 payment is that 2014 is both the last year in which the lower duty rate was still in effect, and is also the calendar year immediately preceding the payment (the payment is in 2015). As a result, for the 2015 payment, a proxy is necessary for the higher duty rate in the calendar year immediately preceding the payment.

(3) *2015 payment.* A payment in 2015 shall be calculated by

(i) Establishing the reported dollar value of imported worsted wool fabric during the calendar year immediately preceding the payment under the 2014 HTS subheading of worsted wool fabric;

(ii) Subtracting the lower duty rate (converted to numeric value) that would have been applicable to the 2014 HTS subheading of worsted wool fabric from the duty rate applicable to that HTS subheading in 2015 (converted to numeric value);

(iii) Multiplying the numeric values described in paragraphs (c)(3)(i) and (ii) of this section); and (iv) Adding the product obtained in paragraph (c)(3)(iii) of this section to the product obtained for every applicable subheading of worsted wool fabric.

(4) *2016–2019 payments.* A payment in each of years 2016–2019 shall be calculated by

(i) Establishing the reported dollar value of imported worsted wool fabric during the calendar year immediately preceding the payment under the 2014 HTS subheading of worsted wool fabric;

(ii) Subtracting the lower duty rate (converted to numeric value) that would have been applicable to the 2014 HTS subheading of worsted wool fabric from the duty rate applicable to the calendar year preceding the payment (converted to numeric value);

(iii) Multiplying the numeric values described in paragraphs (c)(4)(i) and (ii) of this section; and

(iv) Adding the product obtained in paragraph (c)(3)(iii) of this section to the product obtained for every applicable subheading of worsted wool fabric.

(d) *Annual affidavit—(1) In general.* An eligible person applying for a payment under this section shall comply with all applicable reporting requirements of this section and of § 1471.10.

(2) *Specific business information—(i) Imports and production.*—An eligible person shall, for the entire calendar year immediately preceding the payment, report the actual dollar value and the actual quantity of

(A) Imports into the U.S. of qualifying worsted wool fabric (square meters); and

(B) The qualifying worsted wool fabric used by the eligible person in the U.S.

(1) In the case of wool of the kind described in subheadings 9902.51.11 or 9902.51.15 of the 2014 HTS, to produce worsted wool suits, suit-type jackets and trousers for men and boys (units); or

(2) In the case of wool of the kind described in subheading 9902.51.16 of the 2014 HTS, such wool that was manufactured (square meters).

(ii) *Direct and indirect importers—(A) In general.* Eligible persons that import qualifying worsted wool fabric through a third party broker are considered to be indirect importers of the qualifying worsted wool fabric. Persons that directly import qualifying worsted wool fabric and pay the import duty for such wool are considered to be direct importers of the qualifying worsted wool fabric.

(B) *Reported dollar value.* Eligible persons must state in their annual affidavit whether, in the calendar year

immediately preceding the payment, they were direct or indirect importers, and the dollar value of the imported qualifying worsted wool fabric. The reported dollar value of such imports by indirect importers will be subject to a 10% reduction.

(C) *Affirmation.* An eligible person shall annually affirm in the affidavit that, in the calendar year immediately preceding the payment, in the U.S., the eligible person:

(1) Directly or indirectly imported the qualifying worsted wool fabric into the U.S.;

(2) Used that fabric to produce in the U.S. worsted wool suits, suit jackets, and trousers for men and boys (or, in the case of qualifying worsted wool fabric of the kind described in the 2014 HTS subheading 9902.51.16, for manufactured in the U.S.); and

(3) Imported qualifying worsted wool fabric from the country of origin identified in the affidavit.

(iii) *Import documentation*—(A)

*Direct imports.* Applicable to the calendar year immediately preceding payment, an eligible person that directly imported qualifying worsted wool fabric is required to submit to FAS as part of the affidavit package scanned copies of CBP Form 7501 “Entry Summary” for the relevant calculations made in the affidavit.

(B) *Indirect imports.* Applicable to the calendar year immediately preceding payment, an eligible person that indirectly imported qualifying worsted wool fabric is required to submit to FAS as part of the affidavit package invoices from third party brokers as required in the affidavit.

(3) *Production of garments or manufacturing of qualifying worsted wool fabric*—(i) *Production of garments*—(A) *In general.* When reporting the annual dollar value and quantity of imported qualifying worsted wool fabric, and the annual dollar value and quantity of the qualifying worsted wool fabric that was cut and sewn, an eligible person may either have cut and sewn the wool on its own behalf or had another person cut and sew the wool on behalf of the eligible person, provided the eligible person owned the wool at the time it was cut and sewn.

(B) *Applicability.* This paragraph applies to wool of the kind described in subheadings 9902.51.11 and 9902.51.15 of the 2014 HTS.

(ii) *Manufacturing of qualifying worsted wool fabric*—(A) *In general.* When reporting the annual dollar value and quantity of imported qualifying worsted wool fabric, and the annual dollar value and quantity of the qualifying worsted wool fabric that was

manufactured, an eligible person may either have manufactured the wool on its own behalf or had another person manufacture the wool, provided the eligible person owned the wool at the time of manufacture.

(B) *Applicability.* This paragraph applies to wool of the kind described in subheading 9902.51.16 of the 2014 HTS.

**§ 1471.14 Wool yarn, wool fiber, and wool top duty compensation payment.**

(a) *Definitions.* In this section the following definitions apply:

(1) *Duty.* The term “duty” means the duty rate codified in the HTS for a year that is applicable to qualifying wool of the kind described in subheadings 9902.51.13 and 9902.51.14 of the 2014 HTS.

(2) *Eligible person*—(i) *In general.* The term “eligible person” means a manufacturer (or a successor-in-interest to the manufacturer) in the U.S. during the calendar year immediately preceding the payment; that

(A) Imported qualifying wool; and

(B) Manufactured the qualifying wool.

(ii) *Successor-in-interest.* If a person satisfies the criteria for becoming a successor-in-interest to an eligible person under paragraph (a)(4) of this section, the person shall succeed to the status of the eligible person and become eligible for the payment.

(3) *Qualifying wool.* The term “qualifying wool” means imported wool yarn of the kind described in subheading 9902.51.13 of the 2014 HTS, and imported wool fiber or wool top of the kind described in subheading 9902.51.14 of the 2014 HTS, that, during the calendar year immediately preceding the payment was

(i) Imported, directly or indirectly, by an eligible person (or a successor-in-interest) into the U.S.; and

(ii) Manufactured by the eligible person in the U.S.

(4) *Successor-in-interest.* The term “successor-in-interest” means a person that is eligible to claim a payment under this section as if the person were the original eligible manufacturer, without regard to section 3727, title 31, U.S. Code because of

(i) An assignment of the claim;

(ii) An assignment of the eligible person’s right to manufacture under the same trade name; or

(iii) A reorganization of the eligible person.

(b) *Import duties.* The duties on imports of qualifying wool were suspended in their entirety in section 503 of the Trade and Development Act of 2000. The suspension of the duties for both HTS subheadings of qualifying wool was extended through December

31, 2014. These duties were reinstated as of January 1, 2015.

(c) *Duty compensation payment*—(1) *Calculation of payment.* For each of the 2015–2019 calendar years the duty compensation payment of an eligible person will be established by calculating, as provided in paragraphs (c)(2) through (5) of this section, the savings that would have been realized by the eligible person for imports of qualifying wool had the duty suspension been in effect.

(2) *Savings for each subheading.* The savings realized by an eligible person for imports of qualifying wool under a HTS subheading covered by this section shall be obtained by multiplying

(i) The reported dollar value of imports under a HTS subheading during the calendar year immediately preceding the payment; and

(ii) Except as provided in paragraph (c)(5) of this section, the duty applicable to that HTS subheading in the calendar year preceding the payment, converted to numeric value.

(3) *Sum of subheading savings.* The product obtained in paragraph (c)(2) of this section for imports of qualifying wool previously described under each HTS subheading shall be added to the savings obtained for imports under the other HTS subheading (as applicable).

(4) *Duty compensation payment amount.* The sum obtained in paragraph (c)(3) of this section shall equal the annual duty compensation payment for the eligible person for the applicable calendar year.

(5) *Exception for 2015 payment.* In the case of the 2015 payment, for purposes of the calculation component described in paragraph (c)(2) of this section the duty rate applicable in 2015 shall be deemed the duty rate actually paid in 2014. The reason for this exception for the 2015 payment is that 2014 is both the last year in which the duty suspension was still in effect, and is also the calendar year immediately preceding the payment (the payment is in 2015). As a result, for the 2015 payment, a proxy is necessary for the higher duty rate in the calendar year immediately preceding the payment.

(d) *Annual affidavit required*—(1) *In general.* An eligible person applying for a payment under this section shall comply with all applicable reporting requirements described in this section and § 1471.10.

(2) *Specific business information*—(i) *Imports and production.* An eligible person shall, for the calendar year immediately preceding the payment, report the actual dollar value and the actual quantity of:

(A) Imports into the U.S. of qualifying wool by the eligible person; and

(B) Such qualifying wool that was manufactured in the U.S. by the eligible person.

(ii) *Direct and indirect importers*—(A) *In general.* Eligible persons that import qualifying wool through a third party broker are considered to be indirect importers of the qualifying wool. Persons that directly import qualifying wool and pay the import duty for such wool are considered to be direct importers of the qualifying wool.

(B) *Reported dollar value.* Eligible persons must state in their annual affidavit whether, in the calendar year immediately preceding the payment, they were direct or indirect importers, and the dollar value of the imported qualifying wool. The reported dollar value of imports by indirect importers will be subject to a 10% reduction.

(C) *Affirmation.* An eligible person shall annually affirm in the affidavit that, in the calendar year immediately preceding the payment, the eligible person

(1) Directly or indirectly imported the qualifying wool into the U.S.;

(2) Manufactured the qualifying wool in the U.S.; and

(3) Imported qualifying wool from the country of origin identified in the affidavit.

(iii) *Import documentation*—(A) *Direct imports.* Applicable to the calendar year immediately preceding the payment, an eligible person that directly imported qualifying wool is required to submit to FAS as part of the affidavit package scanned copies of CBP Form 7501 “Entry Summary” for the relevant calculations made in the affidavit.

(B) *Indirect imports.* Applicable to the calendar year immediately preceding the payment, an eligible person that indirectly imported qualifying wool is required to submit to FAS as part of the affidavit package invoices from third party brokers for the relevant calculations made in the affidavit.

(3) *Manufacture of qualifying wool.* When reporting the annual dollar value and quantity of imported qualifying wool, and the annual dollar value and quantity of the qualifying wool that was manufactured, an eligible person may either have manufactured the qualifying wool on its own behalf or had another person manufacture the qualifying wool, provided the eligible person owned the qualifying wool at the time of manufacture.

Dated: February 25, 2015.

**Phil C. Karsting,**

*Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.*

[FR Doc. 2015–04385 Filed 3–6–15; 8:45 am]

**BILLING CODE 3410–10–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA–2014–0347; Directorate Identifier 2013–NM–173–AD; Amendment 39–18109; AD 2015–04–07]**

**RIN 2120–AA64**

#### **Airworthiness Directives; The Boeing Company Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 767–200 and –300 series airplanes equipped with Pratt & Whitney Model JT9D or PW4000 engines. This AD was prompted by a report of several cases of low hydraulic pressure or loss of electrical power to the alternating current motor pump (ACMP) on the left engine. This AD requires inspecting for damage of the wiring bundles in the left engine’s strut and corrective actions if necessary, and installing new wire support brackets and bundle clamps. We are issuing this AD to detect and correct chafed wire bundles due to rubbing against structure or a hydraulic piping elbow, which could result in electrical arcing in a flammable fluid leakage zone, and provide a possible ignition source for fuel vapors and hydraulic fluids. Ignited fuel vapors or hydraulic fluid in an area without a fire detection or suppression system could result in an uncontained engine strut fire and structural damage to the engine strut.

**DATES:** This AD is effective April 13, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 13, 2015.

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

the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2014–0347.

#### **Examining the AD Docket**

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2014–0347; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Philip Sheridan, Senior Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6441; fax: 425–917–6590; email: [philip.sheridan@faa.gov](mailto:philip.sheridan@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 767–200 and –300 series airplanes equipped with Pratt & Whitney Model JT9D or PW4000 engines. The NPRM published in the **Federal Register** on June 30, 2014 (79 FR 36680). The NPRM was prompted by a report of several cases of low hydraulic pressure or loss of electrical power to the ACMP on the left engine. The NPRM proposed to require inspecting for damage of the wiring bundles in the left engine’s strut and corrective actions if necessary, and installing new wire support brackets and bundle clamps. We are issuing this AD to detect and correct chafed wire bundles due to rubbing against structure or a hydraulic piping elbow, which could result in electrical arcing in a flammable fluid leakage zone, and provide a possible ignition source for fuel vapors and hydraulic fluids. Ignited fuel vapors or hydraulic fluid in an area without a fire detection or suppression

system could result in an uncontained engine strut fire and structural damage to the engine strut.

### Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 36680, June 30, 2014) and the FAA's response to each comment.

### Request To Include Airplanes Equipped With General Electric Engines

Boeing requested that paragraphs (c), (g), and (h) of the proposed AD (79 FR 36680, June 30, 2014) be revised to include Model 767 airplanes that are equipped with General Electric engines. Boeing stated that the identified unsafe condition for Model 767 airplanes equipped with Pratt & Whitney engines also exists on Model 767 airplanes equipped with General Electric engines. Boeing also noted that it has issued Service Bulletins 767-29A0098 and 767-29A0100 to address the unsafe condition for the airplanes with General Electric Model CF6-80A or CF6-80C2 engines.

We agree that a similar unsafe condition might exist for Model 767 airplanes that are equipped with General Electric engines. We are evaluating the potential for this unsafe condition to exist on those airplanes and might consider further rulemaking for those airplanes. However, while we determine whether further rulemaking is appropriate for those airplanes with General Electric engines, we consider it appropriate to proceed with issuance of this AD for Model 767 airplanes equipped with Pratt & Whitney engines. We have not changed this AD in this regard.

### Request To Clarify Certain Figures in Service Information

United Airlines stated that it has no issues with the reason for the NPRM (79 FR 36680, June 30, 2014) or the proposed actions. However, United Airlines did have concerns about the clarity of some parts of Boeing Alert Service Bulletin 767-29A0115, dated May 22, 2013.

- Figure 2 has an illustration that shows four wire bundles, but Step 1 of the figure only specifies three wire bundles to inspect. Another figure, Figure 3, also has the same illustration that shows four wire bundles, but Step 1 of Figure 3 specifies four wire bundles to inspect. It is unclear if the illustration or the Step 1 is incorrect.

- Step 1 in Figure 4 specifies removing two Hi-Loks and a bracket; then the Hi-Loks are re-installed in Step

4, which seems to indicate the bracket should be discarded. However, Figure 4 does not specify what to do with that bracket, which means it is not clear what the new Hi-loks would be retaining or if the other bracket that is apparently attached to the bulkhead web remains.

- Steps 2 and 3 of Figure 4 each specify to remove four bolts, but a note for Step 3 states "do not remove valve mounting brackets." It seems the mounting brackets will fall free at that time and, if that is the case, the note should say "retain brackets for reuse."

- Figure 4 does not specify "remove and discard" for certain parts that are not re-used, especially those parts that are duplicated in the new parts kit.

We agree that Figure 4 of Boeing Alert Service Bulletin 767-29A0115, dated May 22, 2013, could be improved for clarity. However, Figure 4 of Boeing Alert Service Bulletin 767-29A0115, dated May 22, 2013, was referenced by a step in the Accomplishment Instructions that was not labeled "RC" (required for compliance) and may be deviated from as specified in paragraph (j)(4) of this AD. We revised paragraph (j)(4) of this AD to specify that steps that are not marked "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 "RC"-marked steps can still be done and the airplane can be put back in a serviceable condition.

Figure 3 of Boeing Alert Service Bulletin 767-29A0115, dated May 22, 2013, is correct.

Figure 2 of Boeing Alert Service Bulletin 767-29A0115, dated May 22, 2013, was identified in a step labeled "RC" in the Accomplishment Instructions as a figure that must be done to comply with this AD. We agree that the illustration for Figure 2 is misleading with regard to the number of wire bundles that must be inspected. However, the title of Figure 2 clearly indicates the correct wire bundle numbers (three) and wire bundle identification (W290, W390, and W398) to inspect, and the number of wire bundles specified in Step 1 of the figure is also correct.

FAA Advisory Circular (AC) 20-176A, "Service Bulletins Related to Airworthiness Directives and Indicating FAA Approval on Service Documents," dated June 16, 2014 ([http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/979ddd1479e1ec6f86257cfc0052d4e9/\\$FILE/AC%2020-176A.PDF](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/979ddd1479e1ec6f86257cfc0052d4e9/$FILE/AC%2020-176A.PDF)), states that

"To avoid subjective misinterpretation, the text in the accomplishment instructions must be the authoritative information." Therefore, we regard the text in Figure 2 to be more authoritative than the illustration for Figure 2.

To clarify this information, we added a new Note 1 to paragraph (g) of this AD and renumbered a subsequent note accordingly. Note 1 to paragraph (g) of this AD clarifies that the illustration in Figure 2 of Boeing Alert Service Bulletin 767-29A0115, dated May 22, 2013, shows four wire bundles, but the text in Figure 2 correctly identifies three wire bundles to be inspected. Following the text in Figure 2 will result in accomplishment of the appropriate actions; no approval of an alternative method of compliance (AMOC) is needed to address this issue. We conclude that this will enable operators to successfully incorporate the service information.

### Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate (STC) ST01920SE ([http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgstc.nsf/0/59027F43B9A7486E86257B1D006591EE?OpenDocument&Highlight=st01920se](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/59027F43B9A7486E86257B1D006591EE?OpenDocument&Highlight=st01920se)) does not affect the accomplishment of the manufacturer's service instructions.

### Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 36680, June 30, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 36680, June 30, 2014).

### Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 767-29A0115, dated May 22, 2013. The service information describes procedures for inspection of wire bundles and replacement of wire support bracket in the left engine strut. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Boeing Alert Service Bulletin 767-29A0115, dated May 22, 2013, specifies concurrent or prior accomplishment of

Boeing Service Bulletin 767–29–0057, Revision 3, dated June 9, 2011, for modification of certain wire bundles. Boeing Service Bulletin 767–29–0057, Revision 3, dated June 9, 2011,

describes procedures for modifying certain wire bundles. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

**Costs of Compliance**

We estimate that this AD affects 126 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection and installation .....	13 work-hours × \$85 per hour = \$1,105 .....	\$349	\$1,454	\$183,204

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

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**2015–04–07 The Boeing Company:**  
Amendment 39–18109; Docket No. FAA–2014–0347; Directorate Identifier 2013–NM–173–AD.

- (a) **Effective Date**  
This AD is effective April 13, 2015.

- (b) **Affected ADs**  
None.

- (c) **Applicability**  
This AD applies to The Boeing Company Model 767–200 and –300 series airplanes, certificated in any category, equipped with Pratt & Whitney Model JT9D or PW4000 engines, as identified in Boeing Alert Service Bulletin 767–29A0115, dated May 22, 2013.

- (d) **Subject**  
Air Transport Association (ATA) of America Code 29, Hydraulic Power.

- (e) **Unsafe Condition**  
This AD was prompted by a report of several cases of low hydraulic pressure or loss of electrical power to the alternating current motor pump (ACMP) on the left engine. We are issuing this AD to detect and correct chafed wire bundles due to rubbing against structure or a hydraulic piping elbow, which could result in electrical arcing in a flammable fluid leakage zone, and provide a possible ignition source for fuel vapors and hydraulic fluids. Ignited fuel vapors or hydraulic fluid in an area without a fire

detection or suppression system could result in an uncontained engine strut fire and structural damage to the engine strut.

**(f) Compliance**

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

**(g) Inspection and Corrective Actions**

Within 48 months after the effective date of this AD, do a detailed inspection for damage of the wiring bundles in the left engine’s strut, and all applicable corrective actions; and install new wire support brackets and bundle clamps; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–29A0115, dated May 22, 2013. Do all applicable corrective actions before further flight.

**Note 1 to paragraph (g) of this AD:** The illustration in Figure 2 of Boeing Alert Service Bulletin 767–29A0115, dated May 22, 2013, shows four wire bundles, but the text in Figure 2 correctly identifies three wire bundles to be inspected. Following the text in Figure 2 will result in accomplishment of the appropriate actions; no approval of an alternative method of compliance (AMOC) is needed to address this issue.

**(h) Prior or Concurrent Action**

For airplanes identified as Group 1 airplanes in Boeing Alert Service Bulletin 767–29A0115, dated May 22, 2013; Prior to or concurrently with doing the actions required by paragraph (g) of this AD, do a modification of the wire bundles, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 767–29–0057, Revision 3, dated June 9, 2011.

**Note 2 to paragraph (h) of this AD:** For certain airplanes, paragraph (b) of AD 2004–16–12, Amendment 39–13768 (69 FR 51002, August 17, 2004), references Boeing Service Bulletin 767–29–0057, dated December 16, 1993; and Boeing Service Bulletin 767–29–0057, Revision 1, dated August 14, 2003; as concurrent requirements.

**(i) Credit for Previous Actions**

This paragraph provides credit for the actions specified in paragraph (h) of this AD, if those actions were performed before the effective date of this AD using any of the service information identified in paragraphs (i)(1), (i)(2), and (i)(3) of this AD.

- (1) Boeing Service Bulletin 767–29–0057, dated December 16, 1993, which was incorporated by reference in AD 2000–19–09,

Amendment 39–11910 (65 FR 58641, October 2, 2000).

(2) Boeing Service Bulletin 767–29–0057, Revision 1, dated August 14, 2003, which was incorporated by reference in AD 2004–16–12, Amendment 39–13768 (69 FR 51002, August 17, 2004).

(3) Boeing Service Bulletin 767–29–0057, Revision 2, dated September 24, 2009, which is not incorporated by reference in this AD.

#### (j) 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 (k) of this AD. Information may be emailed to: [9-ANM-Seattle-ACO-AMOC-Requests@faa.gov](mailto:9-ANM-Seattle-ACO-AMOC-Requests@faa.gov).

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

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

(4) If the service information contains steps that are labeled as RC (Required for Compliance), those steps must be done to comply with this AD; any steps that are not labeled as RC are recommended. Those steps that are not labeled 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 steps labeled as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to steps labeled as RC require approval of an AMOC.

#### (k) Related Information

(1) For more information about this AD, contact Philip Sheridan, Senior Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6441; fax: 425–917–6590; email: [philip.sheridan@faa.gov](mailto:philip.sheridan@faa.gov).

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

#### (l) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 767–29A0115, dated May 22, 2013.

(ii) Boeing Service Bulletin 767–29–0057, Revision 3, dated June 9, 2011.

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

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

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

Issued in Renton, Washington, on February 19, 2015.

**Jeffrey E. Duven,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2015–03978 Filed 3–6–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2014–0601; Airspace Docket No. 14–ANE–7]

#### Amendment of Class E Airspace; Manchester, NH

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E Airspace at Manchester, NH, as a new approach procedure has been developed, requiring airspace redesign at Manchester Airport. This enhances the safety and management of instrument flight rules (IFR) operations at the airport. This action also updates the geographic coordinates of the airport.

**DATES:** Effective 0901 UTC, April 30, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.9Y, Airspace Designations and Reporting

Points can be viewed online at the FAA Air Traffic Plans and Publications Web site at [http://www.faa.gov/documentLibrary/media/Order/JO\\_7400.9Y.pdf](http://www.faa.gov/documentLibrary/media/Order/JO_7400.9Y.pdf). An additional link on this site entitled Airspace Amendments is updated routinely with the most current airspace designations and reporting points. It may also be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to <http://www.archives.gov/federal-register/code-of-federal-regulations/ibr-locations.html>.

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington DC, 20591; telephone: 202–267–8783.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.

#### SUPPLEMENTARY INFORMATION:

##### History

On October 16, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace at Manchester Airport, Manchester, NH, (79 FR 62079). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One anonymous, positive comment was received.

Class E airspace designations are published in paragraph 6003 of FAA Order 7400.9Y dated August 6, 2014, and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

##### Availability and Summary of Documents for Incorporation by Reference

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

## The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace designated as an extension to Class C surface area, at Manchester Airport, Manchester, NH. Airspace reconfiguration extending from the 5-mile radius of the airport to 8.3-miles northwest of the airport is necessary due to the development of the RNAV (RNP) Z RWY 17 approach, and for continued safety and management of IFR operations at the airport. Also, the geographic coordinates of Manchester Airport are adjusted to coincide with the FAA's aeronautical database. An editorial change is made to correct the title of paragraph 6003 of FAA Order 7400.9Y, to read "Class E Airspace Designated as an Extension to a Class C Surface area".

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

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

## Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental

Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

## List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

## Adoption of the Amendment

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

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

- 1. The authority citation for part 71 continues to read as follows:

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

#### § 71.1 [Amended]

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

*Paragraph 6003 Class E Airspace Designated as an Extension to a Class C Surface Area.*

\* \* \* \* \*

#### ANE NH E3 Manchester, NH [Amended]

Manchester Airport, NH  
(Lat. 42°55'58" N., long. 71°26'09" W.)

That airspace extending upward from the surface within 3.3-miles each side of the 337° bearing of Manchester Airport extending from the 5-mile radius to 8.5-miles northwest of the airport.

Issued in College Park, Georgia, on February 25, 2015.

#### Gerald E. Lynch,

*Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2015–05112 Filed 3–6–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2014–0293; Airspace Docket No. 14–ANE–5]

#### Establishment of Class E Airspace; Plainville, CT

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E Airspace at Plainville, CT, to accommodate new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAPs) serving Robertson Field Airport. This action enhances the safety and management of Instrument Flight Rules (IFR) operations within the National Airspace System.

**DATES:** Effective 0901 UTC, April 30, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.9Y, Airspace Designations and Reporting Points can be viewed online at the FAA Air Traffic Plans and Publications Web site at [http://www.faa.gov/documentLibrary/media/Order/JO\\_7400.9Y.pdf](http://www.faa.gov/documentLibrary/media/Order/JO_7400.9Y.pdf). An additional link on this site entitled Airspace Amendments is updated routinely with the most current airspace designations and reporting points. It may also be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to [http://www.archives.gov/federal\\_register/code\\_of\\_federal-regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html).

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington DC 20591; telephone: 202–267–8783.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–6364.



**SUPPLEMENTARY INFORMATION:****History**

On October 17, 2014, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace at Robertson Field Airport, Plainville, CT, (79 FR 62366). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One anonymous positive comment was received.

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

**Availability and Summary of Documents for Incorporation by Reference**

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

**The Rule**

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Robertson Field Airport, Plainville, CT. Controlled airspace is required to support the new RNAV (GPS) standard instrument approach procedures for Robertson Field Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial

number of small entities under the criteria of the Regulatory Flexibility Act.

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

**Environmental Review**

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

**Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

**Adoption of the Amendment**

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

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

- 1. The authority citation for part 71 continues to read as follows:

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

**§ 71.1 [Amended]**

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

*Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.*

\* \* \* \* \*

**ANE CT E5 Plainville, CT [New]**

Robertson Field Airport, CT  
(Lat. 41°41'22" N., long. 72°51'53" W.)

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Robertson Field Airport.

Issued in College Park, Georgia, on February 25, 2015.

**Gerald E. Lynch,**

*Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2015–05110 Filed 3–6–15; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 117**

[Docket No. USCG–2015–0110]

**Drawbridge Operation Regulations; Housatonic River, Stratford, CT**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the operation of the Metro-North (Devon) railroad bridge across the Housatonic River at Stratford, Connecticut. This deviation is necessary to allow the bridge owner to perform electrical repairs at the bridge. This deviation allows the bridge to remain closed for seven days.

**DATES:** This deviation is effective from 7 a.m. on March 23, 2015 through 7 a.m. on March 29, 2015.

**ADDRESSES:** The docket for this deviation, [USCG–2015–0110] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140, on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:** The Metro-North (Devon) railroad bridge across the Housatonic River, mile 3.9, at Stratford, Connecticut, has a vertical clearance in the closed position of 19 feet at mean high water and 25 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.207(b).

The waterway is transited by seasonal recreational vessels and commercial vessels of various sizes.

The bridge owner, Metro-North, requested a temporary deviation from the normal operating schedule to facilitate electrical repairs at the bridge.

Under this temporary deviation the Metro-North (Devon) railroad bridge may remain in the closed position from 7 a.m. on March 23, 2015 through 7 a.m. on March 29, 2015.

The draw shall maintain its normal operating schedule at all other times.

There are no alternate routes for vessel traffic; however, vessels that can pass under the closed draw during this closure may do so at all times. The bridge may be opened in the event of an emergency.

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

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

Dated: February 23, 2015.

**C.J. Bisignano,**

*Supervisory Bridge Management Specialist,  
First Coast Guard District.*

[FR Doc. 2015-05294 Filed 3-6-15; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2014-0292]

RIN 1625-AA00

#### Safety Zone for Ice Conditions; Chesapeake and Delaware Canal, Upper Chesapeake Bay, and Tributaries, MD

**AGENCY:** Coast Guard, DHS.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in all navigable waters within the northern portion of the Chesapeake Bay and its tributaries, including the western portion of the Chesapeake and Delaware Canal, located between the Delaware/Maryland Boundary Line across the Chesapeake and Delaware Canal east of Chesapeake City, MD, and a line drawn across the Chesapeake Bay at the William P. Lane, Jr. (US-50/301) Memorial Bridges, located between Sandy Point and Kent Island, MD. The temporary safety zone restricts vessels from transiting the zone during the effective period, unless authorized by the Captain of the Port Baltimore or his designated representative. This safety zone is necessary to protect mariners from the hazards associated with ice in the navigable waterways.

**DATES:** This rule is effective without actual notice from March 9, 2015 until April 15, 2015. For the purposes of enforcement, actual notice will be used from the date the rule was signed, February 17, 2015 until March 9, 2015.

**ADDRESSES:** Documents mentioned in this preamble are part of Docket Number USCG-2014-0292. 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 Mr. Ronald L. Houck, Sector Baltimore Waterways Management Division, U.S. Coast Guard; telephone 410-576-2674, email [Ronald.L.Houck@uscg.mil](mailto:Ronald.L.Houck@uscg.mil). If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Table of Acronyms**

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

#### **A. Regulatory History and Information**

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to

authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is contrary to public interest to delay issuing this rule. Delaying the rule by first publishing an NPRM would be contrary to the public interest in the safety zone's intended objective to protect persons and vessels against the hazards associated with ice on navigable waters. Such hazards include vessels becoming beset or dragged off course, sinking or grounding, and creating hazards to navigation.

For similar reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

#### **B. Basis, Purpose, and Discussion**

The legal basis for this rule is provided by 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Public Law 107-295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1. The purpose of this rule is to protect personal and vessel safety against dangers posed by frozen waterways.

During an average or severe winter, frozen waterways present numerous hazards to vessels. Ice in a waterway may hamper a vessel's ability to maneuver, and could cause visual aids to navigation to be submerged, destroyed or moved off station. Ice abrasions and ice pressure could also compromise a vessel's watertight integrity, and non-steel hulled vessels would be exposed to a greater risk of hull breach.

When ice conditions develop to a point where vessel operations become unsafe, it becomes necessary to impose operating restrictions to ensure the safe navigation of vessels. A safety zone is a tool available to the Captain of the Port (COTP) to restrict and manage vessel movement when hazardous conditions exist. The COTP Baltimore is establishing a safety zone within all navigable waters within the northern portion of the Chesapeake Bay and its tributaries, including the western portion of the Chesapeake and Delaware Canal, located between the Delaware/Maryland Boundary Line across the

Chesapeake and Delaware Canal east of Chesapeake City, MD, and a line drawn across the Chesapeake Bay at the William P. Lane, Jr. (US-50/301) Memorial Bridges, located between Sandy Point and Kent Island, MD. This safety zone will restrict certain vessels meeting certain conditions specified from entering the navigable waters within the northern portion of the Chesapeake Bay and its tributaries, including the western portion of the Chesapeake and Delaware Canal, located between the Delaware/Maryland Boundary Line across the Chesapeake and Delaware Canal east of Chesapeake City, MD, and a line drawn across the Chesapeake Bay at the William P. Lane, Jr. (US-50/301) Memorial Bridges, located between Sandy Point and Kent Island, MD. Those vessels prohibited from entering the safety zone will be specified via broadcast notice to mariners and marine safety information bulletins.

Ice generally begins to form in the Upper Chesapeake Bay and its tributaries, including the C & D Canal, in late December or early January. During an average or severe winter, ice in navigable waters can become a serious problem, requiring the use of federal, state and private ice breaking resources. The Commander, Coast Guard Sector Baltimore will use his COTP authority to promote vessel safety in ice-congested waters and the continuation of waterborne commerce throughout the cold weather months.

Ice fields in the Upper Chesapeake Bay and its tributaries move with prevailing winds and currents. Heavy ice buildups can occur in the C & D Canal, from Town Point Wharf to Reedy Point. Other areas that are commonly affected by high volumes of ice are within the approaches to Baltimore Harbor, including: The Elk River, Susquehanna River, Patapsco River, and the approaches to Baltimore Harbor. Once ice buildup begins it can affect the transit of large ocean-going vessels. This regulation is intended to mitigate the threat ice poses to the maritime public.

### C. Discussion of the Interim Rule

A safety zone is being established encompassing navigable waters within the northern portion of the Chesapeake Bay and its tributaries, including the western portion of the Chesapeake and Delaware Canal, located between the Delaware/Maryland Boundary Line across the Chesapeake and Delaware Canal east of Chesapeake City, MD, and a line drawn across the Chesapeake Bay at the William P. Lane, Jr. (US-50/301) Memorial Bridges, located between Sandy Point and Kent Island, MD. The

COTP Baltimore anticipates only having to enforce certain parts of the regulated area at certain times. The purpose of this regulation is to promote maritime safety and to protect mariners transiting the area from the potential hazards due to ice conditions that become a threat to navigation. The COTP Baltimore will notify the maritime community, via marine broadcasts, of the location and thickness of the ice as well as the ability of vessels to transit through the safety zone depending on the prevailing ice conditions. Prevailing ice conditions will be categorized as Condition One, Condition Two, or Condition Three.

Ice Condition One is an emergency condition in which ice has largely covered the regulated area. Under these conditions, convoys may be required and restrictions based on shaft horsepower and a vessel's planned transit may be imposed by the COTP on certain vessels seeking to enter the safety zone.

Ice Condition Two is an alert condition in which at least 2 inches of ice begins to form in the regulated area. The COTP Baltimore may impose restrictions, including but not limited to, those based on shaft horsepower and hull type restrictions for certain vessels seeking to enter the safety zone.

Ice Condition Three is a readiness condition in which weather conditions are favorable for the formation of ice in the regulated area. Daily reports for the Coast Guard Stations and commercial vessels are monitored, and no limitations for vessels seeking to enter the zone based on vessel traffic, hull type or shaft horsepower are anticipated.

This rule has been enforced with actual notice since February 17, 2015 and it will be enforced until April 15, 2015, unless sooner terminated by the COTP Baltimore.

### D. Regulatory Analyses

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

#### 1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and

Budget has not reviewed it under those Orders. Although this regulation could hinder or prevent traffic from transiting within the northern portion of the Chesapeake Bay and its tributaries, including the western portion of the Chesapeake and Delaware Canal, located between the Delaware/Maryland Boundary Line across the Chesapeake and Delaware Canal east of Chesapeake City, MD, and a line drawn across the Chesapeake Bay at the William P. Lane, Jr. (US-50/301) Memorial Bridges, located between Sandy Point and Kent Island, MD., the effect of this regulation will not be significant because there is little vessel traffic associated with recreational boating and commercial fishing during the effective period.

#### 2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601-612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to operate, transit or anchor in the regulated area, from February 17, 2015 until April 15, 2015. This safety zone will not have a significant economic impact on a substantial number of small entities due to a lack of seasonal vessel traffic associated with recreational boating and commercial fishing during the effective period. Although the safety zone will apply to the northern portion of Chesapeake Bay and its tributaries, including the western portion of the Chesapeake and Delaware Canal, located between the Delaware/Maryland Boundary Line across the Chesapeake and Delaware Canal east of Chesapeake City, MD, and a line drawn across the Chesapeake Bay at the William P. Lane, Jr. (US-50/301) Memorial Bridges, located between Sandy Point and Kent Island, MD, the COTP Baltimore anticipates only having to enforce certain parts of the regulated area at certain times. Traffic will be allowed to pass through the zone with the permission of the COTP Baltimore. Also, the COTP Baltimore will notify the maritime community, via marine broadcasts, of the location and thickness of the ice, as well as the ability of vessels to transit through the safety zone.

#### 3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement

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

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

#### 4. Collection of Information

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

#### 5. Federalism

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

#### 6. Protest Activities

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

#### 7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or

more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### 8. Taking of Private Property

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

#### 9. Civil Justice Reform

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

#### 10. Protection of Children From Environmental Health Risks

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

#### 11. Indian Tribal Governments

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

#### 12. Energy Effects

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

#### 13. Technical Standards

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

#### 14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a

significant effect on the human environment. This rule involves establishing a temporary safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

#### List of Subjects in 33 CFR Part 165

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

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

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

**Authority:** 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–0292 to read as follows:

#### § 165.T05–0292 Safety Zone for Ice Conditions; Chesapeake and Delaware Canal and Upper Chesapeake Bay, and their tributaries; MD.

(a) *Regulated Area.* The following area is a safety zone: The navigable waters within the northern portion of the Chesapeake Bay and its tributaries, including the western portion of the Chesapeake and Delaware Canal, located between the Delaware/Maryland Boundary Line across the Chesapeake and Delaware Canal east of Chesapeake City, MD, and a line drawn across the Chesapeake Bay at the William P. Lane, Jr. (US–50/301) Memorial Bridges, located between Sandy Point and Kent Island, MD.

(b) *Regulations.* The general safety zone regulations found in 33 CFR 165.23 apply to the safety zone created by this temporary section, § 165.T05–0292.

(1) All vessels and persons are prohibited from entering into or moving within the safety zone unless they meet the requirements set forth by the Captain of the Port (COTP) Baltimore for the prevailing ice conditions. Requirements for entry during periods when the safety zone is enforced will be

described via Marine Safety Radio Broadcast on VHF-FM marine band radio, channel 22A (157.1 MHz). Requirements may include, but are not limited to, the use of convoys, restrictions on shaft horsepower, and hull type restrictions, dependent on the prevailing ice conditions and vessel type.

(2) Persons desiring to transit in the safety zone not meeting the requirements established by the COTP Baltimore must contact the COTP Baltimore or his designated representative at telephone number 410-576-2693 or on VHF-FM channel 16 (156.8 MHz) to seek permission prior to transiting the area. If permission is granted, all persons and vessels shall comply with the instructions of the COTP Baltimore or his designated representative.

(3) The Coast Guard vessels enforcing this safety zone can be contacted on VHF-FM marine band radio channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel, or other Federal, State, or local agency vessel operating under the authority of the COTP Baltimore, by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. The COTP Baltimore and his designated representatives can be contacted at telephone number 410-576-2693.

(4) The COTP Baltimore or his designated representative will notify the public of any changes in the status of this safety zone by Marine Safety Radio Broadcast on VHF-FM marine band radio channel 22A (157.1 MHz).

(c) *Definitions.* As used in this section:

*Captain of the Port Baltimore* means the Commander, U.S. Coast Guard Sector Baltimore, Maryland.

*Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Baltimore to assist in enforcing the safety zone described in paragraph (a) of this section.

(d) *Enforcement.* The U.S. Coast Guard may be assisted by Federal, State and local agencies in the patrol and enforcement of the zone.

(e) *Enforcement period.* This section will be enforced from February 17, 2015 until April 15, 2015.

Dated: February 17, 2015.

**Kevin C. Kiefer,**

*Captain, U.S. Coast Guard, Captain of the Port Baltimore.*

[FR Doc. 2015-05475 Filed 3-6-15; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2015-0037]

#### Drawbridge Operation Regulations; Narrow Bay, Suffolk County, NY

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the operation of the Smith Point Bridge across Narrow Bay, mile 6.1, at Suffolk County, New York. This deviation is necessary to provide public safety during a public event, the Smith Point Triathlon. This deviation allows the bridge to remain closed for two hours on Sunday August 2, 2015, to facilitate the Smith Point Triathlon.

**DATES:** This deviation is effective from 7 a.m. through 9 a.m. on August 2, 2015.

**ADDRESSES:** The docket for this deviation, [USCG-2015-0037] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12-140, on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

**SUPPLEMENTARY INFORMATION:** The Smith Point Bridge across Narrow Bay, mile 6.1, at Suffolk County, New York, has a vertical clearance in the closed position of 18 feet at mean high water and 19 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.799(d).

The waterway is transited by seasonal recreational vessels of various sizes.

The Event Power Triathlon Committee and the owner of the bridge, Suffolk County Department of Public Works, Parks Department, requested a

temporary deviation from the normal operating schedule to facilitate public safety during the running of the Smith Point Triathlon.

Under this temporary deviation the Smith Point Bridge may remain in the closed position for two hours between 7 a.m. and 9 a.m. on Sunday August 2, 2015.

There are no alternate routes for vessel traffic; however, vessels that can pass under the closed draw during this closure may do so at all times. The bridge may be opened in the event of an emergency.

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

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

Dated: February 23, 2015.

**C.J. Bisignano,**

*Supervisory Bridge Management Specialist, First Coast Guard District.*

[FR Doc. 2015-05302 Filed 3-6-15; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R04-OAR-2012-0893; FRL-9923-89-Region 4]

#### Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Georgia; Redesignation of the Rome, Georgia, 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment; Correction

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; correction.

**SUMMARY:** On May 14, 2014, the Environmental Protection Agency (EPA) published a final rule to approve a request submitted on June 21, 2012, by the Georgia Department of Natural Resources, through Georgia Environmental Protection Division, to redesignate the Rome, Georgia, fine particulate matter (PM<sub>2.5</sub>) nonattainment area (hereafter referred to as the "Rome Area" or "Area") to attainment for the 1997 Annual PM<sub>2.5</sub> National Ambient

Air Quality Standards (NAAQS). This action corrects an inadvertent error in the preamble of EPA's May 14, 2014, final rule related to the redesignation of the Rome Area for the 1997 Annual PM<sub>2.5</sub> NAAQS.

**DATES:** This action is effective March 9, 2015.

**ADDRESSES:** Copies of the documentation used in the action being corrected are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303-8960. 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:**

Tiereny Bell, 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. Ms. Bell may be reached by phone at (404) 562-9088 or via electronic mail at [bell.tiereny@epa.gov](mailto:bell.tiereny@epa.gov).

**SUPPLEMENTARY INFORMATION:** This action corrects an error in the preamble of EPA's May 14, 2014, final rule related to the redesignation of the Rome Area for the 1997 Annual PM<sub>2.5</sub> NAAQS. See 79 FR 27493. The Rome Area is comprised of one county, Floyd County, in Georgia. In the "Final Action" section of the preamble at 79 FR 27495, EPA inadvertently stated that the final rule was changing the legal designation of "Bibb County and a portion of Monroe County" to attainment for the 1997 Annual PM<sub>2.5</sub> NAAQS. EPA is now correcting that inadvertent error in the preamble by replacing the phrase "Bibb County and a portion of Monroe County" with "Floyd County." The regulatory text associated with the May 14, 2014, final rule at 40 CFR 52.570 and 81.311 correctly identifies "Floyd County" as the redesignated county associated with the Rome Area. See 79 FR 27496.

EPA has determined that today's action falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedure Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation where public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest. Public notice and comment procedures are unnecessary for today's action because this action

merely corrects the aforementioned inadvertent error in the preamble of EPA's May 14, 2014, final rule and has no substantive impact on EPA's May 14, 2014, action. In addition, EPA can identify no particular reason why the public would be interested in having the opportunity to comment on the correction prior to this action being finalized because this correction does not change or reopen EPA's redesignation of the Rome Area for the 1997 Annual PM<sub>2.5</sub> NAAQS.

EPA also finds that there is good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action. Section 553(d)(3) of the APA allows an effective date less than 30 days after publication "as otherwise provided by the agency for good cause found and published with the rule." 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's action, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the action takes effect. Rather, today's action merely corrects the inadvertent error identified above. For these reasons, EPA finds good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action.

**IV. Statutory and Executive Order Reviews**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action merely corrects an inadvertent error in the preamble to EPA's May 14, 2014, final rulemaking, and does not impose any additional enforceable duty beyond that required by state law, it 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).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications 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. This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act (CAA). This action also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant. In addition, this action does not involve technical standards, thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action also does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by *May 8, 2015*. Filing a petition for reconsideration by the Administrator of this final action 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* CAA section 307(b)(2).

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, and Particulate matter.

##### 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: February 13, 2015.

**V. Anne Heard,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 2015-05071 Filed 3-6-15; 8:45 am]

**BILLING CODE** 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R04-OAR-2014-0444; FRL 9924-16-Region 4]

### Approval and Promulgation of Implementation Plans; North Carolina Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve a portion of the July 20, 2012, State Implementation Plan (SIP) submission, provided by the North Carolina Department of Environment and Natural Resources (NC DENR), Division of Air Quality (NCDAQ) for inclusion into the North Carolina SIP. This final action 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. NCDAQ certified that the North Carolina SIP contains provisions that ensure the 2008 Lead NAAQS is implemented, enforced, and

maintained in North Carolina. With the exception of provisions pertaining to prevention of significant deterioration (PSD) permitting and state board requirements, EPA is taking final action to approve North Carolina’s infrastructure SIP submission, provided to EPA on July 20, 2012, because it addresses the required infrastructure elements for the 2008 Lead NAAQS.

**DATES:** This rule is effective on April 8, 2015.

**ADDRESSES:** EPA has established a docket for this action under Docket Identification No. EPA-R04-OAR-2014-0444. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through [www.regulations.gov](http://www.regulations.gov) or in hard copy at the 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. 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](mailto:farngalo.zuri@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Upon promulgation of a new or revised NAAQS, sections 110(a)(1) and (2) of the CAA require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance for that new NAAQS. Section 110(a) of the CAA generally

requires states to make a SIP submission to meet applicable requirements in order 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. These SIP submissions are commonly referred to as “infrastructure” SIP submissions. Section 110(a) imposes the obligation upon states to make an infrastructure 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 infrastructure SIP for a new or revised NAAQS affect the content of the submission. The contents of such infrastructure 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 previous 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 basic structural SIP elements such as modeling, monitoring, and emissions inventories that are designed to assure attainment and maintenance of the NAAQS. The applicable infrastructure SIP requirements that are the subject of this rulemaking are listed below.<sup>1</sup>

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.

<sup>1</sup> 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 other provisions of the CAA for submission of SIP revisions specifically applicable for attainment planning purposes. These requirements are: (1) Submissions required by section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D Title I of the CAA; and (2) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, Title I of the CAA. Today’s proposed rulemaking does not address infrastructure elements related to section 110(a)(2)(I) or the nonattainment planning requirements of 110(a)(2)(C).

- 110(a)(2)(C): Program for enforcement, prevention of significant deterioration (PSD) and new source review (NSR).<sup>2</sup>
- 110(a)(2)(D): Interstate and international transport provisions.
- 110(a)(2)(E): Adequate personnel, funding, and authority.
- 110(a)(2)(F): Stationary source monitoring and reporting.
- 110(a)(2)(G): Emergency episodes.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(J): Consultation with government officials, public notification, and PSD and visibility protection.
- 110(a)(2)(K): Air quality modeling/ data.
- 110(a)(2)(L): Permitting fees.
- 110(a)(2)(M): Consultation/ participation by affected local entities.

On November 20, 2014, EPA proposed to approve North Carolina's July 20, 2012, 2008 Lead NAAQS infrastructure SIP submission with the exception of preconstruction PSD permitting requirements for major sources of sections 110(a)(2)(C), prong 3 of D(i), and (J) and the state board requirements of 110(E)(ii), which EPA will address in a separate action. *See* 79 FR 69082.

## II. Today's Action

In this rulemaking, EPA is taking final action to approve North Carolina's July 20, 2012, infrastructure submission as demonstrating that the State meets the applicable requirements of sections 110(a)(1) and (2) of the CAA for the 2008 Lead NAAQS, with the exception of preconstruction PSD permitting requirements for major sources of sections 110(a)(2)(C), prong 3 of D(i), and (J); and the state board requirements of 110(E)(ii). EPA will act on these portions of North Carolina's July 20, 2012, submission in a separate action.

## III. Final Action

With the exception of provisions pertaining to preconstruction PSD permitting requirements for major sources of sections 110(a)(2)(C), prong 3 of D(i), and (J); and the state board requirements of 110(E)(ii), EPA is approving North Carolina's July 20, 2012, infrastructure submission because it addresses the required infrastructure elements for the 2008 Lead NAAQS. This submission addresses infrastructure requirements for the 2008 Lead NAAQS for the North Carolina

<sup>2</sup> This rulemaking only addresses requirements for this element as they relate to attainment areas.

SIP. With the exceptions noted above, NC DENR has addressed the elements of the CAA 110(a)(1) and (2) SIP requirements to ensure that the 2008 Lead NAAQS is implemented, enforced, and maintained in North Carolina.

## IV. Statutory and Executive Order Reviews

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

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

practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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 May 8, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 20, 2015.

**Heather McTeer Toney,**  
*Regional Administrator, Region 4.*

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 II—North Carolina

- 2. Section 52.1770(e), the table is amended by adding an entry “110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards” at the end of the table to read as follows:

#### § 52.1770 Identification of plan.

* * * * *
(e) * * *



## EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Federal Register citation	Explanation
110(a)(1) and (2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards.	6/15/2012	3/9/2015	[Insert <b>Federal Register</b> citation].	With the exception of PSD permitting requirements for major sources of sections 110(a)(2)(C), prong 3 of D(i), and (J) and the state board requirements of 110(E)(ii).

[FR Doc. 2015-05242 Filed 3-6-15; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2014-0903; FRL-9924-02-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; State Boards Requirements; Infrastructure Requirements for the 2008 Ozone, 2010 Nitrogen Dioxide, and 2010 Sulfur Dioxide National Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the West Virginia State Implementation Plan (SIP). The SIP revision addresses the State Boards requirements for all criteria pollutants of the National Ambient Air Quality Standards (NAAQS). EPA is also approving a related infrastructure element from the West Virginia February 21, 2012 SIP submittal for the 2008 ozone (O<sub>3</sub>) NAAQS, the December 13, 2012 SIP submittal for the 2010 nitrogen dioxide (NO<sub>2</sub>) NAAQS, and the July 1, 2013 SIP submittal for the 2010 sulfur dioxide (SO<sub>2</sub>) NAAQS. EPA is approving this SIP revision in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This rule is effective on May 8, 2015 without further notice, unless EPA receives adverse written comment by April 8, 2015. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2014-0903 by one of the following methods:

A. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. *Email:* [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

C. *Mail:* EPA-R03-OAR-2014-0903, Marilyn Powers, Acting Associate Director, Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. 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-R03-OAR-2014-0903. 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 EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid

the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, WV 25304.

**FOR FURTHER INFORMATION CONTACT:** Ellen Schmitt, (215) 814-5787, or by email at [schmitt.ellen@epa.gov](mailto:schmitt.ellen@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 128 of the CAA requires SIPs to include certain requirements regarding State Boards; section 110(a)(2)(E)(ii) of the CAA also references these requirements. Section 128(a) requires SIPs to contain provisions that: (1) Any board or body which approves permits or enforcement orders under the CAA shall have at least a majority of its members represent the public interest and not derive any significant portion of their income from persons subject to permits or enforcement orders under the CAA; and (2) any potential conflict of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed. The requirements of section 128(a)(1) are not applicable to West Virginia because it does not have any board or body which approves air quality permits or enforcement orders. The

requirements of section 128(a)(2), however, are applicable because the head of the West Virginia Department of Environmental Protection (WVDEP), or his/her designees, approve permits or enforcement orders within West Virginia.

On July 24, 2014, the State of West Virginia, through WVDEP, submitted a SIP revision to address the requirements of section 128 for all criteria pollutants of the NAAQS in relation to State Boards. The SIP revision consists of relevant portions of West Virginia Code 6B of the West Virginia Governmental Ethics Act for inclusion into the West Virginia SIP.

In addition, this rulemaking action approves the section 110(a)(2)(E)(ii) infrastructure element from the following West Virginia infrastructure SIP submittals for each identified NAAQS: February 21, 2012 for the 2008 O<sub>3</sub> NAAQS, December 13, 2012 for the 2010 NO<sub>2</sub> NAAQS, and July 1, 2013 for the 2010 SO<sub>2</sub> NAAQS (collectively, the Three Submittals). For the Three Submittals, EPA had previously approved those submittals as addressing certain requirements in section 110(a)(2), and specifically stated EPA would take later separate action, for each of the NAAQS addressed, on section 110(a)(2)(E)(ii) which requires a state's SIP to meet the requirements of CAA section 128. *See* 79 FR 3504 (January 22, 2014), 79 FR 19001 (April 7, 2014), and 79 FR 62022 (October 16, 2014).

## II. Summary of SIP Revision

This rulemaking action approves certain statutory provisions for the West Virginia SIP submitted by WVDEP to meet the requirements of section 128 of the CAA. Upon meeting the requirements of section 128, West Virginia will also meet the requirements of section 110(a)(2)(E)(ii) of the CAA for all criteria pollutants of the NAAQS in relation to State Boards.

WVDEP submitted these statutory provisions for inclusion in the West Virginia SIP to meet requirements of section 128. These West Virginia statutory provisions are in the West Virginia Governmental Ethics Act set forth in West Virginia Code 6B, specifically in W.V. Code section 6B-1-3 (Definitions), section 6B-2-6 (Financial disclosure statement; filing requirements), and section 6B-2-7 (Financial disclosure statement; contents). In the July 24, 2014 SIP submittal, WVDEP states that any potential conflicts of interest by the head of an executive agency that approves permits or enforcement orders must be disclosed pursuant to the West

Virginia Governmental Ethics Act found in W.V. Code sections 6B-1-3, 6B-2-6, and 6B-2-7. In order to meet the requirements of CAA sections 128 and 110(a)(2)(E)(ii), West Virginia is seeking to incorporate into the SIP these relevant provisions of the West Virginia Code.

## III. The State Boards Requirements and EPA's Analysis of West Virginia's Submittal

As previously stated, section 128 of the CAA requires that SIPs include provisions which provide: (1) Any board or body which approves permits or enforcement orders under the CAA have at least a majority of its members represent the public interest and not derive any significant portion of their income from persons subject to permits or enforcement orders under the CAA; and (2) any potential conflict of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

The requirements of section 128(a)(1) are not applicable to West Virginia because it does not have any board or body which approves air quality permits or enforcement orders. To address requirements in section 128(a)(2), West Virginia submitted for incorporation into its SIP the relevant portions of the West Virginia Code 6B, specifically W.V. Code sections 6B-1-3 (Definitions), 6B-2-6 (Financial disclosure statement; filing requirements), and 6B-2-7 (Financial disclosure statement; contents).

According to WVDEP, the Secretary of WVDEP, or his/her designees, approve all CAA permits and enforcement orders in West Virginia. West Virginia Code 6B at W.V. Code section 6B-2-6 and section 6B-2-7 require secretaries of departments, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads and assistant department heads to disclose annually relevant information including certain direct and indirect financial interests, employment, business interests, income and sources of income, financial liabilities, participation on boards of directors, and gifts. The West Virginia Code at W.V. Code section 6B-1-3 also contains relevant definitions for terms used in W.V. Code sections 6B-2-6 and 6B-2-7. EPA finds these West Virginia statutory provisions provide for adequate disclosure of potential conflicts of interest. This SIP revision will incorporate existing West Virginia law into the SIP and demonstrates that West Virginia complies with the

requirements of sections 128 for all NAAQS pollutants through the relevant sections of West Virginia Code 6B. Thus, EPA finds the July 24, 2014 SIP submittal addresses the relevant State Boards requirements in section 128 for West Virginia.

## IV. Infrastructure Requirements and EPA's Analysis of West Virginia's Submittals

Whenever new or revised NAAQS are promulgated, the CAA requires states to submit a plan for the implementation, maintenance, and enforcement of such NAAQS. The plan is required to address basic program elements including, but not limited to, regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. These elements are referred to as infrastructure requirements. In particular, the infrastructure requirements of section 110(a)(2)(E)(ii) require that each state's SIP meet the requirements of section 128.

On the following dates, and for the applicable NAAQS, West Virginia submitted infrastructure SIP submittals to meet the requirements of CAA section 110(a)(2): February 21, 2012 for the 2008 O<sub>3</sub> NAAQS, December 13, 2012 for the 2010 NO<sub>2</sub> NAAQS, and July 1, 2013 for the 2010 SO<sub>2</sub> NAAQS.

EPA has approved these submittals as meeting certain requirements or elements in section 110(a)(2) for the applicable NAAQS but has stated in each of these approvals that EPA would take later, separate action for requirements in section 110(a)(2)(E)(ii). For a discussion of EPA's approach to reviewing infrastructure SIPs, including our longstanding interpretation of requirements for section 110(a)(1) and (2), our interpretation that the CAA allows states to make multiple SIP submissions separately addressing infrastructure SIP elements in section 110(a)(2) for a specific NAAQS, and our interpretation that EPA has the ability to act on separate elements of 110(a)(2) for a NAAQS in separate rulemaking actions, see our proposed approvals of West Virginia's infrastructure SIPs for the 2008 O<sub>3</sub> NAAQS and the 2010 NO<sub>2</sub> and SO<sub>2</sub> NAAQS. *See* 78 FR 39650 (July 2, 2013) (2008 O<sub>3</sub> NAAQS), 78 FR 65593 (November 1, 2013) (2010 NO<sub>2</sub> NAAQS), and 79 FR 27524 (May 14, 2014) (2010 SO<sub>2</sub> NAAQS).

With the July 24, 2014 SIP submittal from West Virginia, EPA finds that the West Virginia SIP adequately addresses all requirements in CAA section 128 and section 110(a)(2)(E)(ii). Thus, EPA is now approving the section

110(a)(2)(E)(ii) infrastructure element for the Three Submittals for the 2008 O<sub>3</sub>, 2010 NO<sub>2</sub>, and 2010 SO<sub>2</sub> NAAQS.

## V. Final Action

EPA is approving the July 24, 2014 West Virginia SIP revision that addresses the requirements of sections 128 and 110(a)(2)(E)(ii) of the CAA for all criteria pollutants of the NAAQS. EPA is also specifically approving West Virginia's February 21, 2012 SIP revision for the 2008 O<sub>3</sub> NAAQS, the December 13, 2012 SIP revision for the 2010 NO<sub>2</sub> NAAQS, and the July 1, 2013 SIP revision for the 2010 SO<sub>2</sub> NAAQS as addressing the requirements in section 110(a)(2)(E)(ii) of the CAA. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on May 8, 2015 without further notice unless EPA receives adverse comment by April 8, 2015. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

## VI. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the West Virginia Code sections described in the proposed amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available electronically through [www.regulations.gov](http://www.regulations.gov) and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

## VII. Statutory and Executive Order Reviews

### A. General Requirements

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, 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 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 CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct

costs on tribal governments or preempt tribal law.

### B. Submission to Congress and the Comptroller General

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

### C. Petitions for Judicial Review

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 May 8, 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 today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking action. This action, approving West Virginia submissions meeting section 128 and approving the infrastructure element E(ii) for three NAAQS submittals, 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, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: February 12, 2015.

**William C. Early,**

*Acting Regional Administrator, Region III.*

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 XX—West Virginia**

■ 2. In § 52.2520:

- a. Paragraph (c) is amended by adding a table entitled “EPA-Approved Regulations and Statutes” after the existing table; and
- b. The table in paragraph (e) is amended by revising the entries for:
  - i. Section 110(a)(2) Infrastructure Requirements for the 2008 8-Hour Ozone NAAQS,
  - ii. Section 110(a)(2) Infrastructure Requirements for the 2010 nitrogen

dioxide NAAQS, and Section 110(a)(2) Infrastructure Requirements for the 2010 1-Hour Sulfur Dioxide NAAQS.

The addition and revisions read as follows:

**§ 52.2520 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED REGULATIONS AND STATUTES**

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
<b>West Virginia Code 6B—Ethics Standards and Financial Disclosure</b>				
6B–1–3 .....	Definitions .....	10/1/2014	3/9/2015 [ <i>Insert Federal Register citation</i> ].	Addresses CAA section 128.
6B–2–6 .....	Financial disclosure statement; filing requirements.	10/1/2014	3/9/2015 [ <i>Insert Federal Register citation</i> ].	Addresses CAA section 128.
6B–2–7 .....	Financial disclosure statement; contents.	10/1/2014	3/9/2015 [ <i>Insert Federal Register citation</i> ].	Addresses CAA section 128.

\* \* \* \* \* (e) \* \* \*

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Section 110(a)(2) Infrastructure Requirements for the 2008 8-Hour Ozone NAAQS.	Statewide .....	8/31/11, 2/17/12	10/17/12, 77 FR 63736 ..	Approval of the following PSD-related elements or portions thereof: 110(a)(2)(C), (D)(i)(II), and (J), except taking no action on the definition of “regulated NSR pollutant” found at 45CSR14 section 2.66 as it relates to the requirement to include condensable emissions of particulate matter in that definition. See § 52.2522(i).
		2/17/12 .....	4/7/2014, 79 FR 19001 ..	This action addresses the following CAA elements, or portions thereof: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M). Addresses CAA element 110(a)(2)(E)(ii).
		7/24/14 .....	3/9/15 [ <i>Insert Federal Register citation</i> ].	
Section 110(a)(2) Infrastructure Requirements for the 2010 nitrogen dioxide NAAQS.	Statewide .....	12/13/12 .....	1/22/14, 78 FR 3504 .....	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M), or portions thereof.
		7/24/14 .....	3/9/15 [ <i>Insert Federal Register citation</i> ].	Addresses CAA element 110(a)(2)(E)(ii).
Section 110(a)(2) Infrastructure Requirements for the 2010 1-Hour Sulfur Dioxide NAAQS.	Statewide .....	6/25/13 .....	10/16/14, 79 FR 62035 ..	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C) (enforcement and minor new source review), (D)(ii), (E)(i) and (iii), (F), (G), (H), (J) (consultation, public notification, and visibility protection), (K), (L), and (M). Addresses CAA element 110(a)(2)(E)(ii).
		7/24/14 .....	3/9/15 [ <i>Insert Federal Register citation</i> ].	
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

\* \* \* \* \*

[FR Doc. 2015-05222 Filed 3-6-15; 8:45 am]

BILLING CODE 6560-50-P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

RIN 0648-XD775

**Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Fishing Year 2014 Sector Exemption**

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

**ACTION:** Final grant of regulatory exemptions.

**SUMMARY:** The Regional Administrator, Greater Atlantic Region, NMFS, has approved a request for exemptions from two recently implemented Gulf of Maine cod interim management measures.

**DATES:** The effective dates of these regulatory exemptions are from March 4, 2015 through April 30, 2015. The regulatory exemptions were applicable on March 3, 2015.

**FOR FURTHER INFORMATION CONTACT:** William Whitmore, Fisheries Policy Analyst, 978-281-9182.

**SUPPLEMENTARY INFORMATION:**

On March 3, 2015, we granted several groundfish sectors their request for exemptions from two management measures implemented in a temporary rule intended to enhance protections for Gulf of Maine (GOM) cod (79 FR 67362; November 13, 2014). The GOM cod interim rule implemented several management restrictions including: (1) A GOM cod trip limit of 200 lb (90.7 kg) for groundfish sector vessels and; (2) a restriction limiting commercial limited access groundfish vessels to fishing only in the GOM broad stock area (BSA) for the duration of the declared trip. The interim rule also established a series of time and area closures to protect GOM cod but we are not relieving or granting any exemptions from those closures.

On February 9, 2015, we received an exemption request from several sectors. These sectors worked together to assemble 30 mt of GOM cod annual catch entitlement (ACE), which was traded to Northeast Fishery Sector IV, a lease-only sector with no active fishing effort. That sector proposed to withhold and render unusable that 30 mt of GOM

cod ACE, including preventing its use for potential carryover to the next fishing year, if sectors are granted regulatory exemptions from the GOM cod trip limit and GOM BSA restriction.

As explained in our February 23, 2015, notice (80 FR 9438), the sectors proposed to implement a management measure we did not include in our November 13, 2014, GOM cod interim rule: A reduction to the ACE available to those sectors that have opted to fish under these regulatory exemptions for the remainder of the fishing year. Because the fishing industry will continue to fish through the end of the fishing year, and will continue to encounter GOM cod, the sector exemptions would establish a firm 30-mt reduction in the limit on total cod catch that is expected to be greater than the mortality reduction that would otherwise be achieved through the interim trip-limit measure. In addition to an actual reduction in the total potential cod catch, these sector exemptions should reduce regulatory discards, reduce management uncertainty affiliated with catch and mortality, and improve catch yield, while providing greater operational flexibility. For these reasons, we have determined that these exemptions are consistent with the goals and objectives of the interim measures and the fishery management plan.

Also in our February 23, 2015, notice, we proposed a daily catch reporting requirement in place of the BSA exemption. This requirement was intended to address our concerns about the accurate apportionment of catch between the BSAs and the incentive to misreport catch on unobserved trips to avoid potentially constraining catch limits. We noted these same concerns in our 2014 interim action for GOM cod. Additionally, this issue was discussed during the development of Framework Adjustment 53 to the Northeast Multispecies Fishery Management Plan, and is noted in various analyses prepared by the Council in support of Framework 53. We are continuing to consider the possibility of additional reporting requirements (e.g., daily Vessel Monitoring System catch reports) for commercial groundfish vessels that could improve attribution of catch and help reduce the incentive to misreport. We are not specifically requiring these additional requirements in this action, however, to provide time for further deliberation. We intend to further consult with the Council on this issue to explore whether additional reporting requirements implemented through a future rule-making could help address the noted concerns.

We received a total of 24 comments in response to our February 23 notice soliciting public comment on the sector exemption request: 16 comments in support of the exemption requests; 3 partially supporting the requests; 4 opposed to the requests; and 1 comment that was not applicable to the exemptions. Comments were submitted by 17 members of the fishing industry, Maine Division of Marine Resources (ME DMR), Massachusetts Division of Marine Fisheries (MA DMF), and four environmental non-governmental organizations. Most of the commenters simply favored or opposed granting the exemption requests and did not otherwise substantively address the details of the exemptions. ME DMR supports the exemptions and the additional flexibility they would provide to fishermen, but expressed some concern about GOM cod catch reporting. In addition to supporting our granting the exemption request, MA DMF submitted lengthy comments, including several questions and requests for clarifications, which we respond to further below.

Several commenters opposed removing the GOM BSA restriction due to concern that vessels could misreport GOM cod catch as Georges Bank cod. While we understand this concern, this is a larger issue that should be addressed through a more long-term solution developed by the New England Fishery Management Council. We intend to further consult with the Council on this issue.

Some commenters claimed that the exemptions provided benefits to larger vessels that could fish offshore but did relatively little to help inshore fishing vessels. Most of the GOM cod stock is located inshore in the western Gulf of Maine. Therefore, in order to protect the most concentrated stocks of GOM cod, we need to reduce fishing efforts inshore. This is why the majority of the seasonal interim closure areas are inshore and the inshore/dayboat fleet is affected the most by the GOM cod seasonal interim closure areas. We considered these exemption requests as they were presented to us. Our analyses showed a more certain benefit to the fishery overall than the likely potential benefit from maintaining trip limits or the single GOM BSA restriction. Based on this, we have determined that these exemptions fairly and reasonably promote overall conservation consistent with the goals and objectives of the groundfish fishery management plan.

The Conservation Law Foundation (CLF) and the Center for Biological Diversity (CBD) opposed the exemption requests because they do not adequately

address the overfishing of GOM cod or efforts to rebuild the overfished stocks. We evaluated the impacts of these exemptions compared to the status quo under the current GOM cod interim measures. The analyses in our supplemental information report indicates that granting these exemptions will likely result in conservation positive biological impacts as well as positive economic impacts relative to not granting the exemptions. We understand that additional measures may need to be developed to protect and rebuild GOM cod over the long term. The comments provided by CLF and CBD that focused on general GOM cod management measures, however, are beyond the scope of these exemption requests and are impracticable to address in this document, especially given the limited time available, as well as the GOM cod interim action. We have concluded that the benefits from approving this exemption outweigh the concerns expressed by those that do not support the exemption request, particularly because these exemptions are effective only from March 4, 2015 through April 30, 2015.

MA DMF requested that we provide a more thorough explanation of why we elected to remove the 200-lb (90.7-kg) trip limit. During the GOM cod interim rule public comment period, several sectors proposed a similar offer to remove the trip limit in favor of an overall ACE reduction; however, we could not develop a means to reduce sector ACE through the interim action in a sufficiently timely manner. Re-allocating a reduced quota amongst all the sectors was too complex and potentially disruptive. For example, reducing the allocation of all permits enrolled in sectors would create complex logistical challenges for sector managers who would then need to reallocate ACE mid-way through the fishing year. We were also unsure how to enforce the sectors' voluntary proposal not to utilize the ACE through the interim action. Also, as explained below, fishing practices changed after the GOM cod interim action was put in place. Taking into account these changes, our comparison of the potential conservation benefits of the trip limits to the firm reduction in the GOM cod ACE weighed in favor of removing the trip limit. Further, the sectors submission of a regulatory exemption request to voluntarily reduce their ACE provided a more feasible and timely process than the interim action process.

MA DMF questioned how we can claim that removing trip limits (and potentially allowing vessels to target

cod) reduces regulatory discarding. We expect that removing the 200 lb. trip limit should reduce regulatory discarding because vessels will no longer be required to discard legal sized fish that are caught after the 200-lb limit is attained. With trip limits under the interim rule, any undersized fish and GOM cod caught after 200 lb (90.7 kg) was on board the vessel was legally required to be discarded. Data analyzed after the trip limits were implemented (see Figure 2, pg. 8 in the GOM cod Supplemental Information Report) indicates that groundfish vessels appeared to target GOM cod even with a 200-lb (90.7-kg) trip limit in place. Because vessels are required to discard all cod over the 200-lb. limit, we were concerned with the potential for increased discards that would accompany this increased effort. Removing the trip limit allows vessels to discard only fish that are undersized. We stated in our notice that with trip limits, there was uncertainty in the amount of reduction in cod mortality, in large part due to the uncertainty in the rate of discards, but also in the total amount of catch that sectors might achieve. Removing the trip limits is expected to reduce discards because it allows discarding only of undersized fish and substantially reduce the uncertainty in the rate of discards. The 30-mt reduction in ACE also provides a firm limit on the total amount of catch.

MA DMF expressed concern over our proposal to approve minor sector exemption modifications without additional notice because they felt that we did not adequately define "minor." As explained in the notice, our intent is to modify sector exemptions in this manner only if a modification is deemed essential to facilitate the exemption and has minimal impacts that would not change the scope or impact of the initially approved sector exemption request. We interpret this to mean that any small change that is necessary for the exemption to be implemented properly could be done so without additional notice. We expect such changes to be administrative in nature. For instance, there may be a monitoring or reporting detail that is inadvertently overlooked that could be enacted to improve the effectiveness of the exemption. We believe any such change would not alter the intent, affect, or impacts of the exemption.

Several commenters, including MA DMF, suggested that we should have further considered the additional 30-mt set-aside offered by the sectors in exchange for access to the March GOM cod seasonal interim closure areas. These commenters argue that the

inshore fleet would greatly benefit from fishing in the March closure areas. The primary tool in the GOM cod interim rule to reduce GOM cod mortality and protect spawning GOM cod was area closures. We spent considerable time and effort determining the correct seasons and times and received many comments in support of the GOM cod interim seasonal closure areas. Also, the commenters have not proposed any comparable protection measures for spawning cod that would support modifying these area closures. For these reasons, we are unwilling to modify the March closure areas.

MA DMF asked which sectors contributed to the 30-mt set-aside and inquired whether the allocation reductions were commensurate with how much ACE was set aside (or contributed by each sector). Sector ACE trade information is available online at <http://www.greateratlantic.fisheries.noaa.gov/aps/monitoring/nemultispecies.html>. We regard the relative amount of ACE contributed by each sector to be irrelevant to the total reduction in ACE because the sectors requesting the exemptions specifically requested to offer the exemption to every sector, regardless of whether or not it contributed GOM cod ACE to the set-aside. Also, which sector provided the ACE is irrelevant to the certainty of the conservation benefit provided by the ACE reduction this fishing year.

We are not putting in place a 30-day delay in effectiveness for this action because this document grants exemptions that relieve two regulatory restrictions. By recognizing an exemption and eliminating the 200-lb GOM cod trip limit and allowing vessels to fish inside and outside of the GOM on the same trip, this action is excepted from the 30-day delayed effectiveness provision of the APA pursuant to 5 U.S.C. 553(d)(1). This action will allow fishing vessels enrolled in sectors greater operational flexibility, which should improve efficiency while providing a certain limit on GOM cod mortality. Furthermore, there is good cause under 5 U.S.C. 553(d)(3) to implement these exemptions immediately because a delay in implementation of these measures would reduce the positive economic impacts and potential conservation benefits that are intended by these measures. These exemptions are effective only from March 4, 2015 through April 30, 2015. Any delay in effectiveness would be contrary to the public interest because it would significantly reduce the benefits of these measures to groundfish sector

participants, associated fishing communities, and the GOM cod stock.

These exemptions apply only for the remainder of the 2014 fishing year and are available to all sectors who request them. Sector vessels that wish to fish under these exemptions must have the appropriate Letter of Authorization on board their vessel prior to harvesting

more than 200 lb (90.7 kg) of GOM cod or fishing inside and outside of the GOM BSA on the same trip. The following sectors have received revised Letters of Authorization allowing them to fish under these exemptions: Maine Coastal Communities Sector; Northeast Fishery Sectors II, III, VI, VII, VIII, IX, X, XI; and Sustainable Harvest Sector 1.

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

Dated: March 4, 2015.

**Alan D. Risenhoover,**

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

[FR Doc. 2015-05366 Filed 3-4-15; 4:15 pm]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 80, No. 45

Monday, March 9, 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 ENERGY

### 10 CFR Part 951

[Docket Number DOE–HQ–2014–0021]

RIN 1990–AA39

#### Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation

**AGENCY:** Office of the General Counsel, Department of Energy.

**ACTION:** Extension of public comment period.

**SUMMARY:** The U.S. Department of Energy (DOE) has published a notice of proposed rulemaking (NOPR), which proposes regulations under section 934 of the Energy Independence and Security Act of 2007 (EISA). The proposed regulations would establish a retrospective risk pooling program whereby nuclear suppliers would pay for any contribution made by the United States government to an international supplementary fund created under the Convention for Supplementary Compensation for Nuclear Damage (CSC) in the event of certain nuclear incidents not covered by the Price-Anderson Act. The NOPR provided a deadline of March 17, 2015 for comments. In response to requests for an extension, this document announces an extension of the comment period to April 17, 2015. This document also requests comment by April 17, 2015 on specific questions to inform a process for DOE to obtain additional data and information.

**DATES:** DOE will accept comments and information regarding the NOPR and development of regulations under section 934 published on December 17, 2014 (79 FR 75076), and the specific questions identified in this document no later than April 17, 2015. DOE will consider any comments received by midnight of April 17, 2015, and deems any comments received by that time to be timely submitted.

**ADDRESSES:** Interested persons may submit comments identified by RIN

1990–AA39 by any of the following methods:

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

- **Email:** [Section934Rulemaking@Hq.Doe.gov](mailto:Section934Rulemaking@Hq.Doe.gov). Include Section 934 in the subject line of the message.

- **Mail:** Ms. Sophia Angelini, U.S. Department of Energy, Office of General Counsel, Mailstop GC–72, 1000 Independence Avenue SW., Washington, DC 20585. Please submit one signed original and three copies of all comments.

- **Instructions:** All submissions received must include the agency name, docket number [DOE–HQ–2014–0021], and the RIN for this rulemaking. Note that all comments received will be posted, without change, including personal information.

- **Docket:** For access to the docket to read background documents or comments received, go to the *Federal eRulemaking Portal* at <http://www.regulations.gov>, or the Web site specifically established for this proceeding at <http://www.energy.gov/gc/convention-supplementary-compensation-rulemaking>.

**FOR FURTHER INFORMATION CONTACT:**

Sophia Angelini, Attorney-Advisor, Office of the General Counsel for Civilian Nuclear Programs, GC–72, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; telephone: (202) 586–0319.

**SUPPLEMENTARY INFORMATION:** On December 17, 2014, DOE published a NOPR in the **Federal Register** (79 FR 75076) in which it proposed regulations under section 934 of EISA to establish a retrospective risk pooling program whereby, in the event of certain nuclear incidents, nuclear suppliers would pay for any contribution by the United States government to the international supplementary fund created by the CSC. The NOPR provided that written public comments were to be received by DOE no later than March 17, 2015. By letter dated January 28, 2015, DOE received a request from the Nuclear Energy Institute (NEI) for an extension of the public comment period to May 19, 2015, stating that the complexity of the NOPR requires extensive analysis on a number of issues such as the proposed reporting requirements, the potential impact of the two alternative methods of

calculating the risk premium payment to a particular nuclear supplier and the nuclear industry as a whole, and clarification of key terms in the proposed rule.

On February 20, 2015, DOE held a public workshop on the proposed rulemaking (80 FR 4227). In advance of the public workshop, DOE solicited from the public questions or suggestions for topics to be addressed at the workshop in order to structure the discussion and enhance participation (80 FR 4228). DOE received extensive questions and topic suggestions from the Contractors International Group on Nuclear Liability (CIGNL) and NEI. The day-long workshop was attended by representatives of various nuclear industry organizations and other entities. The participants at the workshop raised a number of questions and expressed concerns regarding, among other things, the level of information and data available to DOE on the cost and burden of reporting requirements under the proposed rule, the nature and quantity of nuclear exports and the nuclear suppliers that export, and the allocation of risk and premium payments across and among nuclear suppliers. Thereafter, DOE received written requests from other participants at the public workshop echoing the NEI request for an extension of time for public comment given the complexity of the issues raised in the proposed rule and further described at the public meeting. All these entities requested an extension of the comment period to May 19, 2015, to allow sufficient time to review the proposed rule and formulate comments to the extent possible given available information.

DOE has considered the written extension requests noted above, along with the comments and information provided prior to and at the public meeting, and determined that the comment period on the NOPR should be extended to April 17, 2015, which provides, in total, a 120 day comment period.

DOE is especially interested in potential modifications to the proposals set forth in the NOPR, in light of the issues discussed at the workshop. These issues include: (1) The extent, if any, to which transactions prior to the effective date of the rule should be considered in the allocation formula; (2) the



justification for capping the allocation assigned to a single entity; (3) the possibility of different caps for different types of suppliers; (4) the criteria for classifying a supplier as a small entity exempt from the allocation formula; (5) goods and services that pose no or de minimis risk of triggering the international supplementary fund; (6) alternative methodologies for evaluating risk, including examples of existing risk allocation mechanisms in the nuclear industry; and (7) potential modification to simplify, minimize and/or clarify the burden on industry.

In addition, DOE intends to conduct additional data and information gathering in response to and in consideration of statements in the written comments and at the public workshop. These statements suggest certain additional information should be obtained by DOE and is necessary for the public to comment on the NOPR. In response to these statements, DOE is requesting any entity that believes additional information is needed to provide detailed comments as to the specific information it believes is needed.

DOE is enumerating several general questions to assist DOE in its additional data gathering effort. The general questions for which DOE seeks comment are: (1) What data and information should be gathered on U.S. nuclear suppliers and their exports (for example, what entity should be considered the exporter (especially in situations where a supplier employs an entity to facilitate the export), should quantity, value and/or another factor be used to measure exports, and what time period should be used); (2) what data and information should be gathered on nuclear suppliers to inform reporting requirements (for example, what are the recordkeeping methods employed in the nuclear industry and what is currently reported to other government agencies); and (3) what data and information should be gathered on the allocation of risk across and among nuclear suppliers and nuclear supplier groups. Comments concerning additional information to be gathered will facilitate DOE's effort to obtain additional data and information to inform the proposed rulemaking and should be provided to DOE by April 17, 2015. DOE intends to make the additional data and information it obtains available for public review and comment, the date and timing of which will be announced in a subsequent **Federal Register** notice.

DOE will consider any comments received by midnight of April 17, 2015, and deems any comments received by that time to be timely submitted. To the

extent commenters provide confidential business information, pursuant to 10 CFR 1004.11, any person submitting information he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery/courier two well-marked copies: One copy of the document marked "confidential" including all the information believed to be confidential, and one copy of the document marked "non-confidential" with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination. Factors of interest to DOE when evaluating requests to treat submitted information as confidential include: (1) A description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

Issued in Washington, DC, on March 4, 2015.

**Samuel T. Walsh,**

*Deputy General Counsel for Energy Policy.*

[FR Doc. 2015-05405 Filed 3-6-15; 8:45 am]

**BILLING CODE 6450-01-P**

## **SMALL BUSINESS ADMINISTRATION**

### **13 CFR Parts 121, 124, 125, 126 and 127**

[Docket No. SBA-2014-0006]

**RIN 3245-AG58**

#### **Small Business Government Contracting and National Defense Authorization Act of 2013 Amendments**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The U.S. Small Business Administration (SBA) is reopening the comment period for the proposed rule published in the **Federal Register** on December 29, 2014 at 79 FR 77955. In

that rule SBA proposed to implement provisions of the National Defense Authorization Act of 2013, which pertain to performance requirements applicable to small business and socioeconomic program set aside contracts and small business subcontracting. SBA also proposed to make changes to its regulations concerning the nonmanufacturer rule and affiliation rules. Further, SBA proposed to allow a joint venture to qualify as small for any government procurement as long as each partner to the joint venture qualifies individually as small under the size standard corresponding to the NAICS code assigned in the solicitation. Finally, SBA requested comments on the timeline and procedures for North American Industry Classification System code appeals. The comment period closed on February 27, 2015.

SBA is reopening the comment period in response to the significant level of interest generated by the proposed rule and due to the request of multiple stakeholders. Given the scope of the proposed rule and the nature of the issues raised by the comments received to date, SBA believes that affected businesses need more time to review the proposal and fully prepare their comments.

**DATES:** The comment period for the proposed rule published on December 29, 2014 (79 FR 77955) is extended through April 6, 2015.

**ADDRESSES:** You may submit comments, identified by Docket Number: SBA-2014-0006, by any of the following methods:

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

- For mail, paper, disk, or CD-ROM submissions: Brenda Fernandez, U.S. Small Business Administration, Office of Policy, Planning and Liaison, 409 Third Street SW., 8th Floor, Washington, DC 20416.

- Hand Delivery/Courier: Brenda Fernandez, U.S. Small Business Administration, Office of Policy, Planning and Liaison, 409 Third Street SW., 8th Floor, Washington, DC 20416.

SBA will post all comments on [www.regulations.gov](http://www.regulations.gov). If you wish to submit confidential business information (CBI) as defined in the User Notice at [www.regulations.gov](http://www.regulations.gov), please submit the information to Brenda Fernandez, U.S. Small Business Administration, Office of Policy, Planning and Liaison, 409 Third Street SW., 8th Floor, Washington, DC 20416, or send an email to [brenda.fernandez@sba.gov](mailto:brenda.fernandez@sba.gov). Highlight the information that

you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination on whether it will publish the information.

**FOR FURTHER INFORMATION CONTACT:**

Brenda Fernandez, Office of Policy, Planning and Liaison, 409 Third Street SW., Washington, DC 20416; (202) 207-7337; [brenda.fernandez@sba.gov](mailto:brenda.fernandez@sba.gov).

Dated: March 3, 2015.

**Kenneth Dodds,**

Director, Office of Policy, Planning & Liaison, Office of Government Contracting & Business Development.

[FR Doc. 2015-05316 Filed 3-6-15; 8:45 am]

**BILLING CODE 8025-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA-2014-0969; Airspace Docket No. 14-ASO-20]

**Proposed Revocation of Class E Airspace; Lexington, TN**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to remove Class E Airspace at Lexington, TN, as the Franklin Wilkins Airport has been abandoned, and controlled airspace is no longer required. This action would enhance the safety and airspace management around the Lexington, TN, area.

**DATES:** Comments must be received on or before April 23, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA, Order 7400.9 and publication of conforming amendments.

**ADDRESSES:** Send comments on this rule to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Bldg Ground Floor Rm. W12-140, Washington, DC 20590-0001; Telephone: 1-800-647-5527; Fax: 202-493-2251. You must identify the Docket Number FAA-2014-0969; Airspace Docket No. 14-ASO-20, at the beginning of your comments. You may also submit and review received comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the

Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this proposed incorporation by reference material at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal-register/code\\_of\\_federal-regulations/ibr\\_locations.html](http://www.archives.gov/federal-register/code_of_federal-regulations/ibr_locations.html).

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202-267-8783.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2014-0969; Airspace Docket No. 14-ASO-20) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2014-0969; Airspace Docket No. 14-ASO-20." The postcard

will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

An electronic copy of this document may be downloaded from and comments submitted through <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/airports-airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports-airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, to request a copy of Advisory circular No. 11-2A, Notice of Proposed Rulemaking distribution System, which describes the application procedure.

**Availability and Summary of Documents for Incorporation by Reference**

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

**The Proposal**

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to remove Class E airspace extending upward from 700 feet above the surface at Franklin Wilkins Airport, Lexington, TN. The

airport has been abandoned, therefore, the airspace is no longer necessary.

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

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

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would remove Class E airspace at Franklin Wilkins Airport, Lexington, TN.

This proposal would be subject to an environmental analysis in accordance with FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

#### **Lists of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

#### **The Proposed Amendment**

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

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

■ 1. The authority citation for Part 71 continues to read as follows:

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

#### **§ 71.1 [Amended]**

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

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### **ASO TN E5 Lexington, TN [Removed]**

Issued in College Park, Georgia, on February 25, 2015.

**Gerald E. Lynch,**

*Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2015–05114 Filed 3–6–15; 8:45 am]

**BILLING CODE 4910–13–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 93**

**[Docket No. FAA–2014–1073; Notice No. 14–11A]**

**RIN 2120–AJ89**

#### **Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport; Extension of Comment Period; Availability of Further Data; Request for Public Meeting**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking; Extension of comment period.

**SUMMARY:** This action extends the comment period for a notice of proposed rulemaking (NPRM) published on January 8, 2015. In the NPRM, the U.S. Department of Transportation (DOT) and the FAA proposed to replace the Orders limiting scheduled operations at John F. Kennedy International Airport (JFK) and Newark Liberty International Airport (EWR), and limiting scheduled and unscheduled operations at LaGuardia Airport (LGA).

The Orders are scheduled to expire when the rulemaking is final and in effect, but not later than October 29, 2016. The proposed rule is intended to provide a longer-term and comprehensive approach to slot management at JFK, EWR, and LGA.

The FAA has also placed further information in support of the proposal in the docket for this rulemaking.

Finally, this document responds to a request for a public meeting regarding this rulemaking.

**DATES:** The comment period for the NPRM is extended until May 8, 2015.

**ADDRESSES:** You may send comments identified by docket number FAA–2014–1073 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

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

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this action, contact Molly Smith, Office of Aviation Policy and Plans, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3274; email [molly.w.smith@faa.gov](mailto:molly.w.smith@faa.gov); Susan Pflingstler, System Operations Services, Air Traffic Organization,

Federal Aviation Administration, 600 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-6462; email [susan.pfingstler@faa.gov](mailto:susan.pfingstler@faa.gov); or Peter Irvine, U.S. Department of Transportation, Office of Aviation Analysis, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-3156; email: [peter.irvine@dot.gov](mailto:peter.irvine@dot.gov).

For legal questions concerning this action, contact Bonnie Dragotto, Office of the Chief Counsel, Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3808; email [bonnie.dragotto@faa.gov](mailto:bonnie.dragotto@faa.gov); or Cindy Baraban, U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366-9159; email [cindy.baraban@dot.gov](mailto:cindy.baraban@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 8, 2015, the DOT and the FAA published an NPRM entitled "Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport" (80 FR 1274). Comments regarding the proposal were to be received on or before April 8, 2015.

By letters posted to the public docket, Airlines for America and the International Air Transport Association, as well as the Airports Council International-North America, American Association of Airport Executives, the Port Authority of New York and New Jersey (Port Authority), and the Regional Plan Association, have requested that the comment period for the NPRM be extended for an additional 60 days up to and including June 8, 2015. In support of the extension request, the petitioners noted that the NPRM was lengthy and technical in nature, and included approximately 40 questions for comment, some of which require the public to analyze the impact of the provisions on operations at the affected airports and submit supporting data and analysis of the anticipated impacts.

While the DOT and the FAA concur with the petitioners' requests for an extension of the comment period for the NPRM, we are not persuaded that an additional 60 days is necessary to provide comment on this proposal. The DOT and the FAA find that providing an additional 30 days is sufficient for these petitioners to analyze the NPRM and provide meaningful comment.

Absent unusual circumstances, we do not anticipate any further extension of the comment period for this rulemaking.

##### Request for Data and Analysis

The petitioners also requested that the FAA provide certain data and analysis referenced in the NPRM and the regulatory impact analysis (RIA) accompanying the rule. Specifically, the petitioners requested that the FAA provide all models, data and analysis, including the MITRE queuing models and the University of Maryland (UMD) Delay Model, as well as the raw data used in the model to forecast the impact of the changes as a result of the proposed use-or-lose requirement.

As described in the NPRM, MITRE Center for Advanced Aviation System Development (CAASD) Modeling and Analysis conducted a series of operational analyses and modeling for the FAA. In response to the petitioners' requests, the following documents have been placed in the docket for this rulemaking:

- Overview of MITRE Queuing Delay Model;
- Modeling reflecting Summer 2008 Orders Limiting Scheduled Operations at JFK and EWR;
- Additional Scheduled Operations Analysis for JFK and EWR;
- Airport Runway Capacity Analyses for JFK, LGA, and EWR;
- Operational Performance Analyses for JFK, LGA, and EWR; and
- Historical Unscheduled Traffic Counts at JFK, LGA, and EWR.

The FAA has also placed the UMD Delay Model and supporting data, as used in the RIA, in the docket for this rulemaking.

Additionally, the Port Authority requested slot utilization records including slot holder, operator, and terms of any slot lease and trade agreements in a form such as a Microsoft Excel spreadsheet or Microsoft Access database. The FAA does not track or maintain slot information in the form and manner as requested. The FAA also does not have information on the terms of slot leases or trade agreements, as the current Orders do not require carriers to submit terms to the FAA. Nonetheless, additional information to address this request has been placed in the docket, including information to help the public understand this proposal as well as information relied upon by the agency in developing the NPRM. This additional information includes:

- Slot allocation reports for summer and winter seasons from 2009–2012 (January and July) for JFK, LGA, and EWR.
- Uneven slot transfers at JFK, LGA, and EWR from 2009–2012 reflecting slots that were transferred between

carriers on other than a one-for-one basis at the same airport. Transfers between carriers under unified market control, such as mainline and regional partners, are not included in the uneven transfer lists.

- Slot allocation reports for Mondays in August 2009 to reflect the analysis of scheduled and actual operations compared to allocated slots as discussed in the RIA.

- Scheduled flight information from FAA's Innovata data base for Mondays in August 2009. Slot usage information is submitted to the FAA in various formats by carriers to report their actual operations using an allocated slot. Under current practice, the FAA uses this information along with supporting FAA air traffic control and operational data to determine if the minimum usage requirement has been met by a particular operator. The FAA uses information on actual and planned flights, rather than carrier slot usage reports, for operational and historical trend analyses at slot controlled airports.<sup>1</sup> Scheduled demand was compared to allocated slots, as discussed in the RIA. Information on published schedules for other dates is available from commercial and other sources outside the FAA.

##### Request for Public Meeting

By letter posted to the public docket on February 17, 2015, the National Air Transportation Association requested that the DOT and the FAA hold a public meeting to allow affected stakeholders to ask clarifying questions and discuss the NPRM. The DOT and the FAA have carefully considered this request.

In light of the comment period extension and additional information provided for review, analysis, and comment, the DOT and the FAA will not hold a public meeting at this time. We encourage all interested persons to submit detailed comments on the NPRM to the docket. All comments submitted to the docket will be considered by the agency in developing a final rule. The submission of comments to the public docket provides the most transparent means for all interested parties to participate at this stage in the rulemaking process.

##### Extension of Comment Period

In accordance with § 11.47(c) of title 14, Code of Federal Regulations, the

<sup>1</sup> The NPRM discusses slot usage reporting practices permitted under the current Orders, which allow carriers to optimize slot use by distributing flights between all the slots the carrier holds in a particular half-hour slot time. 80 FR 1287 (Jan. 8, 2015). The FAA observes the results of this practice using operational data.

DOT and the FAA have reviewed the petitions for an extension of the comment period for the proposal. The petitioners have shown a substantive interest in the proposed rule and good cause for extending the comment period.

Accordingly, the comment period for the NPRM is extended until May 8, 2015.

### Additional Information

#### Comments Invited

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

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

*Proprietary or Confidential Business Information:* Do not file proprietary or confidential business information in the docket. Such information must be sent or delivered directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document, and marked as proprietary or confidential. If submitting information on a disk or CD ROM, mark the outside of the disk or CD ROM, and identify electronically within the disk or CD ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), if the FAA is aware of proprietary information filed with a comment, the agency does not place it in the docket. It is held in a separate file to which the public does not have access, and the FAA places a note in the docket that it has received it. If the FAA receives a request to examine or copy this information, it

treats it as any other request under the Freedom of Information Act (5 U.S.C. 552). The FAA processes such a request under the DOT procedures found in 49 CFR part 7.

#### Availability of Rulemaking Documents

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

1. Searching the Federal eRulemaking Portal (<http://www.regulations.gov>);
2. Visiting the FAA's Regulations and Policies Web page at [http://www.faa.gov/regulations\\_policies](http://www.faa.gov/regulations_policies) or
3. Accessing the Government Publishing Office's Web page at <http://www.gpo.gov/fdsys/>.

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

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

Issued under authority provided by 49 U.S.C. 106(f) in Washington, DC, on March 3, 2015.

**Richard M. Swayze,**

*Assistant Administrator for Policy, International Affairs, and Environment.*

[FR Doc. 2015-05381 Filed 3-6-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

**[Docket No. FAA-2015-0252; Airspace Docket No. 15-AEA-1]**

#### Proposed Amendment of Class E Airspace; Ashland, VA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E Airspace at Ashland, VA as new Standard Instrument Approach Procedures have been developed at Hanover County Municipal Airport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport. This action also would update the geographic coordinates of airport.

**DATES:** Comments must be received on or before April 23, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA, Order 7400.9 and publication of conforming amendments.

**ADDRESSES:** Send comments on this rule to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Bldg. Ground Floor Rm. W12-140, Washington, DC 20590-0001; Telephone: 1-800-647-5527; Fax: 202-493-2251. You must identify the Docket Number FAA-2015-0252; Airspace Docket No. 15-AEA-1, at the beginning of your comments. You may also submit and review received comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this proposed incorporation by reference material at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal-register/code\\_of\\_federal-regulations/ibr\\_locations.html](http://www.archives.gov/federal-register/code_of_federal-regulations/ibr_locations.html).

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202-267-8783.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are

particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2015–0252; Airspace Docket No. 15–AEA–1) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: “Comments to Docket No. FAA–2015–0252; Airspace Docket No. 15–AEA–1.” The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA’s Web page at [http://www.faa.gov/airports/airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports/airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337. Persons interested in being placed on a mailing list for future NPRM’s should contact the FAA’s Office of Rulemaking, (202) 267–9677, to request a copy of Advisory circular No. 11–2A, Notice of Proposed

Rulemaking distribution System, which describes the application procedure.

#### Availability and Summary of Documents for Incorporation by Reference

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

#### The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class E airspace extending upward from 700 feet above the surface at Hanover County Municipal Airport, Ashland, VA. Airspace reconfiguration to within a 7-mile radius of the airport is necessary to support new Standard Instrument Approach Procedures developed at Hanover County Municipal Airport, and for continued safety and management of IFR operations at the airport. The geographic coordinates of the airport would be adjusted to coincide with the FAA’s aeronautical database.

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

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

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the

authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class E airspace at Hanover County Municipal Airport, Ashland, VA.

This proposal would be subject to an environmental analysis in accordance with FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

#### Lists of Subjects in 14 CFR Part 71:

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

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

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

■ 1. The authority citation for Part 71 continues to read as follows:

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

#### **§ 71.1 [Amended]**

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

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### **AEA VA E5 Ashland, VA [Amended]**

Hanover County Municipal Airport, VA  
(Lat. 37°42′32″ N., long. 77°26′12″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hanover County Municipal Airport.

Issued in College Park, Georgia, on February 25, 2015.

**Gerald E. Lynch,**

*Acting Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.*

[FR Doc. 2015-05111 Filed 3-6-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2014-0970; Airspace Docket No. 14-ASO-18]

#### Proposed Amendment of Class E Airspace; Eufaula, AL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E Airspace at Eufaula, AL as the Eufaula VORTAC has been decommissioned, requiring airspace redesign at Weedon Field Airport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport.

**DATES:** Comments must be received on or before April 23, 2015. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

**ADDRESSES:** Send comments on this rule to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Bldg. Ground Floor Rm. W12-140, Washington, DC 20590-000; Telephone: 1-800-647-5527; Fax: 202-493-2251. You must identify the Docket Number FAA-2014-0970; Airspace Docket No. 14-ASO-18, at the beginning of your comments. You may also submit and review received comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-5527), is on the ground floor of the building at the above address.

FAA Order 7400.9Y, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/](http://www.faa.gov/air_traffic/)

*publications/*. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this proposed incorporation by reference material at NARA, call 202-741-6030, or go to [http://www.archives.gov/federal-register/code\\_of\\_federal-regulations/ibr-locations.html](http://www.archives.gov/federal-register/code_of_federal-regulations/ibr-locations.html).

FAA Order 7400.9, Airspace Designations and Reporting Points, is published yearly and effective on September 15. For further information, you can contact the Airspace Policy and Regulations Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202-267-8783.

**FOR FURTHER INFORMATION CONTACT:** John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305-6364.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2014-0970; Airspace Docket No. 14-ASO-18) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at <http://www.regulations.gov>.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2014-0970; Airspace Docket No. 14-ASO-18." The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel

concerned with this rulemaking will be filed in the docket.

#### Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/airports-airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports-airtraffic/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267-9677, to request a copy of Advisory circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

#### Availability and Summary of Documents for Incorporation by Reference

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

#### The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class E airspace extending upward from 700 feet above the surface at Weedon Field Airport, Eufaula, AL. Airspace reconfiguration to within a 7.3-mile radius of the airport is necessary due to the decommissioning of the Eufaula VORTAC and cancellation of the VOR approach, and for continued safety and management of IFR operations at the airport.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9Y, dated August 6, 2014,

and effective September 15, 2014, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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

The FAA’s authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency’s authority. This proposed rulemaking is promulgated under the authority described in Subtitle VII, Part, A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This proposed regulation is within the scope of that authority as it would amend Class E airspace at Weedon Field Airport, Eufaula, AL.

This proposal would be subject to an environmental analysis in accordance with FAA Order 1050.1E, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

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

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

■ 1. The authority citation for Part 71 continues to read as follows:

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

#### § 71.1 [Amended]

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

*Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.*

\* \* \* \* \*

#### ASO AL E5 Eufaula, AL [Amended]

Weedon Field Airport, AL  
(Lat. 31°57′05″ N., long. 85°07′44″ W.)

That airspace extending upward from 700 feet above the surface within a 7.3-mile radius of Weedon Field Airport.

Issued in College Park, Georgia, on February 25, 2015.

**Gerald E. Lynch,**

*Acting Manager, Operations Support Group,  
Eastern Service Center, Air Traffic  
Organization.*

[FR Doc. 2015–05113 Filed 3–6–15; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2013–0834; Directorate Identifier 2012–NM–045–AD]

RIN 2120–AA64

#### Airworthiness Directives; Airbus Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

**SUMMARY:** We are revising an earlier proposed Airworthiness Directive (AD) for certain Airbus Model A330 series airplanes. The NPRM proposed to require revising the maintenance program or inspection program, as applicable, to incorporate certain maintenance requirements and airworthiness limitations. The NPRM was prompted by a determination that more restrictive maintenance requirements and airworthiness

limitations are necessary. This action revises the NPRM by proposing to supersede AD 2007–05–12, AD 2009–18–20, and AD 2010–15–02 in addition to those ADs already identified in the NPRM, as well as to require more restrictive limitations and to add Airbus Model A330–323 airplanes to the applicability. We are proposing this supplemental NPRM (SNPRM) to address the aging effects of aircraft systems. Such aging effects could change the characteristics of those systems, which, in isolation or in combination with one or more other specific failures or events, could result in failure of certain life limited parts, which could reduce the structural integrity of the airplane or reduce the controllability of the airplane. Since these actions impose an additional burden over those proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these proposed changes.

**DATES:** We must receive comments on this SNPRM by April 23, 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 SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email [airworthiness.A330-A340@airbus.com](mailto:airworthiness.A330-A340@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> /  
#/*docketDetail*;D=FAA-2013-0834 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 (telephone: (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2013-0834.

**FOR FURTHER INFORMATION CONTACT:**

Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1138; 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-2013-0834; Directorate Identifier 2012-NM-045-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.

**Related Service Information Under 1 CFR Part 51**

Airbus issued A330 Airworthiness Limitations Section (ALS) Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013, and Airbus A330 ALS Part 4—Aging Systems Maintenance (ASM), Variation 4.1 and Variation 4.2, both dated July 23, 2014. This service information describes preventative maintenance requirements and associated airworthiness limitations applicable to aircraft systems susceptible to aging effects. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

**Discussion**

On February 22, 2007, we issued AD 2007-05-12, Amendment 39-14973 (72 FR 10057, March 7, 2007), for certain Airbus Model A330, A340-200, and A340-300 series airplanes. AD 2007-05-12 requires inspecting to determine the part number of certain spoiler servo controls (SSCs) and replacing any affected SSC with a new SSC. AD 2007-05-12 resulted from a determination of a new load duty cycle defined by the manufacturer. We issued AD 2007-05-12 to prevent fatigue cracking of certain SSCs, which could result in hydraulic leakage and consequent loss of SSC function and loss of the associated hydraulic system. These conditions could affect all three hydraulic systems, which could result in reduced controllability of the airplane.

On August 26, 2009, we issued AD 2009-18-20, Amendment 39-16017 (74 FR 46313, September 9, 2009), for certain Airbus Model A330-300, A340-200, and A340-300 series airplanes. AD 2009-18-20 requires identification and modification of certain SSCs. AD 2009-18-20 resulted from a report of a failure of a SSC whose maintenance cover had ruptured due to pressure pulse fatigue. We issued AD 2009-18-20 to prevent the loss of a hydraulic system due to leakage; loss of three hydraulic systems could result in reduced controllability of the airplane.

On June 30, 2010, we issued AD 2010-15-02, Amendment 39-16368 (75 FR 42589, July 22, 2010), for certain Airbus Model A330-200 and -300 series airplanes, and A340-200, -300, -500, and -600 series airplanes. AD 2010-15-02 requires repetitive detailed visual inspections for corrosion and wear detection of the input gear boxes (IPGBs) and down drive shafts (DDSs) on the flap tracks on both wings, and corrective actions, as applicable. AD 2010-15-02 resulted from reports of corrosion and damage on the DDSs and IPGBs on the flap tracks. We issued AD 2010-15-02 to detect and correct corrosion and wear due to absence of grease in the spline interfaces which could cause DDS disconnection and result in a free movable flap surface, potentially leading to aircraft asymmetry or even flap detachment, and reduce the ability of the flightcrew to maintain the safe flight and landing of the airplane.

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A330 series airplanes. The NPRM published in the **Federal Register** on November 7, 2013 (78 FR 66861).

The NPRM proposed to supersede AD 2003-14-11, Amendment 39-13230 (68 FR 41521, July 14, 2003); AD 2004-11-08, Amendment 39-13654 (69 FR 31874, June 8, 2004); AD 2004-13-25, Amendment 39-13707 (69 FR 41394, July 9, 2004); AD 2004-18-14, Amendment 39-13793 (69 FR 55326, September 14, 2004); AD 2008-06-07, Amendment 39-15419 (73 FR 13103, March 12, 2008; corrected April 15, 2008 (73 FR 20367)); and AD 2012-04-07, Amendment 39-16963 (77 FR 12989, March 5, 2012) to require actions intended to address the aging effects of aircraft systems. Such aging effects could change the characteristics of those systems, which, in isolation or in combination with one or more other specific failures or events, could result in failure of certain life limited parts, which could reduce the structural integrity of the airplane or reduce the controllability of the airplane.

**Actions Since the NPRM (78 FR 66861, November 7, 2013) Was Issued**

Since we issued the NPRM (78 FR 66861, November 7, 2013), we received Airbus A330 Airworthiness Limitations Section (ALS) Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013, and Airbus A330 ALS Part 4—Aging Systems Maintenance (ASM), Variation 4.1 and Variation 4.2, both dated July 23, 2014, which contain more restrictive maintenance requirements. We determined that more restrictive maintenance requirements and airworthiness limitations are necessary and that Airbus Model A330-323 airplanes need to be added to the applicability of this AD in order to address the unsafe condition.

The European Aviation Safety Agency (EASA) which is the Technical Agent for the Member States of the European Union, also issued new EASA AD 2013-0268, dated November 7, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition on certain Airbus Model A330 series airplanes. EASA AD 2013-0268 supersedes and retains the requirements of four EASA ADs and requires accomplishment of the actions specified in Airbus A330 Airworthiness Limitations Section (ALS) Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013. The MCAI states:

The airworthiness limitations for Airbus aeroplanes are currently published in Airworthiness Limitations Section (ALS) documents.

The airworthiness limitations applicable to the Ageing Systems Maintenance (ASM) are

given in Airbus A330 ALS Part 4, which is approved by EASA.

Revision 04 of Airbus A330 ALS Part 4 introduces more restrictive maintenance requirements and/or airworthiness limitations. Failure to comply with these instructions could result in an unsafe condition.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2012-0020, which is superseded, and requires accomplishment of the actions specified in Airbus A330 ALS Part 4 at Revision 04.

In addition, this [EASA] AD also supersedes EASA AD 2006-0159, EASA AD 2008-0026, and EASA AD 2008-0160 [which correspond to FAA ADs 2007-05-12, Amendment 39-14973 (72 FR 10057, March 7, 2007); 2010-15-02, Amendment 39-16368 (75 FR 42589, July 22, 2010); and 2009-18-20, Amendment 39-16017 (74 FR 46313, September 9, 2009), respectively], whose requirements applicable to A330 aeroplanes have been transferred into Airbus A330 ALS Part 4.

The unsafe condition is the aging effects of aircraft systems. Such aging effects could change the characteristics of those systems, which, in isolation or in combination with one or more other specific failures or events, could result in failure of certain life limited parts, which could reduce the structural integrity of the airplane or reduce the controllability of the airplane. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA-2013-0834.

#### Related Rulemaking

We have issued AD 2014-23-17, Amendment 18033 (79 FR 71304, December 2, 2014) for Airbus Model A340-211, -212, -213, -311, -312, -313, -541, and -642 airplanes. AD 2014-23-17 terminates the requirements of the following ADs for Airbus Model A340-211, -212, -213, -311, -312, -313, -541, and -642 airplanes.

- AD 2003-14-11, Amendment 39-13230 (68 FR 41521, July 14, 2003);
- AD 2004-11-08, Amendment 39-13654 (69 FR 31874, June 8, 2004);
- AD 2004-13-25, Amendment 39-13707 (69 FR 41394, July 9, 2004);
- AD 2004-18-14, Amendment 39-13793 (69 FR 55326, September 14, 2004);
- AD 2007-05-12, Amendment 39-14973 (72 FR 10057, March 7, 2007);
- AD 2008-06-07, Amendment 39-15419 (73 FR 13103, March 12, 2008; corrected April 15, 2008 (73 FR 20367));
- AD 2009-18-20, Amendment 39-16017 (74 FR 46313, September 9, 2009);
- AD 2010-15-02, Amendment 39-16368 (75 FR 42589, July 22, 2010); and

- AD 2012-04-07, Amendment 39-16963 (77 FR 12989, March 5, 2012).

#### Comments

We gave the public the opportunity to participate in developing this proposed AD. We have considered the comment received on the NPRM (78 FR 66861, November 7, 2013) and the FAA's response to each comment.

#### Request To Add Airplane Model to the Applicability

Delta Airlines (Delta) requested that we add Airbus Model A330-323 airplanes to paragraph (c), "Applicability," of the NPRM (78 FR 66861, November 7, 2013).

We agree. Airbus Model A330-323 airplanes were erroneously omitted from the applicability. We have revised the applicability of this proposed AD to add these airplanes.

#### FAA's Determination and Requirements of This SNPRM

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.

This proposed AD would retain none of the requirements of the following ADs:

- AD 2007-05-12, Amendment 39-14973 (72 FR 10057, March 7, 2007);
- AD 2009-18-20, Amendment 39-16017 (74 FR 46313, September 9, 2009); and
- AD 2010-15-02, Amendment 39-16368 (75 FR 42589, July 22, 2010).

This proposed AD would require implementation of certain maintenance requirements and airworthiness limitations and adding Airbus Model A330-323 airplanes to the applicability. Certain changes described above expand the scope of the NPRM (78 FR 66861, November 7, 2013). As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

#### Differences Between This SNPRM and the Service Information

This SNPRM proposes to incorporate Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013, including the

compliance times for the actions. However, the compliance times for certain initial actions are different from those specified in Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013, because the actions and associated compliance times are required by AD 2009-18-20, Amendment 39-16017 (74 FR 46313, September 9, 2009). Therefore, the initial compliance time for these actions is relative to the effective date of the applicable superseded AD, as specified in paragraphs (h)(5), (h)(6), and (h)(7) of this SNPRM.

The MCAI specifies that if there are findings from the ALS inspection tasks, corrective actions must be accomplished in accordance with Airbus maintenance documentation. However, this AD does not include that requirement. Operators of U.S.-registered airplanes are required by general airworthiness and operational regulations to perform maintenance using methods that are acceptable to the FAA. We consider those methods to be adequate to address any corrective actions necessitated by the findings of ALS inspections required by this AD.

#### Costs of Compliance

We estimate that this SNPRM affects 79 airplanes of U.S. registry.

We estimate that it would take about 2 work-hours per product to comply with the new basic requirements of this SNPRM. The average labor rate is \$85 per work-hour. Required parts would cost \$0 per product. Based on these figures, we estimate the cost of this SNPRM on U.S. operators to be \$13,430, or \$170 per product.

#### 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
- a. Removing Airworthiness Directive (AD) 2003–14–11, Amendment 39–13230 (68 FR 41521, July 14, 2003); AD 2004–11–08, Amendment 39–13654 (69 FR 31874, June 8, 2004); AD 2004–13–25, Amendment 39–13707 (69 FR 41394, July 9, 2004); AD 2004–18–14, Amendment 39–13793 (69 FR 55326, September 14, 2004); AD 2007–05–12, Amendment 39–14973 (72 FR 10057, March 7, 2007); AD 2008–06–07, Amendment 39–15419 (73 FR 13103, March 12, 2008; corrected April 15, 2008 (73 FR 20367)); AD 2009–18–20, Amendment 39–16017 (74 FR 46313, September 9, 2009); AD 2010–15–02, Amendment 39–16368 (75 FR 42589, July 22, 2010); AD 2012–04–07, Amendment 39–16963 (77 FR 12989, March 5, 2012); and
- b. Adding the following new AD:

**Airbus:** Docket No. FAA–2013–0834;  
Directorate Identifier 2012–NM–045–AD.

#### (a) Comments Due Date

We must receive comments by April 23, 2015.

#### (b) Affected ADs

This AD supersedes the ADs specified in paragraphs (b)(1) through (b)(9) of this AD.

(1) AD 2003–14–11, Amendment 39–13230 (68 FR 41521, July 14, 2003).

(2) AD 2004–11–08, Amendment 39–13654 (69 FR 31874, June 8, 2004).

(3) AD 2004–13–25, Amendment 39–13707 (69 FR 41394, July 9, 2004).

(4) AD 2004–18–14, Amendment 39–13793 (69 FR 55326, September 14, 2004).

(5) AD 2007–05–12, Amendment 39–14973 (72 FR 10057, March 7, 2007).

(6) AD 2008–06–07, Amendment 39–15419 (73 FR 13103, March 12, 2008; corrected April 15, 2008 (73 FR 20367)).

(7) AD 2009–18–20, Amendment 39–16017 (74 FR 46313, September 9, 2009).

(8) AD 2010–15–02, Amendment 39–16368 (75 FR 42589, July 22, 2010).

(9) AD 2012–04–07, Amendment 39–16963 (77 FR 12989, March 5, 2012).

#### (c) Applicability

This AD applies to Airbus Model A330–201, –202, –203, –223, –243, –223F, –243F, –301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes; certificated in any category; all manufacturer serial numbers.

#### (d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

#### (e) Unsafe Condition

This AD was prompted by a determination that more restrictive maintenance requirements and airworthiness limitations are necessary. We are issuing this AD to address the aging effects of aircraft systems. Such aging effects could change the characteristics of those systems, which, in isolation or in combination with one or more other specific failures or events, could result in failure of certain life limited parts, which could reduce the structural integrity of the airplane or reduce the controllability of the airplane.

#### (f) Compliance

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

#### (g) Maintenance Program Revision and Actions

Within 6 months after the effective date of this AD, revise the maintenance program or inspection program, as applicable, by incorporating Airbus A330 Airworthiness Limitations Section (ALS) Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013, and Airbus A330 ALS Part 4—Aging Systems Maintenance (ASM), Variation 4.1 and Variation 4.2, both dated July 23, 2014. The initial compliance times for the actions are within the applicable compliance times specified in the Record of Revisions pages of Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013, Airbus A330 ALS Part 4—Aging Systems Maintenance (ASM),

Variation 4.1 and Variation 4.2, both dated July 23, 2014, or within 6 months after the effective date of this AD, whichever is later, except as required by paragraph (h) of this AD.

#### (h) Exceptions to Initial Compliance Times

(1) Where Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013, defines a calendar compliance time for elevator servo-controls having part number (P/N) SC4800–2, SC4800–3, SC4800–4, SC4800–6, SC4800–7, or SC4800–8 as “August 31, 2004,” the calendar compliance time is June 13, 2007 (34 months after August 13, 2004 (the effective date of AD 2004–13–25, Amendment 39–13707 (69 FR 41394, July 9, 2004))).

(2) Where Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013, defines a calendar compliance time for spoiler servo-controls (SSCs) having P/N 1386A0000–01, P/N 1386B0000–01, P/N 1387A0000–01 or P/N 1387B0000–01 as “December 31, 2003,” the calendar compliance time is November 19, 2005 (13 months after October 19, 2004 (the effective date of AD 2004–18–14, Amendment 39–13793 (69 FR 55326, September 14, 2004))).

(3) Where Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013, defines a calendar compliance time for elevator servo-controls having P/N SC4800–73, SC4800–93, SC4800–103 and SC4800–113 as “June 30, 2008,” the calendar compliance time is September 16, 2009 (17 months after April 16, 2008 (the effective date of AD 2008–06–07, Amendment 39–15419 (73 FR 13103, March 12, 2008; corrected April 15, 2008 (73 FR 20367)))).

(4) The initial compliance time for replacement of the retraction brackets of the main landing gear (MLG) having a part number specified in paragraphs (h)(4)(i) through (h)(4)(xvi) of this AD is before the accumulation of 19,800 total landings on the affected retraction brackets of the MLG, or within 900 flight hours after April 9, 2012 (the effective date of AD 2012–04–07, Amendment 39–16963 (77 FR 12989, March 5, 2012), whichever occurs later.

- (i) 201478303
- (ii) 201478304
- (iii) 201478305
- (iv) 201478306
- (v) 201478307
- (vi) 201478308
- (vii) 201428380
- (viii) 201428381
- (ix) 201428382
- (x) 201428383
- (xi) 201428384
- (xii) 201428385
- (xiii) 201428378
- (xiv) 201428379
- (xv) 201428351
- (xvi) 201428352

(5) Where Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013, defines a calendar compliance time for the modification of SSCs on three hydraulic circuits having part numbers MZ4339390–01X, MZ4306000–01X,

MZ4339390-02X, MZ4306000-02X, MZ4339390-10X, or MZ4306000-10X as “March 5, 2010,” the calendar compliance time is April 14, 2011 (18 months after October 14, 2009 (the effective date of AD 2009-18-20, Amendment 39-16017 (74 FR 46313, September 9, 2009))).

(6) Where Note (6) of “ATA 27-64-00 Flight Control—Spoiler Hydraulic Actuation,” of Sub-part 4-2-1, “Life Limits,” of Sub-part 4-2, “Systems Life Limited Components,” of Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013, defines a calendar date of “September 5, 2008,” as a date for the determination of accumulated flight cycles since the aircraft initial entry into service, the date is October 14, 2009 (the effective date of AD 2009-18-20, Amendment 39-16017 (74 FR 46313, September 9, 2009)).

(7) Where Note (6) of “ATA 27-64-00 Flight Control—Spoiler Hydraulic Actuation,” of Sub-part 4-2-1, “Life Limits,” of Sub-part 4-2, “Systems Life Limited Components,” of Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 04, dated August 27, 2013, defines a calendar compliance time as “March 5, 2010,” for the modification of affected servo controls, the calendar compliance time is April 14, 2011 (18 months after October 14, 2009 (the effective date of AD 2009-18-20, Amendment 39-16017 (74 FR 46313, September 9, 2009))).

#### (i) No Alternative Actions or Intervals

After accomplishing the revision required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1138; fax 425-227-1149. Information may be emailed to: 9-ANM-116-ACO-AMOC-REQUESTS@faa.gov. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved

by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

#### (k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) AD 2013-0268, dated November 7, 2013, for related information. You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov/#/documentDetail;D=FAA-2013-0834-0003>.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email [airworthiness.A330-A340@airbus.com](mailto:airworthiness.A330-A340@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 February 20, 2015.

**Victor Wicklund,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2015-05031 Filed 3-6-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### 15 CFR Part 702

[RIN 0694-AG17]

#### U.S. Industrial Base Surveys Pursuant to the Defense Production Act of 1950; Correction

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This rule corrects the preamble to a proposed rule published in the **Federal Register** of March 3, 2015, regarding U.S. Industrial Base Surveys by adding the inadvertently omitted **ADDRESSES** Caption.

**DATES:** March 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** William Arvin, Bureau of Industry and Security Regulatory Policy Division, 202-482-2440 or [william.arvin@bis.doc.gov](mailto:william.arvin@bis.doc.gov).

#### Correction

In proposed rule FR Doc. 2015-04299, on page 11350 in the issue of March 3, 2015, in the first column, immediately following the **DATES** section, add the following:

**ADDRESSES:** Comments may be submitted:

- Via the Federal eRulemaking Portal: <http://www.regulations.gov>. Search for this rule using its regulations.gov docket number: BIS-2015-0010.

- By email directly to [publiccomments@bis.doc.gov](mailto:publiccomments@bis.doc.gov). Include “RIN 0694-AG17” in the subject line.

- By mail or delivery to Regulatory Policy Division, Bureau of Industry and Security, U.S. Department of Commerce, Room 2099B, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230. Refer to “RIN 0694-AG17.”

Dated: March 3, 2015.

**Matthew S. Borman,**

*Deputy Assistant Secretary for Export Administration.*

[FR Doc. 2015-05324 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-33-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Parts 201, 606, and 610

[Docket No. FDA-2007-N-0363]

RIN 0910-AG18

#### Electronic Distribution of Prescribing Information for Human Prescription Drugs, Including Biological Products; Extension of Comment Period

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Food and Drug Administration (FDA) is extending the comment period for the proposed rule that appeared in the **Federal Register** of December 18, 2014. In the proposed rule, FDA requested comments on its proposal to amend its labeling regulations for human prescription drugs and biological products to require that the prescribing information intended for health care professionals that is on or within the package from which the product is dispensed be distributed electronically and not in paper form, except as provided by the proposed rule. The Agency is 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 proposed rule published on December 18, 2014 (79 FR 75506). Submit either electronic or written comments by May 18, 2015.

**ADDRESSES:** You may submit comments to the proposed rule 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 way:

- *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-2007-N-0363 for this rulemaking. 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, 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:** Emily Gebbia, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6226, Silver Spring, MD 20993, 240-402-0980.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In the **Federal Register** of December 18, 2014, FDA published a proposed rule to amend its labeling regulations for human prescription drugs and biological products to require that the prescribing information intended for health care professionals that is on or within the package from which the product is dispensed be distributed electronically and not in paper form, except as provided by the proposed rule. The proposed rule is intended to facilitate the distribution of updated prescribing information as new information becomes available and as changes in prescribing information are made. FDA is proposing the change to help ensure that the most current

prescribing information will be available and readily accessible to health care professionals at the time of clinical decision making and dispensing. FDA provided a 90-day comment period (*i.e.*, until March 18, 2015) for the proposed rule.

The Agency has received a request for a 60-day extension of the comment period for the proposed rule. The request conveyed concern that the current 90-day comment period does not allow sufficient time for entities and individuals who will be most affected by a final rule to examine and to comment upon the proposed rule. The request suggested that FDA would benefit by granting stakeholders sufficient time to develop their comments and to address as many relevant issues as possible.

FDA has considered the request and is extending the comment period for the proposed rule for 60 days, until May 18, 2015. The Agency believes that a 60-day extension allows adequate time for interested persons to submit comments without significantly delaying rulemaking on this important issue.

##### II. Request for Comments

Interested persons may submit either electronic comments regarding the proposed rule 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>.

Dated: March 3, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015-05336 Filed 3-6-15; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2015-0071]

RIN 1625-AA08

### Safety Zone; 24 Mile Tampa Bay Marathon Swim, Tampa Bay, Tampa, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a temporary moving safety zone on the waters of the Tampa Bay in Tampa, Florida during the 24 Mile Tampa Bay Marathon Swim. The swim is scheduled to take place from 4 a.m. to 9 p.m. on April 25, 2015.

Approximately 30 swimmers are anticipated to participate in the marathon swim event. No spectators are expected to be present during the event. The safety zone is necessary to provide for the safety of the participants, participant vessels, and the general public on the navigable waters of the United States during the event. The safety zone will establish a moving protective area around all swimmers involved in the race. Persons and vessels, except those participating in the event, will be prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port St. Petersburg or a designated representative.

**DATES:** Requests for public meetings, comments or related material must be received by the Coast Guard on or before March 16, 2015.

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

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

(2) *Fax:* (202) 493-2251.

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

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

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Tyrone J. Stafford, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228-2191, email [D07-SMB-Tampa-WWM@uscg.mil](mailto:D07-SMB-Tampa-WWM@uscg.mil). If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366-9826.

**SUPPLEMENTARY INFORMATION:**

## Table of Acronyms

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

### A. Public Participation and Request for Comments

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

#### 1. Submitting Comments

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

To submit your comment online, go to <http://www.regulations.gov>, type the docket number USCG–2015–0071 in the “SEARCH” box and click “SEARCH.” Click on “Submit a Comment” on the line associated with this rulemaking.

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

#### 2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number USCG–2015–0071 in the “SEARCH” box and click “SEARCH.”

Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

#### 3. Privacy Act

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

#### 4. Public Meeting

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

### B. Regulatory History and Information

The Coast Guard is proposing to establish this temporary moving safety zone on the waters of the Tampa Bay in Tampa, Florida during the 24 Mile Tampa Bay Marathon Swim. The race is scheduled to take place from 4 a.m. to 9 p.m. on April 25, 2015. This proposed rule is necessary to protect the safety of the participants, participant vessels, and the general public on the navigable waters of the United States during the event.

### C. Basis and Purpose

The legal basis for the proposed rule is the Coast Guard’s authority to establish safety zones: 33 U.S.C. 1231; 33 CFR 1.05–1, 6.04–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of the proposed rule is to provide for the safety of life on navigable waters of the United States during the 24 Mile Tampa Bay Marathon Swim.

### D. Discussion of Proposed Rule

This proposed rule is to establish a temporary moving safety zone that will encompass certain waters of Tampa Bay in Tampa, Florida. The proposed safety zone will be enforced from 4 a.m. to 9 p.m. on April 25, 2015. The safety zone

will establish a moving protective area around all swimmers involved in the race. Persons and vessels, except those participating in the event, will be prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port St. Petersburg or a designated representative.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the enforcement areas by contacting the Captain of the Port St. Petersburg by telephone at (727) 824–7506, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the enforcement areas is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative.

### E. Regulatory Analyses

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

#### 1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this proposed rule is not significant for the following reasons: (1) The temporary moving safety zone would be enforced for 17 hours; (2) although persons and vessels are prohibited to enter, transit through, anchor in, or remain within the enforcement areas without authorization from the Captain of the Port St. Petersburg or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the enforcement areas during the enforcement period if authorized by the Captain of the Port St. Petersburg or a designated representative; and (4) the

Coast Guard would provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners, Broadcast Notice to Mariners and/or on-scene designated representatives.

## 2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule 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 rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

## 3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. 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** section above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

## 4. Collection of Information

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

## 5. Federalism

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

## 6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER**

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

## 7. Unfunded Mandates Reform Act

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

## 8. Taking of Private Property

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

## 9. Civil Justice Reform

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

## 10. Protection of Children From Environmental Health Risks

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

## 11. Indian Tribal Governments

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

## 12. Energy Effects

This proposed rule is not a “significant energy action” under Executive Order 13211, Actions Concerning Regulations That

Significantly Affect Energy Supply, Distribution, or Use.

## 13. Technical Standards

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

## 14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination is 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 proposed rule.

## List of Subjects in 33 CFR Part 165

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

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

## PART 165—SAFETY ZONES

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

**Authority:** 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

- 2. Add a temporary § 165.T07–0071 to read as follows:

**§ 165.T07–0071 Safety Zone; 24 Mile Tampa Bay Marathon Swim, Tampa Bay; Tampa, FL.**

(a) *Regulated Areas.* All waters within a 50-yard radius around the swimmers and safety vessels including kayaks.

(b) *Definition.* The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the

Captain of the Port St. Petersburg in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port St. Petersburg or a designated representative.

(2) Non-participant persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port St. Petersburg by telephone at (727) 824-7506, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and/or on-scene designated representatives.

(d) *Effective Date.* This rule is effective on April 25, 2015 and will be enforced from 4 a.m. to 9 p.m.

Dated: February 18, 2015.

**G.D. Case,**

*Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.*

[FR Doc. 2015-05471 Filed 3-6-15; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2015-0093]

RIN 1625-AA08

#### Safety Zone; Swim Around Lido Key; Tampa Bay; Sarasota, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish a temporary moving safety zone on the waters of the Sarasota Bay in Sarasota, Florida during the Swim Around Lido Key. The swim is scheduled to take place from 8 a.m. to 2 p.m. on April 12, 2015. Approximately 100 swimmers are anticipated to participate in the swim event. No spectators are expected to be present during the event. The safety zone is necessary to provide for the

safety of the participants, participant vessels, and the general public on the navigable waters of the United States during the event. The safety zone will establish a moving protective area around all swimmers involved in the race. Persons and vessels, except those participating in the event, will be prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port St. Petersburg or a designated representative.

**DATES:** Comments and related material must be received by March 20, 2015.

Requests for public meetings must be received by the Coast Guard on or before March 16, 2015.

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

(1) *Federal eRulemaking Portal:*

<http://www.regulations.gov>.

(2) *Fax:* (202) 493-2251.

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

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

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Tyrone J. Stafford, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813) 228-2191, email [D07-SMB-Tampa-WWM@uscg.mil](mailto:D07-SMB-Tampa-WWM@uscg.mil). If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **Table of Acronyms**

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

##### **A. Public Participation and Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to <http://www.regulations.gov> and will include

any personal information you have provided.

#### *1. Submitting Comments*

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

To submit your comment online, go to <http://www.regulations.gov>, type the docket number USCG-2015-0093 in the "SEARCH" box and click "SEARCH." Click on "Submit a Comment" on the line associated with this rulemaking.

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

#### *2. Viewing Comments and Documents*

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number USCG-2015-0093 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12-140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.



### 3. Privacy Act

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

### 4. Public Meeting

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

## B. Regulatory History and Information

The Coast Guard is proposing to establish this temporary moving safety zone on the waters of the Tampa Bay in Tampa, Florida during the Swim Around Lido Key. The race is scheduled to take place from 8 a.m. to 2 p.m. on April 12, 2015. This proposed rule is necessary to protect the safety of the participants, participant vessels, and the general public on the navigable waters of the United States during the event.

## C. Basis and Purpose

The legal basis for the proposed rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1231; 33 CFR 1.05-1, 6.04-1, 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of the proposed rule is to provide for the safety of life on navigable waters of the United States during the Swim Around Lido Key.

## D. Discussion of Proposed Rule

This proposed rule is to establish a temporary moving safety zone that will encompass certain waters of Tampa Bay in Tampa, Florida. The proposed safety zone will be enforced from 8 a.m. to 2 p.m. on April 12, 2015. The safety zone will establish a moving protective area around all swimmers involved in the race. Persons and vessels, except those participating in the event, will be prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port St. Petersburg or a designated representative.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the

enforcement areas by contacting the Captain of the Port St. Petersburg by telephone at (727) 824-7506, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the enforcement areas is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative.

## E. Regulatory Analyses

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

### 1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this proposed rule is not significant for the following reasons: (1) The temporary moving safety zone would be enforced for 6 hours; (2) although persons and vessels are prohibited to enter, transit through, anchor in, or remain within the enforcement areas without authorization from the Captain of the Port St. Petersburg or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the enforcement areas during the enforcement period if authorized by the Captain of the Port St. Petersburg or a designated representative; and (4) the Coast Guard would provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners, Broadcast Notice to Mariners and/or on-scene designated representatives.

### 2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed

rule 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 rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

### 3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this proposed rule. 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** section above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

### 4. Collection of Information

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

### 5. Federalism

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

### 6. Protest Activities

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

### 7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) requires federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a

State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### 8. Taking of Private Property

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

#### 9. Civil Justice Reform

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

#### 10. Protection of Children From Environmental Health Risks

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

#### 11. Indian Tribal Governments

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

#### 12. Energy Effects

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

#### 13. Technical Standards

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

#### 14. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction

M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination is 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 proposed rule.

#### List of Subjects in 33 CFR Part 165

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

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

#### PART 165—SAFETY ZONES

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

**Authority:** 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0093 to read as follows:

#### § 165.T07–0093 Safety Zone; Swim Around Lido key, Sarasota Bay; Sarasota, FL.

(a) *Regulated Areas.* All waters within a 50-yard radius around the swimmers and safety vessels including kayaks.

(b) *Definition.* The term “designated representative” means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port St. Petersburg in the enforcement of the regulated areas.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port St. Petersburg or a designated representative.

(2) Non-participant persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port St. Petersburg by telephone at (727) 824–7506, or a designated representative via VHF radio on channel

16. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and/or on-scene designated representatives.

(d) *Effective Date.* This rule will be enforced from 8 a.m. to 2 p.m. on April 12, 2015.

Dated: February 18, 2015.

#### G.D. Case,

Captain, U.S. Coast Guard, Captain of the Port St. Petersburg.

[FR Doc. 2015–05422 Filed 3–6–15; 8:45 am]

**BILLING CODE 9110–04–P**

## DEPARTMENT OF EDUCATION

### 34 CFR Chapter III

[Catalog of Federal Domestic Assistance (CFDA) Number: 84.328C.]

#### Proposed Waiver and Extension of the Project Period for the Community Parent Resource Centers

**AGENCY:** Office of Special Education Programs (OSEP), Office of Special Education and Rehabilitative Services (OSERS), Department of Education.

**ACTION:** Proposed waiver and extension of the project period.

**SUMMARY:** The Secretary proposes to waive the requirements in the Education Department General Administrative Regulations that generally prohibit project periods exceeding five years and project period extensions involving the obligation of additional Federal funds. We take this action because this proposed waiver and extension of the project period would enable nine currently funded Community Parent Resource Centers (CPRCs) to receive funding from October 1, 2015, through September 30, 2016.

**DATES:** We must receive your comments on or before April 8, 2015.

**ADDRESSES:** Address all comments about this proposed waiver and extension of the project period to Carmen Sanchez, U.S. Department of Education, 400 Maryland Avenue SW., Room 4057, Potomac Center Plaza (PCP), Washington, DC 20202–2600.

If you prefer to send your comments by email, use the following address: [carmen.sanchez@ed.gov](mailto:carmen.sanchez@ed.gov). You must

include the phrase “Proposed waiver and extension of the project period” in the subject line of your message.

**FOR FURTHER INFORMATION CONTACT:** Carmen Sanchez. Telephone: (202) 245-6595, or by email at: [carmen.sanchez@ed.gov](mailto:carmen.sanchez@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:**

*Invitation to Comment:* We invite you to submit comments regarding this proposed waiver and extension. During and after the comment period, you may inspect all public comments about this proposed waiver and extension of the project period in room 4057, PCP, 550 12th Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week, except Federal holidays.

*Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record:* On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**Background**

On May 3, 2010, the Department of Education (Department) published in the **Federal Register** (75 FR 23254) a notice inviting applications (2010 NIA) for new awards for fiscal year (FY) 2010 for up to 10 CPRCs. The CPRCs were funded under the Parent Training and Information (PTI) Program, authorized under sections 672 and 673 of the Individuals with Disabilities Education Act (IDEA).

The purpose of CPRCs is to provide underserved parents of children with disabilities in targeted communities—including low-income parents, parents of limited English proficient children, and parents with disabilities—with the training and information they need to enable them to participate cooperatively and effectively in helping their children with disabilities to—

(1) Meet developmental and functional goals, as well as challenging academic achievement standards that have been established for all children; and

(2) Be prepared to lead the most productive, independent adult lives possible.

The CPRCs provide training and information to parents of infants, toddlers, and children, from birth through age 26, with the full range of disabilities described in section 602(3) of IDEA by: (a) Responding to individual requests for information and support from parents of children with disabilities, including parents of children who may be inappropriately identified in their targeted communities; (b) providing training to parents of children with disabilities; (c) supporting parents of children with disabilities, as needed, such as helping them to prepare for individualized education program or individualized family service plan meetings; and (d) maintaining a Web site and social media presence, as appropriate, to inform parents in their targeted communities of appropriate resources.

Based on the selection criteria published in the 2010 NIA, the Department made awards for a period of 60 months to 10 organizations, nine of which have received FY 2014 continuation funding: Fiesta Educativa in California; Parent to Parent of Miami, Inc. in Florida; Agenda for Children/Pyramid Parent Training in Louisiana; Urban PRIDE in Massachusetts; SPEAKS Education, Inc. in Michigan; Education for Parents of Indian Children with Special Needs (EPICS) in New Mexico; Palau Parents Empowered in Palau; Philadelphia HUNE, Inc. in Pennsylvania; and Disabilities Information Coalition in Texas.

The 2010 CPCR cohort’s current project period is scheduled to end on September 30, 2015. We do not believe that it would be in the public interest to run a competition for new CPRCs this year because the Department is in the process of changing the competition schedule for the PTI Program to make better use of Department resources. Under the proposed CPCR competition schedule, instead of holding three competitions over five years, each for 10 CPRCs, we would hold one competition for 30 CPRCs for a project period of up to five years. We propose to fund 30 CPRCs in FY 2016. We also have concluded that it would be contrary to the public interest to provide services to fewer underserved families in order to change the Department’s competition schedule.

For these reasons, the Secretary proposes to waive the requirements in 34 CFR 75.250, which prohibit project periods exceeding five years, as well as the requirements in 34 CFR 75.261(a) and (c)(2), which allow the extension of a project period only if the extension does not involve the obligation of additional Federal funds. The waiver

would allow the Department to issue FY 2015 continuation awards of \$100,000 to each of the nine centers in the FY 2010 cohort.

Any activities carried out during the year of this continuation award would have to be consistent with, or a logical extension of, the scope, goals, and objectives of the grantee’s application as approved in the FY 2010 CPCR competition.

If the proposed waiver and extension of the project period are announced in a final notice in the **Federal Register**, the requirements applicable to continuation awards for this competition set forth in the 2010 NIA and the requirements in 34 CFR 75.253 would apply to any continuation awards sought by the current CPCR grantees. We will base our decisions regarding continuation awards on the program narratives, budgets, budget narratives, and program performance reports submitted by the current grantees, and the requirements in 34 CFR 75.253.

**Regulatory Flexibility Act Certification**

The Department certifies that the proposed waiver and extension of the project period would not have a significant economic impact on a substantial number of small entities. The only entities that would be affected by the proposed waiver and extension of the project period are the current grantees receiving Federal funds and any other potential applicants.

The Secretary certifies that the proposed waiver and extension would 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 would not impose additional regulatory burdens or require unnecessary Federal supervision.

**Paperwork Reduction Act of 1995**

This notice of proposed 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. 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, audiotope, 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](http://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](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 3, 2015.

**Sue Swenson,**

*Acting Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2015-05280 Filed 3-6-15; 8:45 am]

**BILLING CODE 4000-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Chapter 1

[EPA-HQ-OA-2011-0156; FRL-9923-87-OA]

#### Improving EPA Regulations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for comment.

**SUMMARY:** The Environmental Protection Agency (EPA) is requesting public input on the agency's periodic retrospective review of its regulations. Executive Order 13563, "Improving Regulation and Regulatory Review," and Executive Order 13610, "Identifying and Reducing Regulatory Burdens," call on all federal agencies to conduct a retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome and to modify, streamline, expand, or repeal them in accordance with what has been learned. The EPA is particularly seeking public input on

how the agency can promote regulatory modernization through business-process streamlining, facilitated by improved technology.

**DATES:** Comments must be received on or before April 8, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OA-2011-0156, to the *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If you need to include CBI as part of your comment, please visit <http://www.epa.gov/dockets/comments.html> for instructions. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. For additional submission methods, the full EPA public comment policy, and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/comments.html>.

**FOR FURTHER INFORMATION CONTACT:** For further information on this document, please contact Nathaniel Jutras, Office of Policy, 1200 Pennsylvania Avenue NW., Mail Code 1803A, Washington, DC 20460, Phone: (202) 564-0301; Fax: (202) 564-8601; [Jutras.Nathaniel@epa.gov](mailto:Jutras.Nathaniel@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Environmental Protection Agency (EPA) is committed to a regulatory strategy that effectively achieves the Agency's mission of protecting the environment and the health, welfare, and safety of Americans while also supporting economic growth, job creation, competitiveness, and innovation.

Recognizing the importance of reducing unnecessary red tape—especially for America's small businesses—with Executive Orders 13563 and 13610 President Obama launched a historic review of existing rules to eliminate, streamline or update those that no longer make sense in their current form. This effort is on track to produce completed actions that will reduce nearly \$20 billion in regulatory costs in the near term.

As part of this review, in August 2011 the agency issued its Final Plan for Periodic Retrospective Reviews of Existing Regulations (<http://www.epa.gov/regdarrr/>). This Plan was developed after extensive public outreach that sought input on an agency plan for retrospective review, as well as on possible reforms to modify, streamline, expand or repeal existing regulations. That outreach included 20 public meetings, town halls, and Webinars with over 600 participants. Since 2011, the EPA has maintained an open comment docket for public feedback on the existing Plan for Periodic Retrospective Review of Existing Regulations and the subsequent progress reports. To date, we have completed 21 of our original 35 retrospective reviews. We added five new reviews in July 2014.

The EPA views this review process as an ongoing exercise and is seeking further public input to ensure our regulations continue to maximize net social benefit. The focus of this new request for input is on how the agency can promote regulatory modernization through business-process streamlining facilitated by improved technology. We specifically solicit comments on the following questions:

■ Which regulations, including economically significant rules, could be transitioned from paper to electronic reporting?

■ How can the EPA reduce duplicative reporting requirements in existing regulations that may overlap other federal requirements?

■ How can the EPA streamline or consolidate reporting requirements to reduce burden?

■ Which regulations could benefit from the use of existing shared services (such as the Substance Registry System) or new shared services?

■ Should the EPA create a joint registry of regulated facilities with states and tribes to streamline electronic reporting to multiple programs and maximize burden reduction?

■ Which regulations could be improved through the use of advance monitoring techniques or the development of mobile applications to facilitate environmental protection?

■ Which regulations could be amended to reduce the frequency of reporting while maintaining effective programs?

■ Is the same information being collected in multiple places, either across different regulations, or across different levels of government (Federal, State, Tribal, and local)?

We request that commenters be as specific as possible, include any supporting data or other information, and provide a citation when referencing a specific regulation. In addition, in drafting comments, bear in mind that

the EPA must uphold both its legal obligations under governing statutes and its mission to protect human health and the environment; and that the EPA's retrospective review will be tailored to reflect its resources, rulemaking schedule, and workload.

Additionally, the EPA published a notice on January 26, 2015 seeking comment on the development of an online portal to serve as a consolidated entry point for providing information, tools and streamlined interactions with the EPA by the public and regulated entities (80 FR 3962). Commenters may wish to review this notice and consider how such a portal could be used while considering regulations that the EPA should include in its review.

The EPA is accepting comments until April 8, 2015. Although the agency will not respond to individual comments, the EPA values and will give careful consideration to all input that it receives. Please see <http://www.epa.gov/regdarr/retrospective/history.html> for additional information and updates.

Dated: February 26, 2015.

**Joel Beauvais,**

*Associate Administrator, Office of Policy.*

[FR Doc. 2015-05303 Filed 3-6-15; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2014-0903; FRL-9924-03-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; State Boards Requirements; Infrastructure Requirements for the 2008 Ozone, 2010 Nitrogen Dioxide, and 2010 Sulfur Dioxide National Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve the State Implementation Plan (SIP) revision submitted by the State of West Virginia for the purpose of addressing the State Boards requirements for all criteria pollutants of the National Ambient Air Quality Standards (NAAQS). EPA is also proposing to approve a related infrastructure element from the West Virginia February 21, 2012 SIP submittal for the 2008 ozone (O<sub>3</sub>) NAAQS, the December 13, 2012 SIP submittal for the 2010 nitrogen dioxide (NO<sub>2</sub>) NAAQS, and the July 1, 2013 SIP submittal for the 2010 sulfur dioxide

(SO<sub>2</sub>) NAAQS. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by April 8, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2014-0903 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email:* [powers.marilyn@epa.gov](mailto:powers.marilyn@epa.gov).

C. *Mail:* EPA-R03-OAR-2014-0903, Marilyn Powers, Acting Associate Director, Office of Air Program Planning, Air Protection Division, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously listed EPA Region III address. 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-R03-OAR-2014-0903. 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 EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov*, your email address will be automatically

captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE., Charleston, WV 25304.

**FOR FURTHER INFORMATION CONTACT:** Ellen Schmitt, (215) 814-5787, or by email at [schmitt.ellen@epa.gov](mailto:schmitt.ellen@epa.gov).

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

Dated: February 12, 2015.

**William C. Early,**

*Acting Regional Administrator, Region III.*

[FR Doc. 2015-05223 Filed 3-6-15; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2014-0886; FRL-9924-01-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to Allegheny County Regulations for Establishing Permit Fees

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Pennsylvania Department of Environmental Protection (PADEP) on August 30, 2010. This revision pertains to the Air Pollution Control portion of the Allegheny County Health Department (ACHD) Rules and Regulations, and consists of changes to the regulations establishing installation permit application and administration fees, as well as open burning permit application fees. This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before April 8, 2015.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA-R03-OAR-2014-0886 by one of the following methods:

A. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

B. Email: [campbell.dave@epa.gov](mailto:campbell.dave@epa.gov).

C. Mail: EPA-R03-OAR-2014-0886, David J. Campbell, Associate Director, Office of Permits and Air Toxics, Mailcode 3AP10, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. 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-R03-OAR-2014-0886. 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 EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov*, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the Commonwealth submittal are available at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105; and the Allegheny County Health Department, Bureau of Environmental Quality, Division of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201.

**FOR FURTHER INFORMATION CONTACT:** Paul T. Wentworth, P.E. at: (215) 814-2183, or by email at [wentworth.paul@epa.gov](mailto:wentworth.paul@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On August 23, 2010 the Pennsylvania Department of Environmental Protection (PADEP) submitted a revision to the Allegheny County portion of the Pennsylvania State Implementation Plan. This SIP submission contains revisions to ACHD's regulations under Article XXI section 2102.10, entitled

"Installation Permit Application and Administration Fees"; and section 2105.50, entitled "Open Burning and Administration Fees."

##### II. Summary of SIP Revision

The revisions to sections 2102.10 and 2105.50 under Article XXI consist of: (1) Deleting the fixed monetary amounts for permit fees provided for in both sections; (2) adding language in both sections stating that the amount of the given fee shall be set by the Board of Health, and approved by Allegheny County Council; and 3) adding language in section 2102.10 establishing fees by factoring in the degree of technical and regulatory difficulty in establishing fees for each category of installation permit. These categories include: (1) Any source requiring a Prevention of Significant Deterioration (PSD) permit; (2) an installation permit for a source for which ACHD is required to establish a maximum achievable control technology (MACT) standard for such source; (3) any source requiring an installation permit and subject to section 2102.06 involving new major sources and major modifications locating in or impacting a non-attainment area; (4) any source requiring an installation permit and subject to existing standards, such as: the New Source Performance Standards (NSPS), the National Emission Standards for Hazardous Air Pollutants (NESHAP) or the MACT standard; (5) any source requiring an installation permit but not subject to any of the previous requirements; and (6) for all applications to use general installation permits.

##### III. Proposed Action

EPA review of this material submitted on August 30, 2010 determined that the rule changes have gone through the appropriate state procedures and that the revised regulations satisfy the requirements laid out in the CAA at section 110(a)(2)(L)(i) and (ii) which requires SIPs to include fees sufficient to cover the reasonable costs of reviewing and acting upon any application for a permit required by the CAA, and (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. Therefore EPA is proposing to approve this PADEP SIP revision containing revisions to the installation permit application and administration fees and open burning and administration fees requirements under ACHD Rules and Regulations, Article XXI.

#### IV. Statutory and Executive Order Reviews

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

- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, EPA's proposal to approve changes to ACHD regulations pertaining to establishing installation permit application and administration fees does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and

EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects in 40 CFR Part 52

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

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

Dated: February 11, 2015.

**William Early,**

*Acting, Regional Administrator, Region III.*

[FR Doc. 2015-05335 Filed 3-6-15; 8:45 am]

**BILLING CODE 6560-50-P**

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 141222999-5173-01]

RIN 0648-BE71

#### International Fisheries; Pacific Tuna Fisheries; 2015 and 2016 Commercial Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** The National Marine Fisheries Service (NMFS) is proposing regulations under the Tuna Conventions Act to implement Resolution C-14-06 of the Inter-American Tropical Tuna Commission (IATTC or the Commission) establishing limits on U.S. commercial catch of Pacific bluefin tuna from waters of the IATTC Convention Area for 2015 and 2016. This action is necessary for the United States to satisfy its obligations as a member of the IATTC.

**DATES:** Comments on the proposed rule and supporting documents must be submitted in writing by April 8, 2015. A public hearing will be held from 1 p.m. to 4 p.m. PDT, March 26, 2015. (See **ADDRESSES** for the public hearing location.)

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2014-0151, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to <http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0151>, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- **Mail:** Submit written comments to Celia Barroso, NMFS West Coast Region Long Beach Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier "NOAA-NMFS-2014-0151" in the comments.

- **Public hearing:** The public is welcome to attend a public hearing and offer comments on this proposed rule from 1 p.m. to 4 p.m. PDT, March 26, 2015, at 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802. The public may also participate in the public hearing via conference line: 1-877-934-5061, passcode 7998683.

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

Copies of the draft Regulatory Impact Review (RIR) and other supporting documents are available via the Federal eRulemaking Portal: <http://www.regulations.gov>, docket NOAA-NMFS-2014-0151 or contact with the Regional Administrator, William W. Stelle, Jr., NMFS West Coast Region, 7600 Sand Point Way NE., Bldg 1, Seattle, WA 98115-0070, or [RegionalAdministrator.WCRHMS@noaa.gov](mailto:RegionalAdministrator.WCRHMS@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Celia Barroso, NMFS, 562-432-1850

#### SUPPLEMENTARY INFORMATION:

#### Background on the IATTC

The United States is a member of the IATTC, which was established under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna Commission. The full text of the 1949 Convention is available

at: [http://www.iattc.org/PDFFiles/IATTC\\_convention\\_1949.pdf](http://www.iattc.org/PDFFiles/IATTC_convention_1949.pdf).

The IATTC facilitates scientific research into, as well as conservation and management of, highly migratory species of fish in the IATTC Convention Area (defined as the waters of the eastern Pacific Ocean (EPO)). Since 1998, conservation resolutions adopted by the IATTC have further defined the Convention Area as the area bounded by the coast of the Americas, the 50° N. and 50° S. parallels, and the 150° W. meridian. The IATTC has maintained a scientific research and fishery monitoring program for many years, and regularly assesses the status of tuna and billfish stocks in the EPO to determine appropriate catch limits and other measures deemed necessary to prevent overexploitation of these stocks and to promote sustainable fisheries. The IATTC currently consists of 21 member nations and four cooperating non-member nations.

#### International Obligations of the United States Under the Convention

As a Contracting Party to the 1949 Convention and a member of the IATTC, the United States is legally bound to implement IATTC resolutions. The Tuna Conventions Act (16 U.S.C. 951–962) directs the Secretary of Commerce, after approval by the Secretary of State, to promulgate such regulations as may be necessary to implement resolutions adopted by the IATTC. The Secretary's authority to promulgate such regulations has been delegated to NMFS.

#### Pacific Bluefin Tuna Resolution

Recognizing the need to reduce fishing mortality of Pacific bluefin tuna (*Thunnus orientalis*), the IATTC has adopted catch limits for Pacific bluefin tuna in the Convention Area since 2012. In 2011, NMFS determined overfishing was occurring on Pacific bluefin tuna (76 FR 28422, May 17, 2011), which is considered a single Pacific-wide stock. Based on the results of a 2012 stock assessment conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC), NMFS determined Pacific bluefin tuna was not only experiencing overfishing, but was also overfished (78 FR 41033, July 9, 2013). NMFS implemented the previous resolutions (Resolutions C–12–09 and C–13–02) to establish catch limits for the United States via rulemaking in 2013 (78 FR 33240, June 4, 2013) and 2014 (79 FR 28452, May 16, 2014). At its resumed 87th Meeting in October 2014, the IATTC adopted Resolution C–14–06, “Measures for the Conservation

and Management of Bluefin Tuna in the Eastern Pacific Ocean, 2015–2016.” The resolution, and subject of this rulemaking, was approved by the Secretary of State thereby prompting implementation by NMFS. Resolution C–14–06 reaffirms “. . . that it is necessary to adopt . . . measures to reduce the fishing mortality of Pacific bluefin tuna . . . to contribute to the rebuilding of the stock” and follows the IATTC scientific staff recommendations for a 20 to 45 percent reduction in catch.

In 2014, the Western and Central Pacific Fisheries Commission (WCPFC), which has purview over the management of highly migratory fish stocks in the western and central Pacific Ocean, also adopted a conservation and management measure for Pacific bluefin tuna, to decrease the level of fishing mortality (CMM 2014–04). Future conservation measures adopted by the IATTC and WCPFC for Pacific bluefin tuna are expected to be based, in part, on information and advice from the ISC, which intends to complete an updated stock assessment in 2016.

The main objective of Resolution C–14–06 is to reduce overfishing and to conserve and rebuild the Pacific bluefin tuna stock by setting limits on the commercial catch of Pacific bluefin tuna in the Convention Area for 2015 and 2016. C–14–06 establishes a catch limit for 2015 and 2016 combined of 600 metric tons (mt) for commercial vessels of each member or cooperating non-member (collectively known as CPCs), except Mexico, with a historical record of Pacific bluefin tuna catch from the EPO (such as the United States). For the United States, as well as any other CPC with a historical record of Pacific bluefin tuna catch in the EPO, the catch limit for both years combined would be 600 mt and is not to exceed 425 mt in a single year. Additionally, if U.S. commercial Pacific bluefin tuna catch in the Convention Area exceeds 300 mt in 2015, then the 2016 U.S. catch limit may not exceed 200 mt, which could result in a total combined catch for both years that is less than 600 mt.

Resolution C–14–06 differs from prior IATTC resolutions on the conservation and management of Pacific bluefin tuna. As with prior resolutions, the current resolution establishes a Commission-wide catch limit applicable to all CPCs collectively and throughout the Convention Area; however, the individual CPC catch limits (as described above) count toward the Commission-wide limit. Under previous resolutions, the individual CPC limits were separate from the Commission-wide limit; specifically, the United States had the opportunity to catch the

individual CPC limit as a minimum while also having access to the Commission-wide limit. Under Resolution C–14–06, the United States may not fish more than the individual CPC catch limit, as described above. Furthermore, since 2012, the annual CPC limit has been 500 mt. Under C–14–06, the individual CPC limit would be approximately 600 mt over 2 years, as described above.

#### Council Recommendations for the Implementation of C–14–06

At its November 2014 meeting, the Pacific Fishery Management Council recommended that two trip limits be included in the rule to implement the annual catch limits in accordance with the resolution: (1) An initial 20 mt trip limit until catch is within 50 mt of the annual catch limit, and (2) a 2 mt trip limit that would be imposed when the cumulative catch for the year is within 50 mt of the annual catch limit. The trip limits are intended to enhance the effectiveness of inseason management such that the fishery is more likely to have access to the maximum catch limit for 2015 and 2016 (*i.e.*, 600 mt). The monitoring of trip limits will assist managers and industry with staying informed on current catch levels as well as to ensure that the fishery is not closed prematurely. Furthermore, the trip limits may help alleviate derby-style fishing pressure and the potential for excess supply of Pacific bluefin tuna over short periods of time. This excess supply could drive down prices, while depriving consumers of Pacific bluefin tuna at other times. The 2 mt trip limit would be intended to prevent large-scale targeting of Pacific bluefin tuna, while allowing the retention of Pacific bluefin tuna that is harvested incidentally by fishermen targeting other species. This would reduce the likelihood of wasteful discards in non-directed fisheries (*e.g.*, from drift gillnet, hook-and-line), which typically land less than 2 mt per trip.

Annual and trip catch limits have been used in past management of this fishery. In 2014, NMFS closed the commercial fishery to U.S. vessels in 2014 (79 FR 53631, September 10, 2014) to avoid exceeding the annual catch limit of 500 mt; preliminary landings data, which is used to estimate catch, indicated catch was 454 mt. However, updated landings data revealed that U.S. catch was 403.5 mt; therefore, NMFS reopened the fishery with a 1 mt trip limit with the intent to reduce the likelihood of wasteful discards in non-directed fisheries (*e.g.*, from drift gillnet, hook-and-line) (79 FR 68133, November 14, 2014).



**Pacific Bluefin Tuna Catch History**

While Pacific bluefin tuna catch by U.S. commercial vessels fishing in the Convention Area exceeded 1,000 mt per year in the early 1990s, annual catches have remained below 500 mt for more than a decade. The U.S. commercial catch of Pacific bluefin tuna in the Convention Area for the years 1999 to 2014 can be found in Table 1 below. The average annual Pacific bluefin tuna landed catch by U.S. commercial vessels fishing in the Convention Area from 2010 to 2014 represents only two percent of the average annual landings for all fleets fishing in the Convention Area during that period (for information on Pacific bluefin tuna harvests in the Convention Area through 2013, see: [http://isc.ac.affrc.go.jp/pdf/ISC14pdf/ISC14\\_Plenary\\_Report\\_draft%20cleared%20140721-2\\_2Sept14\\_sms\\_forpostingonweb.pdf](http://isc.ac.affrc.go.jp/pdf/ISC14pdf/ISC14_Plenary_Report_draft%20cleared%20140721-2_2Sept14_sms_forpostingonweb.pdf); for preliminary information on Pacific bluefin tuna harvest in the Convention Area in 2014, see <http://www.iattc.org/MonthlyReports/2014/201410MonthlyRpt.pdf>).

TABLE 1—ANNUAL U.S. COMMERCIAL CATCH, IN METRIC TONS (MT), OF PACIFIC BLUEFIN TUNA IN THE EASTERN PACIFIC OCEAN FROM 1999 TO 2014

Year	Catch (mt)
1999	186
2000	313
2001	196
2002	11
2003	36
2004	10
2005	207
2006	1
2007	45
2008	1
2009	415
2010	1

TABLE 1—ANNUAL U.S. COMMERCIAL CATCH, IN METRIC TONS (MT), OF PACIFIC BLUEFIN TUNA IN THE EASTERN PACIFIC OCEAN FROM 1999 TO 2014—Continued

Year	Catch (mt)
2011	118
2012	43
2013	10
2014	*404

Source: Highly Migratory Species Stock Assessment and Fishery Evaluation: <http://www.pcouncil.org/highly-migratory-species/stock-assessment-and-fishery-evaluation-safe-documents/current-hms-safe-document/>.

\* Preliminary estimate of 2014 Pacific bluefin tuna landed catch by United States based on communications with California Department of Fish and Wildlife on December 11, 2014.

**Proposed Regulations for Pacific Bluefin Tuna for 2015–2016**

This proposed rule would establish annual and trip catch limits for U.S. commercial vessels that catch Pacific bluefin tuna in the Convention Area for 2015 and 2016 (Table 2). A trip limit is proposed to be defined as the total allowable amount of a species by weight of fish that may be retained on board, transshipped, or landed during a single fishing trip by a vessel that harvests tuna or tuna-like species. In 2015, an annual catch limit for the entire U.S. fleet of 425 mt with an initial trip limit of 20 mt per vessel would be imposed. When NMFS anticipates that total catch for the fleet has reached 375 mt, NMFS will announce that a 2 mt trip limit for each vessel will be in effect until the total catch for the year reaches 425 mt. In 2016, the annual catch limit will be announced in a **Federal Register** notice and calculated to correspond with the limits established in the resolution (*i.e.*, not to exceed 425 mt in a year and if catch exceeds 300 mt in 2015, then catch will be limited to 200 mt in 2016).

The 2016 annual catch limit will be calculated as the remainder from 2015 (*i.e.*, how much of 425 mt was not caught) added to 175 mt, except as follows: (1) If 175 mt or less is caught in 2015, then the 2016 annual catch limit is 425 mt; (2) if greater than 300 mt and up to 400 mt are caught in 2015, then the annual catch limit in 2016 will be 200 mt; or (3) if greater than 425 mt is caught in 2015, then the annual catch limit in 2016 will be further reduced by the amount in excess of 425 mt (*i.e.*, the remainder of the 600 mt limit for 2015–2016). The fishery in 2016 will also be subject to an initial 20 mt trip limit until catch is within 50 mt of the 2016 annual catch limit, after which a 2 mt trip limit will be imposed.

When NMFS determines that the annual catch limit is expected to be reached in 2015 or 2016 (based on landings receipts, data submitted in logbooks, and other available fishery information), NMFS will prohibit commercial fishing for, or retention of, Pacific bluefin tuna for the remainder of the calendar year. NMFS would publish a notice in the **Federal Register** announcing that the targeting, retaining, transshipping or landing for Pacific bluefin tuna will be prohibited on a specified effective date through the end of that calendar year. Upon that effective date, a commercial fishing vessel of the United States may not be used to target, retain on board, transship, or land Pacific bluefin tuna captured in the Convention Area during the period specified in the announcement, with the exception that any Pacific bluefin tuna already on board a fishing vessel on the effective date may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided that they are landed within 14 days after the effective date.

TABLE 2—POTENTIAL SCENARIOS FOR U.S. COMMERCIAL CATCH OF PACIFIC BLUEFIN TUNA, IN METRIC TONS (MT), FROM THE EASTERN PACIFIC OCEAN IN 2015 AND 2016

Scenarios	2015 U.S. commercial catch (and/or limit)	2016 U.S. commercial limit
1	0–175 mt	425 mt (max allowed).
2	176–300 mt greater than	300–424 mt (remainder of 600 mt catch limit).
3	300 mt and up to 400 mt	200 mt.
4	401–425 mt	175–200 mt (remainder of 600 mt catch limit).
5*	426–600 mt	0–174 mt.

\* Scenario 5 would occur only if the 2015 limit under Resolution C–14–06 were exceeded.

**Proposed Catch Monitoring, Annual and Trip Catch Limit Announcements**

NMFS would provide updates on Pacific bluefin tuna catches in the

Convention Area to the public via the IATTC listserv and the West Coast Region Web site: [http://www.westcoast.fisheries.noaa.gov/fisheries/migratory\\_species/bluefin\\_](http://www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/bluefin_)

[tuna\\_harvest\\_status.html](#). Additionally, NMFS would report preliminary estimates of Pacific bluefin tuna catch between monthly intervals if and when catches approach the limits to help

participants in the U.S. commercial fishery plan for the possibility of the annual catch limit being reached. NMFS will notify industry when catch approaches 250 mt in 2015.

In 2015, NMFS would publish up to two **Federal Register** notices after the final rule is issued, imposing inseason management measures. First, NMFS would publish a notice when the commercial 2 mt trip limit is imposed (*i.e.*, catch is expected to reach 375 mt). Second, NMFS would publish a notice closing the entire commercial fishery completely when NMFS determines that the annual catch limit is expected to be met.

In 2016, NMFS would publish up to three notices in the **Federal Register**. The first notice would announce the 2016 annual catch limit. A second notice would announce the 2 mt trip limit, when NMFS determines that the commercial catch is expected to be within 50 mt of the annual catch limit. NMFS would publish a third notice in the **Federal Register** when NMFS determines that the annual catch limit is expected to be reached.

#### Classification

The NMFS Assistant Administrator has determined that this proposed rule is consistent with the Tuna Conventions Act and other applicable laws.

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

Additionally, although there are no new collection-of-information requirements associated with this action that are subject to the Paperwork Reduction Act, existing collection-of-information requirements associated with the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) still apply. These requirements have been approved by the Office of Management and Budget under Control Number 0648-0204. Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid OMB control number.

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

The rationale for the certification is provided in the following paragraphs:

On June 12, 2014, the Small Business Administration (SBA) issued an interim final rule revising the small business size standards for several industries effective July 14, 2014 (79 FR 33467). The rule increased the size standard for Finfish Fishing from \$19.0 million to \$20.5 million, Shellfish Fishing from \$5.0 million to \$5.5 million, and Other Marine Fishing from \$7.0 million to \$7.5 million. NMFS conducted its analysis for this action in light of the new size standards. The small entities that would be affected by the proposed action are the small coastal purse seine vessels that harvest Pacific bluefin tuna.

This proposed rule, in accordance with IATTC Resolution C-14-06 and following advice from the Pacific Fishery Management Council, will implement annual and trip catch limits for U.S. commercial vessels that harvest Pacific bluefin tuna in the Convention Area for 2015 and 2016. U.S. commercial catch of Pacific bluefin tuna from the Convention Area is primarily made in waters off of California largely by the coastal pelagic small purse seine fleet that opportunistically targets Pacific bluefin tuna and by other fleets that incidentally catch Pacific bluefin tuna (*e.g.*, California large-mesh drift gillnet, surface hook-and-line, west coast longline, and Hawaii's pelagic fisheries). Resolution C-14-06 sets a catch limit of 600 mt for both years combined and is not to exceed 425 mt in a single year. If the U.S. commercial Pacific bluefin tuna catch in the Convention Area exceeds 300 mt in 2015, the U.S. catch may not exceed 200 mt in 2016. In each year, based on the Pacific Fishery Management Council's recommendation, NMFS is proposing a trip limit of 20 mt until catch is within 50 mt of the annual catch limit and a 2 mt trip limit when catch is within 50 mt of the annual catch limit.

The two trip limits are expected to benefit the fishery. They are intended to enhance the effectiveness of inseason management such that the fishery will have access to the full catch limit for 2015 and 2016, combined. Further, the trip limit may help alleviate derby-style fishing pressure and the potential for excess supply of Pacific bluefin tuna, which could drive down market prices. Additionally, the 2 mt trip limit is intended to reduce the likelihood of wasteful discards in non-directed fisheries (*e.g.*, from drift gillnet and hook-and-line). NMFS will publish a notice in the **Federal Register** to notify stakeholders when the 2 mt trip limit will be imposed.

The small entities to which the proposed action would apply are all U.S. commercial fishing vessels that may target (*e.g.*, coastal pelagic purse seine vessels) or incidentally catch Pacific bluefin tuna in the Convention Area (*e.g.*, drift gillnet); however, not all are affected by the proposed action. Annually, from 2009 to 2013, the number of small coastal pelagic purse seine vessels that landed Pacific bluefin tuna in the Convention Area ranged from zero to six. In 2009, eight purse seine vessels fishing in the Convention Area landed HMS in California, but only six of them were involved in landing about 410 mt of Pacific bluefin tuna in west coast ports worth about \$427,000. In 2010 and 2013, the coastal purse seine fishery did not land Pacific bluefin tuna. In 2011 and 2012, less than three vessels targeted Pacific bluefin tuna; therefore, their landings and revenue are confidential. Purse seine vessels have caught an average of 26 mt per trip from 2009 through 2013; therefore, the 20 mt trip limit may result in an economic loss. From 2004 through 2013, purse seiners have caught an average of 42 mt of Pacific bluefin tuna per vessel annually (an average only of the years in which there were Pacific bluefin tuna landings by purse seine vessels). Vessels are expected to cease fishing for Pacific bluefin tuna when they reach the trip limit and possibly divert effort to other fisheries, such as coastal pelagic species (*e.g.*, market squid, sardine) or make more frequent trips targeting Pacific bluefin tuna. In contrast, vessels with other gear-types landing incidentally-caught Pacific bluefin tuna have not landed more than 2 mt; therefore, these vessels are unlikely to be affected by the proposed trip limits. Vessels with incidental landings of Pacific bluefin tuna in 2013 include twelve drift gillnet vessels, nine surface hook-and-line vessels, three longline vessels, and three bait boats.

Since 2000, the average annual revenue per vessel from all finfish fishing activities for the U.S. purse seine fleet and other fleets that have landed Pacific bluefin tuna has been less than \$20.5 million, whether considering an individual vessel or per vessel average. Since 2004, in years Pacific bluefin tuna was landed, purse seine vessels that caught Pacific bluefin tuna had an average annual income of about \$1.9 million per vessel (based on all species landed). The revenue derived from Pacific bluefin tuna is only a small fraction (2.62% annually from 2004-2013) of the overall revenue, as small coastal pelagic purse seine vessels typically harvest other species,

including Pacific sardine, Pacific mackerel, squid, and anchovy. Implementation of the annual catch limits for 2015 and 2016 in this proposed action is not expected to result in changes in current fishery operations, as the annualized catch limit is above recent annual average catches of Pacific bluefin tuna by all fleets. The proposed action is expected to result in an annual loss of approximately 12 mt (value of \$12,000) of Pacific bluefin tuna by purse seine vessels during 2015 and 2016; the ex-vessel value of Pacific bluefin tuna in this fishery is \$1.03/kilogram. This amount is negligible relative to the fleet's annual revenue resulting from other species. Accordingly, vessels' income is not expected to be altered significantly as a result of this rule.

The absence of the proposed action would allow U.S. fisheries to target Pacific bluefin tuna without restriction (except for existing permit requirements, such as a Pacific Highly Migratory Species Permit under the HMS FMP). The 2014 annual catch limit of 500 mt expired on December 31, 2014 (79 FR 28448, May 16, 2014). Not implementing the limits in Resolution C-14-06 that are intended to reduce fishing mortality could contribute to continued overfishing or overfished conditions for the stock (78 FR 41033, July 9, 2013). Alternatively, the implementation of Resolution C-14-06 will contribute to the sharing of sustainable benefits from Pacific bluefin tuna fishery resources among the IATTC member and cooperating non-member countries.

Pursuant to the Regulatory Flexibility Act and the SBA's June 20, 2013 and June 14, 2014 final rules (78 FR 37398 and 79 FR 33647, respectively), this certification was developed for this action using the SBA's revised size standards. NMFS considers all entities subject to this action to be small entities as defined by both the former, lower size standards and the revised size standards. Because each affected vessel is a small business, this proposed action is considered to equally affect all of these small entities in the same manner. Based on the disproportionality and profitability analysis above, the proposed action, if adopted, will not have adverse or disproportional economic impact on these small business entities. Therefore, the proposed action would not have a significant economic impact on a substantial number of small entities. As a result, an Initial Regulatory Flexibility Analysis is not required, and was not prepared for this proposed rule.

### List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: March 3, 2015.

**Eileen Sobeck,**  
*Assistant Administrator for Fisheries,*  
*National Marine Fisheries Service.*

For the reasons set out in the preamble, 50 CFR part 300 is proposed to be amended as follows:

### PART 300—INTERNATIONAL FISHERIES REGULATIONS

- 1. The authority citation for part 300, Subpart C, continues to read as follows:

**Authority:** 16 U.S.C. 951 *et seq.*

- 2. In § 300.21, add the definition for "Trip limit" in alphabetical order to read as follows:

#### § 300.21 Definitions.

\* \* \* \* \*

*Trip limit* means the total allowable amount of a species by weight of fish that may be retained on board, transshipped, or landed from a single fishing trip by a vessel that harvests tuna or tuna-like species.

\* \* \* \* \*

- 3. In § 300.24, revise paragraph (u) to read as follows:

#### § 300.24 Prohibitions.

\* \* \* \* \*

(u) Use a United States commercial fishing vessel in the Convention Area to target, retain on board, transship or land Pacific bluefin tuna in contravention of § 300.25(h)(3) and (h)(5).

\* \* \* \* \*

- 4. In § 300.25, revise paragraph (h) to read as follows:

#### § 300.25 Eastern Pacific fisheries management.

\* \* \* \* \*

(h) *Pacific bluefin tuna commercial catch limits in the eastern Pacific Ocean for 2015–2016.* The following is applicable to the U.S. commercial fishery for Pacific bluefin tuna in the Convention Area in the years 2015 and 2016.

(1) For the calendar year 2015, all commercial fishing vessels of the United States combined may capture, retain, transship, or land no more than 425 metric tons in the Convention Area.

(2) In 2016, NMFS will publish a notice in the **Federal Register** announcing the 2016 annual catch limit. For the calendar year 2016, all commercial fishing vessels of the United States combined may capture, retain on

board, transship, or land no more than the 2016 annual catch limit. The 2016 annual catch limit is calculated by adding any amount of the 425 metric ton catch limit that was not caught in 2015, as determined by NMFS, to 175 metric tons, except as follows:

(i) if 175 metric tons or less are caught in 2015, as determined by NMFS, then the 2016 catch limit is 425 metric tons;

(ii) if in 2015, greater than 300 metric tons and up to 400 metric tons are caught, as determined by NMFS, then the 2016 catch limit is 200 metric tons; or

(iii) if greater than 425 metric tons are caught in 2015, as determined by NMFS, then the 2016 catch limit is calculated by subtracting the amount caught in 2015 from 600 metric tons.

(3) In 2015 and 2016, a 20 metric ton trip limit will be in effect until NMFS anticipates that catch will be within 50 metric tons of the annual catch limits, after which a 2 metric ton trip limit will be in effect upon publication of a notice in the **Federal Register** by NMFS.

(4) After NMFS determines that the annual catch limits under paragraphs (h)(1) and (h)(2) of this section are expected to be reached by a future date, NMFS will publish a fishing closure notice in the **Federal Register** announcing the effective date that additional targeting, retaining on board, transshipping or landing Pacific bluefin tuna in the Convention Area shall be prohibited as described in paragraph (h)(5) of this section.

(5) Beginning on the date announced in the fishing closure notice published under paragraph (h)(4) of this section through the end of the calendar year, a commercial fishing vessel of the United States may not be used to target, retain on board, transship, or land Pacific bluefin tuna captured in the Convention Area, with the exception that any Pacific bluefin tuna already on board a fishing vessel on the effective date of the notice may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided such Pacific bluefin tuna is landed within 14 days after the effective date published in the fishing closure notice.

[FR Doc. 2015-05385 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 140821699–5191–01]

RIN 0648–XD461

**Magnuson-Stevens Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2015 and 2016 Sector Operations Plans and 2015 Contracts and Allocation of Northeast Multispecies Annual Catch Entitlements**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** We propose to approve 17 sector operations plans and contracts for fishing years 2015 and 2016, grant regulatory exemptions for fishing years 2015 and 2016, and provide Northeast multispecies annual catch entitlements to these sectors for fishing year 2015. We request comment on the proposed sector operations plans and contracts; the environmental assessment analyzing the impacts of the operations plans; and our proposal to grant (in whole or partially) 19 of the 22 regulatory exemptions requested by the sectors. Approval of sector operations plans is necessary to allocate annual catch entitlements to the sectors and for the sectors to operate. The Northeast Multispecies Fishery Management Plan allows limited access permit holders to form sectors, and requires sectors to submit their operations plans and contracts to us, NMFS, for approval or disapproval. Approved sectors are exempt from certain effort control regulations and receive allocation of Northeast multispecies based on its members' fishing history.

This document also announces the target at-sea monitoring coverage rate for sector trips for fishing year 2015.

**DATES:** Written comments must be received on or before March 24, 2015.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NMFS–2014–0111, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0111](http://www.regulations.gov/), click the “Comment Now!” icon,

complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Liz Sullivan, 55 Great Republic Drive, Gloucester, MA 01930.

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

**FOR FURTHER INFORMATION CONTACT:** Liz Sullivan, Fishery Management Specialist, phone (978) 282–8493, fax (978) 281–9135. To review **Federal Register** documents referenced in this rule, you can visit: <http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies>.

**SUPPLEMENTARY INFORMATION:****Background**

Amendment 13 to the Northeast (NE) Multispecies Fishery Management Plan (FMP) (69 FR 22906, April 27, 2004) established a process for forming sectors within the NE multispecies (groundfish) fishery, and Amendment 16 to the FMP (74 FR 18262, April 9, 2010), followed by Framework Adjustment 45 to the FMP (76 FR 23042, April 25, 2011) and Framework 48 to the FMP (78 FR 26118; May 3, 2013), expanded and revised sector management.

The FMP defines a sector as “[a] group of persons (three or more persons, none of whom have an ownership interest in the other two persons in the sector) holding limited access vessel permits who have voluntarily entered into a contract and agree to certain fishing restrictions for a specified period of time, and which has been granted a TAC(s) [*sic*] in order to achieve objectives consistent with applicable FMP goals and objectives.” Sectors are self-selecting, meaning each sector can choose its members.

The NE multispecies sector management system allocates a portion of the NE multispecies stocks to each sector. These annual sector allocations are known as annual catch entitlements (ACE). These allocations are a portion of a stock's annual catch limit (ACL) available to commercial NE multispecies vessels, based on the

collective fishing history of a sector's members. Currently, sectors may receive allocations of most large-mesh NE multispecies stocks with the exception of Atlantic halibut, windowpane flounder, Atlantic wolffish, and ocean pout. A sector determines how to harvest its ACEs and may decide to consolidate operations to fewer vessels.

Because sectors elect to receive an allocation under a quota-based system, the FMP grants sector vessels several “universal” exemptions from the FMP's effort controls. These universal exemptions apply to: Trip limits on allocated stocks; the Georges Bank (GB) Seasonal Closure Area; NE multispecies days-at-sea (DAS) restrictions; the requirement to use a 6.5-inch (16.5-cm) mesh codend when fishing with selective gear on GB; portions of the Gulf of Maine (GOM) Rolling Closure Areas (or as modified by Framework 53); and the at-sea monitoring (ASM) coverage rate for sector vessels fishing on a monkfish DAS in the Southern New England (SNE) Broad Stock Area (BSA) with extra-large mesh gillnets. The FMP prohibits sectors from requesting exemptions from permitting restrictions, gear restrictions designed to minimize habitat impacts, and reporting requirements.

We received operations plans and preliminary contracts for fishing years 2015 and 2016 from 17 sectors. The operations plans are similar to previously approved versions, but propose operations spanning 2 fishing years, and include additional exemption requests and proposals for industry-funded ASM plans. This is the first year that 2-year operations plans have been submitted by the sectors, as allowed in the Amendment 16 final rule. Two-year sector operations plans will help streamline the process for sector managers and reduce administrative burdens for both sectors and NMFS. Six sectors that have operated in past years did not submit operations plans or contracts. Four of these sectors now operate as state-operated permit banks as described below.

We have made a preliminary determination that the proposed 17 sector operations plans and contracts, and 19 of the 22 regulatory exemptions, in whole or partially, are consistent with the FMP's goals and objectives, and meet sector requirements outlined in the regulations at § 648.87. We summarize many of the sector requirements in this proposed rule and request comments on the proposed operations plans, the accompanying environmental assessment (EA), and our proposal to wholly or partially grant 19 of the 22 regulatory exemptions

requested by the sectors, but deny the rest. Copies of the operations plans and contracts, and the EA, are available at <http://www.regulations.gov> and from NMFS (see **ADDRESSES**). One of the 17 sectors, Northeast Fishery Sector (NEFS) 4, proposes to operate as a private lease-only sector.

The six sectors that chose not to submit operations plans and contracts for fishing years 2015 and 2016 are the Tri-State Sector, the GB Hook Sector, and four state-operated permit bank sectors as follows: The State of Maine Permit Bank Sector, the State of New Hampshire Permit Bank Sector, the Commonwealth of Massachusetts Permit Bank Sector, and the State of Rhode Island Permit Bank Sector. The final rule implementing Amendment 17 to the FMP allows a state-operated permit bank to receive an allocation without needing to comply with the administrative and procedural requirements for sectors (77 FR 16942, March 23, 2012). These permit banks are required to submit a list of participating permits to us by a date specified in the permit bank's Memorandum of Agreement, typically April 1.

#### **Sector Allocations**

Sectors typically submit membership information to us on December 1 prior to the start of the fishing year, which begins each year on May 1. Due to a delay in distributing a letter describing each vessel's potential contribution to a sector's quota for fishing year 2015, we extended the deadline to join a sector until February 18, 2014. Based on sector enrollment trends from the past 5 fishing years, we expect sector participation in fishing year 2015 will be similar. Thus, we are using fishing year 2014 rosters as a proxy for fishing year 2015 sector membership and calculating the fishing year 2015 projected allocations in this proposed rule. In addition to the membership delay, all permits that change ownership after December 1, 2014,

retain the ability to join a sector through April 30, 2015. All permits enrolled in a sector, and the vessels associated with those permits, have until April 30, 2015, to withdraw from a sector and fish in the common pool for fishing year 2015. For fishing year 2016, we will set similar roster deadlines, notify permit holders of the fishing year 2016 deadlines, and allow permit holders to change sectors separate from the annual approval process. We will publish final sector ACEs and common pool sub-ACL totals, based upon final rosters, as soon as possible after the start of fishing year 2015, and again after the start of fishing year 2016.

The allocations proposed in this rule are based on the fishing year 2015 specifications recommended by the New England Fishery Management Council in Framework 53. These allocations are not final, and are subject to the approval of Framework 53. We expect a rule proposing the Framework 53 management measures to publish in March 2015.

We calculate the sector's allocation for each stock by summing its members' potential sector contributions (PSC) for a stock, as shown in Table 1. The information presented in Table 1 is the total percentage of each commercial sub-ACL each sector would receive for fishing year 2015, based on their fishing year 2014 rosters. Tables 2 and 3 show the allocations each sector would be allocated for fishing year 2015, based on their fishing year 2014 rosters. At the start of the fishing year, after sector enrollment is finalized, we provide the final allocations, to the nearest pound, to the individual sectors, and we use those final allocations to monitor sector catch. While the common pool does not receive a specific allocation, the common pool sub-ACLs have been included in each of these tables for comparison.

We do not assign an individual permit separate PSCs for the Eastern GB cod or

Eastern GB haddock; instead, we assign a permit a PSC for the GB cod stock and GB haddock stock. Each sector's GB cod and GB haddock allocations are then divided into an Eastern ACE and a Western ACE, based on each sector's percentage of the GB cod and GB haddock ACLs. For example, if a sector is allocated 4 percent of the GB cod ACL and 6 percent of the GB haddock ACL, the sector is allocated 4 percent of the commercial Eastern U.S./Canada Area GB cod total allowable catch (TAC) and 6 percent of the commercial Eastern U.S./Canada Area GB haddock TAC as its Eastern GB cod and haddock ACEs. These amounts are then subtracted from the sector's overall GB cod and haddock allocations to determine its Western GB cod and haddock ACEs. A sector may only harvest its Eastern GB cod ACEs in the Eastern U.S./Canada Area. However, Framework 51 implemented a mechanism that allows sectors to "convert" their Eastern GB haddock allocation into Western GB haddock allocation (79 FR 22421; April 22, 2014) and fish that converted ACE in Western GB.

At the start of fishing year 2015, we will withhold 20 percent of each sector's fishing year 2015 allocation until we finalize fishing year 2014 catch information. Further, we will allow sectors to transfer fishing year 2014 ACE for 2 weeks of the fishing year following the completion of year-end catch accounting to reduce or eliminate any fishing year 2014 overages. If necessary, we will reduce any sector's fishing year 2015 allocation to account for a remaining overage in fishing year 2014. We will follow the same process for fishing year 2016. We will notify the Council and sector managers of this deadline in writing and will announce this decision on our Web site at: <http://www.greateratlantic.fisheries.noaa.gov/>.

**BILLING CODE 3510-22-P**

**Table 1. Cumulative PSC (percentage) each sector would receive by stock for fishing year 2015.\***

Sector Name	GB Cod†	COM Cod	GB Haddock‡	GOM Haddock	GB YT Flounder	SNE/MA YT Flounder	CC/GOM YT Flounder	American Plaice	Witch Flounder	GB Winter Flounder	COM Winter Flounder	SNE/MA Winter Flounder†	Redfish	White Hake	Pollock
GB Cod Fixed Gear Sector (Fixed Gear Sector)	27.67935908	2.509669188	5.76053223	1.842510985	0.012338626	0.335349757	2.900535294	0.978206727	2.132058565	0.027279132	12.88328537	1.803764995	2.737907611	5.696352866	7.378771641
Maine Coast Community Sector (MCCS)	0.209472107	4.593608731	0.038763549	2.557158843	0.003529542	0.658221791	1.050244077	7.550211604	5.059286896	0.006781752	1.964107993	0.192279966	2.498400378	4.391881855	3.788187256
Maine Permit Bank	0.133517853	1.150017115	0.044321553	1.121869513	0.013781601	0.031749784	0.317541132	1.163675492	0.726726396	0.000217053	0.425383217	0.017903914	0.820965465	1.651452916	1.687468044
Northeast Coastal Communities Sector (NCCS)	0.173979141	0.850761966	0.12156115	0.361314495	0.839234291	0.722094381	0.624502697	0.158814882	0.220566881	0.068242856	0.928856039	0.297060774	0.431476063	0.812534313	0.507473595
NEFS 1	0	0.030624848	0	0.002485194	0	0	0.0375564	0.00855701	0.012746589	9.55103E-07	0.952060313	3.23398E-06	0	0	0
NEFS 2	5.785893367	18.24336498	10.69102283	16.39546783	1.910223097	1.444212376	19.28095759	7.851111508	12.79803813	3.210723119	18.43848887	3.238568394	14.72518372	5.937102218	11.25697801
NEFS 3	1.250350462	14.4542362	0.145868484	9.305432621	0.007145692	0.355112441	8.865102541	4.054725495	2.838457122	0.019617753	9.535130131	0.766907566	1.342069506	4.74811863	6.811962892
NEFS 4	4.141388572	9.585261302	5.334211202	8.268201641	2.162259634	2.3463367203	5.462860684	9.295854477	8.493233037	0.091705149	6.243231591	1.281664063	6.633415542	8.051799208	6.13856226
NEFS 5	0.778904124	0.012758113	1.053822845	0.290496157	1.611585586	22.58725432	0.482700693	0.500854279	0.695881485	0.513884818	0.065815742	12.54858197	0.07877796	0.149356193	0.105160827
NEFS 6	2.866433258	2.954570521	2.922333454	3.853800592	2.703502218	5.260657286	3.734902188	3.890740903	5.203709303	1.504147303	4.554949429	1.93996288	5.303308576	3.609202713	3.293398898
NEFS 7	4.661795742	0.389582964	4.614051211	0.469838734	10.07880712	4.052929625	2.344003053	3.525287712	3.238626692	12.91879457	0.74671658	5.111936461	0.584977028	0.621143988	0.709754587
NEFS 8	6.144290183	0.467653487	5.998225373	0.209189789	11.25214114	5.962375546	6.428443155	1.720618673	2.570311936	15.50532651	3.163884539	10.02749381	0.548979457	0.512752912	0.607472949
NEFS 9	14.22368847	1.745530387	11.59604763	4.803066812	26.77690025	7.896063683	10.42613669	8.257330649	8.274746241	39.53996927	2.450067748	18.36278683	5.824426348	4.150679905	4.225744874
NEFS 10	0.729079458	5.211425491	0.25110816	2.537642334	0.001554983	0.547575942	12.6910265	1.70226779	2.93305197	0.010736743	17.86057648	0.727751379	0.545032258	0.893630738	1.388211048
NEFS 11	0.406460279	13.61584944	0.038112035	3.214095399	0.001529691	0.018512587	2.580229504	2.095916251	2.072650077	0.003308219	2.248924914	0.021603495	1.98275124	4.830691463	9.436352239
NEFS 13	7.962064191	0.897737741	15.96691598	0.952525702	24.74483688	18.82290704	4.990588725	5.158650568	5.203321063	7.237218376	2.333512423	10.97908139	3.977258359	1.744849414	2.270558569
New Hampshire Permit Bank	0.001520057	1.139033486	0.000259498	0.031174312	2.03069E-05	1.5297E-05	0.021775341	0.028468044	0.006158356	3.23661E-06	0.060320275	7.80481E-05	0.019373158	0.081220063	0.110853609
Sustainable Harvest Sector 1	20.64126839	19.67078936	34.32389115	42.73093197	14.08003285	8.306255132	13.24545693	39.48139885	34.43846704	17.40442314	10.27273026	19.28461204	51.2369025	50.73802733	39.56037962
Sustainable Harvest Sector 3	0.278889401	0.148129006	0.381148841	0.065262008	2.178947963	2.388710695	1.105488783	0.617194407	0.616807632	0.567337392	1.31665888	1.350127027	0.170949982	0.147886599	0.04544612
<b>Sectors Total</b>	<b>98.07205319</b>	<b>97.66970431</b>	<b>99.28521636</b>	<b>99.00946333</b>	<b>98.37637828</b>	<b>81.71938888</b>	<b>96.58511696</b>	<b>98.04988632</b>	<b>97.96509661</b>	<b>99.22949745</b>	<b>95.54514102</b>	<b>87.94836826</b>	<b>99.45953066</b>	<b>99.27018187</b>	<b>99.33173414</b>
Common Pool	1.92794581	2.330295892	0.714783536	0.990536672	1.623621723	18.28063112	3.404888307	1.950113682	2.034903386	0.770502551	4.454858982	12.05163174	0.540469341	0.729818134	0.688265864

\* The data in this table are based on fishing year 2014 sector rosters.

† For fishing year 2015, 6.94 percent of the GB cod ACL would be allocated for the Eastern U.S./Canada Area, while 81.62 percent of the GB haddock ACL would be allocated for the Eastern U.S./Canada Area.

‡ SNE/MA Yellowtail Flounder refers to the SNE/Mid-Atlantic stock. CC/COM Yellowtail Flounder refers to the Cape Cod/GOM stock.

**Table 2. Proposed ACE (in 1,000 lbs), by stock, for each sector for fishing year 2015.\*#^†**

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB YT Flounder	SNE/MA YT Flounder	CC/GOM YT Flounder	American Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish Estimated	White Hake	Pollock
Fixed Gear Sector	76	1015	11	2255	508	39	0	4	29	30	29	1	111	52	666	545	2232
MCCS	1	8	21	15	3	54	0	8	11	234	68	0	17	6	608	421	1146
Maine Permit Bank	0	5	5	17	4	24	0	0	3	36	10	0	4	1	200	158	510
NCCS	0	6	4	48	11	8	4	9	6	5	3	3	8	9	105	78	153
NEFS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	16	212	83	4186	943	346	8	18	195	244	172	134	159	93	3582	568	3406
NEFS 3	3	46	66	57	13	197	0	4	90	126	38	1	82	22	326	455	2060
NEFS 4	11	152	44	2089	470	175	9	29	55	288	114	29	54	37	1614	771	1857
NEFS 5	2	29	0	413	93	6	7	277	5	16	9	21	1	361	19	14	32
NEFS 6	8	105	13	1144	258	81	12	65	38	121	70	63	39	56	1290	374	996
NEFS 7	13	171	2	1807	407	10	43	50	24	109	44	539	6	147	142	79	215
NEFS 8	17	225	2	2349	529	4	48	73	65	53	35	646	27	289	134	49	184
NEFS 9	39	522	8	4542	1023	101	115	97	105	257	111	1648	21	529	1417	397	1278
NEFS 10	2	27	24	98	22	54	0	7	128	53	32	0	154	21	133	86	420
NEFS 11	1	15	62	15	3	68	0	0	26	65	28	0	19	1	482	463	2854
NEFS 13	22	292	4	6252	1408	20	106	231	50	160	83	302	20	316	968	167	687
New Hampshire Permit Bank	0	0	5	0	0	1	0	0	0	1	0	0	1	0	5	8	34
Sustainable Harvest Sector 1	56	757	90	13439	3026	903	61	102	134	1226	463	726	89	555	12464	4858	11966
Sustainable Harvest Sector 3	1	10	1	149	34	1	9	29	11	19	8	24	11	39	42	14	15
<b>Sectors Total</b>	<b>268</b>	<b>3596</b>	<b>446</b>	<b>38874</b>	<b>8753</b>	<b>2091</b>	<b>423</b>	<b>1003</b>	<b>975</b>	<b>3044</b>	<b>1317</b>	<b>4137</b>	<b>826</b>	<b>2532</b>	<b>24194</b>	<b>9505</b>	<b>30045</b>
Common Pool	5	71	11	280	63	21	7	224	34	61	27	32	38	347	131	70	202

\*The data in this table are based on fishing year 2014 sector rosters.

#Numbers are rounded to the nearest thousand lbs. In some cases, this table shows an allocation of 0, but that sector may be allocated a small amount of that stock in tens or hundreds pounds.

^ The data in the table represent the total allocations to each sector. NMFS will withhold 20 percent of a sector's total ACE at the start of the fishing year.

† We have used preliminary ACLs to estimate each sector's ACE.

**Table 3. Proposed ACE (in metric tons), by stock, for each sector for fishing year 2015.\*\*^†**

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB YT Flounder	SNE/MA YT Flounder	CC/GOM YT Flounder	American Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish Estimated	White Hake	Pollock
Fixed Gear Sector	34	460	5	1023	230	18	0	2	13	14	13	1	51	24	302	247	1012
MCCS	0	3	10	7	2	24	0	4	5	106	31	0	8	3	276	191	520
Maine Permit Bank	0	2	2	8	2	11	0	0	1	16	4	0	2	0	91	72	232
NCCS	0	3	2	22	5	3	2	4	3	2	1	1	4	4	48	35	70
NEFS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	7	96	38	1899	428	157	4	8	88	111	78	61	72	42	1625	258	1545
NEFS 3	2	21	30	26	6	89	0	2	41	57	17	0	37	10	148	206	935
NEFS 4	5	69	20	947	213	79	4	13	25	131	52	13	24	17	732	350	842
NEFS 5	1	13	0	187	42	3	3	126	2	7	4	10	0	164	8	6	14
NEFS 6	4	48	6	519	117	37	5	29	17	55	32	28	18	25	585	170	452
NEFS 7	6	78	1	819	185	5	20	23	11	50	20	244	3	67	65	36	97
NEFS 8	8	102	1	1065	240	2	22	33	29	24	16	293	12	131	61	22	83
NEFS 9	18	237	4	2060	464	46	52	44	48	116	50	748	10	240	643	180	580
NEFS 10	1	12	11	45	10	24	0	3	58	24	15	0	70	10	60	39	190
NEFS 11	1	7	28	7	2	31	0	0	12	30	13	0	9	0	219	210	1295
NEFS 13	10	132	2	2836	639	9	48	105	23	73	38	137	9	143	439	76	312
New Hampshire Permit Bank	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	4	15
Sustainable Harvest Sector 1	26	343	41	6096	1373	410	27	46	61	556	210	329	40	252	5653	2204	5428
Sustainable Harvest Sector 3	0	5	0	68	15	1	4	13	5	9	4	11	5	18	19	6	7
<b>Sectors Total</b>	<b>122</b>	<b>1631</b>	<b>202</b>	<b>17633</b>	<b>3970</b>	<b>949</b>	<b>192</b>	<b>455</b>	<b>442</b>	<b>1381</b>	<b>598</b>	<b>1876</b>	<b>375</b>	<b>1149</b>	<b>10974</b>	<b>4311</b>	<b>13628</b>
Common Pool	2	32	5	127	29	9	3	102	16	27	12	15	17	157	60	32	92

\*The data in this table are based on fishing year 2014 sector rosters.

†Numbers are rounded to the nearest metric ton, but allocations are made in pounds. In some cases, this table shows a sector allocation of 0 metric tons, but that sector may be allocated a small amount of that stock in pounds.

^ The data in the table represent the total allocations to each sector. NMFS will withhold 20 percent of a sector's total ACE at the start of the fishing year.

† We have used preliminary ACLs to estimate each sector's ACE.

BILLING CODE 3510-22-C  
Sector Operations Plans and Contracts  
As stated previously, we received 17  
sector operations plans and contracts by

the September 2, 2014, deadline for  
fishing years 2015 and 2016. In order to  
approve a sector's operations plan for  
fishing years 2015 and 2016, that sector  
must have been compliant with  
reporting requirements from all  
previous years, including the year-end  
reporting requirements found at



§ 648.87(b)(1)(vi)(C). Approved operations plans, provided on our Web site as a single document for each sector, not only contain the rules under which each sector would fish, but also provide the legal contract that binds each member to the sector for the length of the sector's operations plan. Each sector's operations plan, and sector members, must comply with the regulations governing sectors, found at § 648.87. In addition, each sector must conduct fishing activities as detailed in its approved operations plan.

Any permit holder with a limited access NE multispecies permit that was valid as of May 1, 2008, is eligible to participate in a sector, including an inactive permit currently held in confirmation of permit history. If a permit holder officially enrolls a permit in a sector and the fishing year begins, then that permit must remain in the sector for the entire fishing year, and cannot fish in the NE multispecies fishery outside of the sector (*i.e.*, in the common pool) during the fishing year. Participating vessels are required to comply with all pertinent Federal fishing regulations, except as specifically exempted in the letter of authorization (LOA) issued by the Regional Administrator, which details any approved exemptions from regulations. If, during a fishing year, or between fishing years 2015 and 2016, a sector requests an exemption that we have already approved, or proposes a

change to administrative provisions, we may amend the sector operations plans. Should any amendments require modifications to LOAs, we would include these changes in updated LOAs and provide these to the appropriate sector members.

As in previous years, we retain the right to revoke exemptions in-season for the following reasons: If we determine that the exemption jeopardizes management measures, objectives, or rebuilding efforts; if the exemption results in unforeseen negative impacts on other managed fish stocks, habitat, or protected resources; if the exemption causes enforcement concerns; if catch from trips utilizing the exemption cannot properly be monitored; or if a sector is not meeting certain requirements. If it becomes necessary to revoke the exemption, we will do so through a process consistent with the Administrative Procedure Act.

Each sector is required to ensure that it does not exceed its ACE during the fishing year. Sector vessels are required to retain all legal-sized allocated NE multispecies stocks, unless a sector is granted an exemption allowing its member vessels to discard legal-sized unmarketable fish at sea. Catch (defined as landings and discards) of all allocated NE multispecies stocks by a sector's vessels count against the sector's allocation. Catch from a sector trip (*e.g.*, not fishing under provisions of a NE multispecies exempted fishery or with

exempted gear) targeting dogfish, monkfish, skate, and lobster (with non-trap gear) would be deducted from the sector's ACE because these trips use gear capable of catching groundfish. Catch from a trip in an exempted fishery does not count against a sector's allocation because the catch is assigned to a separate ACL sub-component.

For fishing years 2010 and 2011, there was no requirement for an industry-funded ASM program, and we were able to fund an ASM program with a target ASM coverage rate of 30 percent of all trips. In addition, we provided 8-percent observer coverage through the Northeast Fishery Observer Program (NEFOP), which helps to support the Standardized Bycatch Reporting Methodology (SBRM) and stock assessments. This resulted in an overall target coverage rate of 38 percent, between ASM and NEFOP, for fishing years 2010 and 2011. Beginning in fishing year 2012, we have conducted an annual analysis to determine the total coverage that would be necessary to achieve the same level of precision as attained by the 38-percent total coverage target used for fishing years 2010 and 2011. Since fishing year 2012, industry has been required to pay for their costs of ASM coverage, while we continued to fund NEFOP. However, we were able to fund the industry's portion of ASM costs and NEFOP coverage in fishing years 2012 through 2014. Table 4 shows the annual target coverage rates.

TABLE 4—HISTORIC TARGET COVERAGE RATE FOR MONITORING

Fishing year	Total coverage rate (percent)	ASM coverage rate (percent)	NEFOP coverage rate (percent)	Funding source
2010 .....	38	30	8	NMFS
2011 .....	38	30	8	NMFS
2012 .....	25	17	8	NMFS
2013 .....	22	14	8	NMFS
2014 .....	26	18	8	NMFS

Due to funding changes that would be required by the proposed SBRM amendment, we expect that sector vessels will be responsible for paying at-sea costs associated with the ASM program before the end of the 2015 fishing year. Thus, sectors will be responsible for designing, implementing, and funding an ASM program in fishing years 2015 and 2016 that will provide a level of ASM coverage specified by NMFS. Amendment 16 regulations require NMFS to specify a level of ASM coverage that is sufficient to meet the same coefficient of variation (CV) specified in the SBRM, and to

accurately monitor sector operations. Framework 48 clarified the level of ASM coverage necessary to meet these goals. Regarding meeting the SBRM CV level, Framework 48 determined that it should be made at the overall stock level, which is consistent with the level NMFS determined was necessary in fishing year 2013. Framework 48 also amended the goals of the sector monitoring program to include achieving an accuracy level sufficient to minimize effects of potential monitoring bias.

Taking the provisions of Framework 48 into account, and interpreting the ASM monitoring provision in the

context of Magnuson-Stevens Act requirements and National Standards, we have determined that the appropriate level of ASM coverage should be set at the level that meets the CV requirement specified in the SBRM and minimizes the cost burden to sectors and NMFS to the extent practicable, while still providing a reliable estimate of overall catch by sectors needed for monitoring ACEs and ACLs. Based on this standard, NMFS has determined that the appropriate target coverage rate for fishing year 2015 is 24 percent. We expect ASM coverage to be 20 percent and NEFOP coverage to be 4 percent, covering a total of 24

percent of all sector trips, with the exception of trips using a few specific exemptions, as described later in this rule. We will use discards derived from these observed and monitored trips to calculate discards for unobserved sector trips. We have published a more detailed summary of the supporting information, explanation and justification for this decision at: [http://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/Sectors/ASM/FY2015\\_Multispecies\\_Sector\\_ASM\\_Requirements\\_Summary.pdf](http://www.greateratlantic.fisheries.noaa.gov/ro/fso/reports/Sectors/ASM/FY2015_Multispecies_Sector_ASM_Requirements_Summary.pdf).

The draft operations plans submitted in September 2014 included industry-funded ASM plans for fishing year 2015. Therefore, we are proposing to approve the sector's ASM programs as described in their operations plans. We gave sectors the option to design their own programs in compliance with regulations, or opt for the program that we have previously utilized in previous fishing years. ASM programs proposed by the sectors are described in detail later in this proposed rule. The proposed operations plans each contain an ASM program sufficient to ensure ASM coverage for fishing years 2015 and 2016, including once sectors assume responsibility for funding their ASM program, at the required levels stated in this rule. Given the potential for changes in the ASM program funding for sectors, NMFS will verify that all approved sectors continue to comply with all ASM requirements, including contracting with approved providers in a timely fashion.

We are currently looking at how industry funding of the ASM program will affect our data collection systems, especially the PTNS system, and have begun working on an implementation plan to help ensure a seamless transition when the industry assumes responsibility for at-sea costs in 2015. To ensure that the ASM programs continue to provide sufficient coverage, the Regional Administrator is authorized to adjust operational standards such as vessel selection protocols as needed, consistent with the Administrative Procedure Act. We will continue to keep the sector managers informed about any changes or updates to the situation.

Our ability to fund our portion of costs for ASM coverage above SBRM coverage levels for the entire 2015 and 2016 fishing years is not precisely known at this time due to budget uncertainties. Currently, funding for our portion of ASM costs will expire before the end of the 2015 fishing year. If we have insufficient funding available for our portion of coverage costs beyond that time, we may need to consider

other measures, including emergency action, to allow sectors to continue fishing while still ensuring that we can adequately monitor sector catch for management purposes. We expect this funding issue to be resolved before this rule is effective, but are seeking comments on possible measures to help adequately monitor catch limits.

Sectors are required to monitor their allocations and catch, and submit weekly catch reports to us. If a sector reaches an ACE threshold (specified in the operations plan), the sector must provide sector allocation usage reports on a daily basis. Once a sector's allocation for a particular stock is caught, that sector is required to cease all fishing operations in that stock area until it acquires more ACE. ACE may be transferred between sectors, but transfers to or from common pool vessels is prohibited. Within 60 days of when we complete year-end catch accounting, each sector is required to submit an annual report detailing the sector's catch (landings and discards), enforcement actions, and pertinent information necessary to evaluate the biological, economic, and social impacts of each sector.

Each sector contract provides procedures to enforce the sector operations plan, explains sector monitoring and reporting requirements, presents a schedule of penalties for sector plan violations, and provides sector managers with the authority to issue stop fishing orders to sector members who violate provisions of the operations plan and contract. A sector and sector members can be held jointly and severally liable for ACE overages, discarding legal-sized fish, and/or misreporting catch (landings or discards). Each sector operations plan submitted for fishing years 2015 and 2016 states that the sector would withhold an initial reserve from the sector's ACE sub-allocation to each individual member to prevent the sector from exceeding its ACE. Each sector contract details the method for initial ACE sub-allocation to sector members. For fishing years 2015 and 2016, each sector has proposed that each sector member could harvest an amount of fish equal to the amount each individual member's permit contributed to the sector.

#### **Requested Fishing Years 2015 and 2016 Exemptions**

Sectors requested 22 exemptions from the NE multispecies regulations through their fishing years 2015 and 2016 operations plans. We evaluate each exemption to determine whether it allows for effective administration of

and compliance with the operations plan and sector allocation, and that it is consistent with the goals and objectives of the FMP. We propose to grant the following for fishing years 2015 and 2016: 16 exemptions that were previously granted; 1 exemption that was previously granted, but has been modified; 1 exemption that we propose to partially grant; and 1 new exemption. We propose to deny three exemption requests for fishing years 2015 and 2016.

For fishing year 2014, sectors had requested an exemption that would allow access to year-round closed areas. This request may be considered in a separate action pending results from an ongoing Exempted Fishing Permit (EFP) (see Exemptions That May Be Considered in a Separate Action).

A discussion of all 22 exemption requests appears below; we request public comment on the proposed sector operations plans and our proposal to grant 19 requested exemptions, in whole or partially, and deny 3 requested exemptions, as well as the EA prepared for this action.

#### *Exemptions We Propose To Grant (16)*

In fishing year 2014, we exempted sectors from the following requirements, all of which have been requested for fishing years 2015 and 2016, and which we propose to grant again: (1) 120-day block out of the fishery required for Day gillnet vessels; (2) 20-day spawning block out of the fishery required for all vessels; (3) prohibition on a vessel hauling another vessel's gillnet gear; (4) limits on the number of gillnets that may be hauled on GB when fishing under a NE multispecies/monkfish DAS; (5) limits on the number of hooks that may be fished; (6) DAS Leasing Program length and horsepower restrictions; (7) prohibition on discarding; (8) daily catch reporting by sector managers for sector vessels participating in the Closed Area (CA) I Hook Gear Haddock Special Access Program (SAP); (9) prohibition on fishing inside and outside of the CA I Hook Gear Haddock SAP while on the same trip; (10) prohibition on a vessel hauling another vessel's hook gear; (11) the requirement to declare intent to fish in the Eastern U.S./Canada SAP and the CA II Yellowtail Flounder/Haddock SAP prior to leaving the dock; (12) gear requirements in the Eastern U.S./Canada Management Area; (13) seasonal restrictions for the Eastern U.S./Canada Haddock SAP; (14) seasonal restrictions for the CA II Yellowtail Flounder/Haddock SAP; (15) sampling exemption; and (16) prohibition on groundfish trips in the Nantucket Lightship Closed Area.

A detailed description of the previously approved exemptions and rationale for their approval can be found in the applicable final rules identified in Table 5 below.

TABLE 5—EXEMPTIONS FROM PREVIOUS FISHING YEARS PROPOSED FOR APPROVAL IN FISHING YEARS 2015 AND 2016

Exemptions	Rulemaking	Date	Citation
1–8, 12	Fishing Year 2011 Sector Operations Final Rule	April 25, 2011	76 FR 23076
9–11	Fishing Year 2012 Sector Operations Final Rule	May 2, 2012	77 FR 26129
13–15	Fishing Year 2013 Sector Operations Interim Final Rule	May 2, 2013	78 FR 25591
16	Fishing Year 2014 Sector Operations Final Rule	April 28, 2014	79 FR 23278

NE Multispecies **Federal Register** documents can be found at <http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/>.

*Exemption We Propose To Approve, but Have Modified From 2014(1)*

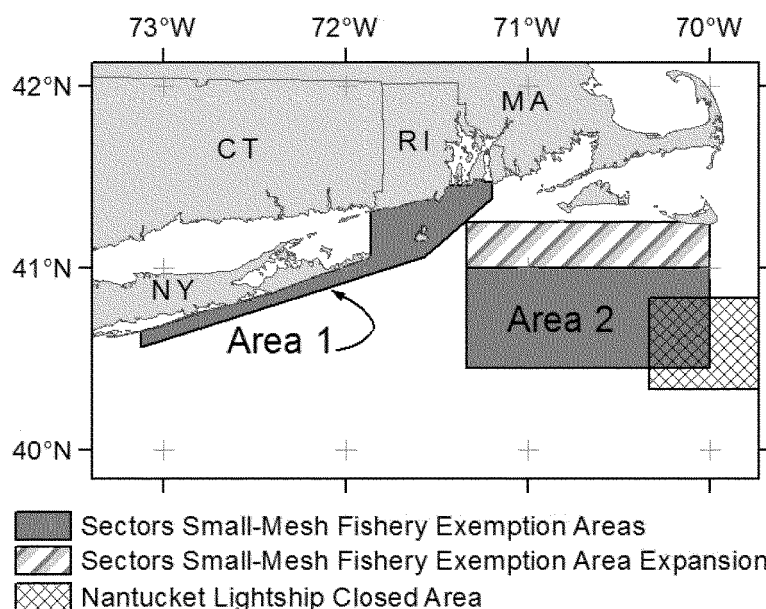
(17) Prohibition on Combining Small Mesh Exempted Fishery and Sector Trips

For fishing year 2014, sectors requested and we granted an exemption that would allow vessels to possess and use small-mesh and large-mesh trawl gear on a single trip, within portions of

the SNE regulated mesh areas (RMA). Sectors proposed that vessels using this exemption to fish with smaller mesh would fish in two discrete areas that have been shown to have minimal amounts of regulated species and ocean pout. See the 2014 Sector Final Rule (79 FR 23278; April 28, 2014) for a complete description of the previously granted exemption.

For fishing years 2015 and 2016, sectors requested a similar exemption, but with a revised northern border of the eastern Small-Mesh Exemption Area 2, shifted 15 minutes north. This expansion will allow for greater opportunities for sector vessels to target small-mesh species. The coordinates and maps for these two areas are shown in Figure 1.

Figure 1 – Sectors Small-Mesh Exemption Areas 1 and 2, as modified



Sector Small-Mesh Fishery Exemption Area 1 is bounded by the following coordinates connected in the order listed by straight lines, except where otherwise noted:

Point	N. Latitude	W. Longitude	Note
A	40°39.2'	73°07.0'	(1)
B	40°34.0'	73°07.0'	
C	41°03.5'	71°34.0'	
D	41°23.0'	71°11.5'	
E	41°27.6'	71°11.5'	
F	41°18.3'	71°51.5'	

Point	N. Latitude	W. Longitude	Note
G	41°04.3'	71°51.5'	(2)
A	40°39.2'	73°07.0'	

<sup>1</sup>From POINT E to POINT F along the southernmost coastline of Rhode Island and crossing all bays and inlets following the COLREGS Demarcation Lines defined in 33 CFR part 80.

<sup>2</sup>From POINT G back to POINT A along the southernmost coastline of Long Island, NY, and crossing all bays and inlets following the COLREGS Demarcation Lines defined in 33 CFR part 80.

For fishing years 2015 and 2016, Sector Small-Mesh Fishery Exemption Area 2 is bounded by the following coordinates connected in the order listed by straight lines. Sector vessels cannot fish the small-mesh portion of their trip using this exemption in the Nantucket Lightship Closed Area where the two areas overlap.

Point	N. Latitude	W. Longitude
H	41°15.0' N	71°20.0' W
I	41°15.0' N	70°00.0' W

Point	N. Latitude	W. Longitude
J .....	40°27.0' N	70°00.0' W
K .....	40°27.0' N	71°20.0' W
H .....	41°15.0' N	71°20.0' W

As was approved in fishing year 2014, one of three trawl gear modifications would be required when using small mesh: Drop-chain sweep with a minimum of 12 inches (30.48 cm) in length; a large-mesh belly panel with a minimum of 32-inch (81.28-cm) mesh size; or an excluder grate secured forward of the codend with an outlet hole forward of the grate with bar spacing of no more than 1.97 inches (5.00 cm) wide. These gear modifications, when fished properly, have been shown to reduce the catch of legal and sub-legal groundfish stocks. Requiring these modifications is intended to also reduce the incentive for a sector vessel to target groundfish with small mesh.

A vessel using this exemption is required to meet the same NEFOP and ASM coverage as standard groundfish trips (i.e., a total of 24 percent in fishing year 2015). The vessel would be required to declare their intent to use small mesh to target non-regulated species by submitting a trip start hail through its vessel monitoring system (VMS) unit prior to departure, which would be used for monitoring and enforcement purposes. Trips declaring this exemption must stow their small-mesh gear and use their large-mesh gear first, and once finished with the large mesh, would have to submit a Multispecies Catch Report via VMS with all catch on board at that time. Once the Catch Report was sent, the vessel could then deploy small mesh with the required modifications in the specific areas (see map above), outside of the Nantucket Lightship Closed Area, at which point, the large mesh could not be redeployed. Any legal-sized allocated groundfish stocks caught during these small-mesh hauls must be landed and the associated landed weight (dealer or vessel trip report (VTR)) would be deducted from the sector's ACE.

As in fishing year 2014, we are concerned about vessels potentially catching groundfish, including bycatch of juvenile fish, in the requested exemption area with small-mesh nets. The expansion of the Small-Mesh Exemption Area 2 by 15 minutes north could increase this potential, because more groundfish are found in the expansion area. The three gear modifications proposed for this exemption could mitigate catch of regulated species when properly installed, but none have been shown to

completely eliminate the catch of regulated species.

If approved, we will closely monitor the catch from these exempted trips. If it is determined that this exemption is having a negative impact on groundfish stocks, we would consider revoking this exemption during the fishing year.

*Exemption We Propose To Partially Grant, and Partially Deny (1)*

(18) Limits on the Number of Gillnets on Day Gillnet Vessels

The FMP limits the number of gillnets a Day gillnet vessel may fish in the groundfish RMAs to prevent an uncontrolled increase in the number of nets being fished, thus undermining applicable DAS effort controls. The limits are specific to the type of gillnet within each RMA: 100 gillnets (of which no more than 50 can be roundfish gillnets) in the GOM RMA (§ 648.80(a)(3)(iv)); 50 gillnets in the GB RMA (§ 648.80(a)(4)(iv)); and 75 gillnets in the Mid-Atlantic (MA) RMA (§ 648.80(b)(2)(iv)). We previously approved this exemption in fishing years 2010, 2011, and 2012 to allow sector vessels to fish up to 150 nets (any combination of flatfish or roundfish nets) in any RMA to provide greater operational flexibility to sector vessels in deploying gillnet gear. Sectors argued that the gillnet limits were designed to control fishing effort and are no longer necessary because a sector's ACE limits overall fishing mortality.

Previous effort analysis of all sector vessels using gillnet gear indicated an increase in gear used in the RMA which could lead to an increase in interactions with protected species. While a sector's ACE is designed to limit a stock's fishing mortality, fishing effort may affect other species. This increased effort could ultimately lead to a rise in interactions with protected species; however, we do not expect this to be the case, because a take reduction plan has been implemented to reduce bycatch in the fisheries affecting these species.

For fishing year 2013, based on the comments received and the concern for spawning GOM cod, we restricted the use of this exemption to better protect spawning cod. Therefore, a vessel fishing in the GOM RMA was able to use this exemption seasonally, but was restricted to the 100-net gillnet limit in blocks 124 and 125 in May, and in blocks 132 and 133 in June. A vessel fishing in the GB RMA, SNE RMA, MA RMA, and the GOM outside of these times and areas did not have this additional restriction. We granted this exemption with the same GOM seasonal restrictions for fishing year 2014.

The November 2014 interim action implemented to protect GOM cod (79 FR 67362; November 13, 2014) revoked this exemption for all of the GOM for the remainder of fishing year 2014, given concerns relating to mortality of GOM cod caused by continuous fishing by gillnets left in the water and the potential to disrupt spawning when cod are caught. For these same concerns, we are proposing to partially grant the exemption for fishing years 2015 and 2016 when fishing in all RMAs except the GOM, and to deny the exemption for the GOM. Therefore, vessels fishing in the GOM under the Day boat gillnet category would be restricted to no more than 100 nets, only 50 of which may be roundfish nets.

*New Exemption Proposed (1)*

(19) Regulated Mesh Size 6.5-Inch (16.5-cm) or Greater, for Directed Redfish Trips

Minimum mesh size restrictions (§ 648.80(a)(3)(i), (a)(4)(i), (b)(2)(i), and (c)(2)(i)) were implemented under previous groundfish actions to reduce overall mortality on groundfish stocks, change the selection pattern of the fishery to target larger fish, improve survival of sublegal fish, and allow sublegal fish more opportunity to spawn before entering the fishery. Beginning in fishing year 2012, we have approved exemptions that allow sector vessels to target redfish, the smallest species of regulated groundfish, with a sub-legal size mesh codend, ranging from 4.5 inches (11.4 cm) to 6 inches (15.2 cm) (see Table 6). In order to use these previous exemptions, sectors have been required to meet an 80-percent threshold of redfish catch, relative to groundfish catch, and a 5-percent discard threshold of total groundfish, including redfish. These thresholds were intended to ensure that a vessel using the exemption effectively targets redfish and does not target other species with a smaller mesh, and attempts to avoid catching sub-legal groundfish. The thresholds were based on Component 2 of the REDNET report (Kanwit et al. 2013), which used a 4.5-inch mesh codend, and observer data for trips conducted in fishing year 2012. REDNET is a group that includes the Maine Department of Marine Resources, the Massachusetts Division of Marine Fisheries, and the University of Massachusetts School for Marine Science and Technology joined with other members of the scientific community and the industry to develop a research plan to develop a sustainable, directed, redfish trawl fishery in the GOM. Each year, we have changed the

exemption at the sectors' request in an attempt to balance the goal of increasing use of the exemption while preventing misuse and ensuring it is consistent with the FMP's goals and objectives.

TABLE 6—REDFISH EXEMPTIONS BY FISHING YEAR

Exemptions	Rulemaking	Date	Citation
6.0 inch (15.2 cm) with 100% NMFS-funded coverage.	FY 2012 Sector Operations Final Rule .....	May 2, 2012 .....	77 FR 26129
4.5 inch (11.4 cm) with 100% NMFS-funded coverage.	FY 2012 Redfish Exemption Final Rule .....	March 5, 2013 ..	78 FR 14226
4.5 inch (11.4 cm) with 100% Industry-funded coverage.	FY 2013 Sector Operations Interim Final Rule .....	May 2, 2013 .....	78 FR 25591
6.0 inch (15.2 cm) with standard observer coverage	FY 2014 Sector Operations Final Rule .....	April 28, 2014 ...	79 FR 23278

NE Multispecies **Federal Register** documents can be found at <http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies>.

For fishing years 2012 and 2013, the exemption required 100-percent monitoring with either an ASM or observer on every trip, primarily because of concerns over a greater retention of sub-legal groundfish, as well as non-allocated species and bycatch. In fishing year 2012, we found that allowing trips that are randomly selected for federally funded NEFOP or ASM coverage provided an incentive to take an exemption trip when selected for coverage, thereby reducing the number of observers/monitors available to cover standard sector trips (*i.e.*, trips not utilizing this exemption). If fewer observers/monitors deploy on standard sector trips, then the exemption undermines both the ability to meet required coverage levels and the reliability of discard rates calculated for unobserved standard sector trips. Therefore, in fishing year 2013, we required sectors to pay for 100 percent of the at-sea cost for a monitor on all redfish exemption trips, which resulted in sectors not taking a redfish trip that fishing year.

For fishing year 2014, we granted an exemption that allowed vessels to use a 6-inch (15.2-cm) or larger mesh codend to target redfish when fishing in the Redfish Exemption Area. The vessels participating in the redfish fishery in fishing year 2014 were subject to the same NEFOP and ASM target coverage as standard groundfish trips (26

percent). Vessels could fish with the regulated mesh nets (6.5-inch [16.5-cm] codends or larger) and with the 6.0-inch (15.2-cm) mesh codends on the same trip; however, for all trips (by sector, by month) declaring this exemption, we monitored landings for the entire trip to determine if the vessel had met the 80-percent redfish catch threshold and the 5-percent discard threshold.

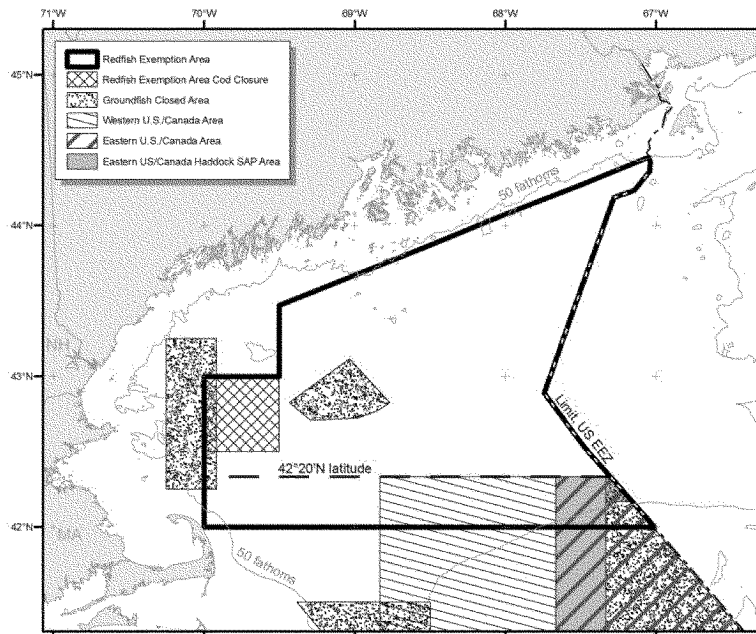
Following approval of the exemption in fishing year 2014, sectors indicated that an 80-percent redfish catch threshold, based on REDNET data collected using a 4.5-inch (11.4-cm) mesh codend, is not appropriate for all mesh sizes (*i.e.*, as mesh size increases, the efficiency of catching redfish decreases). Additionally, given the average landed value of redfish, they indicated that they do not consider it economically viable to have an offload comprised of 80 percent redfish. Therefore, as of January 2015, few have been taken under this exemption, because, according to sectors, they cannot effectively or profitably target redfish to meet the 80-percent threshold.

For fishing years 2015 and 2016, we propose granting the sectors' request to use a 5.5-inch (14.0-cm) mesh codend when fishing in the redfish exemption. A vessel would have the option to fish the first portion of a trip with current legal codend mesh size (6.5 inches; 16.5 cm), and then switch to a codend no smaller than 5.5 inches (14.0 cm) for the

redfish portion of their trip. Allowing sectors to legally target groundfish on the first portion of the trip would provide flexibility and would address the sector's concern regarding profitability. In addition, the sectors have requested a 50-percent catch threshold, which would only apply to the second half of the trip. The sectors argue that this threshold is more appropriate for a 5.5-inch (14.0-cm) codend, as data from Component 3 of the REDNET report (Pol and He 2013) indicates that as the codend mesh size increases from 4.5 inches (11.4 cm) to 5.5 inches (14.0 cm), selectivity decreases, making it more difficult for vessels to catch only redfish. However, the lower 50-percent threshold would allow greater catch of other regulated groundfish species with small mesh, which could result in higher discards or targeting of groundfish with small mesh. We are proposing to address this by implementing reporting requirements to facilitate monitoring and enforcement. If we detect vessels targeting non-redfish socks, particularly stocks of concern, the RA retains the right to rescind approval of the exemption. We request comment on this issue. The 5-percent discard threshold for all groundfish, including redfish, would still apply on the redfish portion of observed trips.

Due to concern for GOM cod, we have modified the redfish exemption area (Figure 2) from 2014 (see Figure 2).

**Figure 2. 2015 and 2016 Redfish Exemption Area**



The Redfish Exemption Area would be bounded on the east by the U.S.-Canada Maritime Boundary, and bounded on the north, west, and south by the following coordinates, connected in the order listed by straight lines:

Point	N. Lat.	W. Long.	Note
A .....	44°27.25'	67°02.75'	
B .....	44°16.25'	67°30.00'	
C .....	44°04.50'	68°00.00'	
D .....	43°52.25'	68°30.00'	
E .....	43°40.25'	69°00.00'	
F .....	43°28.25'	69°30.00'	
G .....	43°00.00'	69°30.00'	
H .....	43°00.00'	70°00.00'	
I .....	42°00.00'	70°00.00'	
J .....	42°00.00'	(67°00.63')	( <sup>1</sup> )

<sup>1</sup> The intersection of 42°00' N. latitude and the U.S.-Canada Maritime Boundary, approximate longitude in parentheses.

We have modified the redfish exemption area to exclude block 138 for the entire fishing year, and allow only seasonal access to block 131. Sector vessels would not be allowed to use the redfish exemption in block 131 in February and March. We based this decision on the closures implemented by the November 2014 interim action taken for the protection of cod; areas 138 and 131 were the only areas closed by the interim action that overlapped with the fishing year 2014 redfish exemption area. These areas are known to have higher levels of GOM cod catch and/or spawning activity, and we propose to close them to avoid interaction with and bycatch of GOM cod. Additionally, area 138 has

historically had very little redfish catch; therefore, the exclusion of this area should not limit sectors from targeting redfish. The area is bounded on the east, north, west, and south by the following coordinates, connected by straight lines in the order listed:

Point	N. Lat.	W. Long.
G .....	43°00.00'	69°30.00'
H .....	43°00.00'	70°00.00'
K .....	42°30.00'	70°00.00'
L .....	42°30.00'	69°30.00'
G .....	43°00.00'	69°30.00'

Vessels must declare their trip in the pre-trip notification system (PTNS) under standard requirements, but there are no additional monitoring requirements above the target coverage for the groundfish fishery. Prior to leaving the dock, any vessel that intends to use the redfish exemption on a trip must declare so through the VMS trip start hail by checking the box next to "Redfish Trip" under sector exemptions. This notification must be made if the vessel intends to use a 5.5-inch (14.0-cm) codend or larger to target redfish on any portion of the trip.

Any vessel declaring this exemption must submit catch reports via VMS each day for the entire trip. For the first portion of the trip, a vessel may fish using a 6.0-inch (15.2-cm) mesh codend with selective gear in the GB BSA (current mesh flexibility allowed from Council exemption est. in 2010) or 6.5-

inch (16.5-cm) mesh codend in any BSA, including the GOM. Any sub-legal codend must be stowed below deck for this entire portion of the trip. Catch thresholds do not apply to this portion of the trip.

When a vessel switches its codend to target redfish, it must first transit to the Redfish Exemption Area. Once the vessel is in the Redfish Exemption Area, it must declare via VMS that it is switching to the 5.5-inch (14.0-cm) mesh codend (or larger) and will be conducting the remainder of its fishing activity exclusively in the Redfish Exemption Area. The vessel can then retrieve the 5.5-inch (14.0-cm) mesh codend from below deck and begin using it. All fishing activity for the remainder of the trip must occur in the Redfish Exemption area. For this portion of the trip, at least 50 percent of the total allocated groundfish kept must be redfish, and on observed trips, no more than 5 percent of all groundfish, including redfish, may be discarded. These thresholds will be used by NMFS to determine if this sector exemption should be revoked. The vessel must also submit a final catch report and a Trip End Hail via VMS at the end of the trip to facilitate dockside enforcement.

There are enforcement concerns associated with the additional flexibility this exemption provides. Specifically, enforcing different mesh size restrictions on different portions of a single fishing trip could be challenging at sea, and there is the potential for vessels to misreport the mesh size used

to catch groundfish to avoid having the exemption revoked for exceeding the threshold.

Additionally, we are concerned about vessels catching groundfish, including their bycatch of juvenile fish, which could potentially cause them to exceed the discard threshold of 5 percent, in the Redfish Exemption Area when fishing with codend mesh sized nets smaller than the GOM regulated mesh size of 6.5 inches (16.5 cm). The 50-percent catch threshold is meant to reflect the likely proportion of redfish catch while using a 5.5-inch (14.0-cm) mesh codend, based on the results of Component 3 of REDNET. We are concerned, however, that it could allow sectors to target groundfish when fishing with a smaller codend and could increase discards that would likely go unreported, which could undermine the protections of the 5-percent bycatch threshold. Therefore, we are specifically seeking comment on this exemption, regarding the enforcement concerns, the reporting concerns, and the appropriateness of the threshold.

If the redfish exemption is approved, we intend to monitor use of the exemption carefully. For example, should it be determined that vessels are not using the exemption when assigned an observer or ASM, and only using it when unobserved, we would have concerns about monitoring the exemption. Additionally, if a vessel does not submit daily catch reports or the required declaration when switching to the redfish portion of the trip, we may not be able to adequately monitor the exemption. The RA retains authority to rescind approval of this exemption, if it is needed. All vessels in a sector may be held jointly and severally liable for misreporting by a single vessel in a sector.

#### *Exemptions We Propose To Deny (3)*

##### (20) GOM Sink Gillnet Mesh Exemption in May, and January Through April

We propose to deny the GOM sink gillnet mesh exemption request due to concern for GOM cod. We did not analyze this exemption in the EA because no new information was available to change the analyses previously published in past EAs.

The GOM Sink Gillnet Mesh Exemption was approved for fishing years 2010 through 2012. This exemption allowed sector vessels to use 6-inch (15.2-cm) mesh gillnets in the GOM to target GOM haddock seasonally. However, due to concerns regarding the stock status of GOM haddock and the potential increase in interactions with protected species, the

exemption was denied for fishing year 2013 (78 FR 25591, May 2, 2013) and fishing year 2014.

On November 12, 2014, at the request of the New England Fishery Management Council and in response a stock assessment conducted by the Northeast Fisheries Science Center, we published an emergency action that increased the GOM haddock ACL for fishing year 2014 (79 FR 67090). This action nearly doubled each sector's ACE for GOM haddock. Because sectors anticipated that GOM haddock would not be a concern for fishing year 2014, they again requested this exemption for fishing years 2015 and 2016.

While the stock status of GOM haddock has improved, biomass has not increased to the level it was in fishing year 2010, when this exemption was first approved. In addition, we are concerned about the effects of this exemption on GOM cod. The November 2014 interim action implemented to protect GOM cod revoked an exemption that resulted in decreasing the amount of gillnet gear in the GOM, given concerns relating to mortality of GOM cod caused by continuous fishing by gillnets left in the water and the potential to disrupt spawning when cod are caught. We are similarly concerned that using nets smaller than the minimum size may impact GOM cod mortality. For these same concerns, we are proposing to deny the GOM Haddock Sink Gillnet Mesh exemption for fishing years 2015 and 2016.

##### (21) Powering Vessel Monitoring Systems (VMS) While at the Dock

Beginning in fishing year 2011, we approved an exemption from the requirement to keep the VMS units powered while tied to the dock or on a mooring. In fishing year 2012, the NOAA Office of Law Enforcement (OLE) recognized a lack of compliance. The exemption was only applicable for vessels that did not otherwise possess Federal fishing permits for other FMPs that required a VMS unit, and vessels were required to follow certain protocols, such as sending a powerdown code before turning off the VMS unit. Misuse of the exemption decreases our confidence in our ability to adequately monitor the fishery. During fishing year 2013, we worked with sector managers to identify the sector members who were out of compliance with the exemption. However, in this time, compliance did not improve. Therefore, for fishing years 2015 and 2016, we propose to not approve this exemption due to lack of compliance.

##### (22) Requirement To Use 6.5-Inch (16.5-cm) Mesh Size or Greater for Directed Redfish Trips, as Previously Approved in Fishing Year 2014

The exemption request to use a 6.0-inch (15.2-cm) mesh codend nets, with a threshold of no lower than 80 percent redfish of the total groundfish catch on hauls using the redfish exemption, for fishing years 2015 and 2016, is identical to the exemption for fishing year 2014. A second redfish exemption request, described above (exemption #19), is proposed for approval. Therefore, we are proposing to deny this exemption request.

#### *Exemption That May Be Considered in a Separate Action (1)*

##### Prohibition on Groundfish Trips in Closed Areas I and II

In fishing year 2013, we disapproved an exemption that would have allowed sector vessels restricted access to portions of CAs I and II, provided each trip carried an industry-funded ASM. When we proposed allowing sector access to these areas, we announced that we did not have funding to pay for monitoring the additional trips for exemptions requiring a 100-percent coverage level. Industry members indicated that it was too expensive to participate in the exemption, given the requirement to pay for a monitor on every trip. This, in combination with extensive comment opposing access to these areas to protect depleted stocks and our concern about the impacts on depleted stocks such as GB cod and GB yellowtail flounder, resulted in disapproval. For a detailed description of the exemption request and justifications for disapproval, see the final rule (78 FR 41772, December 16, 2013).

For fishing year 2014, we remained unable to fund monitoring costs for exemptions requiring a 100-percent coverage level. In addition, we had some concerns about funding and administering the shore-side portion of any monitoring program for an exemption that requires additional ASM, such as the exemption to access CAs I and II. However, we authorized two EFPs to gather catch data from CAs I and II, one in coordination with the Northeast Fisheries Science Center, the other with members of the industry. Results from these EFPs could better inform us, the industry, and the public, regarding the economic efficacy of accessing these CAs, while providing information specific to bycatch of depleted stocks. Trips taken under these EFPs are attempting to address the following questions: (1) Could enough

fish be caught to adequately offset the industry's additional expense of having an ASM on board, and (2) could catch of groundfish stocks of concern be addressed?

The two authorized EFPs have allowed access to participating vessels into the same portions of CAs I and II that were originally proposed for access to sectors. Vessels using the EFPs are required to use specialized trawl gear to reduce impacts on flounder species, are restricted seasonally to avoid spawning fish, and must adhere to an agreement between the lobster and groundfish fishery in CA II to avoid gear conflicts. One of the two approved EFPs is still ongoing. Upon review of the EFP results, we will consider potential access to these areas through a separate action.

#### *2014 Interim Cod Action*

On November 13, 2014, at the request of the New England Fishery Management Council and in response a stock assessment conducted by the Northeast Fisheries Science Center, we published an interim action implemented to protect GOM cod. In this action, one fishing year 2014 exemption (limits on the number of gillnets on Day gillnet vessels, exemption #18) was revoked when fishing in the GOM because of its potential to affect GOM cod; the exemption as it applied in GB, SNE, and MA remains in place. As described above, we are proposing to not grant the exemption for the limits on gillnets for Day gillnet vessels in the GOM, but grant it in the other RMAs. Additionally, we have proposed to modify the previously approved redfish exemption area (as described in exemption #19) due to concern for GOM cod. There are several other exemptions proposed in the GOM that also could potentially affect GOM cod. These exemptions include:

- (1) 120-day block out of the fishery required for Day gillnet vessels;
- (2) 20-day spawning block out of the fishery required for all vessels;
- (3) Prohibition on a vessel hauling another vessel's gillnet gear;
- (5) Limits on the number of hooks that may be fished; and
- (10) Prohibition on a vessel hauling another vessel's hook gear.

While we request comment on all exemptions in fishing years 2015 and 2016, we specifically request the public to comment on exemptions in the GOM that could affect the GOM cod stock and its ability to rebuild.

### **Additional Sector Provisions**

#### *Inshore GOM Restrictions*

Several sectors have proposed a provision to limit and more accurately document a vessel's behavior when fishing in what they consider the inshore portion of the GOM BSA, or the area to the west of 70° 15' W. long. A vessel that is carrying an observer or ASM would remain free to fish without restriction. As proposed under the Inshore GOM Restriction provision, if a vessel is not carrying an observer or ASM and fishes any part of its trip in the GOM west of 70° 15' W. long., the vessel would be prohibited from fishing outside of the GOM BSA. Also, if a vessel is not carrying an observer or ASM and fishes any part of its trip outside the GOM BSA, this provision would prohibit a vessel from fishing west of 70° 15' W. long. in the GOM BSA. The sectors' proposal includes a requirement for a vessel to declare whether or not it intends to fish in the inshore GOM area through the trip start hail. We are providing sector managers with the ability to monitor this provision through the Sector Information Management Module (SIMM), a Web site where we currently provide roster, trip, discard, and observer information to sector managers. If approved, final declaration requirements would be included in each vessel's LOA. We propose to allow a sector to use a federally funded NEFOP observer or ASM on these trips because we do not believe it will create bias in coverage or discard estimates, as fishing behavior is not expected to change as a result of this provision.

#### *Prohibition on a Vessel Hauling Another Vessel's Trap Gear To Target Groundfish*

Several sectors have proposed a provision to allow a vessel to haul another vessel's fish trap gear, similar to the current exemptions that allow a vessel to haul another vessel's gillnet gear, or hook gear. These exemptions have generally been referred to as "community" gear exemptions. Regulations at § 648.84(a) require a vessel to mark all bottom-tending fixed gear, which would include fish trap gear used to target groundfish. To facilitate enforcement of that regulation, we propose requiring that any community fish trap gear be tagged by each vessel that plans on hauling the gear, similar to how this provision was implemented in fishing year 2014. This would allow one vessel to deploy the trap gear and another vessel to haul the trap gear, provided both vessels tag the gear prior to deployment. This requirement would

be captured in the sector's operations plan to provide the opportunity for the sector to monitor the use of this provision and ensure that the OLE and the U.S. Coast Guard can enforce the provision.

### **At-Sea Monitoring Proposals**

For fishing years 2015 and 2016, each sector is required to develop and fund an ASM program that must be reviewed and approved by NMFS. In the event that a proposed ASM program could not be approved, all sectors were asked to include an option to use the current NMFS-designed ASM program as a back-up. Sustainable Harvest Sectors 1 and 3, GB Cod Fixed Gear Sector, Northeast Coastal Communities Sector, and Maine Coast Community Sector have proposed to use the ASM program that we developed and used for fishing years 2010–2014. We propose this program for these sectors because we believe the existing program to be consistent with goals and objectives of monitoring, and with regulatory requirements. As requested, the remaining 12 sectors stated that they would use the NMFS-designed ASM program in the event that we did not approve their individual ASM program for fishing years 2015 and 2016. NEFS 4 has not included provisions for an ASM program because the sector operates as a private permit bank and explicitly prohibits fishing.

We propose to approve the ASM programs proposed by the NEFS 1–13 (excluding NEFS 4). These programs state that they will: Contract with a NMFS-approved ASM provider; meet the specified coverage level; and utilize the PTNS for random selection of monitored trips and notification to providers. In addition, these proposed ASM programs detail protocols for waivers, incident reporting, and safety requirements. We believe that the proposed programs are consistent with goals and objectives of monitoring, and with regulatory requirements.

Although the current regulations require a sector to fund its costs for its ASM program beginning in fishing year 2013, we funded industry's ASM costs in fishing years 2013 and 2014. It is unclear if the Agency will have money to fund industry's ASM costs, in whole or in part, for fishing year 2015. Additional information on funding and implementation of ASM for fishing year 2015 will be provided at a future date.

### **Sector EA**

To comply with NEPA, a Programmatic EA was prepared encompassing all 17 operations plans, analyzing the impacts expected from the



continued operation of the sectors over the next six years. The sector EA is tiered from the Environmental Impact Statement (EIS) prepared for Amendment 16. The EA examines the biological, economic, and social impacts unique to each sector's proposed operations, including requested exemptions, and provides a cumulative effect analysis that addresses the combined impact of the direct and indirect effects of approving all proposed sector operations plans. The summary findings of the EA conclude that each sector would produce similar effects that have non-significant impacts. Visit <http://www.regulations.gov> to view the EA prepared for the 17 sectors that this rule proposes to approve.

We decided to do a programmatic assessment beginning in fishing year 2015 because the past four years of sector operations have been relatively homogeneous, and the EA covering the management regime has changed little since inception of the program. We believe future sector operations would likely operate similarly, and the impacts associated with their activities would also likely be similar in nature to past years. However, we understand that it is impossible to fully anticipate the future, and that new requests for sector exemptions may arise that could have impacts outside the scope of this programmatic document. In this case, a supplementary EA may be necessary to analyze future sector operations.

### Classification

The Administrative Procedure Act (5 U.S.C. 553) requires advance notice of rulemaking and opportunity for public comment. The Council required additional time to develop measures to address GOM cod as part of Framework 53, which delayed our ability to present this to the public. We are therefore providing a 15-day comment period for this rule. A longer comment period would be impracticable and contrary to the public interest because we must publish a final rule prior to the start of fishing year 2015 on May 1, 2015, to enable sectors to fish at the start of the fishing year. A vessel enrolled in a sector may not fish in fishing year 2015 unless its operations plan is approved. If the final rule is not published prior to May 1, the permits enrolled in sectors must either stop fishing until their operations plan is approved or elect to fish in the common pool for the entirety of fishing year 2015. Both of these options would have very negative impacts for the permits enrolled in the sectors. Delaying the implementation beyond May 1, 2015, would result in an

unnecessary economic loss to the sector members because vessels would be prevented from fishing in a month when sector vessels landed approximately 10 percent of several allocations, including GB cod east and GB winter flounder. Finally, without a seamless transition between fishing years 2014 and 2015, a delay would require sector vessels to remove gear that complies with an exemption, and redeploy the gear once the final rule is effective. Talking these additional trips would require additional fuel and staffing when catch may not be landed.

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

This proposed action is exempt from the procedures of Executive Order 12866 because this action contains no implementing regulations.

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

As outlined in the preamble to this proposed rule, the purpose of this action is the implementation of fishing years 2015 and 2016 sector operations plans and associated regulatory exemptions. In an effort to rebuild the NE multispecies complex, other actions have reduced the allocations of several stocks managed by the NE Multispecies FMP, and the economic impacts of those allocations have been analyzed in accordance with their respective actions. This action, if finalized, would provide flexible fisheries management options to reduce the potential social and economic hardships resulting from those allocation reductions.

The regulated entities most likely to be affected by the proposed action are the 102 groundfish-dependent ownership entities that own permits currently enrolled in sectors, all of which are considered small under the SBA's definition of a small finfishing business.

Under the proposed rule, sector operations plans for fishing years 2015 and 2016 would be approved, allowing sector participants to use the universal sector exemptions granted under Amendment 16. In addition to the

universal sector exemptions granted under the approval of individual sector operations plans, sector participants have requested relaxation of 22 other gear, area, administrative, and seasonal restrictions. This rule proposes to grant 19 of the 22 requested exemptions. Because all of the regulated entities are considered small businesses per the SBA guidelines, there are no disproportionate impacts for participating in sectors and using the universal exemptions and additional exemptions requested by individual sectors.

All of the requested sector-specific exemptions in this proposed rule are expected to have a positive economic impact on participants, as they further increase the flexibility of fishermen to land their allocation at their discretion. By choosing when and how to land their allocations, sector participants have the potential to reduce marginal costs, increase revenues, and ultimately increase profitability. Again, it is expected that fishermen will only use sector-specific exemptions that they believe will maximize utility, and that long-term stock impacts from the collective exemptions will be minimal and will be outweighed by benefits from operational flexibility.

This rule would not impose significant negative economic impacts on any of the sector participants. No small entities would be placed at a competitive disadvantage to large entities, and the regulations would not reduce the profit for any small entities. Therefore, this rule would not have a significant impact on a substantial number of small entities. As a result, an Initial Regulatory Flexibility Analysis is not required and none has been prepared.

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

Dated: March 3, 2015.

**Eileen Sobeck,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 2015-05386 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 635**

RIN 0648-BA17

**Atlantic Highly Migratory Species; Large Coastal and Small Coastal Atlantic Shark Management Measures**

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

**ACTION:** Notice of rescheduled public hearing.

**SUMMARY:** On January 20, 2015, NMFS published a proposed rule with public hearing dates for Draft Amendment 6 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). On February 25, 2015, NMFS announced that the public hearing in Manteo, NC, would be rescheduled due to inclement weather conditions expected for Manteo and surrounding areas. In this notice, NMFS announces the date and location for the rescheduled public hearing to provide opportunities for members of the public to comment on the management measures proposed in Draft Amendment 6.

**DATES:** The rescheduled public hearing will be held on March 18, 2015, from 5 p.m. to 8 p.m. Written comments will be accepted until April 3, 2015.

**ADDRESSES:** The rescheduled public hearing will be held in Manteo, NC, at the Dare County Administration Building, Commissioner's Meeting Room, 954 Marshall C. Collins Drive, Manteo, NC 27954.

**FOR FURTHER INFORMATION CONTACT:** LeAnn Hogan, Guý DuBeck, Alexis Jackson or Karyl Brewster-Geisz by phone: 301-427-8503, or by fax: 301-713-1917.

**SUPPLEMENTARY INFORMATION:** Atlantic sharks are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and the authority to issue regulations has been delegated from the Secretary to the Assistant Administrator (AA) for Fisheries, NOAA. On October 2, 2006, NMFS published in the **Federal Register** (71 FR 58058) final regulations, effective November 1, 2006, implementing the 2006 Consolidated HMS FMP, which details management measures for Atlantic HMS fisheries. The implementing regulations for the 2006

Consolidated HMS FMP and its amendments are at 50 CFR part 635.

On January 20, 2015, NMFS published a proposed rule (80 FR 2648) for Draft Amendment 6 to the 2006 Consolidated HMS FMP. Management measures in the proposed rulemaking are designed to respond to the problems facing Atlantic commercial shark fisheries, such as landings that exceed the commercial quotas, declining numbers of fishing permits since limited access was implemented, increasingly complex regulations, derby fishing conditions due to small quotas and short seasons, increasing numbers of regulatory discards, and declining market prices. The primary goal of Amendment 6 to the 2006 Consolidated HMS FMP is to implement management measures for the Atlantic shark fisheries that will achieve the objectives of increasing management flexibility to adapt to the changing needs of the Atlantic shark fisheries, and achieve optimum yield while rebuilding overfished shark stocks and ending overfishing. Specifically, the rule proposes to: Adjust the large coastal sharks (LCS) retention limit for shark directed Limited Access Permit holders; create sub-regional quotas in the Atlantic and Gulf of Mexico regions for LCS and small coastal sharks (SCS); modify the LCS and SCS quota linkages; establish total allowable catches and adjust quotas for non-blacknose SCS in the Atlantic and Gulf of Mexico regions based on the results of the 2013 stock assessments for Atlantic sharpnose and bonnethead sharks; and modify upgrading restrictions for shark permit holders.

On February 25, 2015, NMFS announced via listserv notice, an announcement on the HMS Management Division's Web page, and phone calls to known interested parties that the public hearing that was scheduled in Manteo, NC, on February 26, 2015, would be rescheduled due to inclement weather conditions expected for Manteo and surrounding areas at that time. The public hearing in Manteo, NC, has been rescheduled for March 18, 2015, to provide the opportunity for public comment on potential management measures (see **ADDRESSES** and **DATES**).

The public is reminded that NMFS expects participants at the public hearings to conduct themselves appropriately. At the beginning of each public hearing, a representative of NMFS will explain the ground rules (e.g., alcohol is prohibited from the hearing room; attendees will be called to give their comments in the order in which they registered to speak; each

attendee will have an equal amount of time to speak; and attendees should not interrupt one another). The NMFS representative will attempt to structure the meeting so that all attending members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Attendees are expected to respect the ground rules, and, if they do not, they may be asked to leave the hearing.

**Authority:** 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

Dated: March 4, 2015.

**Alan D. Risenhoover,**  
*Director, Office of Sustainable Fisheries,*  
*National Marine Fisheries Service.*

[FR Doc. 2015-05380 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648**

[Docket No. 150105004-5190-01]

RIN 0648-BE75

**Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Framework Adjustment 53**

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** This action proposes approval of, and regulations to implement, Framework Adjustment 53 to the Northeast Multispecies Fishery Management Plan. This rule would set fishing years 2015-2017 catch limits for several groundfish stocks, modify management measures for Gulf of Maine cod, and adopt other measures to improve the management of the groundfish fishery. This action is necessary to respond to updated scientific information and achieve the goals and objectives of the Fishery Management Plan. The proposed measures are intended to help prevent overfishing, rebuild overfished stocks, achieve optimum yield, and ensure that management measures are based on the best scientific information available.

**DATES:** Comments must be received by March 24, 2015.

**ADDRESSES:** You may submit comments, identified by NOAA–NMFS–2015–0020, by either of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal eRulemaking Portal.

1. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0020](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0020);

2. Click the “Comment Now!” icon and complete the required fields; and
3. Enter or attach your comments.

- **Mail:** Submit written comments to John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, “Comments on the Proposed Rule for Groundfish Framework Adjustment 53.”

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

Copies of Framework Adjustment 53, including the draft Environmental Assessment, the Regulatory Impact Review, and the Initial Regulatory Flexibility Analysis prepared by the New England Fishery Management Council in support of this action are available from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. The supporting documents are also accessible via the Internet at: <http://www.nefmc.org/management-plans/northeast-multispecies> or <http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies>.

**FOR FURTHER INFORMATION CONTACT:**

Sarah Heil, Fishery Policy Analyst, phone: 978–281–9257; email: [Sarah.Heil@noaa.gov](mailto:Sarah.Heil@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

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**1. Summary of Proposed Measures**

This action would implement the management measures in Framework Adjustment 53 (Framework 53) to the Northeast Multispecies Fishery Management Plan (FMP). The Council deemed the proposed regulations consistent with, and necessary to implement, Framework 53, in a February 25, 2015, letter from Council Chairman E.F. “Terry” Stockwell to Regional Administrator John Bullard. Framework 53 proposes to:

- Revise the status determination criteria for several groundfish stocks;
- Set fishing years 2015–2017 catch limits for several groundfish stocks;
- Set fishing year 2015 shared U.S./Canada quotas for transboundary Georges Bank (GB) stocks;
- Revise management measures for Gulf of Maine (GOM) cod to provide additional protection for the stock;
- Establish a mechanism to set default catch limits in the event a future management action is delayed; and
- Modify the provision that allows groundfish sectors to carryover unused quota in response to a recent court ruling.

This action also proposes a number of other measures that are not part of Framework 53, but that may be considered and implemented under our authority specified in the FMP. We are proposing these measures in conjunction with the Framework 53 proposed measures for expediency purposes, and because these measures are related to the catch limits proposed as part of Framework 53. The additional measures proposed in this action are listed below.

- **Management measures for the common pool fishery**—this action

proposes fishing year 2015 trip limits for the common pool fishery. We have the authority to set management measures for the common pool fishery that will help ensure the fishery achieves, but does not exceed, its catch limits.

- **Possible accountability measure for northern windowpane flounder**—this action announces the possibility that an accountability measure for northern windowpane flounder could be implemented for fishing year 2015 if the fishing year 2014 catch limit for this stock is exceeded. We are announcing this to provide as much notice as possible to groundfish vessels that would be affected by these measures, if implemented, in 2015.

- **Other regulatory corrections**—we propose several revisions to the regulations to correct references, remove unnecessary text, and make other minor edits. Each proposed correction is described in the section “10. Regulatory Corrections Under Regional Administrator Authority.”

**2. Status Determination Criteria**

The Northeast Fisheries Science Center conducted stock assessments in 2014 for GOM cod, GOM haddock, GOM winter flounder, GB yellowtail flounder, GB winter flounder, and pollock. In response to these assessments, this action proposes to revise status determination criteria, as necessary, and provide updated numerical estimates of these criteria, in order to incorporate the results of the most recent stock assessments. Table 1 provides the updated numerical estimates of the status determination criteria, and Table 2 summarizes changes in stock status based on the new stock assessments conducted in 2014.

Updated stock status information is provided in this rule for all of the stocks that had a new assessment in 2014. However, only the status determination criteria for GB yellowtail flounder is proposed to change relative to the status determination criteria currently specified in the FMP. As described in more detail below, status determination relative to reference points is no longer possible for GB yellowtail flounder, and is proposed to be unknown.

TABLE 1—NUMERICAL ESTIMATES OF STATUS DETERMINATION CRITERIA

Stock	Biomass target SSB <sub>MSY</sub> or Proxy (mt)	Maximum fishing mortality threshold (F <sub>MSY</sub> or Proxy)	MSY (mt)
M = 0.2 Model .....	47,184	0.18 .....	7,753

TABLE 1—NUMERICAL ESTIMATES OF STATUS DETERMINATION CRITERIA—Continued

Stock	Biomass target SSB <sub>MSY</sub> or Proxy (mt)	Maximum fishing mortality threshold (F <sub>MSY</sub> or Proxy)	MSY (mt)
GOM Cod:			
M <sub>ramp</sub> Model .....	69,621	0.18 .....	11,388
GOM Haddock .....	4,108	0.46 .....	955
GOM Winter Flounder .....	n/a	0.23 exploitation rate .....	n/a
GB Yellowtail Flounder .....	n/a	n/a .....	n/a
GB Winter Flounder .....	8,100	0.44 .....	3,200
Pollock .....	76,900	0.42 (equivalent to F <sub>5-7</sub> = 0.27) .....	14,800

SSB = Spawning Stock Biomass; MSY = Maximum Sustainable Yield; F = Fishing Mortality; M = Natural Mortality  
**Note.** An explanation of the two assessment models for GOM cod is provided in the section “4. Fishing Years 2015–2017 Catch Limits.”

TABLE 2—SUMMARY OF CHANGES TO STOCK STATUS

Stock	Previous assessment		2014 Assessment	
	Overfishing?	Overfished?	Overfishing?	Overfished?
GOM Cod .....	Yes .....	Yes .....	Yes .....	Yes
GOM Haddock .....	Yes .....	No <sup>1</sup> .....	No .....	No
GOM Winter Flounder .....	No .....	Unknown .....	No .....	Unknown
GB Yellowtail Flounder .....	Yes .....	Yes .....	Unknown .....	Unknown
GB Winter Flounder .....	No .....	No .....	No .....	No
Pollock .....	No .....	No .....	No .....	No

<sup>1</sup> Stock was approaching an overfished condition.

*Georges Bank Yellowtail Flounder Status Determination Criteria*

GB yellowtail flounder is jointly managed with Canada, and the Transboundary Resources Assessment Committee (TRAC) conducts an annual assessment of this stock. In recent years, there has been a strong retrospective pattern in the approved assessment model for GB yellowtail flounder. This retrospective pattern causes the model to overestimate stock biomass and underestimate fishing mortality. Recent stock assessments for GB yellowtail flounder have been unable to determine the cause of the retrospective pattern. Additionally, attempts to address the retrospective pattern in the existing assessment model were only temporarily successful, and the magnitude of the retrospective pattern has increased in recent years.

In July 2013, a World Conference on Stock Assessment Methods, hosted by the International Council for the Exploration of the Sea, explored alternative assessment models for GB yellowtail flounder that may address the retrospective pattern. However, the workshop was not able to provide any alternative modeling solutions. Instead, the workshop concluded that the poor performance of the assessment model was likely due to issues in the underlying data. As a result, the TRAC conducted a diagnostic benchmark assessment in April 2014. This diagnostic benchmark was intended to

further explore possible causes of the model’s poor performance through examination of all of the available data sources, as well as to develop a method for providing catch advice that does not rely on an analytical assessment model (i.e., an empirical approach).

During the subsequent annual TRAC assessment in June 2014, the TRAC agreed to no longer use the assessment model for GB yellowtail flounder to evaluate stock status or provide catch advice. This decision was based on the poor performance of the assessment model in recent years, conclusions from the April 2014 diagnostic benchmark, as well as inconsistencies in the underlying data. As a replacement for the assessment model, the TRAC agreed to use the empirical approach developed at the diagnostic benchmark as the basis for providing management advice. This empirical approach does not provide historical estimates of biomass, fishing mortality rates, or recruitment estimates. As a result, the TRAC concluded that status determination relative to reference points is not possible because reference points cannot be defined. Additional details on recent GB yellowtail flounder assessments, including the 2014 diagnostic benchmark, can be found at: <http://www.nefsc.noaa.gov/saw/trac/>.

Although status determination relative to reference points is unknown, the best scientific information available indicates that GB yellowtail flounder

stock status is poor. The changes to the status determination criteria that are proposed in this action do not affect the rebuilding plan for this stock, which has an end date of 2032. Although biomass estimates are not currently available, to ensure that rebuilding progress is made, catch limits will continue to be set at levels at which the TRAC and the Council’s Scientific and Statistical Committee (SSC) determine will prevent overfishing. Additionally, at whatever point the stock assessment for GB yellowtail flounder can provide numerical estimates of status determination criteria, those estimates will be used to evaluate progress towards the existing rebuilding targets.

**3. Fishing Year 2015 U.S./Canada Quotas**

*Management of Transboundary Georges Bank Stocks*

Eastern GB cod, eastern GB haddock, and GB yellowtail flounder are jointly managed with Canada under the U.S./Canada Resource Sharing Understanding. Each year, the Transboundary Management Guidance Committee (TMGC), which is a government-industry committee made up of representatives from the United States and Canada, recommends a shared quota for each stock based on the most recent stock information and the TMGC’s harvest strategy. The TMGC’s harvest strategy for setting catch levels is to maintain a low to neutral risk (less

than 50 percent) of exceeding the fishing mortality limit for each stock. The harvest strategy also specifies that when stock conditions are poor, fishing mortality should be further reduced to promote stock rebuilding. The shared quotas are allocated between the United States and Canada based on a formula that considers historical catch (10-percent weighting) and the current resource distribution (90-percent weighting).

For GB yellowtail flounder, the SSC also recommends an acceptable biological catch (ABC) for the stock, which is typically used to inform the U.S. TMGC's discussions with Canada

for the annual shared quota. Although the stock is jointly managed with Canada, and the TMGC recommends annual shared quotas, the United States may not set catch limits that would exceed the SSC's recommendation. The SSC does not recommend ABCs for eastern GB cod and haddock because they are management units of the total GB cod and haddock stocks. The SSC recommends overall ABCs for the total GB cod and haddock stocks. The shared U.S./Canada quota for eastern GB cod and haddock is accounted for in these overall ABCs, and must be consistent with the SSC's recommendation for the total GB stocks.

*2015 U.S./Canada Quotas*

The TRAC conducted assessments for the three transboundary stocks in June 2014, and detailed summaries of these assessments can be found at: <http://www.nefsc.noaa.gov/saw/trac/>. The TMGC met in September 2014 to recommend shared quotas for 2015 based on the updated assessments, and the Council adopted the TMGC's recommendations in Framework 53. The proposed 2015 shared U.S./Canada quotas, and each country's allocation, are listed in Table 3.

TABLE 3—PROPOSED FISHING YEAR 2015 U.S./CANADA QUOTAS (mt, LIVE WEIGHT) AND PERCENT OF QUOTA ALLOCATED TO EACH COUNTRY

Quota	Eastern GB cod	Eastern GB haddock	GB Yellowtail flounder
Total Shared Quota	650	37,000	354
U.S. Quota	124 (19%)	17,760 (48%)	248 (70%)
Canada Quota	526 (81%)	19,240 (52%)	106 (30%)

The proposed 2015 U.S. quotas for eastern GB cod and GB yellowtail flounder would be a 20-percent and 25-percent reduction, respectively, compared to 2014. These reductions are due to both recent biomass declines and small reductions in the amount of the shared quota that is allocated to the United States. The proposed U.S. quota for eastern GB haddock would be a 70-percent increase compared to 2014, which is a result of both increased stock biomass and an increase in the amount allocated to the United States. For a more detailed discussion of the TMGC's 2015 catch advice, see the TMGC's guidance document at: <http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/multispecies/index.html>. Additionally, the proposed 2015 catch limit for GB yellowtail flounder is discussed in more detail in the section "4. Fishing Years 2015–2017 Catch Limits."

The regulations implementing the U.S./Canada Resource Sharing Understanding require that any overages of the U.S. quota for eastern GB cod, eastern GB haddock, or GB yellowtail flounder be deducted from the U.S. quota in the following fishing year. If fishing year 2014 catch information indicates that the U.S. fishery exceeded its quota for any of the shared stocks, we will reduce the respective U.S. quota for fishing year 2015 in a future management action, as close to May 1, 2015, as possible. If any fishery that is allocated a portion of the U.S. quota exceeds its allocation, and causes an

overage of the overall U.S. quota, the overage reduction would only be applied to that fishery's allocation in the following fishing year. This ensures that catch by one component of the fishery does not negatively affect another component of the fishery.

**4. Fishing Years 2015–2017 Catch Limits**

*Summary of the Proposed Catch Limits*

The catch limits proposed in this action can be found in Tables 4 through 11. A brief summary of how these catch limits were developed is provided below. More details on the proposed catch limits for each groundfish stock can be found in Appendix III to the Framework 53 Environmental Assessment (see ADDRESSES for information on how to get this document).

Framework 53 proposes to adopt fishing years 2015–2017 catch limits for GOM cod, GOM haddock, GOM winter flounder, GB winter flounder, GB yellowtail flounder (2015–2016 only), and pollock based on the 2014 assessments for these stocks. In addition, this action proposes to update the 2015 catch limits for GB cod and haddock based on the proposed U.S./Canada quotas for the portions of these stocks managed jointly with Canada. For all other stocks, the overall catch limits included in this rule are the same as those previously adopted in Framework 50 and Framework 51, although small changes have been made to the

distribution of these catch limits to the various components of the fishery.

For a number of stocks, the catch limits proposed in this action are substantially lower than the catch limits set for the 2014 fishing year. Compared to 2014, the proposed catch limits would be a 75-percent reduction for GOM cod, a 53-percent reduction for GOM winter flounder, and a 44-percent for GB winter flounder. The proposed GOM haddock catch limit would be a 114-percent increase compared to 2014, and the proposed pollock catch limit would be relatively similar to 2014. The GOM haddock and pollock catch limits could provide additional fishing opportunities for groundfish vessels to help mitigate some of the economic impacts of the catch limit reductions proposed for other key groundfish stocks. However, the proposed reductions are expected to be very restrictive for groundfish vessels, particularly small inshore vessels, which could minimize these benefits.

There are no catch limits proposed for fishing years 2016 or 2017 for most groundfish stocks. Stock assessment updates for all groundfish stocks are scheduled for September 2015, and, based on these assessment updates, catch limits will be set in a future action for fishing years 2016–2018. Given the timing of the stock assessments, the management action for the 2016 fishing year is not expected to be completed by the start of the fishing year. As a result, this action proposes default catch limits that would be implemented on May 1,

2016, to help prevent disruption to the fishery (see the section “6. Default Catch Limits”).

*Overfishing Limits and Acceptable Biological Catches*

The overfishing limit (OFL) serves as the maximum amount of fish that can be caught in a year without resulting in overfishing. The OFL for each stock is calculated using the estimated stock size and  $F_{MSY}$  (i.e., the fishing mortality rate that, if applied over the long term,

would result in maximum sustainable yield). The OFL does not account for scientific uncertainty, so the SSC typically recommends an ABC that is lower than the OFL in order to account for this uncertainty. Usually, the greater the amount of scientific uncertainty, the lower the ABC is set compared to the OFL. For GB cod, haddock, and yellowtail flounder, the total ABC is then reduced by the amount of the Canadian quota (see Table 3 for the

Canadian share of these stocks). Additionally, although GB winter flounder and Atlantic halibut are not jointly managed with Canada, there is some Canadian catch of these stocks. Because the total ABC must account for all sources of fishing mortality, expected Canadian catch of GB winter flounder (114 mt) and halibut (19 mt) is deducted from the total ABC. The U.S. ABC is the amount available to the U.S. fishery after accounting for Canadian catch.

TABLE 4—PROPOSED FISHING YEARS 2015–2017 OVERFISHING LIMITS AND ACCEPTABLE BIOLOGICAL CATCHES [mt, live weight]

Stock	2015		2016		2017	
	OFL	U.S. ABC	OFL	U.S. ABC	OFL	U.S. ABC
GB Cod	4,191	1,980				
GOM Cod	514	386	514	386	514	386
GB Haddock	56,293	24,366				
GOM Haddock	1,871	1,454	2,270	1,772	2,707	2,125
GB Yellowtail Flounder		248		354		
SNE/MA Yellowtail Flounder	1,056	700				
CC/GOM Yellowtail Flounder	1,194	548				
American Plaice	2,021	1,544				
Witch Flounder	1,846	783				
GB Winter Flounder	3,242	2,010	3,383	2,107	3,511	2,180
GOM Winter Flounder	688	510	688	510	688	510
SNE/MA Winter Flounder	4,439	1,676				
Redfish	16,845	11,974				
White Hake	6,237	4,713	6,314	4,645		
Pollock	21,538	16,600	21,864	16,600	24,598	16,600
N. Windowpane Flounder	202	151				
S. Windowpane Flounder	730	548				
Ocean Pout	313	235				
Atlantic Halibut	198	100				
Atlantic Wolffish	94	70				

SNE/MA = Southern New England/Mid-Atlantic; CC = Cape Cod; N = Northern; S = Southern.

Note: An empty cell indicates no OFL/ABC is adopted for that year. These catch limits will be set in a future action.

*Gulf of Maine Cod*

Assessment Summary and Catch Projections

A stock assessment update for GOM cod was completed in 2014. This assessment was an update of the existing 2012 benchmark assessment, which approved two assessment models for GOM cod. One assessment model (base case model) assumes that natural mortality is 0.2. The second assessment model ( $M_{ramp}$  model) assumes that natural mortality has increased from 0.2 to 0.4 in recent years, although the 2012 benchmark assessment did not conclude that natural mortality would remain at 0.4 indefinitely. As a result, biological reference points for GOM cod are based on a natural mortality assumption of 0.2. Under both assessment models, GOM cod is overfished and overfishing is occurring. There was a retrospective pattern in both the 2012 benchmark assessment and the 2014 assessment update, although it was not large

enough to warrant making any specific adjustment to address this bias. The 2014 assessment results indicated that the 2012 benchmark overestimated spawning stock biomass and underestimated fishing mortality. Detailed summaries of the 2012 benchmark assessment and the 2014 assessment update are available from the Northeast Fisheries Science Center at: <http://www.nefsc.noaa.gov/saw/reports.html> and <http://www.nefsc.noaa.gov/publications/crd/crd1414/>, respectively.

Based on the two stock assessment models, there are three different catch projections that were considered for providing catch advice:

1. Natural mortality is 0.2 (base case model);
2. Natural mortality increased to 0.4, but returns to 0.2 in 2014 ( $M_{ramp}$  model); and
3. Natural mortality increased to 0.4, and will remain 0.4 for the remainder of

the rebuilding program for GOM cod (2024) ( $M_{ramp}$  model).

The first two catch projections indicate that rebuilding is possible under catch limits that are consistent with the fishing mortality rate required to rebuild the stock by the rebuilding end date of 2024 ( $F_{rebuild}$ ). However, the remaining projection from the  $M_{ramp}$  model suggests that rebuilding to the current biological reference points is not possible if natural mortality remains at 0.4. Natural mortality would have to return to 0.2 by 2016 in order for the stock to rebuild by 2024. There are some inconsistencies between this catch projection, which assumes natural mortality remains at 0.4, and the existing reference points, which are based on a natural mortality rate of 0.2. There are also several sources of uncertainties around the natural mortality rate that are important to note when evaluating the available catch projections. All of these uncertainties were discussed in detail in the available

reports from the stock assessment, the Council's Groundfish Plan Development Team, and the SSC, but a brief summary is provided below.

First, there are uncertainties around whether the natural mortality rate has actually increased to 0.4. Both the 2012 benchmark assessment and the SSC's peer review of the 2014 assessment update noted that no definitive or conclusive evidence has been presented to support the assumption that natural mortality has increased. One motivation for applying an increased natural mortality rate was to try to reduce the retrospective pattern in the assessment model. The 2012 benchmark assessment also concluded that, because the retrospective pattern was worse in the assessment model that assumed a natural mortality of 0.2, the increased natural mortality rate of 0.4 could be partially disguising unaccounted fishing mortality. Despite these uncertainties, no peer review body has concluded that either natural mortality scenario is more plausible than the other. As a result, both assessment models were advanced for providing management advice.

Second, if natural mortality has increased to 0.4, there is uncertainty around when, and if, it would return to 0.2. The 2012 benchmark assessment concluded that if natural mortality has increased in recent years, it is unlikely to be a permanent change. However, in subsequent SSC meetings, some SSC members noted that it is unlikely the natural mortality rate would suddenly return to the lower rate, particularly coincident with the end of the assessment time series.

Because the 2012 benchmark assessment did not conclude that natural mortality would remain at 0.4 indefinitely, the biological reference points currently specified in the FMP assume a natural mortality rate of 0.2. However, given the uncertainties around the natural mortality rate, the SSC has had considerable discussion about the implications of an increased natural mortality rate on the biological reference points for GOM cod. The SSC debated whether the biomass target ( $B_{MSY}$ ) should be lowered under a scenario where natural mortality has increased, and, if so, whether the maximum fishing mortality threshold ( $F_{MSY}$ ) should be increased. Ultimately, the SSC was not able to reach agreement on the appropriate response for estimating  $B_{MSY}$  and  $F_{MSY}$  under a scenario when natural mortality has increased. In addition, although the SSC discussed the various scenarios and implications for biological reference points, it concluded that any deviation from the biological reference points

established at the 2012 benchmark assessment would not be appropriate outside of the benchmark assessment process.

#### Gulf of Maine Cod Catch Advice

The SSC recommended an OFL of 514 mt for fishing years 2015–2017, which was calculated by averaging the 2015 catches at  $F_{MSY}$  from the three catch projections. The SSC recommended a 3-year constant OFL to help offset some of the uncertainties in the catch projections. Thus, for 2016 and 2017, the recommended OFL is increasingly further below the catch at  $F_{MSY}$  that is indicated from the catch projections. In support of its OFL recommendation, the SSC also noted that it used the results from each of the catch projections because all of the various natural mortality scenarios were plausible.

The SSC initially recommended a provisional ABC of 200 mt for fishing years 2015–2017. This recommendation was based on the  $F_{rebuild}$  approach that is specified by the default ABC control rule. An ABC of 200 mt was the midpoint between the  $F_{rebuild}$  catch for the scenario in which natural mortality is 0.2 and the scenario in which natural mortality increases, but returns to 0.2. This provisional ABC recommendation did not include the  $F_{rebuild}$  catch for the projection that assumes natural mortality remains at 0.4, and that suggests rebuilding is not possible. This catch projection was not included in the ABC alternatives that the Groundfish Plan Development Team initially presented to the SSC because it was not considered to be consistent with the existing biological reference points, which assume a natural mortality rate of 0.2.

During the development of the provisional ABC recommendation of 200 mt, there was considerable discussion on the rebuilding potential for GOM cod. Although two of the catch projections indicate that rebuilding could occur, both the Groundfish Plan Development Team and the SSC noted concerns for the prospects of rebuilding GOM cod within the 10 year timeframe. The projections that indicate rebuilding can occur by 2024 require steady, sustained stock growth (approximately 40 percent growth each year). However, both technical bodies noted that these growth rates have rarely been observed, and that it seems unlikely this growth would occur.

The default ABC control rule specifies that, if a stock cannot rebuild in the specified rebuilding period, even with no fishing, the ABC should be based on incidental bycatch, including a reduction in the bycatch rate. Thus,

given the available catch projections, uncertainties around the natural mortality rate, and past performance of catch projections, the SSC considered incidental bycatch information to help develop its final ABC recommendation. Based on analysis presented by the Groundfish Plan Development Team, the SSC determined that the overall incidental catch of GOM cod was approximately 500–600 mt under the current operating conditions of the fishery.

After consideration of incidental bycatch information, and given the noted uncertainties, the SSC recommended an ABC of 386 mt, which was calculated by taking 75 percent of the OFL. The SSC noted that its ABC recommendation was well below the OFL. Updated catch projections indicate that, if catch equals the proposed ABC of 386 mt in 2015, the probability of overfishing would range from 6 percent to 33 percent. Additionally, the SSC's recommendation is above the ABC associated with  $F_{rebuild}$ , but below the average of the ABCs at 75 percent of  $F_{MSY}$  for the three catch projections (405 mt). The SSC noted that an ABC of 386 mt would not compromise the ability of the stock to rebuild, and that catch projections still indicate a biomass increase under this scenario.

To help offset some of the uncertainty in catch projections, the SSC recommended a constant catch for the next 3 years. However, the SSC noted that the September 2015 stock assessment update for GOM cod will provide the opportunity to update its recommendation for the 2016 fishing year. Although not repeated in its report for this action, during the development of catch limits for 2013–2015, the SSC did note that presenting two models for GOM cod helped to better understand the nature and extent of scientific uncertainty. As discussed in this rule, presenting two assessment models does introduce difficulties in developing catch advice. However, overall, the SSC's final recommendation was an attempt to balance the various catch projections, natural mortality scenarios, and uncertainties in the assessment information with the various provisions of the control rule. Further, although the proposed ABC is not based on an  $F_{rebuild}$  approach, the FMP and National Standard 1 give deference to the SSC to recommend ABCs that are departures from the established control rules. In such situations, the SSC must use the best scientific information available and provide ample justification on why the control rule is not the best approach for the particular circumstances.

### *NMFS Concerns on Gulf of Maine Cod Catch Limit*

We have several concerns for the proposed ABC that are highlighted below. We are requesting specific comment on these concerns, particularly on how the proposed ABC would sufficiently offset the noted uncertainties and effectively control fishing mortality.

Due to several sources of uncertainty, groundfish catch projections tend to be overly optimistic and routinely overestimate stock growth and underestimate fishing mortality. As a result, for a number of groundfish stocks, even catches that were substantially lower than the projected catch resulted in fishing mortality rates that did not meet the intended targets. A number of PDT reports and assessment documents note this past performance, and that this performance should be taken into account when setting ABCs.

The 2014 assessment results for GOM cod indicate that, in each year of the previous rebuilding plan (2004–2013), fishing mortality exceeded the target rate. Thus, past performance indicates that projected catch does not result in the desired fishing mortality and stock growth does not occur as expected. Additionally, there was a retrospective error in the assessment model for both the 2012 benchmark assessment and the 2014 assessment update. If this retrospective pattern continues, then the catch projections could be overly optimistic and their starting assumptions (e.g., current stock biomass) could be wrong. When considering performance of the initial rebuilding program for GOM cod and catch projections, effectively controlling fishing mortality is essential for rebuilding efforts.

The SSC noted that an ABC of 386 mt is still well below the OFL to account for uncertainty. However, the buffer between the recommended OFL and ABC (25 percent) is relatively similar to the buffer that would occur under a typical scenario using 75 percent of  $F_{MSY}$ . In addition, the recommended ABC of 386 mt is only slightly below the average ABC based on 75 percent of  $F_{MSY}$  for the three catch projections (405 mt). In its justification for an ABC of 386 mt, the SSC also noted that this would be a substantial reduction (75 percent) from the status quo ABC of 1,550 mt. This substantial reduction is necessary based on the 2014 assessment results that indicated a catch of 1,550 mt could result in a fishing mortality rate that is five times the target rate. In light of the past performance for GOM cod, we are

requesting specific comment on whether the proposed ABC would sufficiently offset the uncertainties and effectively control fishing mortality.

As noted earlier, updated catch projections indicate rebuilding could occur by 2024 under an ABC of 386 mt. However, an ABC larger than  $F_{rebuild}$  may necessitate lower ABCs later in the rebuilding timeline. Additionally, the SSC noted that an ABC of 386 mt would not compromise the stock's ability to rebuild based on the available catch projections. However, this aspect of the SSC's recommendation appears to differ from its conclusion that GOM cod seems unlikely to rebuild in 10 years given existing stock conditions. This difference highlights an important difficulty in evaluating the proposed ABC. As discussed earlier, there is some uncertainty around the likelihood of rebuilding the stock within 10 years, which were noted by both the Groundfish Plan Development Team and the SSC. However, neither technical body concluded that these uncertainties represent a foregone conclusion that this stock, unequivocally, cannot rebuild by 2024. We are requesting specific comment on how the proposed ABC would likely affect stock rebuilding, particularly compared to an ABC based on an  $F_{rebuild}$  approach.

One factor that may help offset some of these concerns is that updated stock assessment information will be available in 2015, and in time to re-specify GOM cod catch limits for fishing year 2016. This updated information would also likely provide additional information on the rebuilding potential for GOM cod and the stock's response to recent catch limit reductions. Thus, although this action proposes a 3-year constant ABC, the catch limits adopted are expected to be in place for only 1 year. We also note that despite various uncertainties, no peer review body has concluded that any scenario is more plausible than another, and many of the uncertainties cannot be fully addressed until the next benchmark assessment is completed. Until then, catch limits for GOM cod must, to the extent possible, balance the two assessment models, various natural mortality assumptions, and other uncertainties in the available information. The proposed ABC appears to do this; however, we are requesting specific comments on whether the proposed ABC sufficiently incorporates all of the available information.

Although not specifically mentioned in the SSC's recommendation, the proposed ABC is expected to have substantial economic impacts on groundfish vessels, which are summarized in the section "Economic

Impacts of the Proposed Measures" later in this preamble. These impacts are expected to be disproportionately distributed among the groundfish fleet. The largest revenue reductions are expected for vessels less than 50 ft (15 m), and those fishing from Gloucester, MA, and New Hampshire ports. Given current stock conditions, and all of the noted uncertainties in the stock assessment information, the proposed ABC would likely mitigate economic impacts, as much as possible, compared to other ABC alternatives that the SSC reviewed.

Due to the low catch limit proposed for GOM cod, we have some concerns regarding apportionment of catch and the incentive to misreport catch on unobserved trips. We noted these same concerns in our 2014 interim action for GOM cod. Additionally, this issue was discussed during the development of Framework 53, and is noted in various analyses prepared by the Council in support of this action. Due to these concerns, we are considering the possibility of additional reporting requirements (e.g., daily Vessel Monitoring System catch reports) for commercial groundfish vessels. We are not specifically proposing any additional requirements in this action; we are highlighting these concerns because they relate to the proposed specifications. We intend to further consult with the Council on this issue to explore whether additional reporting requirements could help address the noted concerns.

### *Annual Catch Limits*

#### Development of Annual Catch Limits

The U.S. ABC for each stock is divided among the various fishery components to account for all sources of fishing mortality. First, an estimate of catch expected from state waters and the "other" sub-component (i.e., non-groundfish fisheries) is deducted from the U.S. ABC. These sub-components are not subject to specific catch controls by the FMP. As a result, the state waters and other sub-components are not allocations, and these components of the fishery are not subject to accountability measures if the catch limits are exceeded. After the state and other sub-components are deducted, the remaining portion of the U.S. ABC is distributed to the fishery components that receive an allocation for the stock. Components of the fishery that receive an allocation are subject to accountability measures if they exceed their respective catch limit during the fishing year.



Once the U.S. ABC is divided, sub-annual catch limits (sub-ACLs) are set by reducing the amount of the ABC distributed to each component of the fishery to account for management uncertainty. Management uncertainty is the likelihood that management measures will result in a level of catch greater than expected. For each stock and fishery component, management uncertainty is estimated using the following criteria: Enforceability and precision of management measures, adequacy of catch monitoring, latent effort, and catch of groundfish in non-groundfish fisheries. The total ACL is the sum of all of the sub-ACLs and ACL sub-components, and is the catch limit for a particular year after accounting for both scientific and management uncertainty. Landings and discards from all fisheries (commercial and recreational groundfish fisheries, state waters, and non-groundfish fisheries) are counted against the ACL for each stock.

Sector and Common Pool Allocations

For stocks allocated to sectors, the commercial groundfish sub-ACL is further divided into the non-sector (common pool) sub-ACL and the sector sub-ACL, based on the total vessel enrollment in sectors and the cumulative Potential Sector Contributions (PSCs) associated with those sectors. The preliminary sector and common pool sub-ACLs proposed in this action are based on fishing year 2015 PSCs and fishing year 2014 sector rosters. 2015 sector rosters will not be finalized until May 1, 2015, because

individual permit holders have until the end of the 2014 fishing year to drop out of a sector and fish in the common pool fishery for 2015. Therefore, it is possible that the sector and common pool catch limits proposed in this action may change due to changes in the sector rosters. If changes to the sector rosters occur, updated catch limits will be published as soon as possible in the 2015 fishing year to reflect the final sector rosters as of May 1, 2015. Sector specific allocations for each stock can be found in the proposed rule for 2015 Sector Operations Plans and Contracts.

Common Pool Total Allowable Catches

The common pool sub-ACL for each stock (except for SNE/MA winter flounder, windowpane flounder, ocean pout, Atlantic wolffish, and Atlantic halibut) is further divided into trimester total allowable catches (TACs). The distribution of the common pool sub-ACLs into trimesters was adopted by Amendment 16 to the FMP and is based on recent landing patterns. Once we project that 90 percent of the trimester TAC is caught for a stock, the trimester TAC area for that stock is closed for the remainder of the trimester to all common pool vessels fishing with gear capable of catching the pertinent stock. Any uncaught portion of the TAC in Trimester 1 or Trimester 2 will be carried forward to the next trimester. Overages of the Trimester 1 or Trimester 2 TAC will be deducted from the Trimester 3 TAC. Any overages of the total common pool sub-ACL will be deducted from the following fishing year's common pool sub-ACL for that

stock. Uncaught portions of the Trimester 3 TAC may not be carried over into the following fishing year. Table 8 summarizes the common pool trimester TACs proposed in this action.

Incidental catch TACs are also specified for certain stocks of concern (i.e., stocks that are overfished or subject to overfishing) for common pool vessels fishing in the special management programs (i.e., special access programs (SAPs) and the Regular B Days-at-Sea (DAS) Program), in order to limit the catch of these stocks under each program. Tables 9 through 11 summarize the proposed Incidental Catch TACs for each stock and the distribution of these TACs to each special management program.

Closed Area I Hook Gear Haddock Special Access Program

Overall fishing effort by both common pool and sector vessels in the Closed Area I Hook Gear Haddock SAP is controlled by an overall TAC for GB haddock, which is the target species for this SAP. The maximum amount of GB haddock that may be caught in any fishing year is based on the amount allocated to this SAP for the 2004 fishing year (1,130 mt), and adjusted according to the growth or decline of the western GB haddock biomass in relationship to its size in 2004. Based on this formula, the proposed GB Haddock TAC for this SAP is 2,448 mt for the 2015 fishing year. Once this overall TAC is caught, the Closed Area I Hook Gear Haddock SAP will be closed to all groundfish vessels for the remainder of the fishing year.

TABLE 5—PROPOSED FISHING YEAR 2015 CATCH LIMITS [mt, live weight]

Stock	Total ACL	Total groundfish fishery	Preliminary sector	Preliminary common pool	Recreational fishery	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
GB Cod .....	1,886	1,787	1,753	34	.....	.....	.....	.....	20	79
GOM Cod .....	366	328	202	5	121	.....	.....	.....	26	13
GB Haddock .....	23,204	21,759	21,603	156	.....	227	.....	.....	244	975
GOM Haddock ..	1,375	1,329	949	9	372	14	.....	.....	11	21
GB Yellowtail Flounder .....	240	195	192	3	.....	.....	38	5	na	2
SNE/MA Yellowtail Flounder .....	666	557	457	102	.....	.....	66	.....	14	28
CC/GOM Yellowtail Flounder .....	524	458	442	16	.....	.....	.....	.....	38	27
American Plaice	1,470	1,408	1,381	27	.....	.....	.....	.....	31	31
Witch Flounder ..	751	610	598	12	.....	.....	.....	.....	23	117
GB Winter Flounder .....	1,952	1,891	1,876	15	.....	.....	.....	.....	na	60
GOM Winter Flounder .....	489	392	375	18	.....	.....	.....	.....	87	10
SNE/MA Winter Flounder .....	1,607	1,306	1,149	157	.....	.....	.....	.....	117	184
Redfish .....	11,393	11,034	10,974	60	.....	.....	.....	.....	120	239
White Hake .....	4,484	4,343	4,311	32	.....	.....	.....	.....	47	94
Pollock .....	15,878	13,720	13,628	92	.....	.....	.....	.....	996	1,162
N. Windowpane Flounder .....	144	98	na	98	.....	.....	.....	.....	2	44

TABLE 5—PROPOSED FISHING YEAR 2015 CATCH LIMITS—Continued  
[mt, live weight]

Stock	Total ACL	Total groundfish fishery	Preliminary sector	Preliminary common pool	Recreational fishery	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
S. Windowpane										
Flounder .....	527	102	na	102	.....	.....	183	.....	55	186
Ocean Pout .....	220	195	na	195	.....	.....	.....	.....	2	24
Atlantic Halibut ..	97	64	na	64	.....	.....	.....	.....	30	3
Atlantic Wolffish	65	62	na	62	.....	.....	.....	.....	1	3

TABLE 6—PROPOSED FISHING YEAR 2016 CATCH LIMITS  
[mt, live weight]

Stock	Total ACL	Total groundfish fishery	Preliminary sector	Preliminary common pool	Recreational fishery	Midwater trawl fishery	Scallop fishery	Small-mesh fisheries	State waters sub-component	Other sub-component
GOM Cod .....	366	328	202	5	121	.....	.....	.....	26	13
GOM Haddock ..	1,675	1,620	1,155	12	453	16	.....	.....	13	26
GB Yellowtail										
Flounder .....	343	278	274	4	.....	.....	55	7	na	4
GB Winter										
Flounder .....	2,046	1,982	1,967	15	.....	.....	.....	.....	na	63
GOM Winter										
Flounder .....	489	392	375	18	.....	.....	.....	.....	87	10
White Hake .....	4,420	4,280	4,249	31	.....	.....	.....	.....	46	93
Pollock .....	15,878	13,720	13,628	92	.....	.....	.....	.....	996	1,162

TABLE 7—PROPOSED FISHING YEAR 2017 CATCH LIMITS  
[mt, live weight]

Stock	Total ACL	Total groundfish fishery	Preliminary sector	Preliminary common pool	Recreational fishery	Midwater trawl fishery	State waters sub-component	Other sub-component
GOM Cod .....	366	328	202	5	121	.....	26	13
GOM Haddock .....	2,009	1,943	1,386	14	543	.....	15	31
GB Winter Flounder .....	2,117	2,051	2,035	16	.....	.....	na	65
GOM Winter Flounder .....	489	392	375	18	.....	.....	87	10
Pollock .....	15,878	13,720	13,628	92	.....	.....	996	1,162

TABLE 8—PROPOSED FISHING YEARS 2015–2017 COMMON POOL TRIMESTER TACs  
[mt, live weight]

Stock	2015			2016			2017		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Cod .....	8.6	12.7	13.1						
GOM Cod .....	1.3	1.7	1.8	1.3	1.7	1.8	1.3	1.7	1.8
GB Haddock .....	42.0	51.3	62.2						
GOM Haddock .....	2.56	2.47	4.46	3.1	3.0	5.4	3.7	3.6	6.5
GB Yellowtail Flounder .....	0.6	0.9	1.6	0.9	1.4	2.3			
SNE/MA Yellowtail Flounder									
CC/GOM Yellowtail Flounder									
der .....	5.5	5.5	4.7						
American Plaice .....	6.6	9.9	11.0						
Witch Flounder .....	3.4	3.8	5.2						
GB Winter Flounder .....	1.2	3.5	10.1	1.2	3.7	10.5	1.3	3.8	10.9
GOM Winter Flounder .....	6.5	6.6	4.4	6.5	6.6	4.4	6.5	6.6	4.4
Redfish .....	14.9	18.5	26.2						
White Hake .....	12.0	9.8	9.8	11.9	9.7	9.7			
Pollock .....	25.7	32.1	33.9	25.7	32.1	33.9	25.7	32.1	33.9

Note. An empty cell indicates that no catch limit has been set yet for these stocks. These catch limits will be set in a future management action.

TABLE 9—PROPOSED COMMON POOL INCIDENTAL CATCH TACs FOR FISHING YEARS 2015–2016  
[mt, live weight]

Stock	Percentage of common pool sub-ACL	2015	2016
GB Cod .....	2	0.69	na
GOM Cod .....	1	0.05	0.05
GB Yellowtail Flounder .....	2	0.06	0.09
CC/GOM Yellowtail Flounder .....	1	0.16	na

TABLE 9—PROPOSED COMMON POOL INCIDENTAL CATCH TACS FOR FISHING YEARS 2015–2016—Continued  
[mt, live weight]

Stock	Percentage of common pool sub-ACL	2015	2016
American Plaice .....	5	1.37	na
Witch Flounder .....	5	0.62	na
SNE/MA Winter Flounder .....	1	1.57	na

TABLE 10—PERCENTAGE OF INCIDENTAL CATCH TACS DISTRIBUTED TO EACH SPECIAL MANAGEMENT PROGRAM

Stock	Regular B DAS program	Closed area I hook gear haddock SAP	Eastern US/CA haddock SAP
GB Cod .....	50	16	34
GOM Cod .....	100		
GB Yellowtail Flounder .....	50	.....	50
CC/GOM Yellowtail Flounder .....	100		
American Plaice .....	100		
Witch Flounder .....	100		
SNE/MA Winter Flounder .....	100		
White Hake .....	100		

TABLE 11—PROPOSED FISHING YEARS 2015–2016 INCIDENTAL CATCH TACS FOR EACH SPECIAL MANAGEMENT PROGRAM  
[mt, live weight]

Stock	Regular B DAS program		Closed area I hook gear haddock SAP		Eastern U.S./Canada haddock SAP	
	2015	2016	2015	2016	2015	2016
GB Cod .....	0.34	na	0.11	na	0.23	na
GOM Cod .....	0.05	0.05				
GB Yellowtail Flounder .....	0.03	0.05	.....	.....	0.03	0.05
CC/GOM Yellowtail Flounder .....	0.16	na				
American Plaice .....	1.37	na				
Witch Flounder .....	0.62	na				
SNE/MA Winter Flounder .....	1.57	na				

**5. Gulf of Maine Cod Protection Measures**

This action proposes to re-configure the GOM rolling closures and prohibit possession of GOM cod for the recreational fishery. A summary of the proposed changes to the GOM rolling closures is provided in Table 12. This action would add closures in the winter (November-January), May, and June, and would remove all closures in April, and one closure in June. Additionally, this action proposes to remove a number of other rolling closures, although sector vessels have been exempt from these areas since 2010.

These closures would apply to all commercial vessels, except for commercial vessels that are fishing with exempted gear, as defined in § 648.2, or in an exempted fishery. Exempted gear is deemed to be not capable of catching groundfish and currently includes: Pelagic hook and line, pelagic longline, spears, rakes, diving gear, cast nets,

tongs, harpoons, weirs, dipnets, stop nets, pound nets, pelagic gillnets, pots and traps, shrimp trawls (with a properly configured grate), and surfclam and ocean quahog dredges. Based on the current list of approved exempted fisheries defined in § 648.80, the proposed protection closures would not apply to vessels fishing in the Midwater Trawl Gear Exempted Fishery, the Purse Seine Gear Exempted Fishery, the Raised Footrope Trawl Exempted Whiting Fishery, the Small Mesh Area II Exemption Area, or the Scallop Dredge Exemption Area. As adopted in Amendment 16 to the FMP, sector vessels would continue to be exempt from the closures in March and October. The March and October closures would also not apply to Handgear A vessels, regardless of whether the vessel was fishing in the common pool or in a sector.

The proposed GOM cod closures are intended to protect spawning GOM cod, reduce fishing mortality on GOM cod,

and provide additional fishing opportunities for groundfish vessels to target healthy groundfish stocks. These closures are an additional tool the Council is using to protect GOM cod, and are complementary to its requirement for setting catch limits that will prevent overfishing and help rebuild the stock. Based on the available information, and as noted in the Council’s analysis, protecting spawning GOM cod could help improve the chances of successful spawning events, and, as a result, help prevent failures of future year classes. Ultimately, the biological objectives of these closures are intended to help prevent further biomass declines and improve the likelihood of rebuilding GOM cod. As part of the proposed measure, the Council also adopted a provision that the closures would be subject to review when the GOM cod spawning stock biomass reaches the minimum biomass threshold (50 percent of  $SSB_{MSY}$ ).

TABLE 12—PROPOSED RE-CONFIGURATION OF THE GULF OF MAINE ROLLING CLOSURES

Month	Current GOM rolling closures <sup>1</sup>	Proposed GOM cod protection closures
May	<i>All Vessels:</i> 132, 133, 138, 139, 140 <i>Non-Sector Vessels:</i> 124, 125, 129, 130, 131, 136, 137, 138.	<i>All Vessels:</i> 125 north of 42°20', 132, 133, 138, 139, 140.
June	<i>All Vessels:</i> 139, 140, 145, 146, 147 <i>Non-Sector Vessels:</i> 132, 133, 142, 143, 144.	<i>All Vessels:</i> 125 north of 42°20', 132, 139, 140, 146, 147.
July	None	None.
August	None	None.
September	None	None.
October	<i>Non-Sector Vessels:</i> 124, 125	<i>Non-Sector Vessels:</i> 124, 125.
November	<i>Non-Sector Vessels:</i> 124, 125	<i>All Vessels:</i> Portion of 124, 125.
December	None	<i>All Vessels:</i> Portion of 124, 125.
January	None	<i>All Vessels:</i> Portion of 124, 125.
February	None	None.
March	<i>Non-Sector Vessels:</i> 121, 122, 123	<i>Non-Sector Vessels:</i> 121, 122, 123.
April	<i>All Vessels:</i> 124, 125, 132, 133 <i>Non-Sector Vessels:</i> 121, 122, 123, 129, 130, 131.	None.

<sup>1</sup> This table includes the current rolling closures implemented in the FMP; it does not incorporate area closures that NMFS implemented for 2014 under emergency authority.

**Note.** Handgear A vessels are exempt from the same closures as sector vessels.

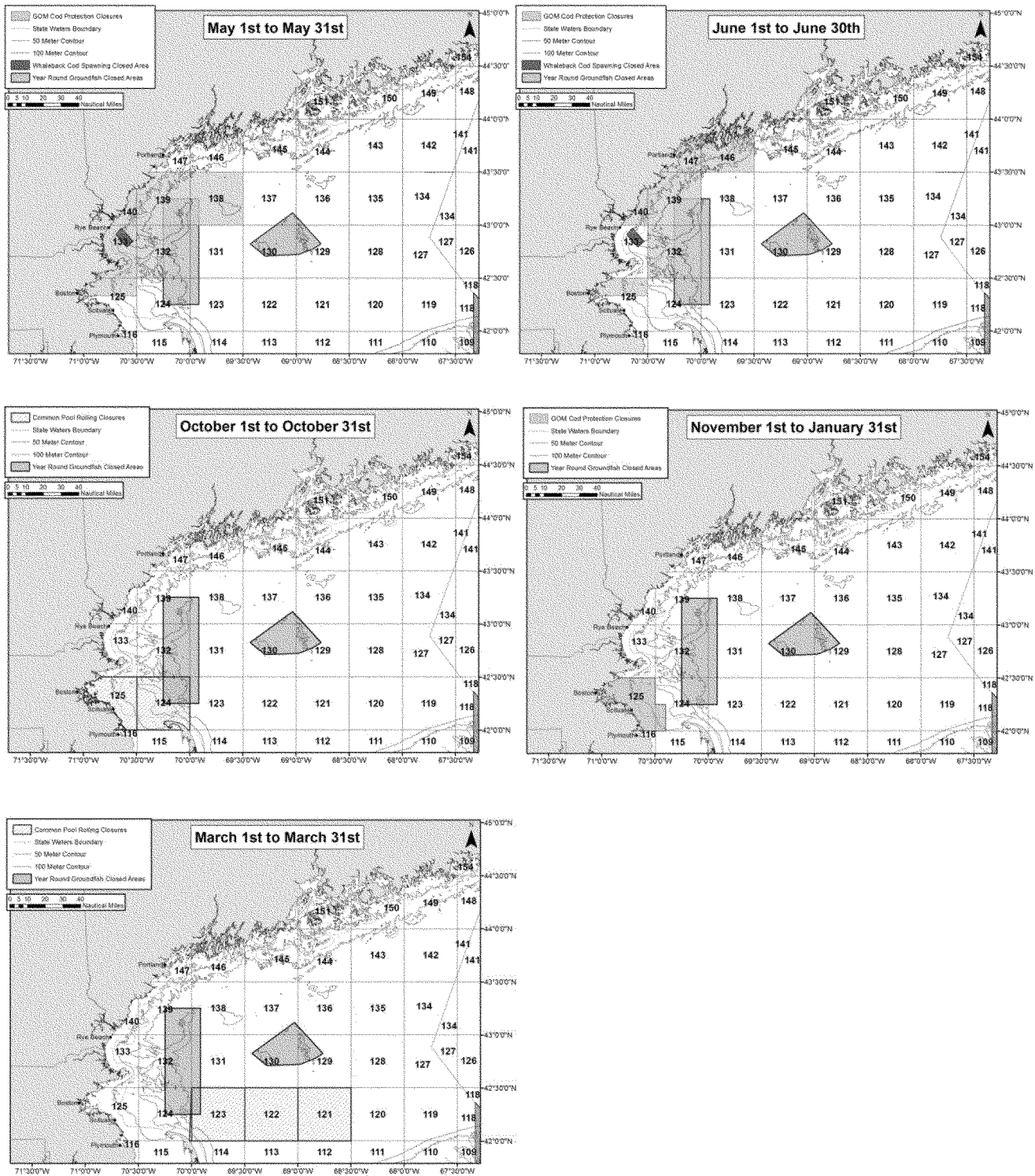
Recreational vessels would not be subject to the GOM cod protection closures, and could continue to fish in these areas. Instead, this action proposes to prohibit possession of GOM cod for all private and party/charter recreational vessels. This is intended to provide recreational vessels the opportunity to target other healthy groundfish stocks,

while reducing the incentive to target GOM cod in order to reduce fishing mortality on this stock by the recreational fishery. Recent catch projections indicate that the recreational fishery would still exceed its allocation for GOM cod in the 2015 fishing year due to bycatch, even with the prohibition on possession that is

proposed in this action. Therefore, in a separate rulemaking, we will implement additional recreational measures under our discretionary authority to implement proactive accountability measures to help ensure the recreational fishery does not exceed its allocation in 2015.

**BILLING CODE 3510-22-P**

Figure 1. Proposed Gulf of Maine Cod Protection Closures



**BILLING CODE 3510-22-C**  
*Summary of NMFS Concerns on Gulf of Maine Cod Protection Measures*

We have some concerns for the proposed re-configuration of the GOM area closures. First, the supporting

analysis prepared by the Council for this action indicates that the added closures in May and June may provide little additional benefit because little fishing activity has typically occurred in these times and areas. Additionally, the areas

proposed to be open in April are historically important areas for spawning cod, and some information indicates the core of the GOM cod stock is concentrated in these areas. The analysis indicates that removing April

closures could allow fishing effort to shift into areas of high cod concentration when vessels are targeting other stocks, like GOM haddock. Given the expected low GOM cod allocation, it is difficult to predict how groundfish vessels will operate in 2015, and any potential effort shifts may be minimal with such a restrictive GOM cod catch limit. However, if the removal of the April rolling closures does result in an effort shift into areas of high cod concentration, benefits from additional winter closures could be diminished if fishing mortality increases in April.

The current April rolling closures provide some secondary benefits for other groundfish stocks that spawn in the spring. Framework 53 analysis indicates that removing April closures would provide less spawning protection for GOM winter flounder, CC/GOM yellowtail flounder, plaice, and GOM haddock. Although this spawning protection is a secondary benefit of the current April closures, the expected impact should be considered carefully. For a number of these stocks, the most recent stock assessment information indicates biomass declines. Also important to note is that, in 2014, we implemented the second 10-year rebuilding program for plaice due to inadequate rebuilding progress.

The Council's analysis also summarizes some of the available research on GOM cod spawning. This information indicates that fishing on spawning cod may affect spawning activity beyond just the removal of fish. Fishing activity may disrupt spawning signals, and, as a result, can reduce spawning success. In addition, because spawning fish are stressed, these fish may be less likely to survive capture and release than under normal conditions, or may have reduced egg production following release. Considering all of this supporting information, allowing exempted fisheries and recreational vessels in these protection closures could diminish the additional spawning protection that these closures are intended to provide.

Based on all of these considerations, we are concerned that the proposed protection closures may not fully meet the Council's intended objectives. The Council initially identified enhancing spawning protection as a goal for the Omnibus Habitat Amendment 2. However, because this amendment was not anticipated to be completed quickly enough, and due to concern for the low GOM cod stock size, the Council prioritized GOM cod spawning protection for Framework 53. During the development of Framework 53, the

Council identified additional objectives for the GOM area closures beyond just spawning protection. However, complete analysis of the impacts of the proposed protection closures was not available when the Council took final action on Framework 53. As a result, it may have been difficult for the Council to evaluate the likelihood that the proposed measures would meet its intended objectives. Because much of the supporting analysis was not available when the Council adopted the proposed protection closures, we are requesting specific comments on the extent to which the proposed closures would fully meet all of the Council's stated objectives, as well as the biological tradeoffs related to the proposed changes to the GOM area closures for winter (November–January) and April.

Although we have some concerns, largely for the removal of April closures, this action would provide important spawning protection during the winter, which the status quo measures do not provide. The Council's analysis indicates that the proposed changes would protect an additional 35 percent of the winter spawning biomass and 8 percent less of the spring spawning biomass. Available information does not indicate whether the winter or spring spawning biomass is more important relative to overall contribution to cod recruitment. However, some analysis indicates that the winter spawning component may be much smaller than the spring component, although the reasons for this are unknown. The available GOM cod spawning research suggests that once a specific spawning aggregation is lost, there is little indication that the aggregation could recolonize. As a result, the proposed winter closures could provide essential protection for the winter component, and help prevent further depletion of this component. At least in the short-term, the addition of winter closures proposed in this action appears to be more beneficial than the status quo measures.

Further, the economic impacts analysis of the proposed closures indicates that these measures may provide some additional economic opportunities compared to the existing rolling closures. Although the analysis indicates that the economic benefits may be small, we recognize that, given the low catch limits for many groundfish stocks, even small increases in fishing opportunities are meaningful. This is particularly true for small vessels and the ports that would be most impacted by this action, and the proposed closures could help increase

the viability of some inshore vessels. As noted in the analysis, it is difficult to quantify the economic impacts of the proposed protection closures. As a result, we are requesting specific comment on these anticipated impacts, including the economic trade-offs that would occur under the proposal to close new areas in the winter and open previously closed areas in April.

The proposed protection measures include a provision that the closures would be subject to review once the minimum biomass threshold for GOM cod is met. However, the Council could review and modify these closures at any time. For all of the reasons mentioned above, protecting spawning aggregations is one way to help prevent further biomass declines and improve the likelihood of rebuilding GOM cod. Given the poor status of GOM cod, and the possibility of additional research on GOM cod spawning, reviewing these closures as additional stock information becomes available is likely more important than waiting for the minimum biomass threshold to be met.

Assessment updates for all 20 groundfish stocks are scheduled for September 2015. If the results of the next GOM cod assessment indicate the stock has declined further, then additional action may be warranted. The Council would likely need to review the GOM cod protection measures, and any updated stock information, and consider expanding protection closures, particularly for the month of April, or other areas of high cod concentration.

## 6. Default Catch Limits

### *Mechanism for Setting Default Catch Limits*

This action proposes to establish a mechanism for setting default catch limits in the event a future management action is delayed. If final catch limits have not been implemented by the start of the fishing year on May 1, then default catch limits would be implemented. The default catch limits would be set at 35 percent of the previous year's catch limit, as long as this value does not exceed the Council's recommendation for the upcoming fishing year. If this value exceeds the Council's recommendation, the default catch limits would be reduced to an amount equal to the Council's recommendation for the upcoming fishing year.

The default catch limits would be in place from May 1 through July 31, unless a final rule including permanent catch limits is implemented prior to July 31 that replaces the default catch limits. If final catch limits are not implemented

by the end of the default specifications period, then no catch limits would be in place beginning on August 1. Under this scenario, commercial groundfish vessels would be unable to fish until final catch limits and allocations were implemented for the fishing year. All catch occurring while default catch limits are in place would be attributed to the appropriate fishery allocation and the final catch limits for the fishing year.

The default catch limits would be distributed to the various components of the fishery based on the distribution adopted by the Council for the previous fishing year. Additionally, this proposed measure would not change any of the existing accountability measures for any fishery. For example, if a sector catches its entire allocation of redfish specified for the default specifications time period, it would be prohibited from fishing in the redfish stock area until final specifications were set, or it received additional allocation for this stock. The midwater trawl fishery is the only non-groundfish fishery with an inseason accountability measure for its allocation of GOM and GB haddock. When the GOM or GB haddock catch cap specified for the default specifications period is caught, the directed herring fishery would be closed for all herring vessels fishing with midwater trawl gear for the remainder of the default specifications time period, unless final specifications were set prior to July 31. For other non-groundfish fisheries that receive an allocation (e.g., scallop, small-mesh), this proposed measure would not affect current operations because these fisheries do

not have inseason accountability measures.

If default catch limits are implemented for any fishing year, groundfish sectors would not be subject to the 20 percent holdback of the prior year's allocation. This holdback provision was implemented in Amendment 16 to the FMP to allow time for processing end-of-year transfers and determine whether any overage reductions are necessary. However, the holdback provision would not be necessary under default catch limits because additional precaution has already been built in with the 65-percent reduction from the previous year's catch limits.

Although most FMPs implement default catch limits that are equal to the previous year's catch limits, a more precautionary approach is proposed for default groundfish catch limits. In recent years, there have been a number of substantial reductions in groundfish catch limits, up to 80 percent. Given the frequency of large reductions, default catch limits equal to the previous year's catch limits could increase the risk of overfishing during the time period which default catch limits are implemented. As a result, reducing the default catch limits from the previous year's catch limits would help ensure that overfishing does not occur during the default time period.

This measure is largely intended to prevent disruption to the groundfish fishery in the event a management action is delayed. Sector vessels are not allowed to fish in a stock area unless their sector has received an allocation for the respective stock. As a result, if catch limits are not implemented by the

start of the groundfish fishing year on May 1 in any year, then sector vessels would not be allowed to fish. This would cause severe disruption to the groundfish fishery and could result in foregone yield. Any revenue reductions that may occur during a gap in specifications could worsen the severe economic impacts that have resulted from recent groundfish catch limit reductions.

#### *Default Catch Limits for Fishing Year 2016*

Groundfish assessment updates are anticipated in September 2015, and these assessments are expected to be used to set catch limits for the 2016 fishing year beginning on May 1, 2016. However, due to the timing of these assessments, the Council's management action that will adopt the catch limits for the 2016 fishing year is not expected to be completed in time to be implemented by May 1, 2016. As a result, in conjunction with the default specifications process proposed in Framework 53, this action also proposes default limits for 2016 that would become effective May 1, 2016, unless otherwise replaced by final specifications. Default catch limits are proposed only for those groundfish stocks that would not have final specifications in place for 2016, absent another management action. The default catch limits proposed in this action are provided in Tables 13 and 14. If these default catch limits exceed the Council's recommendation for fishing year 2016, then they would be adjusted, as necessary, in a future action prior to May 1, 2016.

TABLE 13—FISHING YEAR 2016 DEFAULT SPECIFICATIONS

[mt, live weight]

Stock	U.S. ABC	Total ACL	Groundfish sub-ACL	Preliminary sector sub-ACL	Preliminary common pool sub-ACL	Midwater trawl fishery
GB Cod .....	693	660	625	614	12	.....
GB Haddock .....	8,528	8,121	7,616	7,563	53	79
SNE/MA Yellowtail Flounder .....	245	232	151	124	27	.....
CC/GOM Yellowtail Flounder .....	192	184	161	155	5	.....
American Plaice .....	540	514	492	483	9	.....
Witch Flounder .....	274	263	213	209	4	.....
SNE/MA Winter Flounder .....	587	563	457	402	56	.....
Redfish .....	4,191	3,988	3,862	3,846	16	.....
N. Windowpane Flounder .....	53	50	35	na	35	.....
S. Windowpane Flounder .....	192	184	36	na	36	.....
Ocean Pout .....	82	77	68	na	68	.....
Atlantic Halibut .....	35	34	22	na	22	.....
Atlantic Wolffish .....	25	23	22	na	22	.....

TABLE 14—FISHING YEAR 2016 DEFAULT COMMON POOL TRIMESTER TOTAL ALLOWABLE CATCHES  
[mt, live weight]

Stock	Trimester 1	Trimester 2	Trimester 3
GB Cod .....	3.0	4.4	4.5
GB Haddock .....	14.2	17.4	21.1
SNE/MA Yellowtail Flounder .....	5.7	10.1	11.5
CC/GOM Yellowtail Flounder .....	1.9	1.9	1.6
American Plaice .....	2.2	3.3	3.7
Witch Flounder .....	1.2	1.3	1.8
Redfish .....	4.0	5.0	7.1

**7. Sector Carryover**

*Proposed Change to Sector Carryover Provision*

This action proposes to modify the provision that allows sectors to carryover unused allocations from the previous year, which was initially implemented in Amendment 16 to the FMP. Currently, sectors can carry over up to 10 percent of their unused allocation into the next fishing year. However, this action proposes to reduce the maximum available carryover possible if up to 10 percent of the unused sector sub-ACL, plus the total ACL for the upcoming fishing year, exceeds the ABC. This proposed change does not modify any other part of the carryover provisions previously implemented.

The proposed change is in response to a recent Court ruling in *Conservation Law Foundation v. Pritzker, et al.* (Case No. 1:13-CV-0821-JEB) that determined sector carryover combined with the total ACL for the upcoming fishing year, or total potential catch, could not exceed the ABC. Previously, under the sector carryover provision adopted in Amendment 16, any available sector carryover that was caught was not counted against the ACLs, or the sector's allocation, in determining whether accountability measures would be implemented. However, during the development of catch limits for the 2013 fishing year, it became apparent that, if carryover (up to 10 percent of 2012 sector allocation) was caught in conjunction with the much lower catch limits being put in place for 2013, overages of the ACL, ABC, and, for one stock the OFL, would occur. As a result,

we implemented a rule in May 2013, under our authority specified in section 305(d) of the Magnuson-Stevens Act, to clarify how sector carryover catch would be counted in evaluating if accountability measures were triggered because ACLs had been exceeded (78 FR 26172; May 3, 2013 and 78 FR 53363; August 29, 2013).

This measure is intended to reduce the risk of catches exceeding the ABCs that the SSC recommends. Although our rule clarified that sectors would be held accountable for all carryover caught for fishing years 2014 and beyond, we did not adjust the provision that allows sectors to carryover up to 10 percent of their unused allocations into the following fishing year. As a result, "total potential catch" could exceed the ABC, although accountability measures would still have been implemented if an overage occurred. However, consistent with the court ruling, this action proposes to reduce the maximum available carryover down from 10 percent to ensure that total potential catch does not exceed the ABC. For example, if 10 percent of sector carryover from the previous year plus the total ACL for the upcoming year was expected to exceed the ABC by 50 mt, then we would reduce the available carryover for each sector. The overall reduction of available carryover would be equal to 50 mt, and this amount would be applied to each sector proportional to the total PSCs of the vessels/permits enrolled in the sector.

*Sector Carryover From Fishing Year 2014 to 2015*

Based on the catch limits proposed in Framework 53, we evaluated whether

the total potential catch in fishing year 2015 would exceed the proposed ABC if sectors carried over the maximum 10 percent of unused allocation allowed from 2014 to 2015 (Table 15). Under this scenario, total potential catch would exceed the 2015 ABC for all groundfish stocks, except for GOM haddock. As a result, we expect we will need to adjust the maximum amount of unused allocation that a sector can carry forward from 2014 to 2015 (down from 10 percent). However, it is possible that not all sectors will have 10 percent of unused allocation at the end of the 2014 fishing year. We will make the final adjustment to the maximum carryover possible for each sector based on final 2014 catch for the sectors, each sector's total unused allocation, and proportional to the cumulative PSCs of vessels/permits participating in the sector. We will announce this adjustment as close to May 1, 2015, as possible.

Based on the proposed ABCs, the *de minimis* carryover amount for the 2015 fishing year will be set at the default one percent of the 2015 overall sector sub-ACL. The overall *de minimis* amount will be applied to each sector based on the cumulative PSCs of vessels/permits participating in that sector. If the overall ACL for any allocated stock is exceeded for the 2015 fishing year, the allowed carryover harvested by a sector, minus its specified *de minimis* amount, will be counted against its allocation to determine whether an overage, subject to an accountability measure, occurred.

TABLE 15—EVALUATION OF MAXIMUM CARRYOVER ALLOWED FROM FISHING YEAR 2014 TO 2015  
[mt, live weight]

Stock	2015 U.S. ABC	2015 Total ACL	Potential carryover (10% of 2014 Sector sub-ACL)	Total potential catch (2015 total ACL + potential carryover)	Difference between total potential catch and ABC
GB Cod .....	1,980	1,886	174	2,060	80
GOM Cod .....	386	366	81	447	61
GB Haddock .....	24,366	23,204	1,705	24,909	543



TABLE 15—EVALUATION OF MAXIMUM CARRYOVER ALLOWED FROM FISHING YEAR 2014 TO 2015—Continued  
[mt, live weight]

Stock	2015 U.S. ABC	2015 Total ACL	Potential carryover (10% of 2014 Sector sub-ACL)	Total potential catch (2015 total ACL + potential carryover)	Difference between total potential catch and ABC
GOM Haddock .....	1,454	1,375	43	1,418	-36
SNE Yellowtail Flounder .....	700	666	46	712	12
CC/GOM Yellowtail Flounder .....	548	524	46	570	22
Plaice .....	1,544	1,470	136	1,605	61
Witch Flounder .....	783	751	60	811	28
GB Winter Flounder .....	2,010	1,952	336	2,287	277
GOM Winter Flounder .....	510	489	68	558	48
SNE/MA Winter Flounder .....	1,676	1,607	106	1,714	38
Redfish .....	11,974	11,393	1,052	12,445	471
White Hake .....	4,713	4,484	425	4,909	196
Pollock .....	16,600	15,878	1,314	17,192	592

**Note.** Carryover of GB yellowtail flounder is not allowed because this stock is jointly managed with Canada.

### 8. 2015 Annual Measures Under Regional Administrator Authority

The FMP gives us authority to implement certain types of management measures for the common pool fishery, the U.S./Canada Management Area, and Special Management Programs on an annual basis, or as needed. This proposed rule includes a description of these management measures that are being considered for the 2015 fishing year in order to provide an opportunity for the public to comment on whether the proposed measures are appropriate. These measures are not part of Framework 53, and were not specifically proposed by the Council. We are proposing them in conjunction with Framework 53 measures in this action for expediency purposes, and because they relate to the catch limits proposed in Framework 53.

#### Common Pool Trip Limits

Tables 16 and 17 provide a summary of the current common pool trip limits for fishing year 2014 and the trip limits proposed for fishing year 2015. The proposed 2015 trip limits were developed after considering changes to the common pool sub-ACLs and sector rosters from 2014 to 2015, proposed trimester TACs for 2015, catch rates of each stock during 2014, and other available information.

The default cod trip limit is 300 lb (136 kg) for Handgear A vessels and 75 lb (34 kg) for Handgear B vessels. If the GOM or GB cod landing limit for vessels fishing on a groundfish DAS drops below 300 lb (136 kg), then the respective Handgear A cod trip limit must be reduced to the same limit. Similarly, the Handgear B trip limit must be adjusted proportionally (rounded up to the nearest 25 lb (11 kg)) to the DAS limit. This action proposes a GOM cod landing limit of 50 lb (23 kg)

per DAS for vessels fishing on a groundfish DAS, which is 85 percent lower than the default limit specified in the regulations for these vessels (800 lb (363 kg) per DAS). As a result, the proposed Handgear A trip limit for GOM cod is reduced to 50 lb (23 kg) per trip, and the proposed Handgear B trip limit for GOM cod is reduced proportionally to 25 lb (11 kg) per trip.

Vessels with a Small Vessel category permit can possess up to 300 lb (136 kg) of cod, haddock, and yellowtail, combined, per trip. For fishing year 2015, we are proposing that the maximum amount of GOM cod and haddock (within the 300-lb (136-kg) trip limit) be set equal to the possession limits applicable to multispecies DAS vessels (see Table 16). This adjustment is necessary to ensure that the trip limit applicable to the Small Vessel category permit is consistent with reductions to the trip limits for other common pool vessels, as described above.

TABLE 16—PROPOSED FISHING YEAR 2015 COMMON POOL TRIP LIMITS

Stock	Current 2014 trip limit	Proposed 2015 trip limit
GB Cod (outside Eastern U.S./Canada Area) ...	2,000 lb (907 kg)/DAS, up to 20,000 lb (9,072 kg)/trip	
GB Cod (inside Eastern U.S./Canada Area) .....	500 lb (227 kg)/DAS, up to 5,000 lb (2,268 kg)/trip.	100 lb (45 kg)/DAS, up to 500 lb (227 kg)/trip.
GOM Cod .....	200 lb (91 kg)/trip .....	50 lb (23 kg)/DAS, up to 200 lb (91 kg)/trip.
GB Haddock .....	10,000 lb (4,536 kg)/trip .....	25,000 lb (11,340 kg)/trip.
GOM Haddock .....	25 lb (11 kg)/trip .....	50 lb (23 kg)/DAS, up to 200 lb (91 kg)/trip.
GB Yellowtail Flounder .....	100 lb (45 kg)/trip	
SNE/MA Yellowtail Flounder .....	250 lb (113 kg)/DAS, up to 500 lb (227 kg)/trip.	2,000 lb (907 kg)/DAS, up to 6,000 lb (2,722 kg)/trip.
CC/GOM Yellowtail Flounder .....	1,000 lb (454 kg)/trip .....	1,500 lb (680 kg)/DAS up to 3,000 lb (1,361 kg)/trip.
American plaice .....	Unlimited	
Witch Flounder .....	500 lb (227 kg)/trip .....	1,000 lb (454 kg)/trip.

TABLE 16—PROPOSED FISHING YEAR 2015 COMMON POOL TRIP LIMITS—Continued

Stock	Current 2014 trip limit	Proposed 2015 trip limit
GB Winter Flounder .....	1,000 lb (454 kg)/trip	
GOM Winter Flounder .....	1,000 lb (454 kg)/trip	
SNE/MA Winter Flounder .....	3,000 lb (1,361 kg)/DAS, up to 6,000 lb (2,722 kg)/trip	
Redfish .....	Unlimited	
White hake .....	1,000 lb (454 kg)/trip .....	1,500 lb (680 kg)/trip.
Pollock .....	10,000 lb (4,536 kg)/trip	
Atlantic Halibut .....	1 fish/trip	
Windowpane Flounder .....	Possession Prohibited	
Ocean Pout .....		
Atlantic Wolffish .....		

TABLE 17—PROPOSED FISHING YEAR 2015 COD TRIPS LIMITS FOR HANDGEAR A, HANDGEAR B, AND SMALL VESSEL CATEGORY PERMITS

Permit	Current 2014 trip limit	Proposed 2015 trip limit
Handgear A GOM Cod .....	200 lb (91 kg)/trip .....	50 lb (23 kg)/trip.
Handgear A GB Cod .....	300 lb (136 kg)/trip	
Handgear B GOM Cod .....	25 lb (11 kg)/trip .....	25 lb (11 kg)/trip.
Handgear B GB Cod .....	75 lb (34 kg)/trip	
Small Vessel Category .....	300 lb (136 kg) of cod, haddock, and yellowtail flounder combined	
	Maximum of 200 lb (91 kg) of GOM cod and 25 lb (11 kg) of GOM haddock within the 300-lb combined trip limit.	Maximum of 50 lb (23 kg) of GOM cod and 50 lb (23 kg) of GOM haddock within the 300-lb combined trip limit.

*Closed Area II Yellowtail Flounder/Haddock Special Access Program*

This action proposes to allocate zero trips for common pool vessels to target yellowtail flounder within the Closed Area II Yellowtail Flounder/Haddock SAP for fishing year 2015. Vessels could still fish in this SAP in 2015 to target haddock, but must fish with a haddock separator trawl, a Ruhle trawl, or hook gear. Vessels would not be allowed to fish in this SAP using flounder nets. This SAP is open from August 1, 2015, through January 31, 2016.

We have the authority to determine the allocation of the total number of trips into the Closed Area II Yellowtail Flounder/Haddock SAP based on several criteria, including the GB yellowtail flounder catch limit and the amount of GB yellowtail flounder caught outside of the SAP. The FMP specifies that no trips should be allocated to the Closed Area II Yellowtail Flounder/Haddock SAP if the available GB yellowtail flounder catch is insufficient to support at least 150 trips with a 15,000-lb (6,804-kg) trip limit (or 2,250,000 lb (1,020,600 kg).

This calculation accounts for the projected catch from the area outside the SAP. Based on the proposed fishing year 2015 GB yellowtail flounder groundfish sub-ACL of 429,240 lb (194,700 kg), there is insufficient GB yellowtail flounder to allocate any trips to the SAP, even if the projected catch from outside the SAP area is zero. Further, given the low GB yellowtail flounder catch limit, catch rates outside of this SAP are more than adequate to fully harvest the 2015 GB yellowtail flounder allocation.

**9. Possible 2015 Northern Windowpane Flounder Accountability Measure**

If inseason catch estimates for the 2014 fishing year indicate that the total ACL has been exceeded for northern windowpane flounder, we are required to implement an accountability measure for fishing year 2015. As described below, inseason catch estimates do not indicate the total ACL has been exceeded yet; however, catch estimates are approaching the total ACL. In order to give notice to groundfish vessels as early as possible, we are announcing the

possibility of an accountability measure being triggered for the 2015 fishing year and implemented through the final rule of this action. As additional catch estimates become available, we will update groundfish vessels. The final rule to this action will announce whether or not an accountability measure has been triggered.

For data reported through February 24, 2015, the commercial groundfish fishery has caught an estimated 140 mt of northern windowpane flounder, which is 97 percent of the total ACL (144 mt). Fishing year 2014 catch reports can be found here: <http://www.greateratlantic.fisheries.noaa.gov/ro/fso/MultiMonReports.htm>. With 2 months remaining in the fishing year, it is possible that catch could exceed the total ACL. However, northern windowpane flounder is a discard-only stock, so the current catch estimate could decrease if the discard rate substantially changes for the remainder of the 2014 fishing year.

If an accountability measure is triggered as a result of a 2014 overage, common pool and sector vessels fishing

on a groundfish trip with trawl gear will be required to use one of the approved selective gears when fishing in the AM areas (haddock separator trawl, Ruhle trawl, or rope separator trawl). There would be no restrictions on common pool or sector vessels fishing with longline or gillnet gear. In addition, because northern windowpane is not allocated to any non-groundfish fishery, the accountability measure would not affect any non-groundfish vessels. Based on the current catch estimates, it is not known which gear-restricted areas would be implemented, and this will depend on the magnitude of any overage. If the overage is less than 20 percent, only the small gear restricted area would be implemented; however, if the overage is more than 20 percent, the large gear restricted area would be implemented. An overview of the windowpane accountability measure can be found here: <http://www.nero.noaa.gov/sfd/sfdmulti.html>. As a reminder, sectors would not be able to request an exemption from these AMs.

Current catch estimates indicate that fishing year 2014 catches of southern windowpane flounder are not likely to exceed the total ACL for this stock. As a result, we do not anticipate that any accountability measures would be implemented for southern windowpane flounder. However, this could change if catch estimates change dramatically for the remainder of the 2014 fishing year.

#### 10. Regulatory Corrections Under Regional Administrator Authority

The following changes are being proposed to the regulations to correct references, inadvertent deletions, and other minor errors.

In § 648.14(k)(7), the reference to the GOM Cod Spawning Protection Area (Whaleback) would be corrected. This change was overlooked in a previous FMP action.

In § 648.14(k)(12) and (13), the introductory text would be revised to clarify that it is unlawful for any person to do any of the general restrictions listed in these paragraphs.

In § 648.87(b)(1)(i)(C)(2), the reference to the sector AM provision would be corrected.

In § 648.89(b)(1), this rule would remove an unnecessary acronym and add the default minimum size for cod caught inside the GOM Regulated Mesh Area to the table. Currently, this default minimum size is located in a separate paragraph, so this change is intended to improve readability for the public.

In § 648.89(f)(1), this rule would remove reference to special provisions for recreational catch evaluation for

fishing years 2010 and 2011. These provisions are no longer relevant, and so would be removed.

In § 648.90(a)(2)(i), this rule would remove reference to a special provision implemented for the biennial review for 2008 and 2009. These provisions are no longer relevant, and so would be removed.

In § 648.90(a)(2)(viii), this rule would correct a reference that was overlooked during the implementation of a previous FMP action.

In § 648.90(a)(5)(i), this rule would correct a spelling error.

#### Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with Framework 53, other provisions of the Magnuson-Stevens Act, and other applicable law. In making the final determination, NMFS will consider the data, views, and comments received during the public comment period.

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

This proposed rule does not contain policies with Federalism or “takings” implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

An Initial Regulatory Flexibility Analysis (IRFA) was prepared for this proposed rule, as required by section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603. The IRFA describes the economic impact that this proposed rule would have on small entities, including small businesses, and also determines ways to minimize these impacts. The IRFA includes this section of the preamble to this rule and analyses contained in Framework 53 and its accompanying EA/RIR/IRFA. A copy of the full analysis is available from the Council (see **ADDRESSES**). A summary of the IRFA follows.

#### Statement of Objective and Need

This action proposes management measures, including annual catch limits, for the multispecies fishery in order to prevent overfishing, rebuild overfished groundfish stocks, and achieve optimum yield in the fishery. A complete description of the action, why it is being considered, and the legal basis for this action are contained in Framework 53, and elsewhere in the preamble to this proposed rule, and are not repeated here.

#### Description and Estimate of the Number of Small Entities To Which the Proposed Rule Would Apply

The Small Business Administration defines a small business as one that is:

- Independently owned and operated;
- not dominant in its field of operation;
- has annual receipts that do not exceed—
  - \$20.5 million in the case of commercial finfish harvesting entities (NAICS<sup>1</sup> 114111)
  - \$5.5 million in the case of commercial shellfish harvesting entities (NAICS 114112)
  - \$7.5 million in the case of for-hire fishing entities (NAICS 114119); or
  - has fewer than—
    - 500 employees in the case of fish processors
    - 100 employees in the case of fish dealers.

This proposed rule impacts commercial and recreational fish harvesting entities engaged in the groundfish fishery, the small-mesh multispecies and squid fisheries, the midwater trawl herring fishery, and the scallop fishery. Individually-permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different FMPs, even beyond those impacted by the proposed action. Furthermore, multiple-permitted vessels and/or permits may be owned by entities affiliated by stock ownership, common management, identity of interest, contractual relationships, or economic dependency. For the purposes of the Regulatory Flexibility Act analysis, the ownership entities, not the individual vessels, are considered to be the regulated entities.

Ownership entities are defined as those entities with common ownership personnel as listed on the permit application. Only permits with identical ownership personnel are categorized as an ownership entity. For example, if five permits have the same seven persons listed as co-owners on their permit application, those seven persons would form one ownership entity, that hold those five permits. If two of those seven owners also co-own additional vessels, that ownership arrangement would be considered a separate ownership entity for the purpose of this analysis.

On June 1 of each year, ownership entities are identified based on a list of

<sup>1</sup> The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

all permits for the most recent complete calendar year. The current ownership data set used for this analysis is based on calendar year 2013 and contains average gross sales associated with those permits for calendar years 2011 through 2013. In addition to classifying a business (ownership entity) as small or large, a business can also be classified by its primary source of revenue. A business is defined as being primarily engaged in fishing for finfish if it obtains greater than 50 percent of its gross sales from sales of finfish. Similarly, a business is defined as being primarily engaged in fishing for shellfish if it obtains greater than 50

percent of its gross sales from sales of shellfish.

A description of the specific permits that are likely to be impacted by this action is provided below, along with a discussion of the impacted businesses, which can include multiple vessels and/or permit types.

*Regulated Commercial Fish Harvesting Entities*

Table 18 describes the total number of commercial business entities potentially regulated by the proposed action. As of May 1, 2014, there were 1,386 commercial business entities potentially regulated by the proposed action. These entities participate in, or are permitted

for, the groundfish, small-mesh multispecies, herring midwater trawl and scallop fisheries. For the groundfish fishery, the proposed action directly regulates potentially affected entities through catch limits and other management measures designed to achieve the goals and objectives of the FMP. For the non-groundfish fisheries, the proposed action includes allocations for groundfish stocks caught as bycatch in these fisheries. For each of these fisheries, there are accountability measures that are triggered if their respective allocations are exceeded. As a result, the likelihood of triggering an accountability measure is a function of changes to the ACLs each year.

TABLE 18—COMMERCIAL FISH HARVESTING ENTITIES REGULATED BY THE PROPOSED ACTION

Type	Total number	Classified as small businesses
Primarily finfish .....	813	813
Primarily shellfish .....	573	549
Total .....	1,386	1,362

Limited Access Groundfish Fishery

The proposed action will directly impact entities engaged in the limited access groundfish fishery. The limited access groundfish fishery consists of those enrolled in the sector program and those in the common pool. Both sectors and the common pool are subject to catch limits, and accountability measures that prevent fishing in a respective stock area when the entire catch limit has been caught. Additionally, common pool vessels are subject to DAS restrictions and trip limits. All permit holders are eligible to enroll in the sector program; however, many vessels remain in the common pool because they have low catch histories of groundfish stocks, which translate into low PSCs. Low PSCs would limit a vessel's viability in the sector program. In general, businesses enrolled in the sector program rely more heavily on sales of groundfish species than vessels enrolled in the common pool.

As of May 1, 2014 (beginning of fishing year 2014), there were 1,046 individual limited access permits. Of these, 613 were enrolled in the sector program, and 433 were in the common pool. For fishing year 2013, which is the most recent complete fishing year, 708 of these limited access permits had landings of any species, and 360 of these permits had landings of groundfish species.

Of the 1,046 individual limited access multispecies permits potentially

impacted by this action, there are 868 distinct ownership entities. Of these, 855 are categorized as small entities, and 13 are categorized as large entities. However, these totals may mask some diversity among the entities. Many, if not most, of these ownership entities maintain diversified harvest portfolios, obtaining gross sales from many fisheries and not dependent on any one. However, not all are equally diversified. This action is most likely to affect those entities that depend most heavily on sales from harvesting groundfish species. There are 114 entities that are groundfish-dependent, all of which are small, and all of which are finfish commercial harvesting businesses. Of these groundfish-dependent entities, 102 have some level of participation in the sector program, and 12 operate exclusively in the common pool.

Limited Access Scallop Fisheries

The limited access scallop fisheries include Limited Access (LA) scallop permits and Limited Access General Category (LGC) scallop permits. LA scallop businesses are subject to a mixture of DAS restrictions and dedicated area trip restrictions. LGC scallop businesses are able to acquire and trade LGC scallop quota, and there is an annual cap on quota/landings. The scallop fishery receives an allocation for GB and SNE/MA yellowtail flounder and southern windowpane flounder. If these allocations are exceeded, accountability measures are

implemented in a subsequent fishing year. These accountability measures close certain areas of high groundfish bycatch to scallop fishery, and the length of the closure depends on the magnitude of the overage.

Of the total commercial business entities potentially affected by this action (1,386), there are 171 scallop fishing entities. The majority of these entities are defined as shellfish businesses (167). However, four of these entities are defined as finfish businesses, all of which are small. Of the total scallop fishing entities, 149 entities are classified as small entities.

Midwater Trawl Fishery

There are four categories of permits for the herring fishery. Three of these permit categories are limited access, and vary based on the allowable herring possession limits and areas fished. The fourth permit category is open access. Although there is a large number of open access permits issued each year, this category is subject to fairly low possession limits for herring, account for a very small amount of the herring landings, and derive relatively little revenue from the fishery. The midwater trawl herring fishery receives an allocation of GOM and GB haddock. Once the entire allocation for either stock has been caught, the directed herring fishery is closed in the respective area for the remainder of the fishing year. Additionally, if the midwater trawl fishery exceeds its

allocation, the overage is deducted from its allocation in the following fishing year.

Of the total commercial business entities potentially regulated by this action (1,386), there are 71 herring fishing entities. Of these, 43 entities are defined as finfish businesses, all of which are small. There are 28 entities that are defined as shellfish businesses, and 21 of these are considered small. For the purposes of this analysis, squid is classified as shellfish. Thus, because there is some overlap with the herring and squid fisheries, it is likely that these shellfish entities derive most of their revenues from the squid fishery.

#### Small-Mesh Fisheries

The small-mesh exempted fishery allows vessels to harvest species in designated areas using mesh sizes smaller than the minimum mesh size required by the Northeast Multispecies FMP. To participate in the small-mesh multispecies (whiting) fishery, vessels must hold either a limited access multispecies permit or an open access multispecies permit. Limited access multispecies permit holders can only target whiting when not fishing under a DAS or a sector trip, and while declared out of the fishery. A description of limited access multispecies permits was provided above. Many of these vessels target both whiting and longfin squid on small-mesh trips, and therefore, most of them also have open access or limited access Squid, Mackerel, and Butterfish (SMB) permits. As a result, SMB permits were not handled separately in this analysis.

The small-mesh fisheries receive an allocation of GB yellowtail flounder. If this allocation is exceeded, an accountability measure is triggered for a subsequent fishing year. The accountability measure requires small-mesh vessels to use selective trawl gear when fishing on GB. This gear restriction is only implemented for 1 year as a result of an overage, and is removed as long as additional overages do not occur.

Of the total commercial harvesting entities potentially affected by this action, there are 570 small-mesh entities. However, this is not necessarily informative because not all of these entities are active in the whiting fishery. Based on the most recent information, 25 of these entities are considered active, with at least 1 lb of whiting landed. Of these entities, 7 are defined as finfish businesses, all of which are small. There are 18 entities that are defined as shellfish businesses, and 17 of these are considered small. Because there is overlap with the whiting and

squid fisheries, it is likely that these shellfish entities derive most of their revenues from the squid fishery.

#### *Regulated Recreational Party/Charter Fishing Entities*

The charter/party permit is an open access groundfish permit that can be requested at any time, with the limitation that a vessel cannot have a limited access groundfish permit and an open access party/charter permit concurrently. There are no qualification criteria for this permit. Charter/party permits are subject to recreational management measures, including minimum fish sizes, possession restrictions, and seasonal closures.

During calendar year 2014, 732 party/charter permits were issued. Of these, 267 party/charter permit holders reported catching and retaining any groundfish species on at least one for-hire trip. In addition, 204 party/charter permit holders reported catching at least one cod in 2014. While all party/charter fishing businesses that catch cod may be affected by the proposed action, the recreational groundfish fishery only receives an allocation for the GOM stock. Of the 204 party/charter businesses that reported to have caught cod, 106 reported catching cod in the GOM.

A 2013 report indicated that, in the northeast United States, the mean gross sales was approximately \$27,650 for a charter business and \$13,500 for a party boat. Based on the available information, no business approached the \$7.5 million large business threshold. Therefore, the 267 potentially regulated party/charter entities are all considered small businesses.

#### **Economic Impacts of the Proposed Measures and Alternatives and Measures Proposed To Mitigate Adverse Economic Impacts of the Proposed Action**

The economic impacts of each proposed measure are summarized below and are discussed in more detail in sections 7.4 and 8.11 of the Framework 53 Environmental Assessment. Although small entities are defined based on gross sales of ownership groups, not physical characteristics of the vessel, it is reasonable to assume that larger vessels are more likely to be owned by large entities. The proposed action is anticipated to result in aggregate gross revenue losses of approximately \$4 million in fishing year 2015, compared to predicted revenues for fishing year 2014. These losses are expected to be absorbed primarily by small business. As a result, the proposed action has the

potential to place small entities at a competitive disadvantage relative to large entities. This is mainly because large entities may have more flexibility to adjust to, and accommodate, the proposed measures. However, as discussed in more detail below, the additional declines in gross revenues expected as a result of the proposed measures would pose serious difficulties for groundfish vessels, owners, and crew. Additionally, some ports are predicted to have 50–80 percent declines in revenues from groundfish, and many vessels may be forced to relocate to Southern New England ports, or stop fishing altogether. The impacts of the proposed measures on shoreside businesses are difficult to predict, but infrastructure and facilities supporting fishing operations may be forced to consolidate, or to stop operating.

#### *Status Determination Criteria*

The proposed action would change the GB yellowtail flounder status, relative to reference points, to unknown. Further, the proposed action would update the numerical estimates of the status determination criteria for GOM cod, GOM haddock, GOM winter flounder, GB winter flounder, and pollock. These updates would result in lower values of MSY. For some of these, the lower values of MSY would result in lower ACLs in the short-term, which is expected to have negative economic impacts (*i.e.*, lower net revenues). However, the proposed updates to the status determination criteria are expected to have positive stock benefits by helping to prevent overfishing. Thus, in the long-term, the proposed action is expected to result in higher and more sustainable landings when compared to the No Action option. All of the proposed revisions would be based on the 2014 assessments for the respective stocks, and would be based on the best scientific information available.

The only other alternative considered for this action was the No Action option, which would not update the status determination criteria for any groundfish stocks. This option would not incorporate the best scientific information available, and would not be consistent with Magnuson-Stevens Act requirements. This option would not have any immediate economic impacts. However if this option resulted in overfishing in the long-term, then it would have severe negative economic impacts for the fisheries affected by the proposed action.

### *Annual Catch Limits*

The proposed action to set catch limits for eastern GB cod and haddock, GOM cod, GOM haddock, GB yellowtail flounder, GOM winter flounder, and pollock has the potential to impact groundfish (including small-mesh), midwater trawl, and scallop-dependent small entities.

For the commercial groundfish fishery, the proposed catch limits are expected to result in a 7-percent decrease in gross revenues on groundfish trips, or \$6 million, compared to predicted gross revenues for fishing year 2014. However, as described later, the aggregate predicted revenues for 2015 also depend on the combination of other measures that would be adopted in this action. The negative impacts of the proposed catch limits would not be uniformly distributed across vessels size classes. Vessels in the 30–50 ft (9–15 m) category are predicted to incur the largest decrease in gross revenues compared to 2014. Based only on the proposed catch limits, vessels in this category could incur revenue losses of 33 percent, and aggregate losses are expected to be more as a result of other measures proposed in this action. Larger vessel classes are not expected to be impacted as heavily by the catch limits proposed in this action. Based only on the proposed catch limits, 50–75 ft (15–23 m) vessels are predicted to incur losses of 16 percent, and the largest vessels (75 ft (23 m) and greater) are predicted to incur losses of 3 percent.

On a home-port state level, New Hampshire would incur the largest decline (42 percent) in gross revenues from groundfish relative to 2014 as a result of the proposed catch limits. However, in combination with other measures proposed in this action this revenue decline could reach 50 percent. Maine and Massachusetts are also predicted to incur revenue losses of 16 percent and 8 percent, respectively, as a result of the proposed catch limits. Both New York and Rhode Island are expected to have small increases to gross revenues compared to 2014, up to a 33-percent and 29-percent increase, respectively. For major home ports, Gloucester, MA, is expected to have the largest decline in gross revenue (up to 28 percent). New Bedford, MA, is expected to be the least affected, with predicted revenue losses of 6 percent compared to 2014.

For the scallop, midwater trawl, and small-mesh fisheries, the catch limits proposed in this action would include allocations for bycatch of groundfish species that occurs in these fisheries.

The GB yellowtail flounder allocation for both the scallop and small-mesh fisheries would be a decrease in 2015 compared to 2014, which could increase the likelihood of triggering accountability measures. However, based on recent catch performance, accountability measures for GB yellowtail flounder have never been implemented for these fisheries as a result of an overage. Additionally, based on scallop management measures that are proposed for 2015, it is not expected that scallop effort will increase on GB relative to recent years. Although the proposed reduction for GB yellowtail flounder could have negative economic impacts, these fisheries are not expected to exceed their respective allocations in 2015, and no accountability measures are expected to be triggered.

For the midwater trawl fishery, the proposed allocations for GOM and GB haddock are both expected to increase in 2015 relative to 2014. However, in fishing year 2013, the accountability measure for GB haddock was triggered. As a result, it is possible that this could occur again in 2015 depending on catch rates of herring and haddock. If the accountability measure for GB haddock is triggered, there could be negative economic impacts that result from foregone herring yield. The magnitude of these negative impacts would depend on how much herring quota remained at the time the accountability measure was implemented, and whether other herring management areas were open for directed herring fishing.

The proposed catch limits are based on the latest stock assessment information, which is considered the best scientific information available, and the applicable requirements in the FMP and the Magnuson-Stevens Act. The only other possible alternatives to the catch limits proposed in this action that would mitigate negative impacts would be higher catch limits. Alternative, higher catch limits, however, are not permissible under the law because they would not be consistent with the goals and objectives of the FMP, or the Magnuson-Stevens Act, particularly the requirement to prevent overfishing. The Magnuson-Stevens Act, and case law, prevent implementation of measures that conflict with conservation requirements, even if it means negative impacts are not mitigated. The catch limits proposed in this action are the highest allowed given the best scientific information available, the SSC's recommendations, and requirements to end overfishing and rebuild fish stocks. The only other catch limits that would be legal would be lower than those proposed in this

action, which would not mitigate the economic impacts of the proposed catch limits.

Under the No Action option, no catch limits would be specified for the U.S./Canada stocks, GB winter flounder, GOM winter flounder, or pollock. In this scenario, sector vessels would be unable to fish in the respective stock areas at the start of the 2015 fishing year if no allocations were specified. This would result in greater negative economic impacts for vessels compared to the proposed action due to lost revenues as a result of being unable to fish. The proposed action is predicted to result in approximately \$77 million in gross revenues from groundfish trips. All of this revenue would be lost if no action was taken to specify catch limits. Further, if no action was taken, the Magnuson-Stevens Act requirements to achieve optimum yield and consider the needs of fishing communities would be violated.

If no catch limits were adopted in this action, it is not clear whether allocations for the scallop, midwater trawl, and small-mesh fisheries would be treated as zero. If so, then any catch of groundfish species would result in an overage of their allocations, which would trigger an accountability measure. This would have negative economic impacts on these fisheries, and the severity of these impacts would depend on the magnitude of the overage, and the corresponding accountability measures. However, if this is not treated as a sub-ACL of zero, then these fisheries would have unrestricted catch of groundfish species. Although this would have positive economic impacts for these fisheries in the short-term, any negative biological impacts that would result from unrestricted catch could result in lower catch limits in the future. This would have negative economic impacts on these fisheries, as well as the groundfish fishery.

### *Gulf of Maine Cod Spawning Closures*

Currently, the only spawning closure for GOM cod is the Whaleback Protection Area. The proposed action (No action) is expected to have economic impacts that are neutral to the status quo for the commercial and recreational groundfish fisheries. However, when compared to other alternatives that were considered in this action, the proposed action is predicted to result in lower gross revenues for the commercial fishery compared to alternatives that would have adopted additional spawning closures. Some of the closures considered for this action would have closed large areas of the

inshore GOM. Under this scenario, smaller inshore vessels would likely be unable to adapt to the closures and prosecute the GOM fishery due to vessel size limitations of fishing further offshore. As a result, these small inshore vessels that are unable to fish would lease quota to larger offshore vessels. The flow of quota to these larger offshore vessels, which are able to use it, is the primary reason why additional closures are predicted to result in higher gross revenues than the proposed action (No Action). However, although the aggregate gross revenues are predicted to be higher under additional closure scenarios, smaller inshore vessels would lose viability, and would likely not be able to prosecute the fishery during closures considered in this action. Thus, these alternatives would not have helped mitigate the anticipated disproportionate impact to small entities that would have resulted from these additional closures.

For the recreational fishery, the economic impacts of other alternatives considered in this action would be extensive and severe. Approximately 75 percent of recreational landings of groundfish species are attributed to the spawning area closures that were considered in this action. Because the majority of landings are concentrated in these areas, it would likely be difficult for party/charter vessels to move to alternative areas to fish for groundfish species. Further, recreational vessels would likely not be able to adapt by fishing further offshore due to vessel size limitations. The total steam time to fish further offshore would also exceed the standard party/charter trip of 4 or 6 hours. Businesses that support the recreational fishing industry would also be largely impacted by the other closure alternatives that were considered in this action. As a result, the other alternatives to the proposed action would not mitigate economic impacts to the recreational fishing vessels and businesses.

#### *Prohibition on Possession of Gulf of Maine Cod for the Commercial Fishery*

Currently, sector vessels are required to land all legal-sized GOM cod, and common pool vessels are subject to trip limits. The proposed action (No Action) is expected to result in economic impacts that are neutral to the status quo. The economic impacts of the other alternative considered (prohibition on possession) is difficult to predict. Anticipated gross revenues are predicted to be slightly higher if zero possession was adopted compared to the No Action. However, this increase is expected to occur largely because zero

possession may create an incentive to behave differently on observed and unobserved trips. On observed trips, vessels would likely achieve very low discard rates of GOM cod. However, on unobserved trips, vessels would seek to maximize revenue of all species, regardless of GOM cod catch. As a result, although predicted revenues would be higher under the zero possession alternative, this option could result in greater uncertainty in the catch estimates. In the long-term, unaccounted for fishing mortality could compromise stock rebuilding efforts, which would have negative economic impacts on the fishery. As a result, the alternative to adopt zero possession would not mitigate economic impacts relative to the proposed action (No Action).

#### *Gulf of Maine Cod Protection Measures*

This action proposes to re-configure the GOM rolling closures for commercial vessels and adopt a prohibition on possession of GOM cod for the recreational fishery. For the commercial groundfish fishery, the proposed action is expected to result in less severe negative economic impacts than the proposed catch limits alone. However, the negative economic impacts of the proposed action are expected to be greater compared to other alternatives considered that would adopt additional GOM cod spawning closures. As discussed above, the aggregate economic impacts of the spawning closures that were considered for this action are largely driven by the flow of quota from smaller inshore vessels, which would be unable to fish, to larger offshore vessels. Although the proposed action would have greater negative impacts compared to these other alternatives, the negative impacts to small vessels can be hidden by the predicted aggregate gross revenues. The proposed action would add closures in some months, while removing other closures, largely in the month of April. As a result, the proposed action is expected to improve the viability of the inshore fleet, and help mitigate the economic impacts of the proposed catch limits, compared to other closure alternatives considered in the action.

The ability for the proposed action to provide increased spawning protection would largely dictate the long-term economic impacts of this action. If the proposed action enhances spawning protection, which translates into increased stock rebuilding, then the long-term economic impacts would be positive. However, if the proposed action does not enhance spawning protection or translate into increased

stock rebuilding, then the long-term economic impacts would be similar to the status quo, or negative.

For the recreational fishery, the proposed action (zero possession of GOM cod) is expected to result in negative economic opportunities due to the lost opportunity to land GOM cod. In the short-term, the proposed action would likely result in some recreational anglers not booking party/charter trips, which would have a negative impact on party/charter businesses, and other shoreside businesses that support the recreational fishery (e.g., bait and tackle shops, marinas). However, if the proposed action results in a decrease in fishing mortality relative to the status quo, then it could contribute to stock rebuilding. If this occurs, the long-term economic impacts of the proposed action would be positive. Further, in the long-term, the recreational fishery would benefit from the commercial closures discussed above if they successfully enhance spawning protection and increase stock rebuilding.

#### *Default Groundfish Specifications*

The proposed action would establish a mechanism for setting default catch limits in the event a management action is delayed. This is expected to have positive economic benefits, primarily for sector vessels, compared to the No Action option. Sector vessels are not allowed to fish without an allocation, so if no catch limits are specified for the fishing year, there would be severe negative economic impacts to the groundfish fishery. The proposed action is expected to avoid this situation that would otherwise occur if no action was taken.

The No Action option would not establish a mechanism for setting default catch limits

#### *Sector Carryover*

The proposed action would modify the provision that allows sectors to carryover unused allocation from one fishing year into the next fishing year. The economic impacts of the proposed action are likely minor, and similar to the status quo. In any fishing year, if the maximum available sector carryover is reduced from 10 percent, this could have a negative economic impact. However, the proposed action does not modify the accountability measure for sectors that requires any overages, even overages that result from harvesting available carryover, must be paid back. As a result, the proposed action is not expected to largely change sector operations compared to the status quo.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: March 3, 2015.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

■ 2. In § 648.2:

■ a. Remove the definition for “Gillnet gear capable of catching multispecies (for purposes of the interim action)”;

and ■ b. Lift the suspension of the definition for “Gillnet gear capable of catching multispecies” and revise it to read as follows:

§ 648.2 Definitions.

\* \* \* \* \*

Gillnet gear capable of catching multispecies means all gillnet gear except pelagic gillnet gear specified at § 648.81(f)(5)(ii) and pelagic gillnet gear that is designed to fish for and is used to fish for or catch tunas, swordfish, and sharks.

\* \* \* \* \*

§ 648.10 [Amended]

■ 3. In § 648.10, remove paragraphs (k)(3)(i)(A) and (B).

■ 4. In § 648.14:

■ a. Lift suspension of paragraphs (k)(6)(i)(E), (k)(7)(i)(A) and (B), (k)(12)(v)(E) and (F), (k)(12)(v)(K) and (L), (k)(13)(i)(D)(1) through (4), (k)(13)(ii)(B) through (D), (k)(13)(ii)(K) through (M), (k)(14)(viii), and (k)(16)(iii)(A) through (C), and (k)(16)(iii)(D) and (F);

■ b. Remove paragraphs (k)(6)(i)(H), (k)(7)(i)(H) through (J), (k)(12)(v)(K) through (N), (k)(13)(i)(D)(5) and (6), (k)(13)(ii)(K) through (P), (k)(14)(xii), and (k)(16)(iii)(D) through (H); and

■ c. Revise paragraphs (k)(6)(i)(E), (k)(7)(i)(A) and (B), (k)(12)(i) introductory text, (k)(13)(i) introductory text, (k)(16) introductory text, and (k)(16)(iii)(A) and (B) to read as follows:

§ 648.14 Prohibitions.

\* \* \* \* \*

- (k) \* \* \*
(6) \* \* \*
(i) \* \* \*

(E) Use, set, haul back, fish with, possess on board a vessel, unless stowed

and not available for immediate use as defined in § 648.2, or fail to remove, sink gillnet gear and other gillnet gear capable of catching NE multispecies, with the exception of single pelagic gillnets (as described in § 648.81(f)(5)(ii)), in the areas and for the times specified in § 648.80(g)(6)(i) and (ii), except as provided in § 648.80(g)(6)(i) and (ii), and § 648.81(f)(5)(ii), or unless otherwise authorized in writing by the Regional Administrator.

\* \* \* \* \*

- (7) \* \* \*
(i) \* \* \*

(A) Enter, be on a fishing vessel in, or fail to remove gear from the EEZ portion of the areas described in § 648.81(d)(1), (e)(1), (f)(4), and (g)(1), except as provided in § 648.81(d)(2), (e)(2), (f)(5), (g)(2), and (i).

(B) Fish for, harvest, possess, or land regulated species in or from the closed areas specified in § 648.81(a) through (f) and (n), unless otherwise specified in § 648.81(c)(2)(iii), (f)(5)(i), (f)(5)(iv), (f)(5)(viii) and (ix), (i), (n)(2)(i), or as authorized under § 648.85.

\* \* \* \* \*

- (12) \* \* \*

(i) It is unlawful for any person to:

\* \* \* \* \*

- (13) \* \* \*

(i) It is unlawful for any person to:

\* \* \* \* \*

(16) Recreational and charter/party requirements. It is unlawful for the owner or operator of a charter or party boat issued a valid Federal NE multispecies permit, or for a recreational vessel, as applicable, unless otherwise specified in § 648.17, to do any of the following if fishing under the recreational or charter/party regulations:

\* \* \* \* \*

- (iii) \* \* \*

(A) Fail to comply with the applicable restrictions if transiting the GOM Regulated Mesh Area with cod on board that was caught outside the GOM Regulated Mesh Area.

(B) Fail to comply with the requirements specified in § 648.81(f)(5)(v) when fishing in the areas described in § 648.81(d)(1), (e)(1), and (f)(4) during the time periods specified.

\* \* \* \* \*

■ 5. In § 648.80:

■ a. Lift suspension of paragraphs (a)(3)(vi), (a)(3)(viii), (a)(4)(iii), (a)(4)(ix), and (g)(6)(i) and (ii);

■ b. Remove paragraphs (a)(3)(viii) and (x), (a)(4)(ix) and (x), and (g)(6)(iii) and (iv); and

■ c. Revise paragraphs (g)(6)(i) and (ii) to read as follows:

§ 648.80 NE multispecies regulated mesh areas and restrictions on gear and methods of fishing.

\* \* \* \* \*

- (g) \* \* \*
(6) \* \* \*

(i) Requirements for gillnet gear capable of catching NE multispecies to reduce harbor porpoise takes. In addition to the requirements for gillnet fishing identified in this section, all persons owning or operating vessels in the EEZ that fish with sink gillnet gear and other gillnet gear capable of catching NE multispecies, with the exception of single pelagic gillnets (as described in § 648.81(f)(5)(ii)), must comply with the applicable provisions of the Harbor Porpoise Take Reduction Plan found in § 229.33 of this title.

(ii) Requirements for gillnet gear capable of catching NE multispecies to prevent large whale takes. In addition to the requirements for gillnet fishing identified in this section, all persons owning or operating vessels in the EEZ that fish with sink gillnet gear and other gillnet gear capable of catching NE multispecies, with the exception of single pelagic gillnets (as described in § 648.81(f)(5)(ii)), must comply with the applicable provisions of the Atlantic Large Whale Take Reduction Plan found in § 229.32 of this title.

\* \* \* \* \*

■ 6. In § 648.81:

■ a. Lift suspension of paragraphs (d)(1) through (4), (e)(1) and (2), (f)(1) and (2), and (g)(1)(i), and (o)(1)(iii), (iv), and (viii) through (x);

■ b. Remove paragraphs (d)(3) through (6), (e)(3) and (4), (g)(1)(vii), and (o); and

■ c. Revise paragraphs (d)(2), (e)(2), (f), (g)(2) introductory text, (g)(2)(i), and (i) to read as follows:

§ 648.81 NE multispecies closed areas and measures to protect EFH.

\* \* \* \* \*

- (d) \* \* \*

(2) Unless otherwise restricted under the EFH Closure(s) specified in paragraph (h) of this section, paragraph (d)(1) of this section does not apply to persons on fishing vessels or fishing vessels that meet the criteria in paragraphs (f)(5)(ii) through (v) of this section.

\* \* \* \* \*

- (e) \* \* \*

(2) Unless otherwise restricted under paragraph (h) of this section, paragraph (e)(1) of this section does not apply to persons on fishing vessels or fishing vessels that meet the criteria in paragraphs (f)(5)(ii) through (v) of this section consistent with the requirements specified under § 648.80(a)(5).

\* \* \* \* \*



(f) *GOM Cod Protection Closures.* (1) Unless otherwise allowed in this part, no fishing vessel or person on a fishing vessel may enter, fish in, or be in; and no fishing gear capable of catching NE multispecies may be in, or on board a vessel in GOM Cod Protection Closures I through V as described, and during the times specified, in paragraphs (f)(4)(i) through (v) of this section.

(2) Any vessel subject to a GOM Cod Protection Closure may transit the area, provided it complies with the requirements specified in paragraph (i) of this section.

(3) The New England Fishery Management Council shall review the GOM Cod Protection Closures Areas specified in this section when the spawning stock biomass for GOM cod reaches the minimum biomass threshold specified for the stock (50 percent of  $SSB_{MSY}$ ).

(4) *GOM Cod Protection Closure Areas.* Charts depicting these areas are available from the Regional Administrator upon request.

(i) *GOM Cod Protection Closure I.* From May 1 through May 31, the restrictions specified in paragraphs (f)(1) and (2) of this section apply to GOM Cod Protection Closure I, which is the area bounded by the following coordinates connected in the order stated by straight lines:

**GOM COD PROTECTION CLOSURE I**  
[May 1–May 31]

Point	N. latitude	W. longitude
CPCI 1 .....	43°30' N	(1)
CPCI 2 .....	43°30' N	69°30' W
CPCI 3 .....	43°00' N	69°30' W
CPCI 4 .....	43°00' N	70°00' W
CPCI 5 .....	42°30' N	70°00' W
CPCI 6 .....	42°30' N	70°30' W
CPCI 7 .....	42°20' N	70°30' W
CPCI 8 .....	42°20' N	(2) (3)
CPCI 1 .....	43°30' N	(1) (3)

<sup>1</sup> The intersection of 43°30' N latitude and the coastline of Maine.

<sup>2</sup> The intersection of 42°20' N latitude and the coastline of Massachusetts.

<sup>3</sup> From Point 8 back to Point 1 following the coastline of the United States.

(ii) *GOM Cod Protection Closure II.* From June 1 through June 30, the restrictions specified in paragraphs (f)(1) and (2) of this section apply to GOM Cod Protection Closure II, which is the area bounded by the following coordinates connected in the order stated by straight lines:

**GOM COD PROTECTION CLOSURE II**  
[June 1–June 30]

Point	N. latitude	W. longitude
CPCII 1 .....	(1)	69°30' W
CPCII 2 .....	43°30' N	69°30' W
CPCII 3 .....	43°30' N	70°00' W
CPCII 4 .....	42°30' N	70°00' W
CPCII 5 .....	42°30' N	70°30' W
CPCII 6 .....	42°20' N	70°30' W
CPCII 7 .....	42°20' N	(2) (3)
CPCII 8 .....	42°30' N	(4) (3)
CPCII 9 .....	42°30' N	70°30' W
CPCII 10 .....	43°00' N	70°30' W
CPCII 11 .....	43°00' N	(5) (6)
CPCII 1 .....	(1)	69°30' W (6)

<sup>1</sup> The intersection of 69°30' W longitude and the coastline of Maine.

<sup>2</sup> The intersection of 42°20' N latitude and the coastline of Massachusetts.

<sup>3</sup> From Point 7 to Point 8 following the coastline of Massachusetts.

<sup>4</sup> The intersection of 42°30' N latitude and the coastline of Massachusetts.

<sup>5</sup> The intersection of 43°00' N latitude and the coastline of New Hampshire.

<sup>6</sup> From Point 11 back to Point 1 following the coastlines of New Hampshire and Maine.

(iii) *GOM Cod Protection Closure III.* From November 1 through January 31, the restrictions specified in paragraphs (f)(1) and (2) of this section apply to GOM Cod Protection Closure III, which is the area bounded by the following coordinates connected in the order stated by straight lines:

**GOM COD PROTECTION CLOSURE III**  
[November 1–January 31]

Point	N. latitude	W. longitude
CPCIII 1 .....	42°30' N	(1)
CPCIII 2 .....	42°30' N	70°30' W
CPCIII 3 .....	42°15' N	70°30' W
CPCIII 4 .....	42°15' N	70°24' W
CPCIII 5 .....	42°00' N	70°24' W
CPCIII 6 .....	42°00' N	(2) (3)
CPCIII 1 .....	42°30' N	(1) (3)

<sup>1</sup> The intersection of 42°30' N latitude and the Massachusetts coastline.

<sup>2</sup> The intersection of 42°00' N latitude and the mainland Massachusetts coastline at Kingston, MA.

<sup>3</sup> From Point 6 back to Point 1 following the coastline of Massachusetts.

(iv) *GOM Cod Protection Closure IV.* From October 1 through October 31, the restrictions specified in paragraphs (f)(1) and (2) of this section apply to GOM Cod Protection Closure IV, which is the area bounded by the following coordinates connected in the order stated by straight lines:

**GOM COD PROTECTION CLOSURE IV**  
[October 1–October 31]

Point	N. latitude	W. longitude
CPCIV 1 .....	42°30' N	(1)

**GOM COD PROTECTION CLOSURE IV—Continued**  
[October 1–October 31]

Point	N. latitude	W. longitude
CPCIV 2 .....	42°30' N	70°00' W
CPCIV 3 .....	42°00' N	70°00' W
CPCIV 4 .....	42°00' N	(2) (3)
CPCIV 1 .....	42°30' N	(1) (3)

<sup>1</sup> The intersection of 42°30' N latitude and the Massachusetts coastline.

<sup>2</sup> The intersection of 42°00' N latitude and the mainland Massachusetts coastline at Kingston, MA.

<sup>3</sup> From Point 4 back to Point 1 following the coastline of Massachusetts.

(v) *GOM Cod Protection Closure V.* From March 1 through March 31, the restrictions specified in paragraphs (f)(1) and (2) of this section GOM Cod Protection Closure V, which is the area bounded by the following coordinates connected in the order stated by straight lines:

**GOM COD PROTECTION CLOSURE V**  
[March 1–March 31]

Point	N. latitude	W. longitude
CPCV 1 .....	42°30' N	70°00' W
CPCV 2 .....	42°30' N	68°30' W
CPCV 3 .....	42°00' N	68°30' W
CPCV 4 .....	42°00' N	70°00' W
CPCV 1 .....	42°30' N	70°00' W

(5) The GOM Cod Protection Closures specified in this section do not apply to persons aboard fishing vessels or fishing vessels that meet any of the following criteria:

(i) That have not been issued a multispecies permit and that are fishing exclusively in state waters;

(ii) That are fishing with or using exempted gear as defined under this part, except for pelagic gillnet gear capable of catching NE multispecies, unless fishing with a single pelagic gillnet not longer than 300 ft (91.4 m) and not greater than 6 ft (1.83 m) deep, with a maximum mesh size of 3 inches (7.6 cm), provided that:

(A) The net is attached to the boat and fished in the upper two-thirds of the water column;

(B) The net is marked with the owner's name and vessel identification number;

(C) There is no retention of regulated species; and

(D) There is no other gear on board capable of catching NE multispecies;

(iii) That are fishing in the Midwater Trawl Gear Exempted Fishery as specified in § 648.80(d);

(iv) That are fishing in the Purse Seine Gear Exempted Fishery as specified in § 648.80(e);

(v) That are fishing under charter/ party or recreational regulations specified in § 648.89, provided that:

(A) For vessels fishing under charter/ party regulations in a GOM Cod Protection Closure described under paragraph (f)(4) of this section, it has on board a letter of authorization issued by the Regional Administrator, which is valid from the date of enrollment through the duration of the closure or 3 months duration, whichever is greater; for vessels fishing under charter/ party regulations in the Cashes Ledge Closure Area or Western GOM Area Closure, as described under paragraphs (d) and (e) of this section, respectively, it has on board a letter of authorization issued by the Regional Administrator, which is valid from the date of enrollment until the end of the fishing year;

(B) Fish species managed by the NEFMC or MAFMC that are harvested or possessed by the vessel, are not sold or intended for trade, barter or sale, regardless of where the fish are caught;

(C) The vessel has no gear other than rod and reel or handline on board; and

(D) The vessel does not use any NE multispecies DAS during the entire period for which the letter of authorization is valid;

(vi) That are fishing with or using scallop dredge gear when fishing under a scallop DAS or when lawfully fishing in the Scallop Dredge Fishery Exemption Area as described in § 648.80(a)(11), provided the vessel does not retain any regulated NE multispecies during a trip, or on any part of a trip; or

(vii) That are fishing in the Raised Footrope Trawl Exempted Whiting Fishery, as specified in § 648.80(a)(15), or in the Small Mesh Area II Exemption Area, as specified in § 648.80(a)(9);

(viii) That are fishing on a sector trip, as defined in this part, and in the GOM Cod Protection Closures IV or V, as specified in paragraphs (f)(4)(vi) and (v) of this section; or

(ix) That are fishing under the provisions of a Northeast multispecies Handgear A permit, as specified at § 648.82(b)(6), and in the GOM Cod Protection Closures IV or V, as specified in paragraphs (f)(4)(vi) and (v) of this section.

(g) \* \* \*

(2) Paragraph (g)(1) of this section does not apply to persons on fishing vessels or to fishing vessels that meet any of the following criteria:

(i) That meet the criteria in paragraphs (f)(5)(i), (ii), or (iii) of this section;

\* \* \* \* \*

(i) *Transiting*. Unless otherwise restricted or specified in this paragraph

(i), a vessel may transit CA I, the Nantucket Lightship Closed Area, the Cashes Ledge Closed Area, the Western GOM Closure Area, the GOM Cod Protection Closures, the GB Seasonal Closure Area, the EFH Closure Areas, and the GOM Cod Spawning Protection Area, as defined in paragraphs (a)(1), (c)(1), (d)(1), (e)(1), (f)(4), (g)(1), (h)(1), and (n)(1), of this section, respectively, provided that its gear is stowed and not available for immediate use as defined in § 648.2. A vessel may transit CA II, as defined in paragraph (b)(1) of this section, in accordance with paragraph (b)(2)(iv) of this section. Private recreational or charter/ party vessels fishing under the Northeast multispecies provisions specified at § 648.89 may transit the GOM Cod Spawning Protection Area, as defined in paragraph (n)(1) of this section, provided all bait and hooks are removed from fishing rods, and any regulated species on board have been caught outside the GOM Cod Spawning Protection Area and has been gutted and stored.

\* \* \* \* \*

**§ 648.82 [Amended]**

■ 7. In § 648.82, lift suspension of paragraphs (b)(5) through (8) and remove paragraphs (b)(7) through (10).

**§ 648.85 [Amended]**

■ 8. In § 648.85, lift suspension of paragraphs (b)(6)(iv)(D) and (K) and remove paragraphs (b)(6)(iv)(K) and (L).

**§ 648.86 [Amended]**

■ 9. In § 648.86, lift suspension of paragraphs (b)(1) through (7) and remove paragraphs (b)(5) through (10).

■ 10. In § 648.87:

■ a. Lift suspension of paragraphs (b)(1)(v)(A), (b)(1)(ix), (b)(1)(x), (c)(2)(i), (c)(2)(ii)(A) and (B), (c)(2)(ii)(E), and (c)(2)(iii);

■ b. Remove paragraphs (b)(1)(v)(C), (b)(1)(x) and (xi), (c)(2)(ii)(E) through (G), and (c)(2)(iii) and (iv); and

■ c. Revise paragraphs (b)(1)(i)(C), (b)(1)(iii)(C), (c)(2)(i), and (c)(2)(ii)(B) to read as follows:

**§ 648.87 Sector allocation.**

\* \* \* \* \*

(b) \* \* \*

(1) \* \* \*

(i) \* \* \*

(C) *Carryover*. (1) With the exception of GB yellowtail flounder, a sector may carryover an amount of ACE equal to 10 percent of its original ACE for each stock that is unused at the end of one fishing year into the following fishing year, provided that the total unused sector ACE plus the overall ACL for the

following fishing year does not exceed the ABC for the fishing year in which the carryover may be harvested. If this total exceeds the ABC, NMFS shall adjust the maximum amount of unused ACE that a sector may carryover (down from 10 percent) to an amount equal to the ABC of the following fishing year. Any adjustments made would be applied to each sector based on its total unused ACE and proportional to the cumulative PSCs of vessels/permits participating in the sector for the particular fishing year, as described in paragraph (b)(1)(i)(E) of this section.

(i) *Eastern GB Stocks Carryover*. Any unused ACE allocated for Eastern GB stocks in accordance with paragraph (b)(1)(i)(B) of this section shall contribute to the carryover allowance for each stock, as specified in this paragraph (b)(1)(i)(C)(1), but shall not increase individual sector's allocation of Eastern GB stocks during the following year.

(ii) This carryover ACE remains effective during the subsequent fishing year even if vessels that contributed to the sector allocation during the previous fishing year are no longer participating in the same sector for the subsequent fishing year.

(2) *Carryover accounting*. (i) If the overall ACL for a particular stock is exceeded, the allowed carryover of a particular stock harvested by a sector, minus the NMFS-specified *de minimis* amount, shall be counted against the sector's ACE for purposes of determining an overage subject to the AM in paragraph (b)(1)(iii) of this section.

(ii) *De Minimis Carryover Amount*. The *de minimis* carryover amount is one percent of the overall sector sub-ACL for the fishing year in which the carryover would be harvested. NMFS may change this *de minimis* carryover amount for any fishing year through notice consistent with the Administrative Procedure Act. The overall *de minimis* carryover amount would be applied to each sector proportional to the cumulative PSCs of vessels/permits participating in the sector for the particular fishing year, as described in (b)(1)(i)(E) of this section.

\* \* \* \* \*

(iii) \* \* \*

(C) *ACE buffer*. At the beginning of each fishing year, NMFS shall withhold 20 percent of a sector's ACE for each stock for a period of up to 61 days (*i.e.*, through June 30), unless otherwise specified by NMFS, to allow time to process any ACE transfers submitted at the end of the fishing year pursuant to paragraph (b)(1)(viii) of this section and

to determine whether the ACE allocated to any sector needs to be reduced, or any overage penalties need to be applied to individual permits/vessels in the current fishing year to accommodate an ACE overage by that sector during the previous fishing year, as specified in paragraph (b)(1)(iii) of this section. NMFS shall not withhold 20 percent of a sector's ACE at the beginning of a fishing year in which default specifications are in effect, as specified in § 648.90(a)(3).

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(i) *Regulations that may not be exempted for sector participants.* The Regional Administrator may not exempt participants in a sector from the following Federal fishing regulations: Specific times and areas within the NE multispecies year-round closure areas; permitting restrictions (e.g., vessel upgrades, etc.); gear restrictions designed to minimize habitat impacts (e.g., roller gear restrictions, etc.); reporting requirements; AMs specified in § 648.90(a)(5)(i)(D). For the purposes of this paragraph (c)(2)(i), the DAS reporting requirements specified in § 648.82; the SAP-specific reporting requirements specified in § 648.85; and the reporting requirements associated with a dockside monitoring program are not considered reporting requirements, and the Regional Administrator may exempt sector participants from these requirements as part of the approval of yearly operations plans. For the purpose of this paragraph (c)(2)(i), the Regional Administrator may not grant sector participants exemptions from the NE multispecies year-round closures areas defined as Essential Fish Habitat Closure Areas as defined in § 648.81(h); the Fippennies Ledge Area as defined in paragraph (c)(2)(i)(A) of this section; Closed Area I and Closed Area II, as defined in § 648.81(a) and (b), respectively, during the period February 16 through April 30; and the Western GOM Closure Area, as defined at § 648.81(e), where it overlaps with GOM Cod Protection Closures I through III, as defined in § 648.81(f)(4). This list may be modified through a framework adjustment, as specified in § 648.90.

\* \* \* \* \*

(ii) \* \* \*

(B) The GOM Cod Protection Closures IV and V specified in § 648.81(f)(4)(iv) and (v) and the GB Seasonal Closed Area specified in § 648.81(g)(1);

\* \* \* \* \*

**§ 648.88 [Amended]**

■ 11. In § 648.88, lift suspension of paragraphs (a)(1) and (3) and remove paragraphs (a)(3) and (4).

■ 12. In § 648.89:

■ a. Lift suspension of paragraphs (b)(3), (c)(1) and (2), (c)(8), and (e)(1) through (4);

■ b. Remove paragraphs (c)(2)(v), (c)(8) and (9), and (e)(4) through (7); and

■ c. Revise paragraphs (b), (c)(1), (c)(2)(i), (e)(1), and (f) to read as follows:

**§ 648.89 Recreational and charter/party vessel restrictions.**

\* \* \* \* \*

(b) *Recreational minimum fish sizes—*  
 (1) *Minimum fish sizes.* Unless further restricted under of this section, persons aboard charter/party vessels permitted under this part and not fishing under the NE multispecies DAS program or under the restrictions and conditions of an approved sector operations plan, and recreational fishing vessels in or possessing fish from the EEZ, may not possess fish smaller than the minimum fish sizes, measured in total length, as follows:

Species	Size (inches)
Cod:	
Inside the GOM Regulated Mesh Area <sup>1</sup> .	24 (63.7 cm).
Outside the GOM Regulated Mesh Area <sup>1</sup> .	22 (55.9 cm).
Haddock .....	18 (45.7 cm).
Pollock .....	19 (48.3 cm).
Witch flounder (gray sole) .....	14 (35.6 cm).
Yellowtail flounder .....	13 (33.0 cm).
American plaice (dab) .....	14 (35.6 cm).
Atlantic halibut .....	41 (104.1 cm).
Winter flounder (blackback) ..	12 (30.5 cm).
Redfish .....	9 (22.9 cm).

<sup>1</sup> GOM Regulated Mesh Area specified in § 648.80(a).

(2) *Exception.* Vessels may possess fillets less than the minimum size specified, if the fillets are taken from legal-sized fish and are not offered or intended for sale, trade or barter.

(3) Fish fillets, or parts of fish, must have at least 2 square inches (5.1 square cm) of skin on while possessed on board a vessel and at the time of landing in order to meet minimum size requirements. The skin must be contiguous and must allow ready identification of the fish species.

(c) *Possession Restrictions—*(1) *Recreational fishing vessels.* (i) Each person on a private recreational vessel may possess no more than 10 cod per day in, or harvested from, the EEZ when fishing outside of the GOM Regulated Mesh Area specified in § 648.80(a)(1).

(ii) When fishing in the GOM Regulated Mesh Area specified in

§ 648.80(a)(1), persons aboard private recreational fishing vessels may not fish for or possess any cod with the exception that private recreational vessels in possession of cod caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area, provided all bait and hooks are removed from fishing rods and any cod on board has been gutted and stored.

(iii) For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the number of fillets by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.

(iv) Cod harvested by recreational fishing vessels in or from the EEZ with more than one person aboard may be pooled in one or more containers. Compliance with the possession limit will be determined by dividing the number of fish on board by the number of persons on board. If there is a violation of the possession limit on board a vessel carrying more than one person, the violation shall be deemed to have been committed by the owner or operator of the vessel.

(v) Cod must be stored so as to be readily available for inspection.

(2) *Charter/party vessels.* (i) Persons aboard charter/party fishing vessels permitted under this part and not fishing under the NE multispecies DAS program or on a sector trip that are fishing in the GOM Regulated Mesh Area specified in § 648.80(a)(1) may not fish for, possess, or land any cod with the exception that charter/party vessels in possession of cod caught outside the GOM Regulated Mesh Area specified in § 648.80(a)(1) may transit this area, provided all bait and hooks are removed from fishing rods and any cod on board has been gutted and stored.

\* \* \* \* \*

(e) \* \* \*

(1) *GOM Closed Areas.* (i) A vessel fishing under charter/party regulations may not fish in the GOM closed areas specified in § 648.81(d)(1), (e)(1), and (f)(4) during the time periods specified in those paragraphs, unless the vessel has on board a valid letter of authorization issued by the Regional Administrator pursuant to § 648.81(f)(5)(v) and paragraph (e)(3) of this section. The conditions and restrictions of the letter of authorization must be complied with for a minimum of 3 months if the vessel fishes or intends to fish in the GOM Cod Protection Closures; or for the rest of the fishing year, beginning with the start of the participation period of the letter of

authorization, if the vessel fishes or intends to fish in the year-round GOM closure areas.

(ii) A vessel fishing under charter/party regulations may not fish in the GOM Cod Spawning Protection Area specified at § 648.81(n)(1) during the time period specified in that paragraph, unless the vessel complies with the requirements specified at § 648.81(n)(2)(iii).

\* \* \* \* \*

(f) *Recreational fishery AM*—(1) *Catch evaluation.* As soon as recreational catch data are available for the entire previous fishing year, the Regional Administrator will evaluate whether recreational catches exceed any of the sub-ACLs specified for the recreational fishery pursuant to § 648.90(a)(4). When evaluating recreational catch, the components of recreational catch that are used shall be the same as those used in the most recent assessment for that particular stock. To determine if any sub-ACL specified for the recreational fishery was exceeded, the Regional Administrator shall compare the 3-year average of recreational catch to the 3-year average of the recreational sub-ACL for each stock.

(2) *Reactive AM adjustment.* (i) If it is determined that any recreational sub-ACL was exceeded, as specified in paragraph (f)(1) of this section, the Regional Administrator, after consultation with the New England Fishery Management Council, shall develop measures necessary to prevent the recreational fishery from exceeding the appropriate sub-ACL in future years. Appropriate AMs for the recreational fishery, including adjustments to fishing season, minimum fish size, or possession limits, may be implemented in a manner consistent with the Administrative Procedure Act, with final measures published in the **Federal Register** no later than January when possible. Separate AMs shall be developed for the private and charter/party components of the recreational fishery.

(ii) The Regional Administrator shall not adjust the possession limit for GOM cod, under the reactive AM authority specified in paragraph (f)(2)(i) of this section, as long as possession of this stock is prohibited for the recreational fishery, as specified in paragraph (c) of this section.

(3) *Proactive AM adjustment.* (i) When necessary, the Regional Administrator, after consultation with the New England Fishery Management Council, may adjust recreational measures to ensure the recreational fishery achieves, but does not exceed

any recreational fishery sub-ACL in a future fishing year. Appropriate AMs for the recreational fishery, including adjustments to fishing season, minimum fish size, or possession limits, may be implemented in a manner consistent with the Administrative Procedure Act, with final measures published in the **Federal Register** prior to the start of the fishing year where possible. In specifying these AMs, the Regional Administrator shall take into account the non-binding prioritization of possible measures recommended by the Council: For cod, first increases to minimum fish sizes, then adjustments to seasons, followed by changes to bag limits; and for haddock, first increases to minimum size limits, then changes to bag limits, and then adjustments to seasons.

(ii) The Regional Administrator shall not adjust the possession limit for GOM cod, under the proactive AM authority specified in paragraph (f)(3)(i) of this section, as long as possession of this stock is prohibited for the recreational fishery, as specified in paragraph (c) of this section.

■ 13. In § 648.90, revise paragraphs (a)(2)(i) and (viii), (a)(3), and (a)(5)(i) introductory text to read as follows:

**§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.**

\* \* \* \* \*

(a) \* \* \*

(2) \* \* \*

(i) The NE multispecies PDT shall meet on or before September 30 every other year to perform a review of the fishery, using the most current scientific information available provided primarily from the NEFSC. Data provided by states, ASMFC, the USCG, and other sources may also be considered by the PDT. Based on this review, the PDT will develop ACLs for the upcoming fishing year(s) as described in paragraph (a)(4) of this section and develop options for consideration by the Council if necessary, on any changes, adjustments, or additions to DAS allocations, closed areas, or other measures necessary to rebuild overfished stocks and achieve the FMP goals and objectives.

\* \* \* \* \*

(iii) If the Regional Administrator concurs in the Council's recommendation, a final rule shall be published in the **Federal Register** on or about April 1 of each year, with the exception noted in paragraph (a)(2)(vii) of this section. If the Council fails to submit a recommendation to the Regional Administrator by February 1 that meets the FMP goals and objectives,

the Regional Administrator may publish as a proposed rule one of the options reviewed and not rejected by the Council, provided that the option meets the FMP objectives and is consistent with other applicable law. If, after considering public comment, the Regional Administrator decides to approve the option published as a proposed rule, the action will be published as a final rule in the **Federal Register**.

\* \* \* \* \*

(3) *Default OFLs, ABCs, and ACLs.* (i) Unless otherwise specified in this paragraph (a)(3), if final specifications are not published in the **Federal Register** for the start of a fishing year, as outlined in paragraph (a)(4) of this section, specifications for that fishing year shall be set at 35 percent of the previous year's specifications for each NE multispecies stock, including the U.S./Canada shared resources, for the period of time beginning on May 1 and ending on July 31, unless superseded by the final rule implementing the current year's specifications.

(ii) If the default specifications exceed the Council's recommendations for any stock for the current year, the specifications for that stock shall be reduced to the Council's recommendation through notice consistent with the Administrative Procedures Act.

(iii) These specifications shall be subdivided among the various sub-components of the fishery consistent with the ABC/ACL distribution adopted for the previous year's specifications.

\* \* \* \* \*

(5) \* \* \*

(i) *AMs for the NE multispecies commercial and recreational fisheries.* If the catch of regulated species or ocean pout by a sub-component of the NE multispecies fishery (*i.e.*, common pool vessels, sector vessels, or private recreational and charter/party vessels) exceeds the amount allocated to each sub-component, as specified in paragraph (a)(4)(iii)(H) of this section, then the applicable AM for that sub-component of the fishery shall take effect, pursuant to paragraphs (a)(5)(i)(A) through (C) of this section. In determining the applicability of AMs specified for a sub-component of the NE multispecies fishery in paragraphs (a)(5)(i)(A) through (C) of this section, the Regional Administrator shall consider available information regarding the catch of regulated species and ocean pout by each sub-component of the NE multispecies fishery, plus each sub-component's share of any overage of the overall ACL for a particular stock

caused by excessive catch by vessels or the Atlantic sea scallop fishery, as  
outside of the FMP, exempted fisheries,

specified in this paragraph (a)(5), as  
appropriate.

\* \* \* \* \*

[FR Doc. 2015-05383 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-22-P**

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.

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Document Number AMS–NOP–15–0004; NOP–15–03]

#### National Organic Program; Nominations for Task Force Members

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS) is soliciting nominees to participate in a task force to examine hydroponic and aquaponic practices and their alignment with the USDA organic regulations and the Organic Foods Production Act (OFPA). The USDA organic regulations do not include specific provisions for organic hydroponic or aquaponic production. However, these production systems have obtained certification under the USDA organic regulations by complying with the existing requirements for organic crop production. The task force will inform the National Organic Standards Board (NOSB) of their findings and advise on what practices should be allowed or restricted in organic hydroponic and aquaponic production.

**DATES:** Written nominations, with resumes, must be post-marked on or before May 8, 2015. Electronic submissions must be received on or before May 8, 2015.

**ADDRESSES:** Nominations should be sent to Rita Meade, USDA–AMS–NOP, 1400 Independence Avenue SW., Room 2648–So., Ag Stop 0268, Washington, DC 20250–0268 or via email to [Rita.Meade@ams.usda.gov](mailto:Rita.Meade@ams.usda.gov). Electronic submittals by email are preferred.

**FOR FURTHER INFORMATION CONTACT:** Mark Bradley, Assistant to the Deputy Administrator, National Organic Program, 1400 Independence Avenue SW., Room 2648, STOP 0268;

Washington, DC 20250–0268; Telephone (202) 720–3252; Fax: (202) 205–7808; email: [Mark.Bradley@ams.usda.gov](mailto:Mark.Bradley@ams.usda.gov).

#### SUPPLEMENTARY INFORMATION:

##### Why is this task force being formed?

The Organic Foods Production Act of 1990, as amended (7 U.S.C. 6501–6522) provides for the certification of agricultural products for human consumption. To implement this Act, AMS published the USDA organic regulations on December 20, 2000. The regulations provide for the certification of crops and livestock production and operations that handle and process agricultural products. Hydroponic and aquaponic operations are currently being certified under the USDA organic regulations.

Hydroponics is a method of growing plants using mineral nutrient solutions in water without soil. Terrestrial plants may be grown with their roots in the mineral nutrient solution only or in an inert medium, such as perlite, gravel, biochar, or coconut husk. Aquaponics combines the features of hydroponics and aquaculture. In these systems, the metabolic waste from fish tanks provides a source of nutrients for vegetables grown hydroponically. The USDA organic regulations do not include specific provisions for organic hydroponic or aquaponic production. However, there are certified organic operations observing the crop production requirements of the USDA organic regulations to produce organic crops via hydroponic or aquaponic growing methods. These operations, for example, must maintain water quality and use only approved inputs as fertilizers and pest control practices. Organic hydroponic production is allowed as long as the producer can demonstrate compliance with the USDA organic regulations.

In 2010, the NOSB provided recommendations to the NOP on Production Standards for Terrestrial Plants in Containers and Enclosures (Greenhouses). The NOSB recommended practice standards for growing terrestrial plants in containers using growing media rather than soil. The NOSB recommended not allowing organic hydroponic production because these systems are not soil based.

AMS is assembling a task force to assess the diversity of these soilless

production practices and advise on what specific practices may or may not be supported by the current USDA organic regulations.

##### What are the hydroponics task force's objectives and time requirements?

There are two main objectives of the task force: (i) To describe current hydroponic and aquaponic production methods used in organic production, and (ii) to assess whether these practices align with OFPA and the USDA organic regulations. The task force will prepare a report advising the NOSB on proposed standards or guidelines for hydroponic and aquaponic methods in organic agriculture. The report may be used to inform the NOSB on recommendations concerning hydroponic and aquaponic systems and for possible guidance or rulemaking by the NOP.

USDA will name the members of the task force approximately 120 days after the publication of this notice. The discussions between task force members will be conducted through electronic mail and conference calls with no requirement for travel. We expect the task force to present its completed report to the NOSB in the spring of 2016.

##### What are the minimum skills and experience requirements to be considered for this task force?

Candidates for the hydroponics and aquaponics task force should have 3 years of demonstrable work experience in hydroponic or aeroponic production in any of the following roles: Producer; researcher or scientist; consumer representative; conservationist; systems designer; organic inspector; or accredited certifying agent. Candidates with demonstrable knowledge of organic production or certification procedures are preferred.

Successful candidates should be familiar with the NOSB recommendation on *Production Standards for Terrestrial Plants in Containers and Enclosures (Greenhouses)*.

Persons interested in serving on this task force should submit their qualifications in a resume or curriculum vitae format. In addition to this information, candidates should submit, if applicable, a “declaration of interests” list. This list should state all direct commercial, financial, consulting, family, or personal relationships that

currently exist or have existed with business entities that may be regulated through any future rulemaking on these issues. The declaration of interests lists should cover activities undertaken by the candidate during the past 12 months.

**Authority:** 7 U.S.C. 6501–6522.

Dated: March 4, 2015.

**Rex A. Barnes,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2015–05403 Filed 3–6–15; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

March 4, 2015.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments regarding (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 assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW., Washington, DC, 20503. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by April 8, 2015. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

### Agricultural Marketing Service

**Title:** Regulations for the Inspection of Eggs.

**OMB Control Number:** 0581–0113.

**Summary of Collection:** Congress enacted the Egg Products Inspection Act (21 U.S.C. 1031–1056) (EPIA) to provide a mandatory inspection program to assure egg products are processed under sanitary conditions, are wholesome, unadulterated, and properly labeled; to control the disposition of dirty and checked shell eggs; to control unwholesome, adulterated, and inedible egg products and shell eggs that are unfit for human consumption; and to control the movement and disposition of imported shell eggs and egg products that are unwholesome and inedible. Regulations developed under 7 CFR part 57 provide the requirements and guidelines for the Department and industry needed to obtain compliance. The Agricultural Marketing Service (AMS) will collect information using several forms. Forms used to collect information provide method for measuring workload, record of compliance and non compliance and a basis to monitor the utilization of funds.

**Need and Use of the Information:**

AMS will use the information to assure compliance with the Act and regulations, to take administrative and regulatory action and to develop and revise cooperative agreements with the States, which conduct surveillance inspections of shell egg handlers and processors. If the information is not collected, AMS would not be able to control the processing, movement, and disposition of restricted shell eggs and egg products and take regulatory action in case of noncompliance.

**Description of Respondents:** Business or other for-profit; Federal Government; State, Local or Tribal Government.

**Number of Respondents:** 818.

**Frequency of Responses:**

Recordkeeping; Reporting: On occasion; Quarterly.

**Total Burden Hours:** 1,909.

### Agricultural Marketing Service

**Title:** Dairy Products Mandatory Sales Reporting.

**OMB Control Number:** 0581–0274.

**Summary of Collection:** The Mandatory Price Reporting Act of 2010 amended § 273(d) of the Agricultural Marketing Act of 1946, requiring the Secretary of Agriculture to establish an electronic reporting system for certain manufacturers of dairy products to report sales information under 7 CFR part 1170, the mandatory Dairy Product Mandatory Reporting Program. Data collection for cheddar cheese, butter, dry whey, or nonfat dry milk sales is limited to manufacturing plants producing annually 1 million pounds or more of one of the surveyed commodities specified in the program.

**Need and Use of the Information:**

Persons engaged in manufacturing dairy products are required to provide the Department of Agriculture (USDA) certain information, including the price, quantity, and moisture content, where applicable, of dairy products sold by the manufacturer. Various manufacturer reports are filed electronically on a weekly basis. Additional paper forms are filed by manufacturers on an annual basis to validate participation in the mandatory reporting program. Manufacturers and other persons storing dairy products must also report information on the quantity of dairy products stored. USDA publishes composites of the information obtained to help industry members make informed marketing decisions regarding dairy products. The information is also used to establish minimum prices for Class III and Class IV milk under Federal milk marketing orders. Without this information USDA would not be able to verify compliance with applicable regulations.

**Description of Respondents:**

Businesses—Cheddar Cheese, 40 lb. Blocks.

**Number of Respondents:** 181.

**Frequency of Responses:** Reporting: On occasion; Weekly; Annually.

**Total Burden Hours:** 2,331.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2015–05397 Filed 3–6–15; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### Request for Information: Summer Meal Programs Data Reporting Requirements

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice; request for information.

**SUMMARY:** The purpose of this Request for Information is to help the Food and Nutrition Service (FNS) better understand what sponsors and State agencies could regularly report to FNS to more adequately track participation in the summer meal programs. The current data reporting system for sponsors and State agencies was designed primarily to process meal claims and not to track program participation. FNS is interested in modifying the current reporting system to better identify the number of eligible children the programs are serving and assess the impacts of efforts to increase program participation. In order to develop proposed changes to reporting requirements, FNS is seeking information from all affected parties regarding current State agency and sponsor data reporting requirements. Specifically, FNS is interested in information about data that sites, sponsors, and State agencies currently collect but do not report to FNS, as well as the feasibility of obtaining currently reported data in a timelier manner. FNS is particularly interested in the opportunities and challenges associated with these changes.

**DATES:** To be assured of consideration, written information must be submitted or postmarked on or before June 8, 2015.

**ADDRESSES:** The Food and Nutrition Service, USDA, invites the submission of the requested information through one of the following methods:

- *Preferred method:* Submit information through the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submissions.
- *Mail:* Submissions should be addressed to Mandana Yousefi, Program Analyst, Child Nutrition Programs, Food and Nutrition Service, P.O. Box 66740, Saint Louis, MO 63166-6740.

All information properly and timely submitted, using one of the two methods described above, in response to this request for information will be included in the record and will be made available to the public on the internet at <http://www.regulations.gov>. Please be advised that the substance of the information provided and the identity of the individuals or entities submitting it will be subject to public disclosure.

**FOR FURTHER INFORMATION CONTACT:** Mandana Yousefi, Program Analyst, Child Nutrition Programs, Food and Nutrition Service, at 703-305-2590.

**SUPPLEMENTARY INFORMATION:** The Food and Nutrition Service's (FNS) summer meal programs play a critical role in ensuring that America's children have access to nutritious food. The summer

meal programs include meals served to children during the summer through either the Summer Food Service Program (SFSP) or the National School Lunch Program (NSLP) and School Breakfast Program (SBP). The SFSP is a Federal program, administered by State agencies, and operated locally by approved sponsors who provide free meals to children in low-income areas when school is not in session. Schools may provide meals to eligible children during the summer through either the SFSP or the NSLP and SBP. Schools that serve children meals during the summer through the NSLP and SBP can choose to only serve meals to children enrolled in summer school or utilize the Seamless Summer Option to provide meals to children in the general community.

The current data reporting system for sponsors and State agencies was designed primarily to process meal claims and not to track program participation. FNS is interested in modifying the current reporting system to better identify the number of eligible children the programs are serving and assess the impacts of efforts to increase program participation.

In addition to increasing the utility and accuracy of summer meal program data collection, FNS is also interested in ensuring that data is collected and reported to FNS in a timely manner. Although anecdotal information is collected during program operations, the current data reporting timeline does not provide FNS with accurate program participation information until several months after the programs are completed. Receiving more timely data would help FNS in its efforts to improve program access. FNS recognizes that because many State operating systems are more technologically advanced than when reporting requirements were first implemented, changes to improve the timeliness and utility of reporting requirements may be possible without imposing significant additional burden on sponsors or State agencies.

In order to assess FNS efforts to increase access to the summer meal programs, FNS would like to reexamine the current sponsor and State agency reporting requirements for meal claims and participation data, and the timeline for submitting this information. FNS is interested in obtaining feedback about the reporting requirements for the SFSP and for meals served during the summer through the NSLP and SBP.

In accordance with SFSP regulations at 7 CFR part 225, sponsors currently submit monthly claims to their State administering agencies to receive reimbursement. These are due within 60

days following the claim month. State agencies are required to submit data on SFSP participation using the FNS-418—Report of the Summer Food Service Program for Children—30 and 90 days following the month being reported.

Schools that provide summer meals to eligible children through the NSLP and SBP submit claims to the State agency using the same process as that used during the regular school year. State agencies report participation data on a monthly basis using the form FNS-10—Report of School Program Operations. This is the same form submitted by schools providing NSLP and SBP meals during the school year.

FNS' objective with this Request for Information is to receive input from a broad spectrum of parties that may be affected by changes to reporting requirements. These include site supervisors, sponsors, school food authorities, State agency officials, summer partners, and the general public. We are especially interested in current reporting and data collection purposes, methods, and outcomes used by State agencies, sponsors, and sites, which are in addition to those required for completing and submitting FNS-10 and FNS-418. Finally, FNS has an interest in working with sponsors and State agencies to collect data in a more comprehensive, timely manner while also minimizing additional reporting burden.

FNS intends to use the information it receives to propose modifications to the current reporting requirements. Information submitted will help FNS to modify the FNS-418 and FNS-10 to receive more concrete data at an earlier stage in the reporting process. FNS expects such changes to also require amendments to Program regulations.

To assist in the development of these changes, FNS is seeking input regarding the following questions. FNS welcomes comments to all questions below.

#### **Summer Food Service Program Reporting**

1. In order to more quickly assess participation during the summer, would it be possible for sponsors to submit meal claims fewer than 60 days from the month being claimed?

a. Would it be possible for them to submit meal claims within 30 days of the close of the claim month?

b. Would reducing this time frame impact the accuracy of the claims submitted? Please explain.

c. What challenges would arise due to a reduced submission period?

d. What additional technology and guidance would be required for State



agencies and sponsors to comply with new timeframes?

2. On average, what percentage of final meal claims have been modified annually since the initial claim? Are modified final meal claims usually higher or lower than the initial claims?

a. How often are meal claims revised?

b. Why are meal claims revised?

c. How often do sponsors appeal State imposed meal claim disallowances?

What are the outcomes of these appeals?

3. a. How accurate is the data for meals served which is submitted by the State agency in the 30-day report when compared with the subsequent 90-day report?

b. What accounts for the difference in actual (versus estimated) meals served between the 30-day and 90-day reports?

4. The FNS-418 only requires State agencies to report the number of sponsors, the number of sites, and the average daily attendance (ADA) of sponsors for the month of July.

a. Would it be feasible for States to report this for every month during the summer?

b. How much time would States need to report this to FNS after each month?

5. FNS currently collects the ADA of sponsors, which is calculated as the total number of meals served in a sponsor's primary meal service during the claim period divided by the number of operating or meal service days for that claim period.

a. Is this an effective method for calculating ADA?

b. Is the current reporting of ADA accurate at the sponsor and/or State level?

c. How could ADA be calculated more accurately?

6. FNS is interested in tracking the number of *unique* children that participate in the SFSP each day. Do you have any suggestions for how this information could be captured and reported?

7. FNS is interested in tracking the number of meals served through rural sites. Would it be feasible to separate "self-prep" meals served from "rural" meals served on the FNS-418?

8. In your State, do sponsors submit meal claims electronically or manually?

9. Are there any data that sponsors or State agencies currently collect that are not reported to FNS?

a. If yes, please describe these data and how they are used.

b. Would sponsors and State agencies be able to regularly report these data to FNS?

10. What are the best indicators or data elements to track changes to program participation from the previous summer?

11. Please provide any additional information that would assist FNS with understanding State agency and sponsor administrative capacities, and how to enhance the quality and utility of the data collected while also minimizing any additional reporting burden.

#### **National School Lunch Program and School Breakfast Program Summer Meal Reporting**

##### *Seamless Summer Option*

1. Are schools able to easily separate the meal claims for children served during the regular school year and children served through the Seamless Summer Option? Could these meals be separately tracked on the FNS-10?

2. Are there any State agency concerns about separately reporting meals served to children through the Seamless Summer Option?

3. Please provide any additional information that would assist FNS with understanding State agency and school administrative capacities, and how to enhance the quality and utility of the data collected while also minimizing the reporting burden. FNS is particularly interested in receiving feedback from State agencies that already separately track meals served through the Seamless Summer Option from those served through NSLP during the traditional school year.

##### *Serving Meals to Children Enrolled in Summer School*

1. For schools that do not participate in the SFSP or the Seamless Summer Option, but serve meals to children enrolled in summer school through the NSLP and SBP, would it be feasible to separately report the meals served to these children? Could these meals be separately tracked on the FNS-10?

2. Please provide any additional information that would assist FNS with understanding State agency and school administrative capacities, and how to enhance the quality and utility of the data collected while also minimizing any additional reporting burden.

FNS appreciates your thoughtful and responsive comments.

Dated: February 24, 2015.

**Audrey Rowe,**

*Administrator, Food and Nutrition Service.*

[FR Doc. 2015-05314 Filed 3-6-15; 8:45 am]

**BILLING CODE 3410-30-P**

## **DEPARTMENT OF AGRICULTURE**

### **Agency Information Collection Activities: Revision and Extension of Approved Collection; Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery**

March 4, 2015.

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** 30-Day notice of submission of information collection approval from the Office of Management and Budget and request for comments.

**SUMMARY:** As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the Department of Agriculture (USDA), the Food Safety and Inspection Service (FSIS) has submitted a Generic Information Collection Request (Generic ICR): "Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery" to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*).

**DATES:** Comments must be submitted by April 8, 2015.

**ADDRESSES:** Written comments may be submitted to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; *OIRA\_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602.

**FOR FURTHER INFORMATION CONTACT:** To request additional information, please contact Ruth Brown (202) 720-8958 or Charlene Parker (202) 720-8681.

#### **SUPPLEMENTARY INFORMATION:**

*Title:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

*Abstract:* The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service,

or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

The Agency received no comments in response to the 60-day notice published in the **Federal Register** on September 17, 2014 (79 FR 55745). No comments were received.

### **The Food Safety and Inspection Service—0583-0151**

*Current Actions:* Revision and Extension of Currently Approved Collection.

*Type of Review:* Revision and Extension.

*Affected Public:* Not-for-profit institutions.

*Average Expected Annual Number of Activities:* 10.

*Respondents:* 10,000.

*Annual Responses:* 10,000.

*Frequency of Response:* Once per request.

*Average Minutes per Response:* 60.

*Burden Hours:* 10,000.

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

Office of Management and Budget control number.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2015-05401 Filed 3-6-15; 8:45 am]

**BILLING CODE 3410-DM-P**

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## **DEPARTMENT OF AGRICULTURE**

### **Rural Housing Service**

#### **Rural Development Voucher Program**

**AGENCY:** Rural Housing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Agriculture (USDA) in fiscal year (FY) 2006 established the demonstration Rural Development Voucher Program (RDVP), as authorized under Section 542 of the Housing Act of 1949 as amended (42 U.S.C. 1490R) (without regard to Section 542(b)). This Notice informs the public of the general policies and procedures for the RDVP for FY 2015. Rural Development Vouchers are only available to low-income tenants of Rural Development (RD)-financed multi-family properties where the Rural Rental Housing loan (Section 515) has been prepaid (either through prepayment or foreclosure action), prior to the loan's maturity date.

**DATES:** In order for eligible tenants to participate, a voucher obligation form must be submitted within 10 months of the foreclosure or pre-payment.

**FOR FURTHER INFORMATION CONTACT:** Stephanie B.M. White, Director, Multi-Family Housing Portfolio Management Division, Rural Development, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 0782, Washington, DC 20250, telephone (202) 720-1615. Persons with hearing or speech impairments may access this number via TDD by calling the toll-free Federal Information Relay Service at (800) 877-8339.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

This Notice outlines the process for providing voucher assistance to eligible tenants when a property owner either prepays a Section 515 loan or USDA action results in a foreclosure after September 30, 2005.

##### **II. Design Features of the RDVP**

This section sets forth the design features of the RDVP, including the eligibility of tenants, the inspection of the housing units, and the calculation of the subsidy amount.

Rural Development Vouchers under this part are administered by the Rural Housing Service, an agency under the RD mission area, in accordance with requirements set forth in this Notice and further explained in, "The Rural Development Voucher Program Guide," which can be obtained by contacting any RD Office. Contact information for RD offices can be found at: <http://www.rurdev.usda.gov/StateOfficeAddresses.html>. These requirements are generally based on the housing choice voucher program regulations of the Department of Housing and Urban Development (HUD) set forth at 24 CFR part 982, unless otherwise noted by this Notice.

The RDVP is intended to offer protection to eligible Multi-Family Housing tenants in properties financed through RD's Section 515 Rural Rental Housing program (Section 515 property) who may be subject to economic hardship due to the property owner's prepayment of the RD mortgage. When the owner of a Section 515 property pays off the loan prior to the loan's maturity date (either through prepayment or foreclosure action), the RD affordable housing requirements and Rental Assistance (RA) subsidies generally cease to exist. Rents may increase, thereby making the housing unaffordable to tenants. Regardless, the tenant may become responsible for the full payment of rent when a prepayment occurs, whether or not the rent increases.

The Rural Development Voucher is intended to help tenants by providing an annual rental subsidy, renewable on the terms and conditions set forth herein and subject to the availability of funds, that will supplement the tenant's rent payment. This program enables a tenant to make an informed decision about remaining in the property, moving to a new property, or obtaining other financial housing assistance. Low-income tenants in the prepaying property are eligible to receive a voucher to use at their current rental property, or to take to any other rental unit in the United States and its territories. Tenants in properties foreclosed on by RD are eligible for a Rural Development Voucher under the same conditions as properties that go through the standard prepayment process.

There are some general limitations on the use of a voucher:

- The rental unit must pass a RD health and safety inspection, and the owner must be willing to accept a Rural Development Voucher.
- Rural Development Vouchers cannot be used for units in subsidized

housing, like Section 8 and public housing, where two housing subsidies would result. The Rural Development Voucher may be used for rental units in other properties financed by RD, but it cannot be used in combination with the RD RA program.

- The Rural Development Voucher may not be used to purchase a home.

- a. *Tenant Eligibility.* In order to be eligible for the Rural Development Voucher under this Notice, the tenant must meet the following conditions:

1. Be residing in the Section 515 project on the date of the prepayment of the Section 515 loan or foreclosure by RD;

2. Be a United States (U.S.) citizen, U.S. citizen national, or a resident alien that meets certain qualifications. In accordance with Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a), financial assistance under this voucher program can only be provided to a United States (U.S.) citizen, U.S. non-citizen national, or a resident alien that meets certain qualifications. RD considers the tenant who applies for the voucher under this Notice as the individual receiving the financial assistance from the voucher. Accordingly, the individual tenant who applies for a voucher under this program must submit the following documentation (42 U.S.C. 1436a(d)):

- i. For citizens, a written declaration of U.S. citizenship signed under the penalty of perjury. RD may request verification of the declaration by requiring presentation of a U.S. passport, Social Security card, or other appropriate documentation, as determined by RD;

- ii. For non-citizens who are 62 years of age or older, the evidence consists of:

- A. A signed declaration of eligible immigration status; and

- B. Proof of age document; and

- iii. For all other non-citizens:

- A. A signed declaration of eligible immigration status;

- B. Alien registration documentation or other proof of immigration registration from the United States Citizenship and Immigration Services (USCIS) that contains the individual's alien admission number or alien file number; and

- C. A signed verification consent form that provides that evidence of eligible immigration status may be released to RD and USCIS for purposes of verifying the immigration status of the individual. RD shall provide a reasonable opportunity, not to exceed 30 days, for an individual to submit evidence indicating a satisfactory immigration status, or to appeal to the Immigration and Naturalization Service the

verification determination of the Immigration and Naturalization Service; and

3. Be a low-income tenant on the date of the prepayment or foreclosure. A low-income tenant is a tenant whose annual income does not exceed 80 percent of the tenant median income for the area as defined by HUD. HUD's definition of median income can be found at: [http://www.huduser.org/portal/datasets/il/il14/index\\_mfi.html](http://www.huduser.org/portal/datasets/il/il14/index_mfi.html).

During the prepayment or foreclosure process, RD will evaluate the tenant to determine if the tenant is low-income. If RD determines a tenant is low-income, then within 90 days following the foreclosure or prepayment, RD will send the tenant a letter offering the tenant a voucher and will enclose a Voucher Obligation Request Form and a citizenship declaration form. If the tenant wants to participate in the RDVP, the tenant has 10 months from the date of prepayment or foreclosure to return the Voucher Obligation Request Form and the citizenship declaration to the local RD Office. If RD determines that the tenant is ineligible, RD will provide administrative appeal rights in accordance with 7 CFR part 11.

- b. *Obtaining a Voucher.* RD will monitor the prepayment request process or foreclosure process, as applicable. As part of prepayment or foreclosure of the Section 515 property, RD will determine market rents in the housing market area prior to the date of prepayment or foreclosure. The market rents will be used to calculate the amount of the voucher each tenant is entitled to receive.

As noted above, all tenants will be notified if they are eligible and the amount of the voucher within 90 days following the date of prepayment or foreclosure. The tenant notice will include a description of the RDVP, a Voucher Obligation Request Form, and letter from RD offering the tenant participation in RDVP. The tenant has 10 months from the date of prepayment or foreclosure to return the Voucher Obligation Request Form and the signed citizenship declaration. Failure to submit the Voucher Obligation Request Form and the signed citizenship declaration within the required timeframes eliminates the tenant's opportunity to receive a voucher. A tenant's failure to respond within the required timeframes is not appealable.

Once the tenant returns the Voucher Obligation Request Form and the citizenship declaration to RD, a voucher will be issued within 30 days subject to the availability of funding. All information necessary for a housing search, explanations of unit

acceptability, and RD contact information will be provided by RD to the tenant after the Voucher Obligation Request Form and citizenship declaration are received. In cases where the foreclosure sale yields no successful bidders and the property enters RD inventory, vouchers will only be offered upon the property's entry into inventory. The voucher cannot be used at an inventory property.

The tenant receiving a Rural Development Voucher has an initial period of 60 calendar days from issuance of the voucher to find a housing unit. At its discretion, RD may grant one or more extensions of the initial period for up to an additional 60 days. Generally, the maximum voucher period for any tenant participating in the RDVP is 120 days. RD will extend the voucher search period beyond the 120 days only if the tenant needs and requests an extension of the initial period as a reasonable accommodation to make the program accessible to a disabled family member. If the Rural Development Voucher remains unused after a period of 150 days from the date of original issuance, the Rural Development Voucher will become void, any funding will be cancelled, and the tenant will no longer be eligible to receive a Rural Development Voucher at that property.

If a tenant previously participated in the RDVP and was subsequently terminated, that tenant is ineligible for future participation in the RDVP.

- c. *Initial Lease Term.* The initial lease term for the housing unit where the tenant wishes to use the Rural Development Voucher must be for one year. The "initial lease" is the first lease signed by and between the tenant and the property owner.

- d. *Inspection of Units and Unit Approval.* Once the tenant finds a housing unit, Rural Development will inspect and determine if the housing standard is acceptable within 30 days of RD's receipt of the HUD Form 52517, "Request for Tenancy Approval Housing Choice Voucher Program" found at: <http://portal.hud.gov/hudportal/documents/huddoc?id=52517.pdf> and the Disclosure of Information on Lead-Based Paint Hazards. The inspection standards currently in effect for the RD Section 515 Multi-Family Housing program apply to the RDVP. RD must inspect the unit and ensure that the unit meets the housing inspection standards set forth at 7 CFR 3560.103. Under no circumstances will RD make voucher rental payments for any period of time prior to the date that RD physically inspects the unit and determines the unit meets the housing inspection

standards. In the case of properties financed by RD under the Section 515 program, RD will only accept the results of physical inspections performed no more than one year prior to the date of receipt by RD of Form HUD 52517, in order to make determinations on acceptable housing standards. Before approving tenancy or executing a Housing Assistance Payments contract, RD must first determine that the following conditions are met:

1. The unit has been inspected by RD and passes the housing standards inspection or has otherwise been found acceptable by RD, as noted previously; and

2. The lease includes the HUD Tenancy Addendum. A copy of the HUD Tenancy Addendum will be provided by RD when the tenant is informed he/she is eligible for a voucher.

Once the conditions in the above paragraph are met, RD will approve the unit for leasing. RD will then execute with the owner a Housing Assistance Payments (HAP) contract, Form HUD-52641. The HAP contract must be executed before Rural Development Voucher payments can be made. RD will attempt to execute the HAP contract on behalf of the tenant before the beginning of the lease term. In the event that this does not occur, the HAP contract may be executed up to 60 calendar days after the beginning of the lease term. If the HAP contract is executed during this 60-day period, RD will make retroactive housing assistance payments to the owner, on behalf of the tenant, to cover the portion of the approved lease term before execution of the HAP contract. The HAP contract and lease will need to be revised to the later effective date. RD will not execute a HAP contract that is dated prior to either the prepayment date of the Section 515 loan, or the date of foreclosure, as appropriate. Any HAP contract executed after the 60-day period will be considered untimely. If the failure to execute the HAP contract within the aforementioned 60-day period lies with the owner, as determined by RD, then RD will not pay any housing assistance payment to the owner for that period.

e. *Subsidy Calculations for Rural Development Vouchers.* As stated earlier, an eligible tenant will be notified of the maximum voucher amount within 90 days following prepayment or foreclosure. The maximum voucher amount for the RDVP is the difference between the market rent in the housing market area and the tenant's contribution on the date of the prepayment, as determined by RD. The voucher amount will be

based on the market rent; the voucher amount will never exceed the market rent at the time of prepayment even if the tenant chooses to stay in-place.

Also, in no event will the Rural Development Voucher payment exceed the actual tenant lease rent. The amount of the voucher will not change either over time or if the tenant chooses to move to a more expensive location.

f. *Mobility and Portability of Rural Development Vouchers.* An eligible tenant that is issued a Rural Development Voucher may elect to use the voucher in the same project, or may choose to move to another location. The Rural Development Voucher may be used at the prepaid property or any other rental unit in the United States and its territories that passes RD physical inspection standards, and where the owner will accept a Rural Development Voucher and execute a Form HUD 52641. Both the tenant and landlord must inform RD if the tenant plans to move during the HAP agreement term, even to a new unit in the same complex. All moves (within a complex or to another complex) require a new voucher obligation form, a new inspection by RD, and a new HAP agreement. In addition, HUD Section 8 and federally-assisted public housing are excluded from the RDVP because those units are already federally subsidized; tenants with a Rural Development Voucher would have to give up the Rural Development Voucher to accept those other types of assistance at those properties. However, while the Rural Development Voucher may be used in other properties financed by RD, it cannot be used in combination with the RD RA program. Tenants with a Rural Development Voucher that apply for housing in an RD-financed property must choose between using the voucher or RA, if available. If the tenant relinquishes the Rural Development Voucher in favor of RA, the tenant is not eligible to receive another Rural Development Voucher while the tenant is receiving such RA.

g. *Term of Funding and Conditions for Renewal for Rural Development Vouchers.* The RDVP provides voucher assistance over 12 monthly payments. The voucher is issued to the household in the name of the primary tenant as the voucher holder. The voucher is not transferable from the voucher holder to any other household member, except in the case of the voucher holder's death or involuntary household separation, such as the incarceration of the voucher holder or transfer of the voucher holder to an assisted living or nursing home facility. Upon receiving documentation of such cases, the voucher may be

transferred at the Agency's discretion to another tenant on the voucher holder's lease.

The voucher is renewable subject to the availability of appropriations to the USDA. In order to renew a voucher, a tenant must return a signed Voucher Obligation Request Form, which will be sent to the tenant within 60–90 days before the current voucher expires. If the voucher holder fails to return the renewal Voucher Obligation Request Form before the current voucher funding expires, the voucher will be terminated and no renewal will occur.

In order to ensure continued eligibility to use the Rural Development Voucher, tenants must certify at the time they apply for renewal of the voucher that the current tenant income does not exceed the "maximum income level," which is 80 percent of family median income (a HUD dataset broken down by State, and then county). RD will advise the tenant of the maximum income level when the renewal Voucher Obligation Request Form is sent.

Renewal requests will enjoy no preference over other voucher requests, and will be processed as described in this Notice.

### III. Non-Discrimination Statement

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because of all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) or at any USDA Office, or call (866) 632-9992 to request the form. Send your completed complaint form or letter by mail to: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250; by fax at (202) 690-7442; or, by email at: [program.intake@usda.gov](mailto:program.intake@usda.gov). Individuals who are deaf, hard of hearing or have speech disabilities and who wish to file a program complaint should please contact USDA through the Federal Relay

Service at (800) 877-8339 or (800) 845-6136 (in Spanish). USDA is an equal opportunity provider and employer. The full "Non-Discrimination Statement" is found at: [http://www.usda.gov/wps/portal/usda/usdahome?navtype=Non\\_Discrimination](http://www.usda.gov/wps/portal/usda/usdahome?navtype=Non_Discrimination).

#### IV. Paperwork Reduction Act

The information collection requirements contained in this document are those of the Housing Choice Voucher Program, which have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2577-0169.

Dated: March 3, 2015.

**Tony Hernandez,**

*Administrator, Housing and Community Facilities Programs.*

[FR Doc. 2015-05433 Filed 3-6-15; 8:45 am]

BILLING CODE 3410-XV-P

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### Agency Information Collection Activities: Proposed Collection; Comment Requested—Review of Child Nutrition Data and Analysis for Program Management

**AGENCY:** Food and Nutrition Service (FNS), USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection. This is a new collection to review and document State and School Food Authority (SFA) National School Lunch Program (NSLP) and School Breakfast Program (SBP) Management Information Systems (MIS) in order to provide FNS with a baseline assessment of the MIS system and to inform FNS regarding how States and SFAs use data systems beyond fulfilling FNS reporting requirements.

**DATES:** Written comments on this notice must be received on or before May 8, 2015.

**ADDRESSES:** Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of

the methodology and assumptions that were 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 use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be submitted through one of the following methods:

- **Preferred method:** Submit information through the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submissions.
- **Mail:** Submissions should be addressed to Dennis Ranalli, Social Science Policy Analyst, Office of Policy Support, FNS, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be emailed to [dennis.ranalli@fns.usda.gov](mailto:dennis.ranalli@fns.usda.gov).

All information properly and timely submitted, using one of the methods described above, in response to this request will be included in the record and will be made available to the public on the Internet at <http://www.regulations.gov>. Please be advised that the substance of the information provided and the identity of the individuals or entities submitting it will be subject to public disclosure.

All written comments will be open for public inspection at the FNS office located at 3101 Park Center Drive, Alexandria, Virginia, 22302, Room 1014, during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday). All responses to this notice will be summarized and included in the request for Office of Management and Budget (OMB) approval. All comments will be a matter of public record.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this information collection should be directed to Dennis Ranalli at 703-305-2149 or [dennis.ranalli@fns.usda.gov](mailto:dennis.ranalli@fns.usda.gov).

#### SUPPLEMENTARY INFORMATION:

**Title:** Review of Child Nutrition Data and Analysis for Program Management.

**Form Number:** N/A.

**OMB Number:** Not yet assigned.

**Expiration Date:** Not yet determined.

**Type of Request:** New collection.

**Abstract:** The Richard B. Russell National School Lunch Act of 1946 and Child Nutrition Act of 1966 provide the legislative authority for the National School Lunch Program (NSLP) and School Breakfast Program (SBP). These programs provide federal financial

assistance and USDA foods to public and non-profit private schools and residential childcare institutions to facilitate serving meals that meet nutritional standards. At the State level, State education agencies (SEAs) administer NSLP/SBP. At the local level, School Food Authorities (SFAs) operate these programs through agreements with SFAs. SFAs use Management Information Systems (MIS) of varying levels of sophistication to collect the range of information required to implement and manage school food service programs.

The information SFAs collect include meal production, labor cost, food cost, inventory and other data needed to manage their operations. SFAs also collect reimbursable meal counts and other information for obtaining NSLP/SBP reimbursements and meeting State reporting requirements. SFAs are accountable for meeting NSLP/SBP standards, maintaining food safety standards, ensuring proper use of funds, and managing meal services within a budget.

Current State and federal data collection requirements for the NSLP/SBP have grown from manual paper-based reporting and early computer eras that were characterized by concerns to minimize paperwork and reporting burden. While SFAs collect a wide array of data to enhance local administration, SEAs request and aggregate a subset of this data and ultimately report only a small part of it to the Food and Nutrition Service (FNS) as State data.

The purpose of this study is to review and document the management information systems of State education agencies and School Food Authorities. Specifically, the study will present a baseline assessment of the MIS systems based on data collected:

- **Objective 1:** Determine the baseline "as is" functionality of State education agencies (SEA) and School Food Authority (SFA) National School Lunch Program (NSLP)/School Breakfast Program (SBP) data management information systems.

- **Objective 2:** Assess when State and local NSLP/SBP data management information systems were developed, and the expected longevity of these systems.

- **Objective 3:** Determine the typical costs of developing, maintaining, modifying and replacing State and local NSLP/SBP data management information systems.

- **Objective 4:** Outline the data elements that State and SFA NSLP/SBP data management systems collect and generate, beyond those reported to FNS,

to administer and manage the NSLP and SBP at the State and SFA levels.

- Objective 5: Assess what proportion of States and SFAs collect or generate NSLP/SBP management data that they do not report to FNS.

- Objective 6: Describe how long these data elements are retained and how frequently they are updated.

- Objective 7: Determine the functions that these data element serve. Describe the types of access, analysis, and standard or ad-hoc report generation supported by State and local NSLP/SBP data systems.

- Objective 8: Describe the technical and other challenges SFA and State administrators face in NSLP/SBP data collection, aggregation, and reporting. Describe the perceptions of these officials of the quality of the reported data.

The purpose of this project is to review and document SFA and State NSLP/SBP management information systems by conducting:

1. A census of all State agencies responsible for administering NSLP/SBP, and
2. A Web survey of a nationally representative sample of small, medium and large SFAs.

*Affected Public:* State, Local and Tribal Government. Respondent groups

identified include: (1) Data managers from State agencies that administer school meal programs in all 50 States and the District of Columbia and (2) a sample of SFA administrators or data managers.

*Estimated Number of Respondents:* The total estimated number of unique respondents is 5,091. FNS expects that one representative from each State school meals agency will participate in the State agency survey. In addition, FNS expects that two respondents from each SFA will be needed to complete the SFA survey because this survey will seek information on a range of aspects of the MIS of SFAs. Based on this, FNS estimates that the total number of unique respondents for this study will include 51 representatives from State school meals agencies; 4,032 administrators and data managers from small, medium, and large SFAs; and 1,008 non-respondents. The study will contact 2,520 SFAs with an expected response rate of 80%, which will result in 2,016 completed Web surveys.

*Estimated Frequency of Responses per Respondent:* 3.16.

*Estimated Total Annual Responses:* 16,062.

*Estimated Time per Response:* 10 minutes (0.17 hours). The estimated

response time varies from three minutes to one hour. The census of State school meal agencies will take 60 minutes (1 hour) to complete. All representatives will receive prior notification of the survey. The estimated burden of this notification is 5 minutes (0.08 hours). For the Web survey of SFAs, all potential respondents will receive prior notification, which will require 5 minutes (0.08 hours) to read. It is anticipated that two respondents from each SFA will respond—the administrator and data manager. Estimated time of response for SFA administrators is 12 minutes (0.2 hours). The estimated time of response for SFA data managers (or equivalent) is 48 minutes (0.8 hours). Estimated time for non-respondents is 3 minutes (0.05 hours). Non-respondents include those who attempt the survey but do not complete or decline to participate. There will be three follow-up activities for both the census and the Web survey. The estimated burden for each follow-up activity is 3 minutes (0.05 hours).

*Estimated Total Annual Burden on Respondents:* 2,743.09 hours.

See the table below for estimated total annual burden for each type of respondent.

Respondent	Estimated number respondent	Frequency of response (annually)	Total annual responses (col. bxc)	Estimated avg. number of hours per response	Estimated total hours (col. dxe)
<b>Census.</b>					
Census Notification .....	51	1	51	0.08	4.08
Representative of State school meals agencies .....	51	1	51	1.00	51.00
Census Follow-up 1 .....	36	1	36	0.05	1.79
Census Follow-up 2 .....	28	1	28	0.05	1.40
Census Follow-up 3 .....	20	1	20	0.05	1.02
<b>Web Survey</b>					
Survey Notification .....	2,520	1	2,520	0.08	201.60
School Food Authority Administrator .....	2,016	1	2,016	0.20	403.20
Survey Follow-up 1 (Administrator and Data Manager) .....	3,528	1	3,528	0.05	176.40
Survey Follow-up 2 (Administrator and Data Manager) .....	2,772	1	2,772	0.05	138.60
Survey Follow-up 3 (Administrator and Data Manager) .....	2,016	1	2,016	0.05	100.80
School Food Authority Data Manager (or equivalent) .....	2,016	1	2,016	0.80	1,612.80
School Food Authority Administrator (Attempted)—Non-Response .....	504	1	504	0.05	25.20
School Food Authority Data Manager (or equivalent)—Non-Response .....	504	1	504	0.05	25.20
<b>Total Reporting Burden .....</b>	<b>5,091</b>	<b>3.16</b>	<b>16,062</b>	<b>0.17</b>	<b>2,743.09</b>

Dated: February 19, 2015.

**Audrey Rowe,**

*Administrator, Food and Nutrition Service.*

[FR Doc. 2015-05315 Filed 3-6-15; 8:45 am]

**BILLING CODE 3410-30-P**

**DEPARTMENT OF AGRICULTURE****Food and Nutrition Service****Agency Information Collection  
Activities: Proposed Collection;  
Comment Request—WIC Participant  
and Program Characteristics Study****AGENCY:** Food and Nutrition Service, USDA.**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Food and Nutrition Service (FNS) invites the general public and other public agencies to comment on this proposed information collection. This collection is a new collection for the WIC Participant and Program Characteristics study.

**DATES:** Written comments on this notice must be received on or before May 8, 2015.

**ADDRESSES:** Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Jinee Burdg, Policy Analyst, Office of Policy Support, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Jinee Burdg at 703-305-2576 or via email to [jinee.burdg@fns.usda.gov](mailto:jinee.burdg@fns.usda.gov). Comments will also be accepted through the Federal eRulemaking Portal. Go to <http://www.regulations.gov>, and follow the online instructions for submitting comments electronically.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m. Monday through Friday) at 3101 Park Center Drive, Room 1014, Alexandria, VA 22302.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of this information collection should be directed to Jinee Burdg at 703-305-2744.

**SUPPLEMENTARY INFORMATION:**

*Title:* 2016 & 2018 WIC Participant and Program Characteristics Study.

*Form Number:* N/A.

*OMB Number:* 0584-NEW.

*Expiration Date:* Not yet determined.

*Type of Request:* New collection.

*Abstract:* The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) is administered by the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture (USDA). WIC benefits include nutritious supplemental foods; nutrition education; counseling, including breastfeeding promotion and support; and referrals to health care, social service, and other community providers for pregnant, breastfeeding, and postpartum women, infants, and children up to the age of 5 years. For pregnant women, WIC seeks to improve fetal development and reduce the incidence of low birth weight, short gestation, and anemia through intervention during the prenatal period. For infants and children, WIC seeks to provide nutritious foods during critical times of growth and development in an effort to prevent health problems and to improve the health status of these children.

WIC was established in 1972 by an amendment to the Child Nutrition Act of 1966. WIC is not an entitlement program. To receive WIC benefits, an individual must be categorically eligible: A pregnant, breastfeeding, or postpartum woman; an infant up to the age of 1 year; or a child age 1 through his or her fifth birthday. In addition, each applicant must be found to be income eligible and at nutritional risk. Eligible applicants receive supplemental food, usually in the form of vouchers, checks, or Electronic Benefits Transfer (EBT) cards that allow them to obtain specific types of food (for example, milk, juice, and cereal) from participating retail vendors at no charge.

Since 1988, FNS has produced biennial reports on participant and program characteristics in WIC. This information is used for general program monitoring as well as for managing the

information needs of the program. FNS uses this regularly updated WIC information to estimate budgets, submit civil rights reporting, identify needs for research, and review current and proposed WIC policies and procedures. This study will be the 15th and 16th completed in the WIC Participant and Program Characteristics (PC) Study series.

Like all biennial WIC PC reports since 1992, the 2016 and the 2018 reports (PC2016 and PC2018) employ the prototype reporting system developed by FNS in consultation with the Centers for Disease Control and Prevention (CDC) and WIC State Agencies that uses participant information compiled from State WIC administrative records. The reports, including PC2016 and PC 2018, contain information on a census of WIC participants in April of the reporting year, and provide information as summary statistics and maps.

The current system for reporting participant data is based on the automated transfer of an agreed-upon set of data elements. State WIC agencies download routinely collected information from their existing automated client and management information systems. State and local WIC staff use these data to certify applicant eligibility for WIC benefits and to issue food vouchers and checks. This set of 20 agreed-upon items is called the Minimum Data Set (MDS) and was developed by FNS working with the Information Committee of the National WIC Association (formerly the National Association of WIC Directors) and the Centers for Disease Control and Prevention (CDC). This minimum data set will be used for this study. The MDS consists of 20 items, and the Supplemental Data Set (SDS) consists of 11 items. State agencies can provide supplemental data if they are available.

*Affected Public:* State, Local, or Tribal Government.

*Type of Respondents:* State WIC Officials.

*Estimated Total Number of Respondents:* 90.

*Frequency of Response:* 8 annually.

*Estimated Total Annual Responses:* 712.

*Estimated Time per Respondent and Annual Burden:* 31 minutes (0.52 hours). The estimated time of response varies from 3 minutes (0.05 hours) for reminders to 60 minutes (1 hour) for running the reports. The total estimated annual burden is 370 hours.

Affected public/re-spondents	Data collection activity	Estimated number of respondents	Frequency of response	Total annual responses	Average burden hours per response	Total annual burden estimate (hours)
State WIC Agency Officials (2016).	MDS Reports .....	90	1	90	1	90
	SDS Reports .....	86	1	86	1	86
	Advance/Follow-up Communication	90	1	90	0.05	4.50
State WIC Agency Officials (2018).	Advance/Follow-up Communication	90	1	90	0.05	4.50
	MDS Reports .....	90	1	90	1	90
	SDS Reports .....	86	1	86	1	86
	Advance/Follow-up Communication	90	1	90	0.05	4.50
	Advance/Follow-up Communication	90	1	90	0.05	4.50
Total .....	.....	90	8	712	0.52	370

Dated: February 24, 2015.  
**Audrey Rowe**,  
*Administrator, Food and Nutrition Service.*  
 [FR Doc. 2015-05312 Filed 3-6-15; 8:45 am]  
**BILLING CODE 3410-30-P**

**COMMISSION ON CIVIL RIGHTS**

**Notice of Public Meeting of the Oklahoma Advisory Committee for a Meeting To Discuss and Vote Upon a Project Proposal Regarding the School to Prison Pipeline in Oklahoma**

**AGENCY:** U.S. Commission on Civil Rights.  
**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Oklahoma Advisory Committee (Committee) will hold a meeting on Friday, March 27, 2015, at 3 p.m. CST for the purpose of discussing and voting on a project proposal regarding the school to prison pipeline of Oklahoma girls, students of color, and students with disabilities.

Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number: 888-466-4462, conference ID: 7610695. Any interested member of the public may call this number and listen to the meeting. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing

impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-977-8339 and providing the Service with the conference call number and conference ID number.

Member of the public are also entitled to submit written comments; the comments must be received in the regional office by April 27, 2015. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353-8324, or emailed to Administrative Assistant, Carolyn Allen at *callen@usccr.gov*. Persons who desire additional information may contact the Midwestern Regional Office at (312) 353-8311.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Oklahoma Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov*, or may contact the Midwestern Regional Office at the above email or street address.

**Agenda**

*Welcome and Introductions*

3 p.m. to 3:05 p.m.  
 Vicki Limas, Chair

*Discussion of Proposal on School to Prison Pipeline in Oklahoma*

3:05 p.m. to 3:35 p.m.  
 Oklahoma Advisory Committee

*Planning Next Steps*

3:35 p.m. to 4 p.m.

*Adjournment*

4 p.m.

**Date:** The meeting will be held on Friday, March 27, 2015, at 3 p.m.  
**Public Call Information:**  
 Dial: 888-466-4462  
 Conference ID: 7610695

Dated March 3, 2015.  
**David Mussatt**,  
*Chief, Regional Programs Unit.*  
 [FR Doc. 2015-05275 Filed 3-6-15; 8:45 am]  
**BILLING CODE 6335-01-P**

**DEPARTMENT OF COMMERCE**

**Census Bureau**

**Census Advisory Committees; Notice of Meeting**

**AGENCY:** Bureau of the Census, Department of Commerce.  
**ACTION:** Notice of public meeting.

**SUMMARY:** The Bureau of the Census (Census Bureau) is giving notice of a meeting of the National Advisory Committee on Racial, Ethnic and Other Populations (NAC). The NAC will address census policies, research and methodology, tests, operations, communications/messaging and other activities to ascertain needs and best practices to improve censuses, surveys, operations and programs. The NAC will meet in a plenary session on March 26-27, 2015. Last-minute changes to the schedule are possible, which could prevent giving advance public notice of schedule adjustments. Please visit the Census Advisory Committees Web site for the most current meeting agenda at: *http://www.census.gov/cac/*.

**DATES:** March 26-27, 2015. On March 26, the meeting will begin at approximately 8:30 a.m. and end at approximately 5:00 p.m. On March 27, the meeting will begin at approximately



8:30 a.m. and end at approximately 1:30 p.m.

**ADDRESSES:** The meeting will be held at the U.S. Census Bureau, 4600 Silver Hill Road, Suitland, Maryland 20746.

**FOR FURTHER INFORMATION CONTACT:** Kim Collier, Assistant Division Chief, Customer Liaison and Marketing Services Office, [kimberly.l.collier@census.gov](mailto:kimberly.l.collier@census.gov), Department of Commerce, U.S. Census Bureau, Room 8H185, 4600 Silver Hill Road, Washington, DC 20233, telephone 301-763-6590. For TTY callers, please use the Federal Relay Service 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** The NAC comprises up to thirty-two members. The Committee provides an organized and continuing channel of communication between race, ethnic, and other populations and the Census Bureau. The Committee advises the Director of the Census Bureau on the full range of economic, housing, demographic, socioeconomic, linguistic, technological, methodological, geographic, behavioral and operational variables affecting the cost, accuracy and implementation of Census Bureau programs and surveys, including the decennial census.

The Committee is established in accordance with the Federal Advisory Committee Act (Title 5, United States Code, Appendix 2, Section 10(a)(b)).

All meetings are open to the public. A brief period will be set aside at the meeting for public comment on March 27. However, individuals with extensive questions or statements must submit them in writing to: [census.national.advisory.committee@census.gov](mailto:census.national.advisory.committee@census.gov) (subject line 'March 2015 NAC Meeting Public Comment'), or by letter submission to the Committee Liaison Officer, March 2015 NAC Meeting, Department of Commerce, U.S. Census Bureau, Room 8H185, 4600 Silver Hill Road, Washington, DC 20233.

If you plan to attend the meeting, please register by Monday, March 23. You may access the online registration from the following link: [http://www.regonline.com/nac\\_mar2015\\_meeting](http://www.regonline.com/nac_mar2015_meeting). Seating is available to the public on a first-come, first-served basis.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Committee point of contact as soon as possible, preferably two weeks prior to the meeting.

Due to increased security and for access to the meeting, please call 301-763-9906 upon arrival at the Census

Bureau on the day of the meeting. A photo ID must be presented in order to receive your visitor's badge. Visitors are not allowed beyond the first floor.

Dated: March 2, 2015.

**John H. Thompson,**  
Director, Bureau of the Census.

[FR Doc. 2015-05279 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-07P**

## DEPARTMENT OF COMMERCE

### Bureau of Economic Analysis

[Docket No. 150127081-5081-01]

RIN 0691-XC031

#### BE-29: Annual Survey of Foreign Ocean Carriers' Expenses in the United States

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of reporting requirements.

**SUMMARY:** By this notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Annual Survey of Foreign Ocean Carriers' Expenses in the United States (BE-29). This survey is authorized by the International Investment and Trade in Services Survey Act.

**SUPPLEMENTARY INFORMATION:** This notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 90 days after the end of each calendar year. This notice is being issued in conformance with the rule BEA issued in 2012 (77 FR 24373) establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE-29 survey forms and instructions are available on the BEA Web site at [www.bea.gov/ssb](http://www.bea.gov/ssb).

#### Definitions

(a) *Person* means any individual, branch, partnership, associated group,

association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the United States or subject to the jurisdiction of the United States.

(c) *United States*, when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

(d) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

(e) *Carriers* means owners or operators of dry cargo, passenger (including cruise and combination) and tanker vessels, including very large crude carriers (VLCCs), calling at U.S. ports.

(f) *Foreign Carriers* means those carriers whose residence is outside the United States, including those who own or operate their own chartered (U.S.-flag or foreign-flag) vessels. They also include foreign subsidiaries of U.S. companies operating their own or chartered vessels as carriers for their own accounts.

#### Reporting

**Who Must Report:** (a) Reports are required from U.S. agents of foreign carriers who handle 40 or more port calls in the reporting period by foreign ocean vessels, or have total annual covered expenses for all foreign ocean vessels handled by the U.S. agent of \$250,000 or more.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

**What To Report:** This survey collects information on foreign ocean carriers' expenses in the United States.

**How To Report:** Reports can be filed using BEA's electronic reporting system at [www.bea.gov/efile](http://www.bea.gov/efile). Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the BEA Web site given above. Form BE-29 inquiries can be made by phone to BEA at (202) 606-5588 or by sending an email to [be29help@bea.gov](mailto:be29help@bea.gov).

*When To Report:* Reports are due to BEA 90 days after the end of each calendar year.

### Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0012. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 3 hours per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0012, Washington, DC 20503.

**Authority:** 22 U.S.C. 3101–3108.

Dated: February 2, 2015.

**Brian C. Moyer,**

*Director, Bureau of Economic Analysis.*

[FR Doc. 2015–05343 Filed 3–6–15; 8:45 am]

**BILLING CODE 3510–06–P**

## DEPARTMENT OF COMMERCE

### Bureau of Economic Analysis

[Docket No. 150128087–5087–01]

RIN 0691–XC035

### BE–37: Quarterly Survey of U.S. Airline Operators' Foreign Revenues and Expenses

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of reporting requirements.

**SUMMARY:** By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting a mandatory survey titled Quarterly Survey of U.S. Airline Operators' Foreign Revenues and Expenses (BE–37). This survey is authorized by the International Investment and Trade in Services Survey Act.

**SUPPLEMENTARY INFORMATION:** This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 45 days after the end of each calendar quarter. This notice is being issued in conformance

with the rule BEA issued in 2012 (77 FR 24373) establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE–37 survey forms and instructions are available on the BEA Web site at [www.bea.gov/ssb](http://www.bea.gov/ssb).

### Definitions

(a) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the United States or subject to the jurisdiction of the United States.

(c) *United States*, when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

(d) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

### Reporting

**Who Must Report:** (a) Reports are required from each U.S. person whose total covered revenues or total covered expenses were \$500,000 or more during the previous year, or are expected to be \$500,000 or more during the current year.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

**What To Report:** The survey collects information on U.S. airline operators' foreign revenues and expenses.

**How To Report:** Reports can be filed using BEA's electronic reporting system at [www.bea.gov/efile](http://www.bea.gov/efile). Copies of the survey forms and instructions, which contain complete information on

reporting procedures and definitions, may be obtained at the BEA Web site given above. Form BE–30 inquiries can be made by phone to BEA at (202) 606–5588 or by sending an email to [be37help@bea.gov](mailto:be37help@bea.gov).

*When To Report:* Reports are due to BEA 45 days after the end of each calendar quarter.

### Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0011. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 4 hours per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0011, Washington, DC 20503.

**Authority:** 22 U.S.C. 3101–3108.

**Brian C. Moyer,**

*Director, Bureau of Economic Analysis.*

[FR Doc. 2015–05344 Filed 3–6–15; 8:45 am]

**BILLING CODE 3510–06–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–427–818]

### Low-Enriched Uranium From France; Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on low-enriched uranium (LEU) from France.<sup>1</sup> The period of review (POR) is February 1, 2013, through January 31, 2014. The review covers one producer/exporter of the subject merchandise, Eurodif S.A., AREVA NC, and AREVA NC, Inc. (collectively AREVA). The Department preliminarily determines that AREVA sold subject merchandise at less than

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 79 FR 18262 (April 1, 2014).

normal value in the United States during the POR. We invite interested parties to comment on these preliminary results.

**DATES:** *Effective Date:* March 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4261.

**SUPPLEMENTARY INFORMATION:**

**Scope of the Order**

The product covered by the order is all low-enriched uranium from France. Low-enriched uranium is enriched uranium hexafluoride (UF<sub>6</sub>) with a U<sup>235</sup> product assay of less than 20 percent that has not been converted into another chemical form, such as UO<sub>2</sub>, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including low-enriched uranium produced through the down-blending of highly enriched uranium).<sup>2</sup>

**Methodology**

The Department is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and it is available to all parties in the Central Records Unit in room 7046 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and electronic versions of the Preliminary Decision Memorandum are identical in content.

**Preliminary Determination**

AREVA timely filed a "no shipment" certification stating that they had no

<sup>2</sup> For a full description of the scope of the order, see "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Low-Enriched Uranium from France: 2013-2014" from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Enforcement and Compliance (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.

entries of subject merchandise during the POR. Global Nuclear Fuels-America (GNF-A)<sup>3</sup>, an interested party, submitted a separate response to the Department's initial questionnaire. Data that the Department obtained from CBP showed entries of LEU from AREVA during the POR. The Department issued two supplemental questionnaires to AREVA, and one supplemental questionnaire to GNF-A, and received a timely responses. The Department also requested and received entry documents from CBP.

Based on the questionnaire responses filed by AREVA and GNF-A, and information received from CBP, we preliminarily determine that, while the majority of the entries of LEU from France, identified in the import data from CBP, were either excluded from the order under the re-export provision of the scope or not subject to the order, AREVA did have shipments of merchandise subject to the antidumping order on LEU from France during the POR. The shipments in question were identified by AREVA as "sample sales," however the Department finds these to be bona fide sales, and therefore subject to antidumping order on LEU from France.<sup>4</sup>

**Facts Available**

For the preliminary results, we have relied, in part, on facts available. AREVA did not provide full responses to the Department initial questionnaire and did not provide sales and cost data requested in a supplemental.<sup>5</sup> Because we lack necessary AREVA sales and cost data, we determine that it is appropriate to apply "facts available" pursuant to section 776(a)(2)(B) of the Act. We further determine that an adverse inference is warranted in accordance with section 776(b) of the Act because, pursuant to section 782(e) of the Act, AREVA did not act to the best of its ability to comply with our requests for information and we do not have sufficient sales and cost information on the record to calculate a weighted-average dumping margin for AREVA. Because AREVA did not act to the best of its ability to respond to the Department's request for information, we have drawn an adverse inference in selecting from among the facts available, pursuant to 776(a) and (b) of the Act. For a full description of the methodology underlying our

<sup>3</sup> GNF-A is an importer of subject merchandise and fabricator of nuclear fuel for use in power plants outside the United States. For information regarding GNF-A see Preliminary Decision Memorandum at 2 and 3.

<sup>4</sup> See Preliminary Decision Memorandum at 3.

<sup>5</sup> See *id.*

conclusions, see Preliminary Decision Memorandum.

**Preliminary Results of Review**

As a result of this review, we preliminarily determine that the following weighted-average dumping margins on LEU from France exist for the period February 1, 2013, through January 31, 2014 at the following rates:

Producer or exporter	Weighted-average dumping margin (percent)
AREVA .....	30.22

**Assessment Rates**

Upon issuance of the final results, the Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries covered by this review. If we continue to rely on adverse facts available to establish AREVA's weighted-average dumping margin, then we will instruct CBP to assess antidumping duties for entries of subject merchandise during the POR which were produced and/or exported by AREVA at a rate equal to the weighted-average dumping margin found in the final results.

The Department clarified its "automatic assessment" regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by companies included in the final results of review for which these companies did not know that the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.<sup>6</sup>

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

**Cash Deposit Requirements**

The following deposit requirements will be effective for all shipments of LEU from France entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for AREVA will be equal to the weighted-average dumping margin established in the final results of this administrative review, except for entries which AREVA

<sup>6</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

claims to be excluded from the order under the re-export provision of the scope, which will require a cash deposit rate of zero percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 19.95 percent, the all-others rate established in the investigation.<sup>7</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Comments

Interested parties are invited to comment on these preliminary results and submit written arguments or case briefs within 30 days after the date of publication of this notice, unless otherwise notified by the Department.<sup>8</sup> Parties are reminded that written comments or case briefs are not the place for submitting new factual material. Rebuttal briefs, limited to issues raised in the case briefs, will be due five days later.<sup>9</sup> Parties that submit case or rebuttal briefs are requested to submit with each argument: (1) A statement of the issue; and (2) a brief summary of the argument. Parties are requested to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

Any interested party who wishes to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the day of publication of this notice. A request should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed.<sup>10</sup> Issues raised in the hearing will be limited to those raised in case briefs. The Department will issue the final results of administrative review, including the results of our analysis of issues raised in any briefs, within 90 days after the date on which the

preliminary results were issued, unless the deadline for the final results is extended.<sup>11</sup>

Submissions should be filed electronically via the Department's electronic records ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the deadline date for submission.

#### Notification to Importers

This notice serves as a preliminary reminder to the importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification to Interested Parties

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 2, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in Preliminary Decision Memorandum

1. Scope of the Order
2. Preliminary Determination
3. Facts Otherwise Available
4. Adverse Facts Available

[FR Doc. 2015-05470 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-83-2014]

#### Foreign-Trade Zone (FTZ) 7— Mayaguez, Puerto Rico; Authorization of Production Activity; IPR Pharmaceuticals, Inc.; (Pharmaceutical Products); Canóvanas, Puerto Rico

On November 3, 2014, the Puerto Rico Industrial Development Company, grantee of FTZ 7, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of IPR Pharmaceuticals, Inc., located within FTZ 7, in Canóvanas, Puerto Rico.

<sup>11</sup> See 19 CFR 351.213(h).

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 (79 FR 69832, November 24, 2014). 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: March 3, 2015.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2015-05489 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-842]

#### Large Residential Washers From Mexico: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2012-2014

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on large residential washers from Mexico. The period of review (POR) is August 3, 2012, through January 31, 2014. This review covers two companies, Electrolux Home Products Corp. N.V. and Electrolux Home Products de Mexico, S.A. de C.V. (collectively, Electrolux) and Samsung Electronics Mexico S.A. de C.V. (Samsung). We preliminarily determine that Electrolux made sales of subject merchandise at less than normal value. In addition, we preliminarily find that no shipments of subject merchandise were made by Samsung during the POR. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* March 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** Brian Smith or Brandon Custard, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1766 or (202) 482-1823.

<sup>7</sup> See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Low Enriched Uranium From France*, 67 FR 6680 (February 13, 2002).

<sup>8</sup> See 19 CFR 351.309(c)(ii).

<sup>9</sup> See 19 CFR 351.309(d).

<sup>10</sup> See 19 CFR 351.310(c).

**SUPPLEMENTARY INFORMATION:****Scope of the Order**

The products covered by the order are all large residential washers and certain subassemblies thereof from Mexico. The products are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff System of the United States (HTSUS). Products subject to this order may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.<sup>1</sup>

**Methodology**

The Department conducted this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).<sup>2</sup> ACCESS is available to registered users at <http://access.trade.gov> and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://>

<sup>1</sup> A full description of the scope of the order is contained in the memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Large Residential Washers from Mexico: Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review; 2012–2014" (Preliminary Decision Memorandum), dated concurrently with and adopted by this notice. The HTSUS numbers are revised from the numbers previously stated in the scope. See Memorandum to the File entitled "Changes to the HTS Numbers to the ACE Case Reference Files for the Antidumping Duty Orders," dated January 6, 2015.

<sup>2</sup> On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System ("IA ACCESS") to AD and CVD Centralized Electronic Service System ("ACCESS"). The Web site location was changed from <http://iaaccess.trade.gov> to <http://access.trade.gov>. The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

[enforcement.trade.gov/frn/](http://enforcement.trade.gov/frn/). The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

**Preliminary Determination of No Shipments**

Based on our analysis of U.S. Customs and Border Protection (CBP) information and information provided by Samsung, we preliminarily determine that Samsung had no shipments of the subject merchandise, and, therefore, no reviewable transactions, during the POR. For a full discussion of this determination, see the Preliminary Decision Memorandum.

**Preliminary Results of Review**

As a result of this review, the Department preliminarily determines that the following weighted-average dumping margin exists for Electrolux for the period August 3, 2012, through January 31, 2014:

Producer/exporter	Weighted-average dumping margin (percent)
Electrolux Home Products Corp. NV/Electrolux Home Products de Mexico, S.A. de C.V. ....	4.48

**Disclosure and Public Comment**

The Department intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days after the date of publication of this notice.<sup>3</sup> Interested parties may submit case briefs within 30 days of the date of publication of these preliminary results.<sup>4</sup> Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.<sup>5</sup> Parties submitting arguments in this proceeding are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>6</sup>

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of publication of this notice. To request a hearing, or to participate if one is requested, parties must submit a written request to the

<sup>3</sup> See 19 CFR 351.224(b).

<sup>4</sup> See 19 CFR 351.309(c).

<sup>5</sup> See 19 CFR 351.309(d); see also 19 CFR 351.303 (for general filing requirements).

<sup>6</sup> See 19 CFR 351.309(c)(2) and (d)(2).

Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce. Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. If a hearing is requested, the Department will notify interested parties of the hearing schedule. Issues raised in the hearing will be limited to those raised in the case and rebuttal briefs. All documents must be filed electronically using ACCESS.

The Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results, unless the deadline is extended.<sup>7</sup>

**Assessment Rate**

Upon issuance of the final results, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries, in accordance with 19 CFR 351.212. The Department intends to issue assessment instructions to CBP 41 days after the date of publication of the final results of this review.

Electrolux reported the names of the importers of record and the entered value for all of its sales to the United States during the POR. If Electrolux's weighted-average dumping margin is above *de minimis* (i.e., 0.50 percent), we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).<sup>8</sup> We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis*. Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The Department clarified its "automatic assessment" regulation on

<sup>7</sup> See section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

<sup>8</sup> In these preliminary results, the Department applied the assessment rate calculation method in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).

May 6, 2003.<sup>9</sup> If applicable, this clarification will apply to entries of subject merchandise during the POR produced by Electrolux, for which it did not know that its merchandise was destined for the United States. Furthermore, this clarification applies to all POR entries entered under the case number for Samsung if we continue to make a final determination of no shipments of subject merchandise because it certified that it made no POR shipments of subject merchandise for which it had knowledge of U.S. destination. In such instances, we will instruct CBP to liquidate these entries at the all-others rate established in the less-than fair-value (LTFV) investigation, 36.52 percent,<sup>10</sup> if there is no rate for the intermediary involved in the transaction. See *Assessment Policy Notice* for a full discussion of this clarification.

### Cash Deposit Requirements

The following deposit requirements will remain effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication as provided in section 751(a)(1) of the Act: (1) The cash deposit rate for Electrolux will be that rate established in the final results of this review; (2) for previously investigated companies not covered in this review, the cash deposit rate will continue to be the rate published for the LTFV investigation; (3) if the exporter is not a firm covered in this review, or the LTFV investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; (4) if neither the exporter nor the manufacturer is a firm covered in this review or the LTFV investigation, the cash deposit rate will continue to be the all-others rate established in the LTFV investigation, which is 36.52 percent.<sup>11</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR

351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Notification to Interested Parties

We are issuing and publishing these preliminary results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: March 2, 2015.

### Paul Piquado

*Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of Methodology
  - A. Preliminary Determination of No Shipments
  - B. Comparisons to Normal Value
  - C. Product Comparisons
  - D. Constructed Export Price
  - E. Normal Value
  - F. Currency Conversion
- V. Recommendation

[FR Doc. 2015-05472 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### Bureau of Economic Analysis

[Docket No. 150128091-5091-01]

RIN 0691-XC039

### BE-577: Quarterly Survey of U.S. Direct Investment Abroad—Transactions of U.S. Reporter With Foreign Affiliate

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of reporting requirements.

**SUMMARY:** By this notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of U.S. Direct Investment Abroad—Transactions of U.S. Reporter with Foreign Affiliate (BE-577). This survey is authorized by the International Investment and Trade in Services Survey Act.

**SUPPLEMENTARY INFORMATION:** This notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 30 days after the close of each calendar or fiscal quarter; 45 days if the report is for the final quarter of the financial reporting year. This notice is being issued in conformance with the rule BEA issued in 2012 (77 FR 24373) establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE-577 survey forms and instructions are available on the BEA Web site at [www.bea.gov/dia](http://www.bea.gov/dia).

### Definitions

(a) *United States*, when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

(b) *Foreign*, when used in a geographic sense, means that which is situated outside the United States or which belongs to or is characteristic of a country other than the United States.

(c) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(d) *Business enterprise* means any organization, association, branch, or venture that exists for profit making purposes or to otherwise secure economic advantage, and any ownership of any real estate.

### Reporting

*Who Must Report:* (a) Reports are required from each U.S. person that has a direct and/or indirect ownership interest of at least 10 percent of the

<sup>9</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

<sup>10</sup> See *Notice of Final Determination of Sales at Less Than Fair Value: Large Residential Washers from Mexico*, 77 FR 76288, 76291 (December 27, 2012).

<sup>11</sup> See *Large Residential Washers From Mexico and the Republic of Korea: Antidumping Duty Orders*, 78 FR 11148 (February 15, 2013).

voting stock in an incorporated foreign business enterprise, or an equivalent interest in an unincorporated foreign business enterprise, and that meets the additional conditions detailed in Form BE-577.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

**What To Report:** The survey collects information on transactions between parent companies and their affiliates and on direct investment positions (stocks).

**How To Report:** Reports can be filed using BEA's electronic reporting system at [www.bea.gov/efile](http://www.bea.gov/efile). Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the BEA Web site given above. Form BE-577 inquiries can be made by phone to (202) 606-5557 or by sending an email to [be577@bea.gov](mailto:be577@bea.gov).

**When To Report:** Reports are due to BEA 30 days after the close of each calendar or fiscal quarter; 45 days if the report is for the final quarter of the financial reporting year.

#### Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608-0004. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 1 hour per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608-0004, Washington, DC 20503.

**Authority:** 22 U.S.C. 3101-3108.

Dated: February 2, 2015.

**Brian C. Moyer,**

Director, Bureau of Economic Analysis.

[FR Doc. 2015-05354 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-06-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-810]

#### Stainless Steel Bar From India: Preliminary Results, and Rescission, in Part, of Antidumping Duty Administrative Review; 2013-2014

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel bar (SSB) from India. The period of review (POR) is February 1, 2013, through January 31, 2014. This review covers one exporter/producer of the subject merchandise, Bhansali Bright Bars Pvt. Ltd. (Bhansali). We preliminarily find that subject merchandise has not been sold at less than normal value (NV) during this POR. We are also rescinding this review for one other producer/exporter, Ambica Steels Limited (Ambica). We invite interested parties to comment on these preliminary results.

**DATES:** *Effective Date:* March 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** Joseph Shuler or Dana Mermelstein, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-1293 or (202) 482-1391, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Order

The merchandise subject to the order is SSB from India. The SSB subject to the order is currently classifiable under subheadings 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes. The written description is dispositive.<sup>1</sup>

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement

<sup>1</sup> A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Bar from India" dated concurrently with this notice (Preliminary Decision Memorandum), which is hereby adopted by this notice.

and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).<sup>2</sup> ACCESS is available to registered users at <http://access.trade.gov> and to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/index.html>. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

#### Partial Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), we are rescinding this administrative review with respect to Ambica because the review request was timely withdrawn.

#### Methodology

The Department has conducted this review in accordance with Section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772(a) of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusion, please *see* the Preliminary Decision Memorandum.

#### Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margin for the period February 1, 2013, through January 31, 2014.

Exporter/Manufacturer	Weighted-average dumping margin (percent)
Bhansali Bright Bars Pvt. Ltd. ....	0.00

#### Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.<sup>3</sup> Pursuant to 19 CFR 351.309(c), interested parties may submit cases

<sup>2</sup> On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (IA ACCESS) to AD and CVD Centralized Electronic Service System (ACCESS). The Web site location was changed from <http://iaaccess.trade.gov> to <http://access.trade.gov>. The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

<sup>3</sup> See 19 CFR 351.224(b).

briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.<sup>4</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>5</sup> Case and rebuttal briefs should be filed using ACCESS.<sup>6</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically *via* ACCESS. An electronically filed document must be received successfully in its entirety by 5 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.<sup>7</sup> Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, parties will be notified of the date and time for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, within 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

#### Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1).<sup>8</sup> The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of the final results of review.

For Bhansali, antidumping duties shall be assessed at rates equal to the

cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i).

Bhansali reported the name of the importer of record and the entered value for some of its sales to the United States during the POR. Pursuant to 19 CFR 351.212(b)(1), for these sales, if Bhansali's weighted-average dumping margin is above *de minimis* (*i.e.*, 0.50 percent) in the final results of this review, we will calculate importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales. Where Bhansali did not report entered value, we will calculate importer-specific assessment rates for the merchandise in question by aggregating the dumping margins calculated for all U.S. sales to each importer and dividing this amount by the total quantity of those sales.

The Department clarified its "automatic assessment" regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by Bhansali for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

#### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of SSB from India entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Bhansali will be the rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit

rate for all other manufacturers or exporters will continue to be 12.45 percent, the all-others rate established in *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from India*, 59 FR 66915, 66921 (December 28, 1994). These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 2, 2015.

**Paul Piquado,**

*Assistant Secretary, for Enforcement and Compliance.*

#### Appendix I

##### List of Topics Discussed in the Preliminary Decision Memorandum

Summary  
 Background  
 Partial Rescission  
 Scope of the Order  
 Discussion of the Methodology  
 Normal Value Comparisons  
 Product Comparisons  
 Date of Sale  
 Export Price  
 Level of Trade  
 Analysis of Home Market Sales Level of Trade  
 Analysis of U.S. Sales Level of Trade  
 Level of Trade Determination  
 Normal Value  
 Home Market Viability as Comparison Market  
 Cost of Production Analysis  
 Calculation of Cost of Production  
 Test of Comparison Market Sales Prices  
 Results of the COP Test  
 Calculation of Normal Value Based on Comparison Market Prices  
 Calculation of Normal Value Based on Constructed Value  
 Currency Conversion

[FR Doc. 2015-05487 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-DS-P**

<sup>4</sup> See 19 CFR 351.309(d).

<sup>5</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>6</sup> See 19 CFR 351.303.

<sup>7</sup> See 19 CFR 351.310(c).

<sup>8</sup> In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101 (February 14, 2012).



## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-552-802]

**Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review; 2013-2014**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** In response to requests from interested parties, the Department of Commerce (“Department”) is conducting the administrative review of the antidumping duty order on certain frozen warmwater shrimp from the Socialist Republic of Vietnam (“Vietnam”) for the period of review February 1, 2013, through January 31, 2014. The Department selected three mandatory respondents based on a sampling methodology, using the information available at the time of selection.<sup>1</sup> The Department preliminarily determines that sales of subject merchandise by the Minh Phu Group<sup>2</sup> and Thuan Phuoc<sup>3</sup> were made below normal value (“NV”). The Department preliminarily determines that sales of subject merchandise by Fimex VN<sup>4</sup> were not made below NV. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* March 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** Bob Palmer, Irene Gorelik, or Alexis Polovina, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-9068, (202) 482-6905, (202) 482-3927, respectively.

**SUPPLEMENTARY INFORMATION:**

<sup>1</sup> See Memorandum to: James Doyle, Director Antidumping and Countervailing Duty Operations, From: Alexis Polovina, International Trade Compliance Analyst, Office V Enforcement and Compliance, Re: Antidumping Duty Administrative Review of Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Respondent Selection Methodology and Sampling Pool for Selection of Respondents, dated October 3, 2014.

<sup>2</sup> Minh Phu Seafood Corporation, Minh Qui Seafood Co., Ltd., Minh Phat Seafood Co., Ltd., and Minh Phu Hau Giang Seafood Co., Ltd. (collectively, the “Minh Phu Group”).

<sup>3</sup> Thuan Phuoc Seafoods and Trading Corporation (“Thuoc”).

<sup>4</sup> Sao Ta Foods Joint Stock Company (“Fimex VN”).

**Scope of the Order**

The merchandise subject to the *Order*<sup>5</sup> is certain frozen warmwater shrimp. The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description, available in the Preliminary Decision Memorandum, remains dispositive.<sup>6</sup>

**Methodology**

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (“the Act”). Constructed export prices and export prices were calculated in accordance with section 772 of the Act. Because Vietnam is a nonmarket economy within the meaning of section 771(18) of the Act, NV was calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, see Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via the Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (“ACCESS”).<sup>7</sup> ACCESS is available to registered users at <http://access.trade.gov> and in the Central Records Unit, room 7046 of the main

<sup>5</sup> See *Certain Frozen Warmwater Shrimp From Brazil, India, the People’s Republic of China, Thailand, and the Socialist Republic of Vietnam: Amended Antidumping Duty Orders in Accordance with Final Court Decision*, 76 FR 23277 (April 26, 2011) (“*Order*”).

<sup>6</sup> For a complete description of the Scope of the Order, see Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, titled “Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam; 2013-2014,” dated concurrently with and adopted by this notice (“Preliminary Decision Memorandum”).

<sup>7</sup> On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance’s AD and CVD Centralized Electronic Service System (“IA ACCESS”) to AD and CVD Centralized Electronic Service System (“ACCESS”). The Web site location was changed from <http://iaaccess.trade.gov> to <http://access.trade.gov>. The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

**Preliminary Determination of No Shipments**

Based on our analysis of U.S. Customs and Border Protection (“CBP”) information and information provided by a number of companies, we preliminarily determine that eight companies<sup>8</sup> did not have any reviewable transactions during the POR. In addition, the Department finds, consistent with its refinement to its assessment practice in non-market economy cases, that it is appropriate not to rescind the review in part in these circumstances, but to complete the review with respect to these eight companies and issue appropriate instructions to CBP based on the final results of the review.<sup>9</sup> For additional information regarding this determination, see the Preliminary Decision Memorandum.

**Preliminary Results of Review**

The Department finds that 56 companies for which a review was requested have not established eligibility for a separate rate and, thus, they are considered to be part of the Vietnam-wide entity for these preliminary results.<sup>10</sup> The Department’s change in policy regarding conditional review of the Vietnam-wide entity applies to this administrative review.<sup>11</sup> Under this policy, the Vietnam-wide entity will not be under review unless a party specifically requests, or the Department self-initiates, a review of the entity. Because no party requested a review of the Vietnam-wide entity, the entity is not under review and the

<sup>8</sup> These eight companies are: (1) Bien Dong Seafood Co., Ltd. (“Bien Dong”); (2) BIM Foods Joint Stock Company; (3) Cafatex Fishery Joint Stock Corporation; (4) Camau Seafood Processing and Service Joint-stock Corporation (“CASES”); (5) Camranh Seafoods Co., Ltd.; (6) Nhat Duc Co., Ltd.; (7) Phu Cuong Jostco Seafood Corporation; and (8) Seavina Joint Stock Company (“Seavina”).

<sup>9</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011) (“*Assessment Notice*”); see also “Assessment Rates” section below.

<sup>10</sup> See Appendix II for a full list of the 56 companies; see also Preliminary Decision Memorandum, at 9-10.

<sup>11</sup> *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

entity's rate is not subject to change. For companies for which a review was requested and that have established eligibility for a separate rate, the Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter <sup>12</sup>	Weighted-average margin (percent)
Minh Phu Group: <sup>13</sup> .....	1.50
Minh Phu Seafood Corp., aka	
Minh Phu Seafood Corporation, aka	
Minh Phu Seafood Pte, aka	
Minh Phat Seafood Co., Ltd., aka	
Minh Qui Seafood Co., Ltd., aka	
Minh Qui Seafood, aka	
Minh Phu Hau Giang Seafood Joint Stock Company	
Sao Ta Foods Joint Stock Company ("Fimex VN"), aka .....	0.00
Sao Ta Foods Joint Stock Company, aka	
Fimex VN, aka	
Sao Ta Seafood Factory, aka	
Saota Seafood Factory	
Thuan Phuoc Seafoods and Trading Corporation, aka .....	1.06
Thuan Phuoc Corp., aka	
Frozen Seafoods Factory No. 32, aka	
Seafoods and Foodstuff Factory, aka	
Seafoods and Foodstuff Factory Vietnam, aka	
My Son Seafoods Factory	
Bac Lieu Fisheries Joint Stock Company, aka .....	0.93
Bac Lieu Fisheries Company Limited, aka	
Bac Lieu Fisheries Co., Ltd., aka	
Bac Lieu Fisheries Limited Company, aka	
Bac Lieu Fis	
Bentre Forestry and Aquaproduct Import-Export Joint Stock Company, aka .....	0.93
FAQUIMEX	
Camau Frozen Seafood Processing Import Export Corporation, aka .....	0.93
Camimex, aka	
Camau Seafood Factory No. 4, aka	
Camau Seafood Factory No. 5, aka	
Camau Frozen Seafood Processing Import Export Corp. (CAMIMEX-FAC 25), aka	
Frozen Factory No. 4	
C.P. Vietnam Corporation, aka .....	0.93
C.P. Vietnam Livestock Corporation, aka	
C.P. Vietnam Livestock Company Limited, aka	
C.P. Vietnam	
Cadovimex Seafood Import-Export and Processing Joint Stock Company, aka .....	0.93
Cai Doi Vam Seafood Import-Export Company, aka	
Caidovim Seafood Company (Cadovimex), aka	
Cadovimex-Vietnam	
Can Tho Import Export Fishery Limited Company, aka .....	0.93
CAFISH	
Fine Foods Co., aka .....	0.93
FFC	
Cuu Long Seaproducts Company, aka .....	0.93
Cuulong Seaproducts Company	
Cuu Long Seaproducts Limited, aka	
Cuulong Seapro aka	
Cuu Long Seapro	

<sup>12</sup> Due to the issues we have had in the past with variations of exporter names related to this Order, we remind exporters that the names listed below are the exact names, including spelling and punctuation which the Department will provide to CBP and which CBP will use to assess POR entries and collect cash deposits.

<sup>13</sup> The Department previously collapsed the companies within the Minh Phu Group in the sixth administrative review. See *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results of Administrative Review*, 77 FR 13547, 13549 (March 7, 2012), unchanged in *Certain Frozen Warmwater Shrimp*

*From the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 77 FR 55800 (September 11, 2012). In this review, the Department reevaluated the collapsed entity based on a corporate structure and name change of one of the collapsed companies, Minh Phu Hau Giang Seafood Co., Ltd. See "Memorandum to the File, through Catherine Bertrand, Program Manager, Office V, from Irene Gorelik, Senior Analyst, Office V, re: Collapsing Determination for the Minh Phu Seafood Corporation and its Affiliates, with Minh Phu Hau Giang Seafood Joint Stock Company," dated concurrently with this notice. In this

memorandum, the Department found that Minh Phu Hau Giang Seafood Joint Stock Company is affiliated with the the Minh Phu Group group of companies, and that they comprise a single entity. Therefore, we will assign this rate to the companies in the single entity. The company name and trade names formerly used by Minh Phu Hau Giang Seafood Joint Stock Company have not been included above, for cash deposit purposes, based on the business license submitted on the record. However, the former names will be included for liquidation purposes at the conclusion of this review.

Exporter <sup>12</sup>	Weighted-average margin (percent)
Gallant Ocean (Vietnam) Co., Ltd .....	0.93
Gallant Dachan Seafood Co., Ltd .....	0.93
Goldenquality Seafood Corporation .....	0.93
Hai Viet Corporation, aka .....	0.93
HAVICO	
Investment Commerce Fisheries Corporation, aka .....	0.93
Investment Commerce Fisheries Corp., aka	
Investment Commerce Fisheries, aka	
Incomfish, aka	
Incomfish Corp., aka	
Incomfish Corporation	
Kim Anh Company Limited, aka .....	0.93
Kim Anh Co, Ltd.	
Minh Cuong Seafood Import Export Frozen Processing Joint Stock Co, aka .....	0.93
Minh Cuong Seafood Import- Export Processing, aka	
MC Seafood	
Minh Hai Export Frozen Seafood Processing Joint-Stock Company, aka .....	0.93
Minh Hai Jostoco	
Minh Hai Joint-Stock Seafoods Processing Company, aka .....	0.93
Seaprodex Minh Hai, aka	
Sea Minh Hai, aka	
Seaprodex Min Hai, aka	
Seaprodex Minh Hai-Factory No. 78, aka	
Seaprodex Minh Hai (Minh Hai Joint Stock Seafoods Processing Co.), aka	
Seaprodex Minh Hai Workshop 1, aka	
Seaprodex Minh Hai Factory No. 69	
Minh Hai Sea Products Import Export Company, aka .....	0.93
Ca Mau Seafood Joint Stock Company, aka	
Seaprimexco Vietnam, aka	
Seaprimexco	
Nha Trang Fisheries Joint Stock Company, aka .....	0.93
Nha Trang Fisco aka	
Nhatrang Fisco, aka	
Nha Trang Fisheries, Joint Stock	
Nha Trang Seafoods Group: .....	0.93
Nha Trang Seaproduct Company, aka	
Nha Trang Seafoods, aka	
NT Seafoods Corporation, aka	
NT Seafoods, aka	
Nha Trang Seafoods—F89 Joint Stock Company, aka	
Nha Trang Seafoods—F89, aka	
NTSF Seafoods Joint Stock Company, aka	
NTSF Seafoods	
Ngoc Tri Seafood Joint Stock Company, aka .....	0.93
Ngoc Tri Seafood Company	
Phuong Nam Foodstuff Corp., aka .....	0.93
Phuong Nam Co., Ltd., aka	
Phuong Nam Foodstuff Product Processing Joint Stock Corporation, aka	
Phuong Namco-Ltd	
Quoc Viet Seaproducts Processing Trading and Import-Export Co., Ltd .....	0.93
Soc Trang Seafood Joint Stock Company, aka .....	0.93
Stapimex, aka	
Soc Trang Aquatic Products and General Import Export Company, aka	
Soc Trang Aquatic Products and General Import Export Company (“Stapimex”), aka	
Stapmex	
Tacvan Frozen Seafood Processing Export Company, aka .....	0.93
Tacvan Seafoods Co.	
Tan Phong Phu Seafoods Co., Ltd .....	0.93
Thong Thuan Company Limited, aka .....	0.93
T&T Co., Ltd	
UTXI Aquatic Products Processing Corporation, aka .....	0.93
UT XI Aquatic Products Processing Corporation, aka	
UTXI Aquatic Products Processing Company, aka	
UT XI Aquatic Products Processing Company, aka	
UTXI Co. Ltd., aka	
UTXI, aka	
UTXICO, aka	
Hoang Phuong Seafood Factory, aka	
Hoang Phong Seafood Factory	
Viet Foods Co., Ltd., aka .....	0.93
Nam Hai Foodstuff and Export Company Ltd.	
Vietnam Clean Seafood Corporation, aka .....	0.93
Vina Cleanfood	
Viet Hai Seafood Co., Ltd., aka .....	0.93
Vietnam Fish One Co., Ltd.	
Viet I-Mei Frozen Foods Co., Ltd .....	0.93

### Disclosure and Public Comment

The Department will disclose the calculations used in our analysis to parties in this review within five days of the date of publication of this notice. The Department intends to verify the information upon which we will rely for the final results. As such, the Department will establish the briefing schedule at a later time, and will notify parties of the schedule in accordance with 19 CFR 351.309. Parties who submit case briefs or rebuttal briefs are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>14</sup> Rebuttal briefs must be limited to issues raised in the case briefs.<sup>15</sup>

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>16</sup> Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing. Interested parties are invited to comment on the preliminary results of this review.

The Department intends to issue the final results of this administrative review, including the results of our analysis of issues raised in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**.

### Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.<sup>17</sup> The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. For any

individually examined respondent whose weighted average dumping margin is above *de minimis* (i.e., is 0.50 percent or more) in the final results of this review, the Department will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of sales, in accordance with 19 CFR 351.212(b)(1).<sup>18</sup> We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis*. Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. For the final results, if we continue to treat the 56 companies identified above as part of the Vietnam-wide entity, we will instruct CBP to apply an *ad valorem* assessment rate of 25.76 percent to all entries of subject merchandise during the POR which were produced and/or exported by those companies. The Department recently announced a refinement to its assessment practice in non-market economy cases. Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the Vietnam-wide rate. Additionally, if the Department determines that an exporter had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (i.e., at that exporter's rate) will be liquidated at the Vietnam-wide rate.<sup>19</sup>

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this

<sup>18</sup> In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

<sup>19</sup> For a full discussion of this practice, see *Assessment Notice*.

administrative review for shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above, which have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis*, then zero cash deposit will be required); (2) for previously investigated or reviewed Vietnam and non-Vietnam exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Vietnam exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the existing rate for the Vietnam-wide entity of 25.76 percent; and (4) for all non-Vietnam exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnam exporter that supplied that non-Vietnam exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: March 2, 2015.

**Paul Piquado,**

*Assistant Secretary, for Enforcement and Compliance.*

### Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Extension of Preliminary Results
4. Respondent Selection
5. Scope of the Order
6. Preliminary Determination of No Shipments
7. Non-Market Economy Country
8. Separate Rates
9. Sample Rate Calculation
10. Vietnam-Wide Entity

<sup>14</sup> See 19 CFR 351.309(c) and (d).

<sup>15</sup> See 19 CFR 351.309(d)(2).

<sup>16</sup> See 19 CFR 351.310(c).

<sup>17</sup> See 19 CFR 351.212(b).

11. Affiliation and Collapsing
12. Surrogate Country and Surrogate Value Data
13. Surrogate Country
14. Economic Comparability
15. Significant Producers of Comparable Merchandise
16. Data Availability
17. Public Availability and Broad-Market Average
18. Specificity
19. Contemporaneity and Tax and Duty Exclusive
20. Date of Sale
21. Determination of Comparison Method
22. Results of the Differential Pricing Analysis
23. U.S. Price
24. Normal Value
25. Factor Valuations
26. Currency Conversion

## Appendix II—Companies Subject To Review Determined To Be Part of the Vietnam-Wide Entity

1. An Giang Coffee JSC
2. Agrex Saigon
3. Amanda Foods (Vietnam) Ltd. Amanda Seafood Co., Ltd.
4. Amanda Foods (Vietnam) Ltd. Ngoc Tri Seafood Company (Amanda's affiliate)
5. Anvifish Joint Stock Co.
6. Binh An Seafood Joint Stock Company
7. Camimex Seafood Company Limited
8. Ca Mau Foods and Fishery Export Joint Stock Company
9. Can Tho Agricultural and Animal Products Import Export Company, aka, Can Tho Agricultural Products, aka Can Tho Agricultural and Animal Products Imex Company, aka CATACO, aka Can Tho Agricultural and Animal Product Import Export Company ("CATACO"), aka Can Tho Agricultural and Animal Product Import Export Company ("CATACO") and/or Can Tho Agricultural and Animal Products Import Export Company ("CATACO"), aka Can Tho Agricultural & Animal Product Import Export Company ("CATACO") and/or Can Tho Agricultural and Animal Products Import Export Company ("CATACO")
10. Can Tho Import Export Seafood Joint Stock Company, aka CASEAMEX
11. Cau Tre Enterprise (C.T.E.)
12. Cautre Export Goods Processing Joint Stock Company
13. Chang Shin Vietnam Co., Ltd.
14. CL Fish Co., Ltd. (Cuu Long Fish Company)
15. Cautre Export Goods Processing Joint Stock Company
16. Coastal Fisheries Development Corporation Coastal Fisheries Development Corporation ("COFIDEC") Coastal Fisheries Development Corporation ("Cofidec") Coastal Fishery Development COFIDEC
17. D & N Foods Processing (Danang Company Ltd.)
18. Danang Seaproduct Import-Export Corporation ("Seaprodex Danang") (and its affiliates) Danang Seaproducts Import Export Corporation Danang Seaproducts Import Export Corporation ("Seaprodex Danang") Danang Seaproducts Import-Export Corporation (and its affiliate, Tho Quang Seafood Processing and Export Company) (collectively "Seaprodex Danang") Tho Quang Tho Quang Co. Tho Quang Seafood Processing and Export Company Tho Quang Seafood Processing & Export Company Seaprodex Danang
19. Duy Dai Corporation
20. Gallant Ocean (Quang Ngai) Co., Ltd.
21. Gn Foods
22. Hai Thanh Food Company Ltd.
23. Hai Vuong Co., Ltd.
24. Hoa Phat Aquatic Products Processing And Trading Service Co., Ltd.
25. Hoang Hai Company Ltd.
26. Hua Heong Food Industries Vietnam Co. Ltd.
27. Interfood Shareholding Co.
28. Khanh Loi Seafood Factory
29. Kien Long Seafoods Co. Ltd.
30. Luan Vo Fishery Co., Ltd.
31. Lucky Shining Co., Ltd.
32. Minh Chau Imp. Exp. Seafood Processing Co., Ltd.
33. Mp Consol Co., Ltd.
34. Ngoc Chau Co., Ltd. and/or Ngoc Chau Seafood Processing Company
35. Ngoc Sinh Ngoc Sinh Seafoods Processing and Trading Enterprise Ngoc Sinh Fisheries Ngoc Sinh Private Ngoc Sinh Private Enterprises Ngoc Sinh Seafood Processing Company Ngoc Sinh Seafood Trading & Processing Ngoc Sinh Seafood Trading & Processing Enterprise Ngoc Sinh Seafoods Ngoc Sinh Seafoods (Private Enterprise) Ngoc Sinh Seafoods Processing and Trading Enterprises
36. Ngo Bros Seaproducts Import-Export One Member Company Limited ("Ngo Bros")
37. Quang Ninh Export Aquatic Products Processing Factory
38. Quang Ninh Seaproducts Factory
39. S.R.V. Freight Services Co., Ltd.
40. Sustainable Seafood
41. Tai Kim Anh Seafood Joint Stock Company
42. Tan Thang Loi Frozen Food Co., Ltd.
43. Thanh Doan Seaproducts Import & Export Processing Joint-Stock Company (THADIMEXCO)
44. Thanh Hung Frozen Seafood Processing Import Export Co., Ltd.
45. Thanh Tri Seafood Processing Co. Ltd.
46. The Quang Co.
47. The Quang Seafood Processing & Export Company
48. Thong Thuan-Cam Ranh Seafood Joint Stock Company
49. Tien Tien Garment Joint Stock Company
50. Tithi Co., Ltd.
51. Trang Corporation
52. Viet Cuong Seafood Processing Import Export Joint-Stock Company Viet Cuong Seafood Processing Import Export
53. Vietnam Northern Viking Technologies Co. Ltd.
54. Vinatex Danang
55. Vinh Hoan Corp.
56. Vinh Loi Import Export Company ("Vimexco"), aka Vinh Loi Import Export Company ("VIMEX"), aka VIMEXCO aka VIMEX aka Vinh Loi Import/Export Co., aka Vinhloi Import Export Company aka Vinh Loi Import-Export Company Vinh Loi Import Export Company ("Vimexco") and/or Vinh Loi Import Export Company ("VIMEX")

[FR Doc. 2015-05474 Filed 3-6-15; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-876, A-489-822]

### Welded Line Pipe From the Republic of Korea and the Republic of Turkey: Postponement of Preliminary Determinations of Antidumping Duty Investigations

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**FOR FURTHER INFORMATION CONTACT:** David Goldberger (Korea) (202) 482-4136, or Alice Maldonado (Turkey) (202) 482-4682; AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

### SUPPLEMENTARY INFORMATION:

#### Postponement of Preliminary Determinations

On November 5, 2014, the Department of Commerce (the Department) initiated antidumping duty investigations of imports of welded line pipe from the Republic of Korea (Korea) and the Republic of Turkey (Turkey).<sup>1</sup> The notice of initiation stated that we would issue our preliminary determinations no later than 140 days after the date of initiation. Currently, the preliminary

<sup>1</sup> See *Welded Line Pipe From the Republic of Korea and the Republic of Turkey: Initiation of Less-Than-Fair-Value Investigations*, 79 FR 68213 (November 14, 2014).

determinations in these investigations are due on March 25, 2015.

On February 24, 2015, American Cast Iron Pipe Company; Energex Tube, a division of JMC Steel Group; Northwest Pipe Company; Stupp Corporation, a division of Stupp Bros., Inc.; Tex-Tube Company; TMK IPSCO; and Welspun Tubular LLC USA, seven out of the eight U.S. producers on whose behalf the petitions in these cases were filed (hereafter, the petitioners) made timely requests, pursuant to section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.205(e), for a 50-day postponement of the preliminary determinations in the investigations.<sup>2</sup> The petitioners stated that a postponement of the preliminary determinations in both welded line pipe investigations is necessary because the Department has either initiated, or is currently considering whether to initiate, investigations of sales below the cost of production, and, thus, the Department will require additional time for analysis and data collection prior to the preliminary determinations.

Under section 733(c)(1)(A) of the Act, if a petitioner makes a timely request for an extension of the period within which the preliminary determination must be made under subsection (b)(1), then the Department may postpone making the preliminary determination under subsection (b)(1) until not later than the 190th day after the date on which the administering authority initiated the investigation. Therefore, for the reasons stated above, and because there are no compelling reasons to deny the petitioners' requests, the Department is postponing the preliminary determinations in these investigations until May 14, 2015, which is 190 days from the date on which the Department initiated these investigations.

The deadline for the final determinations will continue to be 75 days after the date of the preliminary determinations, unless extended.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: March 3, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2015-05488 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**Bureau of Economic Analysis**

**[Docket No. 150128089-5080-01]**

**XRIN 0691-XC037**

**BE-150: Quarterly Survey of Payment Card and Bank Card Transactions Related to International Travel**

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of Reporting Requirements.

**SUMMARY:** By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Payment Card and Bank Card Transactions Related to International Travel (BE-150). This survey is authorized by the International Investment and Trade in Services Survey Act.

**SUPPLEMENTARY INFORMATION:** This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 45 days after the end of each calendar quarter. This notice is being issued in conformance with the rule BEA issued in 2012 (77 FR 24373) establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE-150 survey forms and instructions are available on the BEA Web site at [www.bea.gov/ssb](http://www.bea.gov/ssb).

**Definitions**

(a) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the United States or subject to the jurisdiction of the United States.

(c) *United States*, when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

(d) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

**Reporting**

*Who Must Report:* (a) U.S. credit card companies and personal identification number (PIN)-based debit network companies that process payment and bank card transactions between U.S. cardholders and foreign businesses and between foreign cardholders and U.S. businesses.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

*What to Report:* The survey collects information on the credit, debit, charge, automated teller machine (ATM), and point of sale transactions of U.S. persons traveling abroad and foreign persons traveling in the United States.

*How to Report:* Reports can be filed using BEA's electronic reporting system at [www.bea.gov/efile](http://www.bea.gov/efile). Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the BEA Web site given above. Form BE-150 inquiries can be made by phone to BEA at (202) 606-5588 or by sending an email to [be150help@bea.gov](mailto:be150help@bea.gov).

*When to Report:* Reports are due to BEA 45 days after the end of the fiscal quarter.

**Paperwork Reduction Act Notice**

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608-0072. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 16 hours per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork

<sup>2</sup> See the petitioners' letters to the Department dated February 24, 2015.

Reduction Project 0608–0072, Washington, DC 20503.

**Authority:** 22 U.S.C. 3101–3108.

**Dated:** February 2, 2014.

**Brian C. Moyer,**

*Director, Bureau of Economic Analysis.*

[FR Doc. 2015–05412 Filed 3–6–15; 8:45 am]

**BILLING CODE 3510–06–P**

## DEPARTMENT OF COMMERCE

### Bureau of Economic Analysis

[Docket No. 150128090–5090–01]

RIN 0691–XC038

#### **BE–185: Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons**

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of Reporting Requirements.

**SUMMARY:** By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Financial Services Transactions Between U.S. Financial Services Providers and Foreign Persons (BE–185). This survey is authorized by the International Investment and Trade in Services Survey Act and by Section 5408 of the Omnibus Trade and Competitiveness Act of 1988.

**SUPPLEMENTARY INFORMATION:** This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 45 days after the end of the U.S. person's fiscal quarter, except for the final quarter of the U.S. person's fiscal year when reports must be filed within 90 days. This notice is being issued in conformance with the rule BEA issued in 2012 (77 FR 24373) establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described

separately in 15 CFR part 801. The BE–185 survey forms and instructions are available on the BEA Web site at [www.bea.gov/ssb](http://www.bea.gov/ssb).

#### **Definitions**

(a) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the United States or subject to the jurisdiction of the United States.

(c) *United States*, when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

(d) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

#### **Reporting**

*Who Must Report:* (a) Reports are required from each U.S. person who had sales of covered financial services to foreign persons that exceeded \$20 million for the previous fiscal year, or are expected to exceed that amount during the current fiscal year; or had purchases of covered financial services from foreign persons that exceeded \$15 million for the previous fiscal year, or are expected to exceed that amount during the current fiscal year. Because the thresholds are applied separately to sales and purchases, the reporting requirements may apply only to sales, only to purchases, or to both sales and purchases.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

*What to Report:* The survey collects information on transactions in the covered financial services between U.S. financial services providers and foreign persons.

*How to Report:* Reports can be filed using BEA's electronic reporting system at [www.bea.gov/efile](http://www.bea.gov/efile). Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the BEA Web site given above. Form BE–185 inquiries can

be made by phone to BEA at (202) 606–5588 or by sending an email to [be185help@bea.gov](mailto:be185help@bea.gov).

*When To Report:* Reports are due to BEA 45 days after the end of the fiscal quarter, except for the final quarter of the reporter's fiscal year when reports must be filed within 90 days.

#### **Paperwork Reduction Act Notice**

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608–0065. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 10 hours per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE–1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608–0065, Washington, DC 20503.

**Authority:** 22 U.S.C. 3101–3108 and 15 U.S.C. 4908(b).

**Dated:** February 2, 2015.

**Brian C. Moyer,**

*Director, Bureau of Economic Analysis.*

[FR Doc. 2015–05423 Filed 3–6–15; 8:45 am]

**BILLING CODE 3510–06–P**

## DEPARTMENT OF COMMERCE

### Bureau of Economic Analysis

[Docket No. 150128088–5088–01]

RIN 0691–XC036

#### **BE–125: Quarterly Survey of Transactions in Selected Services and Intellectual Property With Foreign Persons**

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of Reporting Requirements.

**SUMMARY:** By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Transactions in Selected Services and Intellectual Property with Foreign Persons (BE–125). This survey is authorized by the International Investment and Trade in Services Survey Act.

**SUPPLEMENTARY INFORMATION:** This Notice constitutes legal notification to

all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 45 days after the end of the U.S. person's fiscal quarter, except for the final quarter of the U.S. person's fiscal year when reports must be filed within 90 days. This notice is being issued in conformance with the rule BEA issued in 2012 (77 FR 24373) establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE-125 survey forms and instructions are available on the BEA Web site at [www.bea.gov/ssb](http://www.bea.gov/ssb).

#### Definitions

(a) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the United States or subject to the jurisdiction of the United States.

(c) *United States*, when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

(d) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

#### Reporting

*Who Must Report:* (a) Reports are required from each U.S. person who had sales of covered services or intellectual property to foreign persons that exceeded \$6 million for the previous fiscal year, or are expected to exceed that amount during the current fiscal year; or had purchases of covered

services or intellectual property from foreign persons that exceeded \$4 million for the previous fiscal year, or are expected to exceed that amount during the current fiscal year. Because the thresholds are applied separately to sales and purchases, the reporting requirements may apply only to sales, only to purchases, or to both sales and purchases.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

*What To Report:* The survey collects information on U.S. international trade in selected services and intellectual property.

*How To Report:* Reports can be filed using BEA's electronic reporting system at [www.bea.gov/efile](http://www.bea.gov/efile). Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the BEA Web site given above. Form BE-125 inquiries can be made by phone to BEA at (202) 606-5588 or by sending an email to [be125help@bea.gov](mailto:be125help@bea.gov).

*When To Report:* Reports are due to BEA 45 days after the end of the fiscal quarter, except for the final quarter of the reporter's fiscal year when reports must be filed within 90 days.

#### Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608-0067. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 16 hours per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608-0067, Washington, DC 20503.

**Authority:** 22 U.S.C. 3101-3108.

Dated: February 2, 2015.

**Brian C. Moyer,**

*Director, Bureau of Economic Analysis.*

[FR Doc. 2015-05425 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-06-P**

## DEPARTMENT OF COMMERCE

### Bureau of Economic Analysis

[Docket No. 150127080-5080-01]

RIN 0691-XC030

#### BE-605: Quarterly Survey of Foreign Direct Investment in the United States-Transactions of U.S. Affiliate With Foreign Parent

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of reporting requirements.

**SUMMARY:** By this notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate with Foreign Parent (BE-605). This survey is authorized by the International Investment and Trade in Services Survey Act.

**SUPPLEMENTARY INFORMATION:** This notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 30 days after the close of each calendar or fiscal quarter; 45 days if the report is for the final quarter of the financial reporting year. This notice is being issued in conformance with the rule BEA issued in 2012 (77 FR 24373) establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE-605 survey forms and instructions are available on the BEA Web site at [www.bea.gov/fdi](http://www.bea.gov/fdi).

#### Definitions

(a) *United States*, when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

(b) *Foreign*, when used in a geographic sense, means that which is



situated outside the United States or which belongs to or is characteristic of a country other than the United States.

(c) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(d) *Business enterprise* means any organization, association, branch, or venture that exists for profit making purposes or to otherwise secure economic advantage, and any ownership of any real estate.

### Reporting

*Who Must Report:* (a) Reports are required from each U.S. business enterprise in which a foreign person has a direct and/or indirect ownership interest of at least 10 percent of the voting stock if an incorporated business enterprise, or an equivalent interest if an unincorporated business enterprise, and that meets the additional conditions detailed in Form BE-605.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

*What To Report:* The survey collects information on transactions between parent companies and their affiliates and on direct investment positions (stocks).

*How To Report:* Reports can be filed using BEA's electronic reporting system at [www.bea.gov/efile](http://www.bea.gov/efile). Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the BEA Web site given above. Form BE-605 inquiries can be made by phone to (202) 606-5577 or by sending an email to [be605@bea.gov](mailto:be605@bea.gov).

*When To Report:* Reports are due to BEA 30 days after the close of each calendar or fiscal quarter; 45 days if the report is for the final quarter of the financial reporting year.

### Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608-0009. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number

assigned by OMB. Public reporting burden for this collection of information is estimated to average 1 hour per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608-0009, Washington, DC 20503.

**Authority:** 22 U.S.C. 3101-3108.

Dated: February 2, 2015.

**Brian C. Moyer,**

*Director, Bureau of Economic Analysis.*

[FR Doc. 2015-05327 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-06-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-552-814]

#### Utility Scale Wind Towers From the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review; 2013-2014

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce ("the Department") is conducting an administrative review of the antidumping duty order on utility scale wind towers ("wind towers"), from the Socialist Republic of Vietnam ("Vietnam"). The period of review ("POR") is February 13, 2013, through January 31, 2014. The review covers one mandatory respondent, CS Wind Vietnam and CS Wind Corporation ("collectively, CS Wind Group"). We preliminarily find that the respondent has not made sales below ("NV") during the POR. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* March 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** Trisha Tran, AD/CVD Operations, Office IV, Enforcement & Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-4852.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Order

The merchandise covered by this order are certain wind towers, whether or not tapered, and sections thereof.<sup>1</sup>

<sup>1</sup> See Memorandum from Christian Marsh Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado,

Merchandise covered by the order is currently classified in the Harmonized Tariff System of the United States ("HTSUS") under subheadings 7308.20.0020<sup>2</sup> or 8502.31.0000.<sup>3</sup> Prior to 2011, merchandise covered by the order was classified in the HTSUS under subheading 7308.20.0000 and may continue to be to some degree. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.<sup>4</sup>

### Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended ("the Act"). The Department calculated export prices in accordance with section 772 of the Act. Because Vietnam is a non-market economy ("NME") within the meaning of section 771(18) of the Act, the Department calculated NV in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System ("ACCESS").<sup>5</sup> ACCESS is available to registered users at <http://access.trade.gov>. The Preliminary Decision Memorandum is also available in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision

Assistant Secretary for Enforcement and Compliance, regarding "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Utility Scale Wind Towers from the Socialist Republic of Vietnam," ("Preliminary Decision Memorandum") issued and dated concurrently with this notice for a complete description of the Scope of the Order.

<sup>2</sup> Wind towers are classified under HTSUS 7308.20.0020 when imported as a tower or tower section(s) alone.

<sup>3</sup> Wind towers may also be classified under HTSUS 8502.31.0000 when imported as part of a wind turbine (*i.e.*, accompanying nacelles and/or rotor blades).

<sup>4</sup> See *Utility Scale Wind Towers From the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order*, 78 FR 11150 (February 15, 2013) ("Order").

<sup>5</sup> On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System ("IA ACCESS") to ("ACCESS"). The Web site location was changed from <http://iaaccess.trade.gov> to <http://access.trade.gov>. The Final Rule changing the references to ACCESS in the regulations can be found at 79 FR 69046 (November 20, 2014).

Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

### Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the period February 13, 2013, through January 31, 2014:

Exporter	Weighted-average dumping margin (percent)
The CS Wind Group .....	0.00

### Disclosure and Public Comment

The Department intends to disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.<sup>6</sup> Rebuttal briefs may be filed no later than five days after case briefs are filed and may respond only to arguments raised in the case briefs.<sup>7</sup> A table of contents, list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary should be limited to five pages total, including footnotes.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice.<sup>8</sup> Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. Oral argument presentations will be limited to issues raised in the briefs. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a date and time to be determined.<sup>9</sup> Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

All submissions, with limited exceptions, must be filed electronically using ACCESS.<sup>10</sup> An electronically filed document must be received successfully

in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time ("ET") on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.*, in paper form) with the APO/Dockets Unit in Room 1870 and stamped with the date and time of receipt by 5 p.m. ET on the due date.<sup>11</sup>

The Department intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

### Assessment Rates

Upon issuance of the final results of this review, the Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries covered by this review.<sup>12</sup> The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.*, 0.50 percent) in the final results of this review, the Department will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of antidumping duties calculated for the importer's examined sales and the total entered value of sales, in accordance with 19 CFR 351.212(b)(1). In these preliminary results, the Department applied the assessment rate calculation method adopted in the *Final Modification for Reviews*.<sup>13</sup> Where either the respondent's weighted-average dumping margin is zero or *de minimis*, or an importer- (or customer-) specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

On October 24, 2011, the Department announced a refinement to its assessment practice in NME antidumping duty cases.<sup>14</sup> Pursuant to

this refinement in practice, for merchandise that was not reported in the U.S. sales databases submitted by an exporter individually examined during this review, but that entered under the case number of that exporter (*i.e.*, at the individually-examined exporter's cash deposit rate), the Department will instruct CBP to liquidate such entries at the Vietnam-wide rate. Additionally, pursuant to this refinement, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number will be liquidated at the Vietnam-wide rate.

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the exporter listed above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is zero or *de minimis*, then the cash deposit rate will be zero for that exporter); (2) for previously investigated or reviewed Vietnamese and non-Vietnamese exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (3) for all Vietnamese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the Vietnamese-wide entity, 59.91 percent; and (4) for all non-Vietnamese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnamese exporter that supplied that non-Vietnamese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties

<sup>6</sup> See 19 CFR 351.309(c).

<sup>7</sup> See 19 CFR 351.309(d).

<sup>8</sup> See 19 CFR 351.310(c).

<sup>9</sup> See 19 CFR 351.310(d).

<sup>10</sup> See, generally, 19 CFR 351.303.

<sup>11</sup> See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

<sup>12</sup> See 19 CFR 351.212(b)(1).

<sup>13</sup> See *Antidumping Proceeding Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012) ("Final Modification for Reviews").

<sup>14</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: March 2, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Methodology
  - a. Non-Market Economy Country Status
  - b. Single-Entity Treatment
  - c. Bona Fide Sale Analysis
  - d. Separate Rates
  - e. Surrogate Country
  - f. Surrogate Value Comments
  - g. Date of Sale
  - h. Normal Value Comparisons
  - i. Determination of the Comparison Method
  - j. U.S. Price
  - k. Normal Value
  - l. Factor Valuations
  - m. Currency Conversion
5. Conclusion

[FR Doc. 2015-05287 Filed 3-6-15; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

[Docket Number: 150302201-5201-01]

RIN 0693-ZB09

#### Award Competitions for Hollings Manufacturing Extension Partnership (MEP) Centers in the States of Alaska, Idaho, Illinois, Minnesota, New Jersey, New York, Ohio, Oklahoma, Utah, Washington, West Virginia and Wisconsin

**AGENCY:** National Institute of Standards and Technology (NIST), United States Department of Commerce (DoC).

**ACTION:** Notice of funding availability.

**SUMMARY:** NIST invites applications from eligible organizations in connection with NIST's funding up to twelve (12) separate MEP cooperative agreements for the operation of an MEP Center in the designated States' service areas and in the funding amounts identified in the corresponding Federal Funding Opportunity (FFO). NIST anticipates awarding one (1) cooperative agreement for each of the identified States. The objective of the MEP Center Program is to provide manufacturing extension services to primarily small

and medium-sized manufacturers within the whole State designated in the applications. The selected organization will become part of the MEP national system of extension service providers, currently comprised of more than 400 Centers and field offices located throughout the United States and Puerto Rico.

**DATES:** Electronic applications must be received no later than 11:59 p.m. Eastern Time on Monday, June 1, 2015. Paper applications will not be accepted. Applications received after the deadline will not be reviewed or considered. The approximate start date for awards under this notice and the corresponding FFO is expected to be January 1, 2016.

**ADDRESSES:** Applications must be submitted electronically through [www.grants.gov](http://www.grants.gov). NIST will not accept applications submitted by mail, facsimile, or by email.

**FOR FURTHER INFORMATION CONTACT:** Administrative, budget, cost-sharing, and eligibility questions and other programmatic questions should be directed to Diane Henderson at Tel: (301) 975-5105; Email: [mepffo@nist.gov](mailto:mepffo@nist.gov); Fax: (301) 963-6556. Grants Administration questions should be addressed to: Jannet Cancino, Grants Management Division, National Institute of Standards and Technology, 100 Bureau Drive, Stop 1650, Gaithersburg, MD 20899-1650; Tel: (301) 975-6544; Email: [jannet.cancino@nist.gov](mailto:jannet.cancino@nist.gov); Fax: (301) 975-6368. For technical assistance with Grants.gov submissions contact Christopher Hunton at Tel: (301) 975-5718; Email: [christopher.hunton@nist.gov](mailto:christopher.hunton@nist.gov); Fax: (301) 975-8884. Questions submitted to NIST/MEP may be posted as part of an FAQ document, which will be periodically updated on the MEP Web site at <http://nist.gov/mep/ffo-state-competitions-02.cfm>.

#### SUPPLEMENTARY INFORMATION:

**Electronic access:** Applicants are strongly encouraged to read the corresponding FFO announcement available at [www.grants.gov](http://www.grants.gov) for complete information about this program, including all program requirements and instructions for applying electronically. Paper applications or electronic applications submitted other than through [www.grants.gov](http://www.grants.gov) will not be accepted. The FFO may be found by searching under the Catalog of Federal Domestic Assistance Name and Number provided below.

**Authority:** 15 U.S.C. 278k, as implemented in 15 CFR part 290.

*Catalog of Federal Domestic Assistance Name and Number:*

Manufacturing Extension Partnership—11.611.

**Webinar Information Session:** NIST/MEP will hold one or more webinar information sessions for organizations that are considering applying for this funding opportunity. These webinars will provide general information regarding MEP and offer general guidance on preparing proposals. NIST/MEP staff will be available at the webinars to answer general questions. During the webinars, proprietary technical discussions about specific project ideas will not be permitted. Also, NIST/MEP staff will not critique or provide feedback on any project ideas during the webinars or at any time before submission of a proposal to MEP. However, NIST/MEP staff will provide information about the MEP eligibility and cost-sharing requirements, evaluation criteria and selection factors, selection process, and the general characteristics of a competitive MEP proposal during this webinar. The webinars will be held approximately fifteen (15) to thirty (30) business days after posting of this notice and the corresponding FFO and publication of an abbreviated solicitation in the **Federal Register**. The exact dates and times of the webinars will be posted on the MEP Web site at <http://nist.gov/mep/ffo-state-competitions-02.cfm>. The webinars will be recorded, and a link to the recordings will be posted on the MEP Web site. In addition, the webinar presentations will be available after the webinars on the MEP Web site. Organizations wishing to participate in one or more of the webinars must register in advance by contacting MEP by email at [mepffo@nist.gov](mailto:mepffo@nist.gov). Participation in the webinars is not required in order for an organization to submit an application pursuant to this notice and the corresponding FFO.

**Program Description:** NIST invites applications from eligible organizations in connection with NIST's funding up to twelve (12) separate MEP cooperative agreements for the operation of an MEP Center in the designated States' service areas and in the funding amounts identified in Section II.2. of the corresponding FFO. NIST anticipates awarding one (1) cooperative agreement for each of the identified States. The objective of the MEP Center Program is to provide manufacturing extension services to primarily small and medium-sized manufacturers within the whole State designated in the applications. The selected organization will become part of the MEP national system of extension service providers, currently comprised of more than 400 Centers and

field offices located throughout the United States and Puerto Rico.

See the corresponding FFO for further information about the Manufacturing Extension Partnership and the MEP National Network.

The MEP Program is not a Federal research and development program. It is not the intent of the program that

awardees will perform systematic research.

To learn more about the MEP Program, please go to <http://www.nist.gov/mep/>.

**Funding Availability:** NIST anticipates funding twelve (12) MEP Center awards with an initial five-year period of performance in accordance with the multi-year funding policy

described in Section II.3. of the corresponding FFO. Initial funding for the projects listed in the corresponding FFO is contingent upon the availability of appropriated funds.

The table below lists the twelve (12) States identified for funding as part of this notice and the corresponding FFO and the estimated amount of funding available for each:

MEP Center location and assigned geographical service area (by State)	Annual Federal funding for each year of the award	Total Federal funding for 5 year award period
Alaska .....	\$500,000	\$2,500,000
Idaho .....	640,236	3,201,180
Illinois .....	5,029,910	25,149,550
Minnesota .....	2,653,649	13,268,245
New Jersey .....	2,814,432	14,072,160
New York .....	5,985,194	29,925,970
Ohio .....	5,246,822	26,234,110
Oklahoma .....	1,309,080	6,545,400
Utah .....	1,147,573	5,737,865
Washington .....	2,534,872	12,674,360
West Virginia .....	500,000	2,500,000
Wisconsin .....	3,250,792	16,253,960

Applicants may propose annual Federal funding amounts that are different from the anticipated annual Federal funding amounts set forth in the above table; provided, that the total amount of Federal funding being requested by an Applicant does not exceed the total amount of federal funding for the five-year award period as set forth in the above table. For example, if the anticipated annual Federal funding amount for an MEP Center is \$500,000 and the total Federal funding amount for the five-year award period is \$2,500,000, an Applicant may propose Federal funding amounts greater, less than, or equal to \$500,000 for any year or years of the award, so long as the total amount of Federal funding being requested by the Applicant for the entire five-year award period does not exceed \$2,500,000.

**Multi-Year Funding Policy.** When an application for a multi-year award is approved, funding will usually be provided for only the first year of the project. Recipients will be required to submit detailed budgets and budget narratives prior to the award of any continued funding. Continued funding for the remaining years of the project will be awarded by NIST on a non-competitive basis, and may be adjusted higher or lower from year-to-year of the award, contingent upon satisfactory performance, continued relevance to the mission and priorities of the program, and the availability of funds. Continuation of an award to extend the period of performance and/or to

increase or decrease funding is at the sole discretion of NIST.

**Potential for Additional 5 Years.** Initial awards issued pursuant to this notice and corresponding FFO are expected to be for up to five (5) years with the possibility for NIST to renew the award, on a non-competitive basis, for an additional 5 years at the end of the initial award period. The review processes in 15 CFR 290.8 will be used as part of the overall assessment of the recipient, consistent with the potential long-term nature and purpose of the program. In considering renewal for a second five-year, multi-year award term, NIST will evaluate the results of the annual reviews and the results of the 3rd Year peer-based Panel Review findings and recommendations as set forth in 15 CFR 290.8, as well as the Center's progress in addressing findings and recommendations made during the various reviews. The full process is expected to include programmatic, policy, financial, administrative, and responsibility assessments, and the availability of funds, consistent with Department of Commerce and NIST policies and procedures in effect at that time.

#### Kick-Off Conferences

Each recipient will be required to attend a kick-off conference, which will be held at the beginning of the project period, to help ensure that the MEP Center operator has a clear understanding of the program and its components. The kick-off conference

will take place at NIST/MEP headquarters in Gaithersburg, MD, during which time NIST will: (1) Orient MEP Center key personnel to the MEP program; (2) explain program and financial reporting requirements and procedures; (3) identify available resources that can enhance the capabilities of the MEP Center; and (4) negotiate and develop a detailed three-year operating plan with the recipient. NIST/MEP anticipates an additional set of site visits at the MEP Center and/or telephonic meetings with the recipient to finalize the three-year operating plan.

The kick-off conference will take up to approximately 5 days and must be attended by the MEP Center Director, along with up to two additional MEP Center employees. Applicants must include travel and related costs for the kick-off conference as part of the budget for year one (1), and these costs should be reflected in the SF-424A covering the first four (4) years of the project. (See Section IV.2.a.(2). of the corresponding FFO.) These costs must also be reflected in the budget table and budget narrative for year 1, which is submitted as part of the budget tables and budget narratives section of the Technical Proposal. (See Section IV.2.a.(6).(e). of the corresponding FFO.) Representatives from key subrecipients and other key strategic partners may attend the kick-off conference with the prior written approval of the Grants Officer. Applicants proposing to have key subrecipients and/or other key strategic partners attend the kick-off

conference should clearly indicate so as part of the budget narrative for year one of the project.

**MEP System-Wide Meetings**

NIST/MEP typically organizes system-wide meetings approximately four times a year in an effort to share best practices, new and emerging trends, and additional topics of interest. These meetings are rotated throughout the United States and typically involve 3–4 days of resource time and associated travel costs for each meeting. The MEP Center Director must attend these meetings, along with up to two additional MEP Center employees.

Applicants must include travel and related costs for four quarterly MEP system-wide meetings in each of the five (5) project years (4 meetings per year; 20 total meetings over five-year award period). These costs must be reflected in the SF-424A covering the first four (4) years of the project (see Section IV.2.a.(2). of the corresponding FFO) and in the SF-424A covering year five (5) of the project (see Section IV.2.a.(10). of the corresponding FFO). These costs must also be reflected in the budget tables and budget narratives for each of the project’s five (5) years, which are submitted in the budget tables and budget narratives section of the Technical Proposal. (See Section IV.2.a.(6).(e). of the corresponding FFO).

**Cost Share or Matching Requirement:** Non-Federal cost sharing of at least 50 percent of the total project costs is required for each of the first through the third year of the award, with an increasing minimum non-federal cost share contribution beginning in year 4 of the award as follows:

Award year	Maximum NIST share	Minimum non-Federal share
1–3 .....	1/2	1/2
4 .....	2/5	3/5
5 and beyond ..	1/3	2/3

Non-Federal cost sharing is that portion of the project costs not borne by the Federal Government. The applicant’s share of the MEP Center expenses may include cash, services, and third party in-kind contributions, as described at 2 CFR 200.306, as applicable, and in the MEP program regulations at 15 CFR 290.4(c). No more than 50% of the applicant’s total non-Federal cost share for any year of the award may be from third party in-kind contributions of part-time personnel, equipment, software, rental value of centrally located space, and related contributions, per 15 CFR 290.4(c)(5). The source and detailed rationale of the

cost share, including cash, full- and part-time personnel, and in-kind donations, must be documented in the budget tables and budget narratives submitted with the application and will be considered as part of the review under the evaluation criterion found in Section V.1.c.ii. of the corresponding FFO.

Recipients must meet the minimum non-federal cost share requirements for each year of the award as identified in the chart above. For purposes of the MEP Program, “program income” (as defined in 2 CFR 200.80, as applicable) generated by an MEP Center may be used by a recipient towards the required non-federal cost share under an MEP award.

As with the Federal share, any proposed costs included as non-Federal cost sharing must be an allowable/ eligible cost under this program and under the Federal cost principles set forth in 2 CFR part 200, subpart E. Non-Federal cost sharing incorporated into the budget of an approved MEP cooperative agreement is subject to audit in the same general manner as Federal award funds. See 2 CFR part 200, subpart F.

As set forth in Section IV.2.a.(7) of the corresponding FFO, a letter of commitment is required from an authorized representative of the applicant, stating the total amount of cost share to be contributed by the applicant towards the proposed MEP Center. Letters of commitment for all other third-party sources of non-Federal cost sharing identified in a proposal are not required, but are strongly encouraged.

**Eligibility:** The eligibility requirements given in this section of the FFO will be used in lieu of those given in the MEP regulations found at 15 CFR part 290, specifically 15 CFR 290.5(a)(1). Each applicant for and recipient of an MEP award must be a U.S.-based nonprofit institution or organization. For the purpose of this notice and the corresponding FFO, nonprofit institutions include public and private nonprofit organizations, nonprofit or State colleges and universities, public or nonprofit community and technical colleges, and State, local or Tribal governments. Existing MEP awardees and new applicants that meet the eligibility criteria set forth in Section III.1. of the corresponding FFO may apply. An eligible organization may work individually or may include proposed subawards to eligible organizations or proposed contracts with any other organization as part of the applicant’s proposal, effectively forming a team. However, as discussed

in Section III.3.a. of the corresponding FFO, NIST generally will not fund applications that propose an organizational or operational structure that, in whole or in part, delegates or transfers to another person, institution, or organization the applicant’s responsibility for core MEP Center management and oversight functions.

**Application Requirements:** Applications must be submitted in accordance with the requirements set forth in Section IV. of the corresponding FFO announcement. Also see Sections IV.b.(1)., IV.b.(2)., and IV.b.(7). in the Full Announcement Text of the corresponding FFO.

**Application/Review Information:** The evaluation criteria, selection factors, and review and selection process provided in this section will be used for this competition in lieu of those provided in the MEP regulations found at 15 CFR part 290, specifically 15 CFR 290.6 and 290.7.

**Evaluation Criteria:** The evaluation criteria that will be used in evaluating applications and assigned weights, with a maximum score of 100, are listed below.

a. **Executive Summary and Project Narrative.** (40 points; Sub-criteria i through iv will be weighted equally) NIST/MEP will evaluate the extent to which the applicant’s Executive Summary and Project Narrative demonstrates how the applicant’s methodology will efficiently and effectively establish an MEP Center and provide manufacturing extension services to primarily small and medium-sized manufacturers in the applicable State-wide geographical service area identified in Section II.2. of the corresponding FFO. Applicants should name the state to be covered in the first sentence of the Executive Summary and Project Narrative. Reviewers will consider the following topics when evaluating the Executive Summary and Project Narrative:

i. **Center Strategy.** Reviewers will assess the applicant’s strategy proposed for the Center to deliver services that support a strong manufacturing ecosystem, meet manufacturers’ needs and generate impact. Reviewers will assess the quality with which the applicant:

- Incorporates the market analysis described in the criterion V.1.a.ii.(1). below to inform strategies, products and services;
- defines a strategy for delivering services that balances market penetration with impact and revenue generation, addressing the needs of manufacturers, with an emphasis on the small and medium-sized manufacturers;

- defines the Center's existing and/or proposed roles and relationships with other entities in the State's manufacturing ecosystem, including State, regional, and local agencies, economic development organizations and educational institutions such as universities and community or technical colleges, industry associations, and other appropriate entities;

- plans to engage with other entities in Statewide and/or regional advanced manufacturing initiatives; and
- supports achievements of the MEP mission and objectives while also satisfying the interests of other stakeholders, investors, and partners.

ii. *Market Understanding.* Reviewers will assess the strategy proposed for the Center to define the target market, understand the needs of manufacturers (especially Small Medium Enterprises (SMEs)), and to define appropriate services to meet identified needs. Reviewers will evaluate the proposed approach for regularly updating this understanding through the five years. The following sub-topics will be evaluated and given equal weight:

(1) *Market Segmentation.* Reviewers will assess the quality and extent of the applicant's market segmentation including:

- Company size, geography, industry including a segmentation of rural, emerging, start-up and very small manufacturers as appropriate to the state;
- alignment with state and/or regional initiatives; and
- other important factors identified by the applicant.

(2) *Needs Identification and Product/Service Offerings.* Reviewers will assess the quality and extent of the applicant's proposed needs identification and proposed products and services for both sales growth and operational improvement in response to the applicant's market segmentation and understanding assessed by reviewers under the preceding Section V.1.a.ii.1. Of particular interest is how the applicant would leverage new manufacturing technologies, techniques and processes usable by small and medium-sized manufacturers. Reviewers will also consider how an applicant's proposed approach will support a job-driven training agenda with manufacturing clients.

iii. *Business Model.* Reviewers will assess the applicant's proposed business model for the Center as the applicant provides in its Project Narrative, Qualifications of the Applicant, Key Personnel, Organizational Structure and Budget Tables and Budget Narratives sections of its Technical Proposal,

submitted under section IV.2.a.(6). of the corresponding FFO, and the proposed business model's ability to execute the strategy evaluated under criterion V.1.a.i. above, based on the market understanding evaluated under criterion V.1.a.ii. above. The following sub-topics will be evaluated and given equal weight:

(1) *Outreach and Service Delivery to the Market.* Reviewers will assess the extent to which the proposed Center is organized to:

- Identify, reach and provide proposed services to key market segments and individual manufacturers described above;
- work with a manufacturer's leadership in strategic discussions related to new technologies, new products and new markets; and
- leverage the applicant's past experience in working with small and medium-sized manufacturers as a basis for future programmatic success.

(2) *Partnership Leverage and Linkages.* Reviewers will assess the extent to which the proposed Center will make effective use of resources or partnerships with third parties such as industry, universities, community/technical colleges, nonprofit economic development organizations, and Federal, State and Local Government Agencies in the Center's business model.

iv. *Performance Measurement and Management.* Reviewers will assess the extent to which the applicant will use a systematic approach to measuring and managing performance including the:

- Quality and extent of the applicant's stated goals, milestones and outcomes described by operating year (year 1, year 2, etc.);
- applicant's utilization of client-based business results important to stakeholders in understanding program impact; and
- depth of the proposed methodology for program management and internal evaluation likely to ensure effective operations and oversight for meeting program and service delivery objectives.

b. *Qualifications of the Applicant; Key Personnel and Organizational Structure (30 points; Sub-criteria i and ii will be weighted equally).* Reviewers will assess the ability of the key personnel and the applicant's management structure to deliver the program and services envisioned for the Center. Reviewers will consider the following topics when evaluating the qualifications of the applicant and of program management:

i. *Key Personnel.* Reviewers will assess the extent to which the:

- Proposed key personnel have the appropriate experience and education in

manufacturing, outreach and partnership development to support achievements of the MEP mission and objectives;

- proposed key personnel have the appropriate experience and education to plan, direct, monitor, organize and control the monetary resources of the proposed Center to achieve its business objectives and maximize its value;

- proposed staffing plan flows logically from the specified approach to the market and products and service offerings; and

- proposed field staff structure sufficiently supports the geographic concentrations and industry targets for the region.

ii. *Organizational Structure.*

Reviewers will assess the extent to which the:

- Proposed management structure (leadership and governance) is aligned to support the execution of the strategy, products and services;

- organizational roles and responsibilities of key personnel and staff are clearly delineated; and

- degree to which the Center's proposed oversight board meets the requirements of Section III.3.b. of the corresponding FFO or, if such a structure is not currently in place or is not expected to continue meet these requirements at the time of the MEP award, a feasible plan is proposed for developing such an oversight board within 12 months of issuance of an MEP award (expected to be January 2016).

c. *Budget and Financial Plan.* (30 points; Sub-criteria i and ii will be weighted equally) Reviewers will assess the suitability and focus of the applicant's five (5) year budget. The application will be assessed in the following areas:

i. *Budget.* Reviewers will assess the extent to which:

- The proposed financial plan is aligned to support the execution of the proposed Center's strategy and business model over the five (5) year project plan;

- the proposed projections for income and expenditures are appropriate for the scale of services that are to be delivered by the proposed Center and the service delivery model envisioned within the context of the overall financial model over the five (5) year project plan;

- a reasonable ramp-up or scale-up scope and budget that has the Center fully operational by the 4th year of the project; and

- the proposal's narrative for each of the budgeted items explains the rationale for each of the budgeted items, including assumptions the applicant used in budgeting for the Center.

ii. *Quality of the Financial Plan for Meeting the Award's Non-Federal Cost Share Requirements over 5 Years.*

Reviewers will assess the quality of and extent to which the:

- Applicant clearly describes the total level of cost share and detailed rationale of the cost share, including cash and in-kind, in their proposed budget.
- applicant's funding commitments for cost share are documented by letters of support from the applicant, proposed sub-recipients and any other partners identified and meet the basic matching requirements of the program;
- applicant's cost share meets basic requirements of allowability, allocability and reasonableness under applicable federal costs principles set for in 2 CFR part 200, subpart E;
- applicant's underlying accounting system is established or will be established to meet applicable federal costs principles set for in 2 CFR part 200, subpart E; and
- the overall proposed financial plan is sufficiently robust and diversified so as to support the long term sustainability of the Center throughout the five (5) years of the project plan.

*Selection Factors:* The Selection Factors for this notice and the corresponding FFO are as follows:

- a. The availability of Federal funds;
- b. Relevance of the proposed project to MEP program goals and policy objectives;
- c. Reviewers' evaluations, including technical comments;
- d. The need to assure appropriate distribution of MEP services within the designated State;
- e. Whether the project duplicates other projects funded by DoC or by other Federal agencies; and
- f. Whether the application complements or supports other Administration priorities, or projects supported by DoC or other Federal agencies, such as but not limited to the National Network for Manufacturing Innovation and the Investing in Manufacturing Communities Partnership.

#### Review and Selection Process

Proposals, reports, documents and other information related to applications submitted to NIST and/or relating to financial assistance awards issued by NIST will be reviewed and considered by Federal employees, Federal agents and contractors, and/or by non-Federal personnel enter into nondisclosure agreements covering such information.

(1) *Initial Administrative Review of Applications.* An initial review of timely received applications will be conducted to determine eligibility,

completeness, and responsiveness to this notice and the corresponding FFO and the scope of the stated program objectives. Applications determined to be ineligible, incomplete, and/or non-responsive may be eliminated from further review. However, NIST, in its sole discretion, may continue the review process for an application that is missing non-substantive information that can easily be rectified or cured.

(2) *Full Review of Eligible, Complete, and Responsive Applications.*

Applications that are determined to be eligible, complete, and responsive will proceed for full reviews in accordance with the review and selection processes below. Eligible, complete and responsive applications will be grouped by the State in which the proposed MEP Center is to be established. The applications in each group will be reviewed by the same reviewers and will be evaluated, reviewed, and selected as described below in separate groups.

(3) *Evaluation and Review.* Each application will be reviewed by at least three technically qualified individual reviewers who will evaluate each application based on the evaluation criteria (*see* Section V.1. of the corresponding FFO). Applicants may receive written follow-up questions in order for the reviewers to gain a better understanding of the applicant's proposal. Each reviewer will assign each application a numeric score, with a maximum score of 100. If a non-Federal reviewer is used, the reviewers may discuss the applications with each other, but scores will be determined on an individual basis, not as a consensus.

Applicants whose applications receive an average score of 70 or higher out of 100 will be deemed finalists. If deemed necessary, all finalists will be invited to participate with reviewers in a conference call and/or all finalists will be invited to participate in a site visit that will be conducted by the same reviewers at the applicant's location. Finalists will be reviewed and evaluated, and reviewers may revise their assigned numeric scores based on the evaluation criteria (*see* Section V.1. of the corresponding FFO) as a result of the conference call and/or site visit.

(b) *Ranking and Selection.* The reviewers' final numeric scores for all finalists will be converted to ordinal rankings (*i.e.*, a reviewer's highest score will be ranked "1", second highest score will be ranked "2", etc.). The ordinal rankings for an applicant will be summed and rank order will be established based on the lowest total for the ordinal rankings, and provided to

the Selecting Official for further consideration.

The Selecting Official is the NIST Associate Director of Innovation and Industry Services or designee. The Selecting Official makes the final recommendation to the NIST Grants Officer regarding the funding of applications under this notice and the corresponding FFO. NIST/MEP expects to recommend funding for the highest ranked applicant for each of the twelve (12) States being competed under this notice and the corresponding FFO. However, the Selecting Official may decide to select an applicant out of rank order based upon one or more of the Selection Factors identified in Section V.3. of the corresponding FFO. The Selecting Official may also decide not to recommend funding for a particular State to any of the applicants.

NIST reserves the right to negotiate the budget costs with any applicant selected to receive an award, which may include requesting that the applicant remove certain costs. Additionally, NIST may request that the successful applicant modify objectives or work plans and provide supplemental information required by the agency prior to award. NIST also reserves the right to reject an application where information is uncovered that raises a reasonable doubt as to the responsibility of the applicant. The final approval of selected applications and issuance of awards will be by the NIST Grants Officer. The award decisions of the NIST Grants Officer are final.

*Anticipated Announcement and Award Date.* Review, selection, and award processing is expected to be completed in late 2015. The anticipated start date for awards made under this notice and the corresponding FFO is expected to be January 2016.

#### Additional Information

a. *Application Replacement Pages.* Applicants may not submit replacement pages and/or missing documents once an application has been submitted. Any revisions must be made by submission of a new application that must be received by NIST by the submission deadline.

b. *Notification to Unsuccessful Applicants.* Unsuccessful applicants will be notified in writing.

c. *Retention of Unsuccessful Applications.* An electronic copy of each non-selected application will be retained for three (3) years for record keeping purposes. After three (3) years, it will be destroyed.

## Administrative and National Policy Requirements

*Uniform Administrative Requirements, Cost Principles and Audit Requirements:* Through 2 CFR 1327.101, the Department of Commerce adopted the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR part 200, which apply to awards made pursuant to this FFO. Refer to <http://www.ecfr.gov/cgi-bin/text-idx?SID=bd58a13de66200ce25c4fa5f6fdbf197&node=pt2.1.200&rgn=div5> and <http://www.ecfr.gov/cgi-bin/text-idx?SID=bd58a13de66200ce25c4fa5f6fdbf197&node=pt2.1.1327&rgn=div5>.

*The Department of Commerce Pre-Award Notification Requirements:* The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, 79 FR 78390 (December 30, 2014), are applicable to this notice and the corresponding FFO and are available at <http://www.gpo.gov/fdsys/pkg/FR-2014-12-30/pdf/2014-30297.pdf>.

*Unique Entity Identifier and System for Award Management (SAM):* Pursuant to 2 CFR part 25, applicants and recipients (as the case may be) are required to: (i) Be registered in SAM before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency, unless otherwise excepted from these requirements pursuant to 2 CFR 25.110. NIST will not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time that NIST is ready to make a Federal award pursuant to this notice and the corresponding FFO, NIST may determine that the applicant is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another applicant.

*Paperwork Reduction Act:* The standard forms in the application kit involve a collection of information subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, SF-LLL, and CD-346 have been approved by OMB under the respective Control Numbers 0348-0043, 0348-0044, 0348-0040, 0348-0046, and 0605-0001. MEP program-specific application requirements have been approved by OMB under Control Number 0693-0056.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

*Certifications Regarding Federal Felony and Federal Criminal Tax Convictions, Unpaid Federal Tax Assessments and Delinquent Federal Tax Returns.* In accordance with Federal appropriations law, an authorized representative of the selected applicant(s) may be required to provide certain pre-award certifications regarding federal felony and federal criminal tax convictions, unpaid federal tax assessments, and delinquent federal tax returns.

*Funding Availability and Limitation of Liability:* Funding for the program listed in this notice and the corresponding FFO is contingent upon the availability of appropriations. In no event will NIST or DoC be responsible for application preparation costs if this program fails to receive funding or is cancelled because of agency priorities. Publication of this notice and the corresponding FFO does not oblige NIST or DoC to award any specific project or to obligate any available funds.

*Other Administrative and National Policy Requirements:* Additional administrative and national policy requirements are set forth in Section VI.2. of the corresponding FFO.

*Executive Order 12866:* This funding notice was determined to be not significant for purposes of Executive Order 12866.

*Executive Order 13132 (Federalism):* It has been determined that this notice does not contain policies with federalism implications as that term is defined in Executive Order 13132.

*Executive Order 12372:* Proposals under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

*Administrative Procedure Act/Regulatory Flexibility Act:* Notice and comment are not required under the Administrative Procedure Act (5 U.S.C. 553) or any other law, for matters relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)). Moreover, because notice and comment are not required under 5 U.S.C. 553, or any other law, for matters relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not

been prepared for this notice, 5 U.S.C. 601 *et seq.*

**Kevin Kimball,**  
*Chief of Staff.*

[FR Doc. 2015-05297 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-13-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-868]

#### Large Residential Washers From the Republic of Korea: Preliminary Results of the Antidumping Duty Administrative Review; 2012-2014

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on large residential washers from the Republic of Korea. The period of review (POR) is August 3, 2012, through January 31, 2014. The review covers three producers and exporters of the subject merchandise, Daewoo Electronics Corporation (Daewoo), LG Electronics, Inc. (LGE), and Samsung Electronics Co., Ltd. (Samsung). We preliminarily determine that sales of subject merchandise have been made at prices below normal value. Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* March 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** David Goldberger or Reza Karamloo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-4136 or (202) 482-4470, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Order

The products covered by the order are all large residential washers and certain subassemblies thereof from Korea. The products are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff System of the United States (HTSUS). Products subject to this order may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the



merchandise subject to this scope is dispositive.<sup>1</sup>

### Methodology

The Department conducted this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. Because mandatory respondents Daewoo and Samsung failed to respond to the Department's questionnaire, we preliminarily find it appropriate to use adverse facts available (AFA) in determining their weighted-average dumping margins, in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).<sup>2</sup> ACCESS is available to registered users at <http://access.trade.gov> and to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

<sup>1</sup> A full description of the scope of the order is contained in the memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Large Residential Washers from Korea: Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review; 2012–2014," dated concurrently with and adopted by this notice (Preliminary Decision Memorandum). The HTSUS numbers are revised from the numbers previously stated in the scope. See Memorandum to the File entitled "Changes to the HTS Numbers to the ACE Case Reference Files for the Antidumping Duty Orders," dated January 6, 2015.

<sup>2</sup> On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System ("IA ACCESS") to AD and CVD Centralized Electronic Service System ("ACCESS"). The Web site location was changed from <http://iaaccess.trade.gov> to <http://access.trade.gov>. The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

### Preliminary Results of the Review

As a result of this review, the Department preliminarily determines that the following weighted-average dumping margins exist for the period August 3, 2012, through January 31, 2014.

Manufacturer/exporter	Weighted-average dumping margin (percent)
Daewoo Electronics Corporation	82.41
LG Electronics, Inc .....	1.57
Samsung Electronics Co., Ltd ....	82.41

### Disclosure and Public Comment

We will disclose the calculations performed to parties in this segment of the proceeding within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs not later than 30 days after the date of publication of this notice.<sup>3</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>4</sup> Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce. All documents must be filed electronically using ACCESS. An electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Standard Time, within 30 days after the date of publication of this notice.<sup>5</sup> Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

The Department intends to issue the final results of this administrative

review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.<sup>6</sup>

### Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.<sup>7</sup> If we continue to rely on adverse facts available to establish Daewoo's and Samsung's weighted-average dumping margins, we will instruct CBP to apply an *ad valorem* assessment rate of 82.41 percent to all entries of subject merchandise during the POR which were produced and/or exported by Daewoo and Samsung.

For those sales where LG reported the entered value of its U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales to that importer. For those sales where the respondent did not report the entered value of its U.S. sales, we calculated importer-specific or customer-specific per-unit duty assessment rates by aggregating the total amount of antidumping duties calculated for the examined sales and dividing this amount by the total quantity of those sales. To determine whether this duty assessment rate is *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we will calculate an importer-specific *ad valorem* ratio based on the estimated entered value.

We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis*. Where either the exporter's weighted-average dumping margin is zero or *de minimis*, or the importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.<sup>8</sup>

The Department clarified its "automatic assessment" regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by LGE for

<sup>6</sup> See section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

<sup>7</sup> See 19 CFR 351.212(b).

<sup>8</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101, 8103 (February 14, 2012); 19 CFR 351.106(c)(2).

<sup>3</sup> See 19 CFR 351.309(c).

<sup>4</sup> See 19 CFR 351.309(d).

<sup>5</sup> See 19 CFR 351.310(c).

which the reviewed company did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Daewoo, LG, and Samsung will be the rate established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 11.80 percent, the all-others rate established in the less-than-fair-value investigation.<sup>9</sup> These requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties

occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: March 2, 2015.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

### Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
  - A. Use of Facts Otherwise Available and Adverse Inferences
    1. Application of AFA: Daewoo and Samsung
    2. Selection of the AFA Rate
    3. Corroboration of Secondary Information
  - B. NV Comparisons
    1. Determination of Comparison Method
    2. Results of the Differential Pricing Analysis
  - C. Product Comparisons
  - D. EP and CEP
  - E. NV
    1. Home Market Viability and Selection of Comparison Market
    2. Affiliated Party Transactions and Arm's-Length Test
    3. Level of Trade (LOT)
  - F. Cost of Production (COP) Analysis
    1. Calculation of COP
    2. Test of Comparison Market Sales Prices
    3. Results of the COP Test
  - G. Calculation of NV Based on Comparison-Market Prices
  - H. Calculation of NV Based on CV
  - I. Currency Conversion
- V. Recommendation

[FR Doc. 2015-05473 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-849]

#### Steel Wire Garment Hangers From Taiwan: Rescission of Antidumping Duty Administrative Review

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**DATES:** *Effective Date:* March 9, 2015.

**SUMMARY:** The Department of Commerce (the "Department") is rescinding the administrative review of the antidumping duty order on steel wire garment hangers from Taiwan for the period of review ("POR"), December 1, 2013, through November 30, 2014.

**FOR FURTHER INFORMATION CONTACT:** Paul Walker, AD/CVD Operations, Office V, Enforcement and Compliance,

International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone 202.482.0413.

### SUPPLEMENTARY INFORMATION:

#### Background

On February 4, 2015, based on a timely request for review by Petitioners,<sup>1</sup> the Department published in the *Federal Register* a notice of initiation of an administrative review of the antidumping duty order on steel wire garment hangers for 30 companies, covering the period December 1, 2013, through November 30, 2014.<sup>2</sup> On February 19, 2015, Petitioners withdrew their request for an administrative review of these companies.<sup>3</sup>

#### Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. Petitioners withdrew their request within the 90-day deadline. No other party requested an administrative review of the antidumping duty order. As a result, we are rescinding the administrative review of steel wire garment hangers from Taiwan for the POR.

#### Assessment

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries. Because the Department is rescinding this administrative review in its entirety, the entries to which this administrative review pertained shall be assessed antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice.

<sup>1</sup> M&B Metal Products Company, Inc., Innovative Fabrication LLC/Indy Hanger and US Hanger Company, LLC (collectively "Petitioners").

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 80 FR 6041 (February 4, 2015) ("*Initiation*"). One company, Golden Sources Enterprise Co., Ltd., which was inadvertently listed in the *Initiation*, was not requested for review by Petitioners.

<sup>3</sup> See letter from Petitioners, "Re: Second Administrative Review of Steel Wire Garment Hangers from Taiwan—Petitioners' Withdrawal of Review Request," dated February 19, 2015.

<sup>9</sup> See *Large Residential Washers From Mexico and the Republic of Korea: Antidumping Duty Orders*, 78 FR 11148 (February 15, 2013).

**Notifications**

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a final reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: February 26, 2015.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2015-05469 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****Bureau of Economic Analysis**

[Docket No. 150128085-5085-01]

RIN 0691-XC033

**BE-30: Quarterly Survey of Ocean Freight Revenues and Foreign Expenses of United States Carriers**

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of reporting requirements.

**SUMMARY:** By this notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting a mandatory survey titled Quarterly Survey of Ocean Freight Revenues and Foreign Expenses of United States Carriers (BE-30). This survey is authorized by the International Investment and Trade in Services Survey Act.

**SUPPLEMENTARY INFORMATION:** This notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. Reports are due 45 days after the end of each calendar quarter. This notice is being issued in conformance with the rule BEA issued in 2012 (77 FR 24373) establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE-30 survey forms and instructions are available on the BEA Web site at [www.bea.gov/ssb](http://www.bea.gov/ssb).

**Definitions**

(a) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(b) *United States person* means any person resident in the United States or subject to the jurisdiction of the United States.

(c) *United States*, when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

(d) *Foreign person* means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

**Reporting**

*Who Must Report:* (a) Reports are required from each U.S. person whose total covered revenues or total covered expenses were \$500,000 or more during the previous year, or are expected to be \$500,000 or more during the current year.

(b) Entities required to report will be contacted individually by BEA. Entities

not contacted by BEA have no reporting responsibilities.

*What To Report:* The survey collects information on U.S. ocean freight carriers' foreign revenues and expenses.

*How To Report:* Reports can be filed using BEA's electronic reporting system at [www.bea.gov/efile](http://www.bea.gov/efile). Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the BEA Web site given above. Form BE-30 inquiries can be made by phone to BEA at (202) 606-5588 or by sending an email to [be30help@bea.gov](mailto:be30help@bea.gov).

*When To Report:* Reports are due to BEA 45 days after the end of each calendar quarter.

**Paperwork Reduction Act Notice**

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608-0011. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 4 hours per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608-0011, Washington, DC 20503.

**Authority:** 22 U.S.C. 3101-3108.

**Brian C. Moyer,**

*Director, Bureau of Economic Analysis.*

[FR Doc. 2015-05342 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-06-P**

**DEPARTMENT OF COMMERCE****Bureau of Economic Analysis**

[Docket No. 150126075-5075-01]

RIN 0691-XC029

**BE-15: Annual Survey of Foreign Direct Investment in the United States**

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of Reporting Requirements.

**SUMMARY:** By this Notice, the Bureau of Economic Analysis (BEA), Department of Commerce, is informing the public that it is conducting the mandatory survey titled Annual Survey of Foreign Direct Investment in the United States

(BE-15). This survey is authorized by the International Investment and Trade in Services Survey Act.

**SUPPLEMENTARY INFORMATION:** This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, the survey. A completed report covering a reporting company's fiscal year ending during the previous calendar year is due by May 31 (or by June 30 for reporting companies that use BEA's eFile system). This notice is being issued in conformance with the rule BEA issued in 2012 (77 FR 24373) establishing guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Additional information about BEA's collection of data on international trade in services and direct investment can be found in the 2012 rule, the International Investment and Trade in Services Survey Act (22 U.S.C. 3101 *et. seq.*), and 15 CFR part 801. Survey data on international trade in services and direct investment that are not collected pursuant to the 2012 rule are described separately in 15 CFR part 801. The BE-15 survey forms and instructions are available on the BEA Web site at [www.bea.gov/fdi](http://www.bea.gov/fdi).

#### Definitions

(a) *United States*, when used in a geographic sense, means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

(b) *Foreign*, when used in a geographic sense, means that which is situated outside the United States or which belongs to or is characteristic of a country other than the United States.

(c) *Person* means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(d) *Business enterprise* means any organization, association, branch, or venture that exists for profit making purposes or to otherwise secure economic advantage, and any ownership of any real estate.

#### Reporting

*Who Must Report:* (a) Reports are required from each U.S. business enterprise in which a foreign person has a direct and/or indirect ownership interest of at least 10 percent of the voting stock in an incorporated business enterprise, or an equivalent interest in an unincorporated business enterprise, and that meets the additional conditions detailed in Form BE-15.

(b) Entities required to report will be contacted individually by BEA. Entities not contacted by BEA have no reporting responsibilities.

*What to Report:* The survey collects information on the operations of U.S. affiliates of foreign companies.

*How to Report:* Reports can be filed using BEA's electronic reporting system at [www.bea.gov/efile](http://www.bea.gov/efile). Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the BEA Web site given above. Form BE-15 inquiries can be made by phone to (202) 606-5615 or by sending an email to [be12/15@bea.gov](mailto:be12/15@bea.gov).

*When to Report:* A completed report covering a reporting company's fiscal year ending during the previous calendar year is due by May 31 (or by June 30 for reporting companies that use BEA's eFile system).

#### Paperwork Reduction Act Notice

This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 0608-0034. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. Public reporting burden for this collection of information is estimated to average 19.5 hours per response. Send comments regarding this burden estimate to Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608-0034, Washington, DC 20503.

**Authority:** 22 U.S.C. 3101-3108.

Dated: February 2, 2015.

**Brian C. Moyer,**

*Director, Bureau of Economic Analysis.*

[FR Doc. 2015-05331 Filed 3-6-15; 8:45 am]

**BILLING CODE 3510-06-P**

#### DEPARTMENT OF DEFENSE

##### Office of the Secretary

#### Notice of One-Year Extension of TRICARE Co-Pay Waiver at Captain James A. Lovell Federal Health Care Center Demonstration Project

**AGENCY:** Office of the Secretary, Department of Defense.

**ACTION:** Notice of one-year extension of TRICARE co-pay waiver at Captain James A. Lovell Federal Health Care Center Demonstration Project.

**SUMMARY:** This notice is to advise interested parties of a one-year extension of a demonstration project entitled "TRICARE Co-Pay Waiver at Captain James A. Lovell Federal Health Care Center (FHCC) Demonstration Project." The original waiver notice was published on September 27, 2010 (75 FR 59237).

**DATES:** *Effective Date:* This one-year extension will be effective from October 1, 2015 to September 30, 2016.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Bouchard, Director, DoD/VA Program Coordination Office, Defense Health Agency, Telephone 703-681-4258.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

For additional information on the TRICARE co-pay waiver demonstration at the Captain James A. Lovell Federal Health Care Center (FHCC) demonstration project, please see 75 FR 59237. Under this demonstration, there would be no deductibles, cost shares, or co-pays for eligible beneficiaries seeking care at the FHCC, under the authority of 10 U.S.C. 1092(a)(1)(B). The original demonstration notice explained that the co-pay waiver demonstration would be used to determine if increased utilization at FHCC actually occurred as a result of eliminated co-payments, which would in turn influence decisions regarding financial integration at future Department of Defense (DoD)/Department of Veterans Affairs (VA) models of this nature. This demonstration is also integral to the success of the integration effort at FHCC; without it, FHCC would see a marked reduction in DoD beneficiaries.

##### B. Description of Extension of Demonstration Project

Under this demonstration, DoD has waived TRICARE co-payments for DoD beneficiaries seen at the FHCC. The FHCC demonstration project is scheduled to end on September 30, 2015. The National Defense

Authorization Act (NDAA) for fiscal year (FY) 2010 section 1701 requires a report to Congress evaluating the exercise of authorities in that title, which is due on October 28, 2015. Therefore, DoD submitted a legislative proposal to extend the funding of the FHCC demonstration project for an additional year, through September 30, 2016, in order to fully assess the FHCC demonstration project, develop and submit the final report, and execute the results of the report. In order to allow seamless continuation of services to beneficiaries at FHCC, the TRICARE co-pay waiver is also extended through September 30, 2016 to align with the extension of the funding for the FHCC demonstration project. This waiver applies to all inpatient, outpatient, and ancillary services, and all outpatient prescription drugs provided at FHCC. This waiver is consistent with current policies and procedures followed at all military treatment facilities. According to an Independent Government Cost Estimate (IGCE), it is estimated that the one-year impact for the co-pay waiver in FY 2016 is \$121,720, which is slightly higher than the original demonstration notice due to an underlying trend of increased utilization over time.

### C. Evaluation

An independent evaluation will continue to be conducted as part of the overall FHCC evaluation required by NDAA FY2010 section 1701.

Dated: March 4, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015-05393 Filed 3-6-15; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Office of Economic Adjustment; Announcement of Federal Funding Opportunity (FFO)

**AGENCY:** Office of Economic Adjustment (OEA), Department of Defense (DoD).

**ACTION:** Federal funding opportunity announcement.

**SUMMARY:** This notice announces an opportunity to request funding from the Office of Economic Adjustment (OEA), a Department of Defense (DoD) field activity, for community planning assistance and economic diversification in response to major reductions or cancellations in DoD spending, including the cancellation or termination of DoD contracts or failure

to proceed with a major weapon system program. Assistance may be granted if the DoD action has a direct and significant adverse effect on a community or its residents. This notice includes proposal submission requirements and instructions, eligibility, and selection criteria that will be used to evaluate proposals from eligible respondents. OEA grants to a state or local government may result from any proposal submitted under this notice, subject to the availability of appropriations.

#### SUPPLEMENTARY INFORMATION:

*a. Federal Awarding Agency:* Office of Economic Adjustment (OEA), Department of Defense (DoD).

*b. Funding Opportunity Title:* Community Economic Adjustment Assistance for Reductions in Defense Industry Employment.

*c. Announcement Type:* Modification of Previously Announced Federal Funding Opportunity (79 FR 28914).

*d. Catalog of Federal Domestic Assistance (CFDA) Number & Title:* 12.611, Community Economic Adjustment Assistance for Reductions in Defense Industry Employment.

*e. Key Dates:* Proposals will be considered on a continuing basis. OEA will evaluate all proposal documents and requests, and provide a response to the respondent within 30 business days of OEA's receipt of a final and complete proposal.

### I. Period of Funding Opportunity

Proposals will be considered on a continuing basis, subject to the availability of appropriations, commencing on the date of publication of this notice.

### II. Funding Opportunity

#### *a. Program Description*

OEA is a DoD Field Activity authorized under 10 U.S.C. 2391 to provide assistance to state or local governments, and entities of state and local governments, including regional governmental organizations, to plan and carry out community adjustments and economic diversification activities in response to the cancellation or termination of a DoD contract; the failure to proceed with an approved major weapon system program; or the publicly announced planned major reduction in DoD spending. States may request assistance to enhance their capacity to assist adversely affected communities, businesses, and workers; support local adjustment and diversification initiatives; and stimulate cooperation between statewide and

local adjustment and diversification efforts.

The objectives of OEA's Defense Industry Adjustment (DIA) Assistance Program are to assist States and local governments to plan and carry out community adjustments and economic diversification activities in response to reductions in defense industry employment. Unlike base closures where surplus property can be reused as part of a broader program to replace lost jobs and expand the local tax base, OEA's support for communities impacted by factory closures and laid-off employees focuses on developing community adjustments and diversification strategies concentrating on workforce skills, opportunities for manufacturing investment/expansion, and adaptability of local plant and capital.

These strategies usually focus on regional job creation through business development, attraction and expansion, workforce development, and community economic diversification. Additionally, during the planning process, OEA also coordinates with and provides information on other relevant federal assistance programs that can support coordinated economic development efforts.

OEA is accepting proposals for grant assistance to support communities and regions to organize, plan, and carry out local economic adjustment programs. Proposals will be evaluated against the eligibility criteria provided in Section II, c of this notice and the selection criteria provided in Section E of this notice by OEA staff in coordination with representatives from the U.S. Department of Commerce and U.S. Department of Labor, as well as other Federal agencies as invited by OEA. OEA will notify the respondent within thirty (30) days of receipt of a proposal whether their proposal was successful. The successful proposer will then be invited to submit an application through OEA's eGrants system. Additional details about the review and selection process is provided in Section II, e of the FFO.

The final amount of each award will be determined by OEA based upon a review of the final grant application, as well as comments from other Federal agencies, and will be subject to availability of funds.

#### *b. Federal Award Information*

Awards under this FFO will be issued in the form of a grant agreement. In accordance with 31 U.S.C. 6304 a grant is defined as the legal instrument reflecting a relationship between the United States Government and a State,

a local government, or other recipient when: (1) The principal purpose of the relationship is to transfer a thing of value to the State or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and (2) Substantial involvement is not expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.

### c. Eligibility Information

Awards resulting from this FFO are based on eligibility and the responsiveness of proposals to local needs. Therefore, an eligibility determination by OEA is required prior to submission of a proposal.

#### i. Eligible Respondents

Eligible respondents are states, counties, municipalities, other political subdivisions of a state; special purpose units of a state or local government; other instrumentalities of a state or local government; and tribal nations. If multiple sub-state jurisdictions for the same affected region respond to the same event, only one proposal will be considered.

A proposal must respond to: A publicly announced planned major reduction in DoD spending; the cancellation or termination of a DoD contract; or the failure to proceed with an approved major weapons system program.

This DoD action must result in the loss of: 2,500 or more employee positions in the case of a Metropolitan Statistical Area (MSA); 1,000 or more employee positions if the labor market area is outside of a MSA; or one percent of the total number of civilian jobs in the local labor market for the impacted area. For the purposes of demonstrating eligibility, only direct (*i.e.*, prime and supply-chain) job loss may be counted. Respondents may document a cumulative job loss over the span of not more than three consecutive years (*e.g.*, two years prior to proposal and one year forward, or three years prior). Induced job loss may not be considered as a factor in demonstrating eligibility. The respondent must also explain how this job loss will cause direct and significant adverse effects to the community or residents in the area.

Respondents are strongly advised to review the Program Information stated for CFDA Number 12.611 on <http://>

[www.cfda.gov](http://www.cfda.gov), prior to preparing and/or submitting a proposal.

#### ii. Cost Sharing or Matching

Cost sharing is required. A minimum of ten percent (10%) of the project's total proposed funding is to be comprised of non-Federal sources.

#### iii. Other Eligibility Information

Funding will be awarded to only one governmental entity on behalf of a region, therefore applications on the behalf of a multi-jurisdictional region should demonstrate a significant level of cooperation in their proposal.

Proposed activities for grants under this program should not duplicate nor replicate activities otherwise eligible for or funded through other Federal programs. Respondents are encouraged to submit proposals that demonstrate appropriate leverage of all public and private resources and programs, such as:

(a) U.S. Department of Commerce's Manufacturing Extension Partnership (MEP) Program for provision of relevant assistance to the region's manufacturers that operate as part of affected Defense supply chains; and state, regional, and local economic development organizations which often work with the U.S. Department of Commerce's Economic Development Administration (EDA);

(b) Small Business Development Centers as well as local Small Business Administration District offices; and

(c) U.S. Department of Labor's (DOL) Employment and Training Administration (ETA) grantees, including local Workforce Investment Boards and/or American Job Centers.

Funds provided under this program may not be used to assist a business, including a business expansion, in the relocation of a plant, facility, or operation from one Labor Market Area (LMA) to another if the relocation is likely to result in the loss of jobs in the LMA from which the relocation occurs.

### d. Proposal and Submission Information

#### i. Submission of a Proposal

Proposals should be submitted by contacting OEA via email at [oea.ncr.OEA.mbx.ffo-submit@mail.mil](mailto:oea.ncr.OEA.mbx.ffo-submit@mail.mil) with a courtesy copy to [michael.p.gilroy3.civ@mail.mil](mailto:michael.p.gilroy3.civ@mail.mil). Include "Proposal for Defense Industry Community Adjustment Assistance" on the subject line of the message and request delivery/read confirmation to ensure receipt.

Proposals may also be mailed or hand-delivered to: Director, Office of Economic Adjustment, 2231 Crystal Drive, Suite 520, Arlington, VA 22202-3711.

#### ii. Content and Form of Proposal Submission

A proposal from a state respondent must demonstrate how the proposed grant would support adversely affected communities, businesses, and workers; support local adjustment and diversification initiatives or planning for such initiatives; and stimulate cooperation between statewide and local adjustment and diversification efforts. The proposal should also explain efforts to provide business planning and market exploration services to defense contractors and subcontractors seeking modernization or diversification assistance as well as any training, counseling, and placement services to dislocated defense workers.

Eligible proposals from respondents other than states must be designed to allow an affected region to: (1) Organize itself to represent and respond on behalf of affected communities, workers, and businesses; (2) plan local community and economic adjustment activities to assist affected communities, workers, and businesses; and (3) carry-out plans to effectively respond to the defense impacts and stabilize the local economy. Respondents must specifically demonstrate how the proposed project will replace lost jobs, improve the resiliency of affected defense manufacturers, and assist displaced workers in order to stabilize the local economy.

Eligible activities may include (but are not limited to): Staffing, operating, and administrative costs for an organization; outreach to businesses, workers, and other community interests; regional supply-chain mapping of defense-specific industry clusters; asset mapping to support a response; economic data collection and analysis to identify regional comparative advantages; preparation of diversification plans to lessen economic dependency on defense expenditures; facilitation of workforce adjustment and retraining efforts; provision of business planning and market exploration services for defense contractors and subcontractors that seek modernization or diversification assistance; and preliminary strategies and plans for the potential reuse or redevelopment of existing defense facilities.

Proposals will be accepted as received on a continuing basis commencing on the date of this publication and processed when deemed to be a final, complete proposal. Each proposal shall consist of no more than fifteen (15) single-sided pages exclusive of cover sheet and/or transmittal letter, and must

include the following information at a minimum:

(a) Point of Contact: Name, Title, phone number, email address, and organization address of the respondent's primary point of contact;

(b) Defense Action/Impact: A description of the publicly announced planned major reduction in DoD spending; the cancellation or termination of a DoD contract; or the failure to proceed with an approved major weapon system program. Also include documentation of the known or anticipated job loss; the average unemployment rate over the past year; the current unemployment rate; and other factors indicating community impact and need;

(c) Project Description: A description of the proposed project, specifically:

(i) How the project relates to OEA's statutory authority under 10 U.S.C. 2391, OEA's goals, and the goals of the DIA Program;

(ii) how the project addresses the impacts of Defense actions on communities, workers, and businesses;

(iii) how the project will capitalize on existing strengths (*e.g.* infrastructure, institutions, capital, etc.) within the affected area; and

(iv) how the project would be integrated with existing/ongoing economic development efforts.

(d) Project Parties: A description of the local partner organizations/jurisdictions, and their roles and responsibilities, that will carry out the proposed project. Letters of support may be included as attachments and will *not* count against the fifteen-page limit;

(e) Grant Funds and Other Sources of Funds: A summary of local needs, including need for Federal funding; an overview of all State and local funding sources, including the funds requested under this notice; financial commitments for other Federal and non-Federal funds needed to undertake the project, to include acknowledgment of the requirement to provide a minimum of ten percent (10%) of the funding from non-Federal sources; a description of any other Federal funding for which the respondent has applied, or intends to apply to support this effort; and a statement detailing how the proposal is not duplicative of other available Federal funding;

(f) Project Schedule: A sufficiently detailed project schedule, including milestones;

(g) Performance Metrics: A description of metrics to be tracked and evaluated over the course of the project to gauge performance of the project;

(h) Grants Management: Evidence of the respondent's ability and authority to manage grant funds;

(i) Submitting Official: Documentation that the Submitting Official is authorized by the respondent to submit a proposal and subsequently apply for assistance.

The proposal should be emailed to the account stated in Section II, d. These papers should be submitted in Microsoft Word or Adobe Acrobat PDF. OEA reserves the right to ask any respondent to supplement the information in its proposal, but expects the proposal to be complete upon submission. To the extent practicable, OEA encourages respondents to provide data and evidence of all project merits in a form that is publicly available and verifiable.

iii. Unique Entity Identifier and System for Award Management (SAM)

Each respondent (unless the respondent is exempted from those requirements under 2 CFR 25.110(b) or (c), or has an exception approved by the Federal awarding agency (OEA) under 2 CFR 25.110(d)) is required to: (a) Provide a valid Dun and Bradstreet Universal Numbering System (DUNS) number; (b) be registered in the System for Award Management System (SAM) before submitting its application; and (c) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. OEA may not make a Federal award to an respondent until the respondent has complied with all applicable unique entity identifier and SAM requirements and, if a respondent has not fully complied with the requirements by the time OEA is ready to issue a Federal award, OEA may determine that the respondent is not qualified to receive a Federal award.

iv. Submission Dates and Times

Proposals will be considered on a continuing basis, subject to available appropriations, commencing on the date of publication of this notice. The end date for this program has not yet been determined. OEA will evaluate all proposals and provide a response to each respondent via email within 30 business days of OEA's receipt of a final, complete grant proposal.

v. Funding Restrictions

The following are unallowable activities under this grant program:

- Construction;
- Marketing efforts or any other assistance that would result in the relocation of a plant, facility, or

operation from one Labor Market Area (LMA) to another if the relocation is likely to result in the loss of jobs in the LMA from which the relocation occurs;

- Individual training for displaced workers; and
- International travel.

OEA reserves the right to decline to fund pre-Federal award costs. Final awards may include pre-Federal award costs at the discretion of OEA; however, this must be specifically requested in the grantee's final application.

vi. Other Submission Requirements

All respondents will submit all proposal materials electronically as an emailed attachment in Microsoft Word or Adobe Acrobat PDF format.

*e. Application Review Information*

i. Selection Criteria

Upon validating respondent eligibility, to include job loss numbers and whether there is a direct and significant adverse impact as a result of the job loss on the area, OEA will consider each of the following equally-balanced factors as a basis to invite formal grant applications:

(a) An appropriate and clear project design to address the need, problem, or issue identified;

(b) Evidence of an holistic approach to the problem that leverages education, the workforce system, businesses, higher education, economic development, and other relevant assets at local, state, regional, and Federal levels;

(c) The innovative quality of the proposed approach to economic adjustment or economic diversification; and

(d) A reasonable proposed budget with a non-Federal match commitment and schedule for completion of the work program specified.

ii. Review and Selection Process

All proposals will be reviewed on their individual merit by a panel of OEA staff, all of whom are Federal employees. OEA will also seek the input of other Federal agencies with relevant expertise (*e.g.*, U.S. Department of Labor, U.S. Department of Commerce, and the Small Business Administration) in the evaluation of proposals. OEA will notify the respondent within thirty (30) days of receipt of a proposal whether their proposal was successful. The successful respondent will then be instructed to submit an application through OEA's grants management system, eGrants. OEA will assign a Project Manager to advise and assist successful respondents in the

preparation of the application. Grant applications will be reviewed for their completeness and accuracy and a grant award notification will be issued, to the extent possible, within seven (7) business days from its receipt.

Unsuccessful respondents will be notified that their proposal was not selected for further action and funding, and may request a debriefing on their submitted proposal. When applicable, OEA may include information about other applicable federal grant programs in this communication. Requests for debriefing must be submitted in writing within 3 calendar days of notification of an unsuccessful proposal.

OEA is committed to conducting a transparent financial assistance award process and publicizing information about funding decisions. Respondents are advised that their respective applications and information related to their review and evaluation may be shared publicly. Any proprietary information must be identified as such in the proposal and application. In the event of a grant award, information about project progress and related results may also be made publicly available.

#### *f. Federal Award Administration Information*

##### *i. Federal Award Notices*

In the event a grant is ultimately awarded, the successful respondent (Grantee) will receive a notice of award in the form of a Grant Agreement, signed by the Director, OEA (Grantor), on behalf of DoD. The Grant Agreement will be transmitted electronically or, if necessary, by U.S. Mail.

##### *ii. Administrative and National Policy Requirements*

Any grant awarded under this program will be governed by the provisions of the OMB circulars applicable to financial assistance and DoD's implementing regulations in place at the time of the award. A Grantee receiving funds under this opportunity and any consultant or pass-thru entity operating under the terms of a grant shall comply with all Federal, State, and local laws applicable to its activities. Federal regulations that will apply to an OEA grant include administrative requirements and provisions governing allowable costs as stated in:

- 2 CFR part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards";
- 2 CFR part 1103, "Interim Grants and Cooperative Agreements

Implementation of Guidance in 2 CFR part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards";

- 2 CFR part 25, "Universal Identifier and System for Award Management";
- 2 CFR part 170, "Reporting Subaward and Executive Compensation Information";
- 2 CFR part 180, OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement), as implemented by DoD in 2 CFR part 1125, Department of Defense Nonprocurement Debarment and Suspension; and
- 32 CFR part 28, "New Restrictions on Lobbying".

##### *iii. Reporting*

OEA requires periodic performance reports, an interim financial report for each 12 months a grant is active, and one final performance report for any grant. The performance reports will contain information on the following:

- (a) A comparison of actual accomplishments to the objectives established for the period;
- (b) reasons for slippage if established objectives were not met;
- (c) additional pertinent information when appropriate;
- (d) a comparison of actual and projected quarterly expenditures in the grant; and,
- (e) the amount of Federal cash on hand at the beginning and end of the reporting period.

The final performance report must contain a summary of activities for the entire grant period. All required deliverables should be submitted with the final performance report.

The final SF 425, "Federal Financial Report," must be submitted to OEA within 90 days after the end of the grant.

Any grant funds actually advanced and not needed for grant purposes shall be returned immediately to OEA. Upon award, OEA will provide a schedule for reporting periods and report due dates in the Grant Agreement.

#### **III. Federal Awarding Agency Contacts**

For further information, to answer questions, or for help with problems, contact: Mr. Michael Gilroy, Program Director, Defense Industry Adjustment, Office of Economic Adjustment, 2231 Crystal Drive, Suite 520, Arlington, VA 22202-3711. Office: (703) 697-2081. Email: [michael.p.gilroy3.civ@mail.mil](mailto:michael.p.gilroy3.civ@mail.mil).

The OEA homepage address is: <http://www.oea.gov>.

#### *f. Other Information*

##### *a. Grant Award Determination*

Selection of an organization under this FFO does not constitute approval of a grant for the proposed project as submitted. Before any funds are awarded, OEA may enter into negotiations about such items as program components, staffing and funding levels, and administrative systems in place to support implementation of the award. The amount of available funding may require the final award amount to be less than that originally requested by the respondent. If the negotiations do not result in a mutually acceptable submission, OEA reserves the right to terminate the negotiations and decline to fund an application. OEA further reserves the right not to fund any proposal received under this FFO.

In the event OEA approves an amount that is less than the amount requested, the respondent will be required to modify its grant application to conform to the reduced amount before execution of the grant agreement. OEA reserves the right to reduce or withdraw the award if acceptable modifications are not submitted by the respondent within 15 working days from the date the request for modification is made. Any modifications must be within the scope of the original application and approved by both the Grantee and OEA. OEA reserves the right to cancel any award for non-performance.

##### *b. No Obligation for Future Funding*

Amendment or renewal of an award to increase funding or to extend the period of performance is at the discretion of OEA. If a respondent is awarded funding under this FFO, no other federal agencies (e.g. the U.S. Department of Commerce, National Institute of Standards and Technology, U.S. Department of Labor, or the U.S. Small Business Administration) are under any obligation to provide any additional future funding in connection with that award or to make any future award(s).

##### *c. Intellectual Property Rights*

In the event of a grant award, the Grantee may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award. The Federal awarding agencies reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so. Such uses include, but are not limited to, the right to modify and distribute such products



worldwide by any means, electronically or otherwise. The Grantee may not use Federal funds to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has a license or rights of free use in such work. If revenues are generated through selling products developed with grant funds, including intellectual property, these revenues are program income and shall be added to the grant and must be expended for allowable grant activities.

Dated: March 3, 2015.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2015-05264 Filed 3-6-15; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF EDUCATION

### Applications for New Awards; Rehabilitation Services Administration—Rehabilitation Short- Term Training Program

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

**ACTION:** Notice.

*Overview Information:*  
Rehabilitation Services  
Administration (RSA)—  
Rehabilitation Short-Term Training  
Program

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.246K.

**DATES:**

*Applications Available: March 9, 2015.*

*Date of Pre-Application Webinar: March 19, 2015.*

*Deadline for Transmittal of Applications: April 23, 2015.*

*Deadline for Intergovernmental Review: June 22, 2015.*

### Full Text of Announcement

#### I. Funding Opportunity Description

*Purpose of Program:* The Rehabilitation Short-Term Training Program supports special seminars, institutes, workshops, and other short-term courses in technical matters relating to vocational, medical, social, and psychological rehabilitation programs; independent living service programs; and client assistance programs (CAPs).

*Priority:* This notice includes one absolute priority. This priority is from the notice of final priority for this

program (NFP), published in the **Federal Register** on February 15, 2000 (65 FR 7678).

*Absolute Priority:* For FY 2015, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is: *Client Assistance Program.*

Projects that:

Provide training to Client Assistance Program (CAP) personnel on an as-needed basis, including—

(1) Management training on skills needed for strategic and operational planning and direction of CAP services;

(2) Advocacy training on skills and knowledge needed by CAP staff to assist persons with disabilities to gain access to and to use the services and benefits available under the Rehabilitation Act of 1973, as amended (Act), with particular emphasis on new statutory and regulatory requirements;

(3) Systemic advocacy training on skills and knowledge needed by CAP staff to address programmatic issues of concern;

(4) Training and technical assistance on CAP best practices; and

(5) Training on skills and knowledge needed by CAP staff to perform additional responsibilities required by the Workforce Investment Act of 1998, as amended.

Coordinate training efforts with other training supported by RSA, as well as with the training supported by the Center for Mental Health Services and the Administration on Developmental Disabilities on common areas such as protection and advocacy, financial management, and trial advocacy.

Include both national and regional training seminars in each project year.

**Note:** The Workforce Innovation and Opportunity Act of 2014 (WIOA) replaces the Workforce Investment Act of 1998, as amended (WIA). With regard to paragraph (2) of this priority, please note that WIOA amended section 112(a) of the Rehabilitation Act to emphasize CAP's role in informing and advising clients and client applicants on the availability of pre-employment transition services under the State Vocational Rehabilitation Service program (new section 113) and on the limited conditions under which an individual with a disability who is age 24 or younger can be compensated at a wage that is less than the Federal minimum wage (new section 511).

With regard to paragraph (5) of this priority, please note that while WIA has been superseded by the passage of WIOA, a CAP's responsibilities under section 112 have not changed. Thus, applicants should continue to demonstrate how they will provide training on such responsibilities not covered in paragraphs (1) through (4).

In addition, the Administration on Developmental Disabilities, referenced in the priority, is now referred to as the Administration on Intellectual and Developmental Disabilities. The name change was made by amendments to the Rehabilitation Act of 1973, as amended by WIOA.

**Program Authority:** 29 U.S.C. 772.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, and 99. (b) The OMB 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 parts 385 and 390. (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 institutions of higher education (IHEs).

#### II. Award Information

*Type of Award:* Discretionary grant.

*Estimated Available Funds:* \$200,000.

*Maximum Award:* We will reject any application that proposes a budget exceeding \$200,000 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.

**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.

*Project Period:* Up to 60 months.

*Continuing the Fourth and Fifth Years of the Project:*

In deciding whether to continue funding the Rehabilitation Short-Term Training Program 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—

(a) Substantial progress in providing training to CAP personnel on an as-needed basis in the areas of management, advocacy, and systemic advocacy;

(b) Substantial progress in providing training and technical assistance on CAP best practices;

(c) Substantial progress in offering national and regional training seminars each project year; and

(d) Effective coordination with RSA, as well as with training supported by the Center on Mental Health Services and the Administration on Intellectual and Developmental Disabilities on common areas such as protection and advocacy, financial management, and trial advocacy.

### 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 Short-Term Training Program. 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).

### 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](http://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](http://www.EDPubs.gov) or at its email address: [edpubs@inet.ed.gov](mailto:edpubs@inet.ed.gov).

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.246K.

To obtain a copy from the program office, contact Kristen Rhinehart-Fernandez, U.S. Department of Education, Rehabilitation Services

Administration, 400 Maryland Avenue SW., Room 5027, Potomac Center Plaza (PCP), Washington, DC 20202-2800. Telephone: (202) 245-6103 or by email: [kristen.rhinehart@ed.gov](mailto:kristen.rhinehart@ed.gov).

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. *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. You must limit the application narrative to the equivalent of no more than 45 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 on the application narrative section, you must limit the abstract to the equivalent of no more than two pages. The standards listed above, which also are applicable to the application narrative, apply to the abstract.

You must limit the resumes to only those individuals identified as key personnel, not to exceed a total of five pages. There are no page standards associated with resumes.

We will reject your application if you exceed the page limits, or if you apply other standards and exceed the equivalent of the page limits. No optional materials will be accepted.

Please note that any funded applicant’s application abstract will be made available to the public.

3. *Submission Dates and Times:*  
*Applications Available: March 9, 2015.*

#### *Date of Pre-Application Webinar:*

Interested parties are invited to participate in a pre-application webinar. The pre-application webinar with staff from the Department will be held at 2:00 p.m., Washington, DC time, on Tuesday, March 19, 2015. The webinar will be recorded. For further information about the pre-application webinar, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

#### *Deadline for Transmittal of Applications: April 23, 2015.*

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual’s application remains subject to all other requirements and limitations in this notice.

#### *Deadline for Intergovernmental Review: June 22, 2015.*

4. *Intergovernmental Review:* This competition is subject to E.O. 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under E.O. 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the 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 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

**Note:** Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days to complete.

Information about SAM is available at [www.SAM.gov](http://www.SAM.gov). To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: <http://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](http://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 Short-Term Training Program, CFDA number 84.246K, must be submitted electronically using the Governmentwide Grants.gov Apply site at [www.Grants.gov](http://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 Short-Term Training Program competition at [www.Grants.gov](http://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 84.246, not 84.246K).

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](http://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: Kristen Rhinehart-Fernandez, U.S. Department of Education, 400 Maryland Avenue SW., Room 5027, 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 84.246K) 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 84.246K) 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 that provides cumulative performance and financial expenditure 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 following quantitative and qualitative information must be included in the annual performance report:

i. A description of completed formal training activities that occurred during each fiscal year from October 1 to March 31. This includes national or regional training seminars. The series of trainings may be offered in a traditional classroom setting, through distance

learning, through day or week-long institutes, at regional trainings throughout the country as an extension of national conferences, and through other delivery methods, as appropriate, to meet the needs of the targeted audience. The information contained in this description should include, but is not limited to, the: Goal of the training; training topic or focus area; duration of training; targeted audience; total number of participants in each training; level of participant experience (*i.e.*, 0–5 years of experience, 5–10 years, 10 or more years); delivery method of training; utilization of existing materials, if any to support the training; utilization of existing materials or development of any new materials, if any, to support the training; and number of participants who successfully completed each training.

ii. A description of projected formal training activities to occur from April 1 to September 30. The information contained in this description should include, as available, the following: Goal of the training; training topic or focus area; duration of training; targeted audience; total number of participants projected to participate in each training; projected level of participant experience (*i.e.*, 0–5 years of experience, 5–10 years, 10 or more years); projected delivery method of training; and projected number of participants who will successfully complete each training. For subsequent reporting years, the grantee will confirm the information contained in the projections.

iii. A description of technical assistance provided during each fiscal year from October 1 to March 31. The technical assistance may be a formal or informal request and is considered a non-training activity. A formal request may necessitate more in-depth involvement and communication. An informal request may be made by telephone or electronic communication and is typically resolved in a short period of time. The description may include, but is not limited to: The estimated number of technical assistance requests submitted formally and informally; the estimated number of formal and informal technical assistance requests that were adequately addressed during the reporting period; a brief summary of the types of formal and informal technical assistance requests received during the reporting period, such as key questions, issues, or topics, and noting, where possible, new and emerging issues and trends or ongoing issues that require further attention and input from RSA, and, as applicable, any technical assistance materials or formal training developed as a result of

frequently asked questions or issues; in-depth technical assistance provided over a period of time as a result of complex questions or challenges; and requests for formal and informal technical assistance that were incorporated into a needs assessment or that contributed to an agenda for a national or regional training seminar or conference.

iv. A description of completed dissemination activities that occurred during each fiscal year from October 1 to March 31 and projected dissemination activities to occur from April 1 to September 30. The description may include, but is not limited to, the: Vehicles used to inform CAP staff about formal training; strategies used to inform CAP staff of technical assistance resources available; and steps taken to ensure that all materials developed during the reporting period for formal training, as well as materials that may have been developed to respond to frequently asked questions or other requests for technical assistance, as appropriate, are disseminated to all CAP staff in accessible formats. For subsequent reporting years, the grantee will confirm projections made from the prior year.

v. Other program activities that occurred during each fiscal year from October 1 to March 31 and project program activities to occur from April 1 to September 30. For subsequent reporting years, the grantee will confirm projections made from the prior year.

vii. A description of coordination efforts with RSA staff, as well as coordination efforts with other training supported by RSA and the Center for Mental Health Services and the Administration on Intellectual and Developmental Disabilities.

viii. A budget and narrative detailing expenditures covering the period of October 1 through March 31 and projected expenditures from April 1 to September 30. The budget narrative must also verify progress towards meeting the 10 percent match requirement. For subsequent reporting years, the grantee will confirm projections made from the prior year.

ix. Other information, as requested by RSA, in order to verify substantial progress and effectively report on performance measures to Congress and key stakeholders. 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](http://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 goal of the Rehabilitation Short-Term Training Program is to upgrade the knowledge and skills of staff currently employed by CAPs, to educate CAP staff on new program developments, and to develop staff skills in strategic and operational planning and direction of CAP services, which will ultimately lead to increased responsiveness of the vocational rehabilitation system in order to better assist individuals with disabilities in obtaining competitive employment. In order to measure the success of the grantee in meeting this goal, the CAP training grantee is required to conduct an evaluation of the training activities provided.

The performance measures for this project are:

- The percentage of CAP personnel with zero to five years of experience who reported increased or enhanced knowledge, skills, or abilities as a result of training;
- The percentage of CAP personnel with five to ten years of experience who reported increased or enhanced knowledge, skills, or abilities as a result of training;
- The percentage of CAP personnel with ten or more years of experience who reported increased or enhanced knowledge, skills, or abilities as a result of training;
- The percentage of CAP personnel who reported that the training provided was of sufficient quality, relevance, and demonstrated usefulness to their work;
- The percentage of CAP personnel who reported that the quality of technical assistance, including materials provided, were of sufficient quality, relevance, and demonstrated usefulness to their work; and
- The percentage of CAP personnel who reported that the technical assistance received adequately addressed their needs.

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:

Kristen Rhinehart-Fernandez, U.S. Department of Education, Rehabilitation Services Administration, 400 Maryland Avenue SW., Room 5027, PCP, Washington, DC 20202-2800. Telephone: (202) 245-6103 or by email: [kristen.rhinehart@ed.gov](mailto:kristen.rhinehart@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, audiotope, 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](http://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](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 4, 2015.

**Sue Swenson,**

*Acting Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 2015-05432 Filed 3-6-15; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 4636-030]

#### Fourth Branch Associates; Ampersand Long Falls Hydro, LLC; Notice of Transfer of Exemption

1. By letter filed February 12, 2015, Ampersand Long Falls Hydro LLC informed the Commission that the exemption from licensing for the Long Falls Project, FERC No. 4636, originally issued July 12, 1988,<sup>1</sup> has been transferred from Fourth Branch Associates to Ampersand Long Falls Hydro LLC. The project is located on the Black River in Jefferson County, New York. The transfer of an exemption does not require Commission approval.

2. Ampersand Long Falls Hydro LLC is now the exemptee for the Long Falls Project, FERC No. 4636. All correspondence should be forwarded to: Mr. Jason Huang, Project Manager, Ampersand Long Falls Hydro LLC, 717 Atlantic Avenue, Suite 1A, Boston, MA 02111.

Dated: March 3, 2015.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2015-05392 Filed 3-6-15; 8:45 am]

**BILLING CODE 6717-01P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER15-1080-000]

#### Beethoven 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 Beethoven Wind, LLC's application for market-based rate authority, with an accompanying rate schedule, 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

<sup>1</sup> 44 FERC ¶ 62,022, Order Granting Exemption From Licensing (5MW or Less) (1988).

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 March 23, 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(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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](mailto:FERCOnlineSupport@ferc.gov) or call

(866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: March 3, 2015.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2015-05390 Filed 3-6-15; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**[Docket No. RM98-1-000]**

**Records Governing Off-the-Record Communications; Public Notice**

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in

reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Docket No.	File date	Presenter or requester
<b>Prohibited:</b>		
1. CP14-96-000 .....	3-2-15	Katharine Gregg.
<b>Exempt:</b>		
1. CP15-8-000 .....	2-11-15	FERC Staff. <sup>1</sup>
2. CP15-8-000 .....	2-11-15	FERC Staff. <sup>2</sup>
3. CP13-483-000, CP13-492-000 .....	2-18-15	FERC Staff. <sup>3</sup>
4. CP13-483-000 .....	2-24-15	FERC Staff. <sup>4</sup>
5. CP14-347-000 .....	2-26-15	William J. Rase, III.
6. CP14-497-000 .....	2-27-15	Hon. Richard Hanna.

Dated: March 3, 2015.

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

[FR Doc. 2015-05387 Filed 3-6-15; 8:45 am]

**BILLING CODE 6717-01-P**

<sup>1</sup> Email record.

<sup>2</sup> Email record.

<sup>3</sup> Phone record.

<sup>4</sup> Email record.

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****Notice of Commission Staff Attendance**

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meeting related to the transmission planning activities of the PJM Interconnection, LLC (PJM):

**PJM Planning Committee**

March 12, 2015, 9:30 a.m.–12:00 p.m. (EST)

**PJM Transmission Expansion Advisory Committee**

March 12, 2015, 11:00 a.m.–3:00 p.m. (EST)

The above-referenced meetings will be held at: PJM Conference and Training Center, PJM Interconnection, 2750 Monroe Boulevard, Audubon, PA 19403.

The above-referenced meetings are open to stakeholders.

Further information may be found at [www.pjm.com](http://www.pjm.com).

The discussions at the meeting described above may address matters at issue in the following proceedings:

Docket Nos. ER15–738 and ER15–739,

*PJM Interconnection, L.L.C.*

Docket Nos. ER15–596, *PJM*

*Interconnection, L.L.C.*

Docket Nos. ER15–33, *et. al., The*

*Dayton Power and Light Company*

Docket No. ER15–994, *PJM*

*Interconnection, L.L.C.*

Docket No. ER15–639, *PJM*

*Interconnection, L.L.C.*

Docket No. ER15–61, *PJM*

*Interconnection, L.L.C. and American*

*Transmission Systems Incorporated*

Docket No. ER14–2867, *Baltimore Gas &*

*Electric Company, et al., and PJM*

*Interconnection, L.L.C.*

Docket No. ER14–972 and ER14–1485,

*PJM Interconnection, L.L.C.*

Docket No. ER14–1485, *PJM*

*Interconnection, L.L.C.*

Docket No. ER14–2864, *PJM*

*Interconnection, L.L.C.*

Docket No. ER13–90, *Public Service*

*Electric and Gas Company and PJM*

*Interconnection, L.L.C.*

Docket No. ER13–198, *PJM*

*Interconnection, L.L.C.*

Docket No. ER13–1960, *ISO New*

*England Inc. and New England Power*

*Pool Participants Committee*

Docket No. ER13–1957, *ISO New*

*England, Inc. et. al.*

Docket No. ER13–195, *Indicated PJM*

*Transmission Owners*

Docket No. ER13–1947, *PJM*

*Interconnection, L.L.C.*

Docket No. ER13–1946, *New York*

*Independent System Operator, Inc.*

Docket No. ER13–1945, *Midcontinent*

*Independent System Operator, Inc.*

Docket No. ER13–1944, *PJM*

*Interconnection, L.L.C.*

Docket No. ER13–1943, *Midcontinent*

*Independent System Operator, Inc.*

Docket No. ER13–1942, *New York*

*Independent System Operator, Inc.*

Docket No. ER13–1926, *PJM*

*Interconnection, L.L.C. and Duquesne*

*Light Company*

Docket No. ER13–1924, *PJM*

*Interconnection, L.L.C. and Duquesne*

*Light Company*

Docket No. EL15–40, *Public Service*

*Electric and Gas Company v. PJM*

*Interconnection, L.L.C.*

Docket No. EL15–18, *Consolidated*

*Edison Company of New York, Inc. v.*

*PJM Interconnection, L.L.C.*

Docket No. EL11–54, *Buckeye Power,*

*Inc. v. American Transmission*

*Systems Incorporated*

For more information, contact the following:

Jonathan Fernandez, Office of Energy

Market Regulation, Federal Energy

Regulatory Commission, (202) 502–

6604, [Jonathan.Fernandez@ferc.gov](mailto:Jonathan.Fernandez@ferc.gov).

Alina Halay, Office of Energy Market

Regulation, Federal Energy Regulatory

Commission, (202) 502–6474,

[Alina.Halay@ferc.gov](mailto:Alina.Halay@ferc.gov).

Dated: March 3, 2015.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2015–05391 Filed 3–6–15; 8:45 am]

**BILLING CODE 6717–01–P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. AD15–4–000]

**Technical Conference on Environmental Regulations and Electric Reliability, Wholesale Electricity Markets, and Energy Infrastructure; Supplemental Notice of Technical Conference**

As announced in the Notice of Technical Conferences issued on December 9, 2014<sup>1</sup> and the Supplemental Notice of Technical

<sup>1</sup> Technical Conference on Environmental Regulations and Electric Reliability, Wholesale Electricity Markets, and Energy Infrastructure, Docket No. AD15–4–000, (Dec. 9, 2014) (Notice of Technical Conferences), available at <http://www.ferc.gov/CalendarFiles/20141209165657-AD15-4-000TC.pdf>.

Conferences issued on January 6, 2015,<sup>2</sup> the Federal Energy Regulatory Commission (Commission) staff will hold a Central region<sup>3</sup> technical conference to discuss implications of compliance approaches to the Clean Power Plan proposed rule, issued by the Environmental Protection Agency (EPA) on June 2, 2014.<sup>4</sup> The technical conference will focus on issues related to electric reliability, wholesale electric markets and operations, and energy infrastructure in the Central region. The Commission will hold the Central region technical conference on March 31, 2015, from approximately 8:45 a.m. to 5:00 p.m. at the Renaissance St. Louis Airport Hotel, 9801 Natural Bridge Road, St. Louis, MO 63134 (Phone: (314) 429–1100). This conference is free of charge and open to the public. Commission members may participate in the conference. The agenda for the Central region technical conference is attached to this Supplemental Notice of Technical Conference.

Those interested in speaking at the technical conference should notify the Commission by March 9, 2015, by completing the online form at the following Web page: <https://www.ferc.gov/whats-new/registration/03-31-15-speaker-form.asp>. At this Web page, please provide an abstract (700 character limit) of the issue(s) you propose to address. Due to time constraints, we expect to not be able to accommodate all those interested in speaking. Selected speakers will be notified as soon as possible.

If you have not already done so, those who plan to attend the technical conference are strongly encouraged to complete the registration form located at: <https://www.ferc.gov/whats-new/registration/03-31-15-form.asp>. There is no registration deadline or fee to attend the conference.

The Commission will post information on the technical conference on the Calendar of Events on the Commission's Web site,

<sup>2</sup> Technical Conference on Environmental Regulations and Electric Reliability, Wholesale Electricity Markets, and Energy Infrastructure, Docket No. AD15–4–000, (Jan. 6, 2015) (Supplemental Notice of Technical Conferences), available at <http://www.ferc.gov/CalendarFiles/20150106170115-AD15-4-000TC1.pdf>.

<sup>3</sup> For purposes of this conference, the Central Region includes the following Commission-approved Order No. 1000 planning regions: Midcontinent Independent System Operator, Inc. (MISO) and Southwest Power Pool, Inc. (SPP). This region also includes the Electric Reliability Council of Texas (ERCOT).

<sup>4</sup> Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, 79 FR 34,830 (2014) (Proposed Rule), available at <http://www.gpo.gov/fdsys/pkg/FR-2014-06-18/pdf/2014-13726.pdf>.



<http://www.ferc.gov>, prior to the conference. The Central region technical conference will also be transcribed. Transcripts of the technical conference will be available for a fee from Ace-Federal Reporters, Inc. ((202) 347-3700 or (800) 336-6646). There will also be a free audio cast of the conference. The audio cast will allow persons to listen to the Central region technical conference, but not participate. Anyone with internet access who desires to watch the Central region conference can do so by navigating to the Calendar of Events on the Commission's Web site, <http://www.ferc.gov>, and locating the Central region technical conference in the Calendar. The Central region technical conference will contain a link to its audio cast.<sup>5</sup>

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free (866) 208-3372 (voice) or (202) 208-1659 (TTY), or send a FAX to (202) 208-2106 with the required accommodations.

For more information about the technical conferences, please contact:

**Logistical Information:** Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502-8368, [sarah.mckinley@ferc.gov](mailto:sarah.mckinley@ferc.gov).

**Legal Information:** Alan Rukin, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502-8502, [alan.rukin@ferc.gov](mailto:alan.rukin@ferc.gov).

**Technical Information:** Jessica L. Cockrell, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502-8190, [jessica.cockrell@ferc.gov](mailto:jessica.cockrell@ferc.gov).

**Technical Information:** Michael Gildea, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502-8420, [michael.gildea@ferc.gov](mailto:michael.gildea@ferc.gov).

Dated: March 3, 2015.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2015-05388 Filed 3-6-15; 8:45 am]

**BILLING CODE 6717-01-P**

<sup>5</sup> The audio cast will continue to be available on the Calendar of Events on the Commission's Web site, <http://www.ferc.gov>, for three months after the conference.

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC15-81-000.

*Applicants:* NGP Blue Mountain I LLC.

*Description:* Application of NGP Blue Mountain I LLC for authorization under Section 203 of the FPA for disposition of jurisdictional facilities and request for expedited treatment.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302-5391.

*Comments Due:* 5 p.m. ET 3/23/15.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG15-60-000.

*Applicants:* Solar Star Colorado III, LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Generator Status of Solar Star Colorado III, LLC.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302-5379.

*Comments Due:* 5 p.m. ET 3/23/15.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10-2331-027; ER14-630-004; ER10-2319-020; ER10-2317-020; ER10-2326-026; ER14-1468-004; ER13-1351-002; ER10-2330-026.

*Applicants:* J.P. Morgan Ventures Energy Corporation, AlphaGen Power LLC, BE Alabama LLC, BE CA LLC, Cedar Brakes I, L.L.C., KMC Thermo, LLC, Florida Power Development LLC, Utility Contract Funding, L.L.C.

*Description:* Supplement to December 3, 2014 Non-Material Change in Status of the J.P. Morgan Sellers.

*Filed Date:* 2/3/15.

*Accession Number:* 20150203-5157.

*Comments Due:* 5 p.m. ET 3/24/15.

*Docket Numbers:* ER13-1605-005.

*Applicants:* NV Energy, Inc.

*Description:* eTariff filing per 35.19a(b); NVE Refund Report 030315 to be effective N/A.

*Filed Date:* 3/3/15.

*Accession Number:* 20150303-5091.

*Comments Due:* 5 p.m. ET 3/24/15.

*Docket Numbers:* ER15-694-001.

*Applicants:* Northern Indiana Public Service Company.

*Description:* Compliance filing per 35: Compliance Filing to be effective 12/23/2014.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302-5309.

*Comments Due:* 5 p.m. ET 3/23/15.

*Docket Numbers:* ER15-928-001.

*Applicants:* Northern Indiana Public Service Company.

*Description:* Tariff Amendment per 35.17(b); Amendment to Pending CIAC Agreement Filing to be effective 1/30/2015.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302-5316.

*Comments Due:* 5 p.m. ET 3/23/15.

*Docket Numbers:* ER15-996-001.

*Applicants:* Verso Androscoggin Power LLC.

*Description:* Compliance filing per 35: Amendment to Filing to be effective 4/6/2015.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302-5341.

*Comments Due:* 5 p.m. ET 3/23/15.

*Docket Numbers:* ER15-997-001.

*Applicants:* Verso Maine Energy LLC.

*Description:* Compliance filing per 35: Amendment to Filing to be effective 4/6/2015.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302-5346.

*Comments Due:* 5 p.m. ET 3/23/15.

*Docket Numbers:* ER15-1000-001.

*Applicants:* NewPage Energy Services, LLC.

*Description:* Compliance filing per 35: NewPage Energy Amendment to be effective 4/7/2015.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302-5310.

*Comments Due:* 5 p.m. ET 3/23/15.

*Docket Numbers:* ER15-1005-001.

*Applicants:* Consolidated Water Power Company.

*Description:* Compliance filing per 35: Amendment to Filing to be effective 4/7/2015.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302-5349.

*Comments Due:* 5 p.m. ET 3/23/15.

*Docket Numbers:* ER15-1007-001.

*Applicants:* Escanaba Paper Company.

*Description:* Compliance filing per 35: Escanaba Amendment to be effective 4/7/2015.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302-5329.

*Comments Due:* 5 p.m. ET 3/23/15.

*Docket Numbers:* ER15-1020-000.

*Applicants:* Rising Tree Wind Farm III LLC.

*Description:* Supplement to February 10, 2015 Rising Tree Wind Farm III LLC tariff filing.

*Filed Date:* 2/27/15.

*Accession Number:* 20150227-5597.

*Comments Due:* 5 p.m. ET 3/20/15.

*Docket Numbers:* ER15-1150-000.

*Applicants:* Milford Wind Corridor Phase II, LLC.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 5/2/2015.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302–5324.

*Comments Due:* 5 p.m. ET 3/23/15.

*Docket Numbers:* ER15–1151–000.

*Applicants:* First Wind Energy Marketing, LLC.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 5/2/2015.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302–5327.

*Comments Due:* 5 p.m. ET 3/23/15.

*Docket Numbers:* ER15–1152–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): Revisions to the Transnational ARR Allocation Process to be effective 5/1/2015.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302–5347.

*Comments Due:* 5 p.m. ET 3/23/15.

*Docket Numbers:* ER15–1153–000.

*Applicants:* Erie Power LLC.

*Description:* Request for Limited Tariff Waiver and Expedited Review of Erie Power LLC.

*Filed Date:* 2/27/15.

*Accession Number:* 20150227–5595.

*Comments Due:* 5 p.m. ET 3/20/15.

*Docket Numbers:* ER15–1154–000.

*Applicants:* Wisconsin Power and Light Company.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): Amended Wisconsin Dells PSA to be effective 2/12/2015.

*Filed Date:* 3/3/15.

*Accession Number:* 20150303–5064.

*Comments Due:* 5 p.m. ET 3/24/15.

*Docket Numbers:* ER15–1156–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 4091; Queue No. Z1–099 to be effective 2/6/2015.

*Filed Date:* 3/3/15.

*Accession Number:* 20150303–5117.

*Comments Due:* 5 p.m. ET 3/24/15.

*Docket Numbers:* ER15–1157–000.

*Applicants:* San Diego Gas & Electric Company.

*Description:* Application for decrease in the Fixed Charge Rate of San Diego Gas & Electric Company.

*Filed Date:* 2/27/15.

*Accession Number:* 20150227–5608.

*Comments Due:* 5 p.m. ET 3/20/15.

*Docket Numbers:* ER15–1159–000.

*Applicants:* Midcontinent

Independent System Operator, Inc.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): 2015–03–03 SA 2753 NSP-Red Pine Wind GIA (H081) to be effective 3/4/2015.

*Filed Date:* 3/3/15.

*Accession Number:* 20150303–5136.

*Comments Due:* 5 p.m. ET 3/24/15.

*Docket Numbers:* ER15–1160–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Request of PJM Interconnection, L.L.C. For Limited Tariff Waiver.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302–5395.

*Comments Due:* 5 p.m. ET 3/23/15.

*Docket Numbers:* ER15–1161–000.

*Applicants:* FTR Energy Services, LLC.

*Description:* § 205(d) rate filing per 35.13(a)(2)(iii): Everyday Energy, LLC MBR Tariff Update March 3 to be effective 2/2/2015.

*Filed Date:* 3/3/15.

*Accession Number:* 20150303–5210.

*Comments Due:* 5 p.m. ET 3/24/15.

Take notice that the Commission received the following public utility holding company filings:

*Docket Numbers:* PH15–13–000.

*Applicants:* Energy Future Holdings Corp.

*Description:* Energy Future Holdings Corp. submits FERC 65–B Waiver Notification.

*Filed Date:* 3/2/15.

*Accession Number:* 20150302–5386.

*Comments Due:* 5 p.m. ET 3/23/15.

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: March 3, 2015.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2015–05394 Filed 3–6–15; 8:45 am]

**BILLING CODE 6717–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

[3060–1198]

### Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

**DATES:** Written PRA comments should be submitted on or before April 8, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at [Nicholas.A.Fraser@omb.eop.gov](mailto:Nicholas.A.Fraser@omb.eop.gov) and to Benish Shah, Federal Communications Commission, via the Internet at [Benish.Shah@fcc.gov](mailto:Benish.Shah@fcc.gov). To submit your PRA comments by email send them to: [PRA@fcc.gov](mailto:PRA@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:**

Benish Shah, Office of Managing Director, (202) 418-7866.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-1198.

*Title:* Band Plan.

*Form Number:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit entities, and state, local, or tribal government.

*Number of Respondents:* 2,283 respondents; 2,283 responses.

*Estimated Time per Response:* 1 hour (range of 1 to 2 hours).

*Frequency of Response:* On occasion reporting and one-time reporting requirements; third party disclosure.

*Obligation To Respond:* Required to obtain or retain benefits. Statutory authority for these collections are contained in sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7), unless otherwise noted.

*Total Annual Burden:* 2,336 hours.

*Total Annual Cost:* None.

*Privacy Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

*Needs and Uses:* Section 90.531(b)(2) of the Commission's rules provides that narrowband reserve channels are designated for General Use subject to Commission approved regional planning committee regional plans and technical rules applicable to General Use channels. T-Band incumbents shall enjoy priority access to these channels in certain markets provided that such incumbent commits to return to the Commission an equal amount of T-Band spectrum and obtains concurrence from the relevant regional planning committee(s). Section 90.531(b)(7) of the Commission's rules reserves certain narrowband channels for air-ground communications to be used by low-altitude aircraft and ground based stations subject to state administration (e.g., letter of concurrence).

Commission staff will use the information to assign licenses for narrowband public safety channels. The information will also be used to determine whether prospective licensees operate in compliance with the Commission's rules. Without such information, the Commission could not accommodate State interoperability or regional planning requirements or provide for the efficient use of narrowband public safety frequencies.

This information collection includes rules to govern the operation and licensing of 700 MHz band systems to ensure that licensees continue to fulfill their statutory responsibilities in accordance with the Communications Act of 1934, as amended. Such information will continue to be used to verify that applicants are legally and technically qualified to hold licenses, and to determine compliance with Commission rules.

Federal Communications Commission.

**Sheryl D. Todd,**

*Deputy Secretary, Office of the Secretary, Office of the Managing Director.*

[FR Doc. 2015-05282 Filed 3-6-15; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL MARITIME COMMISSION****Notice of Agreements Filed**

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. A copies of the agreements are available through the Commission's Web site ([www.fmc.gov](http://www.fmc.gov)) or by contacting the Office of Agreements at (202) 523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 012058-001.

*Title:* Hoegh Autoliners/K-Line Space Charter Agreement.

*Parties:* Hoegh Autoliners AS and Kawasaki Kisen Kaisha, Ltd.

*Filing Party:* Wayne R. Rohde; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

*Synopsis:* The Amendment expands the geographic scope of the agreement to include the trade from ports on the West Coast of the United States to ports in Korea, Japan and China. It also updates the address of Hoegh Autoliners.

*Agreement No.:* 012206-001.

*Title:* Grimaldi/"K" Line Space Charter Agreement.

*Parties:* Grimaldi Deep Sea S.p.A. and Kawasaki Kisen Kaisha, Ltd.

*Filing Party:* Wayne R. Rohde; Cozen O'Connor; 1627 I Street NW., Suite 1100; Washington, DC 20006.

*Synopsis:* The amendment changes the name of Industria Armamento Meridionale S.P.A. to Grimaldi Deep Sea S.p.A. and restates the agreement to reflect the name change.

*Agreement No.:* 012318.

*Title:* MOL/Kyowa Shipping Co., Ltd. Space Charter Agreement.

*Parties:* Mitsui O.S.K. Lines, Ltd. and Kyowa Shipping Co., Ltd.

*Filing Party:* Eric. C. Jeffrey, Esq.; Nixon Peabody LLP; 401 9th Street NW., Suite 900; Washington, DC 20004.

*Synopsis:* The agreement authorizes MOL to charter space from Kyowa in the trade from Japan, on the one hand, to Guam and Saipan, on the other hand.

By Order of the Federal Maritime Commission.

Dated: March 4, 2015.

**Karen V. Gregory,**

*Secretary.*

[FR Doc. 2015-05419 Filed 3-6-15; 8:45 am]

**BILLING CODE 6730-01-P**

**FEDERAL TRADE COMMISSION****Robocall Contest: Robocalls: Humanity Strikes Back**

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice; public challenge.

**SUMMARY:** The Federal Trade Commission ("FTC") announces a prize competition that challenges the public to create a crowd-source robocall honeypot. A honeypot is an information system that is designed to attract perpetrators of illegal acts—in this case robocallers—and gain knowledge about their tactics. The Contest will be held in two phases, a "Qualifying" phase and "Final" phase (see Section 7). The Final phase will be held at DEF CON 23, a conference of information security specialists, in Las Vegas, Nevada, from August 6-9, 2015.

**DATES:** The deadline for submitting entries is: (1) June 15, 2015 at 10:00 p.m. EDT for the Qualifying phase, and (2) August 8, 2015 at 10:00 p.m. EDT for the Final phase. To enter the Contest, Contestants must register by the Submission Deadline for the Qualifying phase. Further instructions and requirements regarding the registration and submission process will be provided on the Contest Web site ([ftc.gov/strikeback](http://ftc.gov/strikeback)).

**FOR FURTHER INFORMATION CONTACT:** Patricia Hsue, 202-326-3132, Division of Marketing Practices, Bureau of Consumer Protection, FTC; 600 Pennsylvania Ave. NW.; Mailstop CC-8528; Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** The FTC Robocalls: Humanity Strikes Back Contest (the "Contest") is the next step in the Federal Trade Commission's battle against illegal robocalls, complementing the results of the FTC's two prior challenges of 2012 and 2014. Robocalls are prerecorded messages that generally seek to promote the purchase

of goods or services to a consumer, and are regulated by the FTC under the Telemarketing Sales Rule. See 16 CFR 310.4(b)(1)(v). Most such calls are illegal,<sup>1</sup> and yet they continue to be prevalent.

The Contest will challenge the public to create a crowd-source robocall honeypot—an information system intended to attract perpetrators of illegal robocalls and gather knowledge about robocaller tactics. The Contest is intended to engage individuals or teams of individuals with information security expertise (collectively “Contestants”) to apply their knowledge to design the next-generation of robocall honeypots.

The Contest is subject to all applicable laws and regulations. Registering to enter the Contest constitutes Contestant’s full agreement to these Official Rules and to decisions of the Sponsor (as defined below), which are final and binding in all matters related to the Contest. Winning a Prize is contingent upon fulfilling all requirements set forth in the Official Rules.

## 1. Sponsor and Participating Organizations

### A. Sponsor:

Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

### B. Participating Organizations:

(i) Pindrop Security, Inc., 817 West Peachtree Street NW., Suite 770; Atlanta, GA 30308;

(ii) Canadian Radio-television Telecommunications Commission, Ottawa, Ontario, Canada, K1A 0N2.

The FTC reserves the right to modify the list of participating organizations at any time and will provide any updates on the Contest Web site.

## 2. Eligibility

### A. To participate in the Contest:

(i) Contestants may compete as Individuals or as teams of individuals, if they meet all eligibility requirements set forth in Sections 2.A–C. To be eligible to win a Prize, Contestants must meet the additional prize eligibility requirements set forth in Section 9.

(ii) Contestants must comply with all terms and conditions of the Official Rules.

(iii) Contestants must own or have access at their own expense to a computer, an Internet connection, and any other electronic devices, documentation, software, or other items that Contestants may deem necessary to create and enter a Submission (as defined in Section 4 below).

(iv) Each team must appoint one individual (the “Representative”) to represent and act on behalf of said team, including by entering a Submission. The Representative must be duly authorized to submit on behalf of the team, and must represent and warrant that he or she is duly authorized to act on behalf of the team.

(v) An individual may enter the Contest only once, either on an individual basis or as a member of one team.

(vi) No individual or team may enter the Contest on behalf of a corporation or other non-individual legal entity.

**B. The following individuals (including any individuals participating as part of a team) are not eligible regardless of whether they meet the criteria set forth above:**

(i) Any individual under the age of 18;

(ii) any individual who employs any of the Contest Judges as an employee or agent;

(iii) any individual who owns or controls an entity for whom a Contest Judge is an employee, officer, director, or agent;

(iv) any individual who has a material business or financial relationship with any Contest Judge;

(v) any individual who is a member of any Contest Judge’s immediate family or household;

(vi) any individual who has been convicted of a felony;

(vii) any employee, representative or agent of the Sponsor or Participating Organizations, as well as any employee, representative, or agent of an advertising agency, contractor or other individual or organization involved with the design, production, promotion, execution, or distribution of the Contest; and all members of the immediate family or household of any such employee, representative, or agent;

(viii) any Federal employee acting within the scope of his or her employment, or as may otherwise be prohibited by Federal law (employees should consult their agency ethics officials);

(ix) any individual or team that used Federal facilities or consulted with Federal employees to develop a Submission, unless the facilities and employees were made available to all Contestants participating in the Contest on an equitable basis; and

(x) any individual or team that used Federal funds to develop a Submission, unless such use is consistent with the grant award, or other applicable Federal funds awarding document. If a grantee using Federal funds enters and wins this Contest, the prize monies shall be treated as program income for purposes of the original grant in accordance with applicable Office of Management and Budget Circulars. Federal contractors may not use Federal funds from a contract to develop a Submission for this Challenge.

The Sponsor will, in its sole discretion, disqualify any individual or team that meets any of the criteria set forth in Section 2.B.

### C. For purposes hereof:

(i) The members of an individual’s immediate family include such individual’s spouse, children and step-children, parents and step-parents, and siblings and step-siblings; and

(ii) the members of an individual’s household include any other person who shares the same residence as such individual for at least three (3) months out of the year.

D. Pursuant to the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010, 15 U.S.C. 3719, Contest Prizes (as defined in Section 8 below) may be awarded only to individuals and teams of individuals who are citizens or permanent residents of the United States, subject to verification by the Sponsor before Prizes are awarded (see Section 9 below).

## 3. Registration Requirement for ALL Contestants

A. Contestants must register before 10:00 p.m. EDT June 15, 2015, the Submission Deadline of the Qualifying phase, to participate in the Contest.

B. To enter, every Contestant, including all members of a team, must register by submitting a form (“Registration Form”) to verify that he or she has read and agreed to abide by the Official Rules and meets the eligibility requirements, including that he or she: (1) Is at least 18 years old; (2) does not have a familial, or material business or financial relationship with any Contest Judge; and (3) has not been convicted of a felony. Additional information and requirements about the registration process will be provided on the Contest Web site.

C. After a Contestant registers, the Sponsor will send a confirmation message to the email address provided by the Contestant. The Contestant should use the confirmation message to verify the email address that he or she

<sup>1</sup> The vast majority of prerecorded sales calls are illegal under the Telemarketing Sales Rule unless the recipient has provided express written consent to receive them. 73 FR 51164 (Aug. 29, 2008); 16 CFR 310.4(b)(1)(v). The Telephone Consumer Protection Act also prohibits any type of call (other than a call made for emergency purposes) using automated telephone equipment or an artificial or prerecorded voice to a cellular telephone in the absence of prior express consent. 47 U.S.C. 227(b)(1)(A)(iii).

provided in order to receive important Contest updates.

D. In the event of a dispute pertaining to this Contest, the authorized account holder of the email address listed at registration will be deemed to be the Contestant. The "authorized account holder" is the natural person assigned an email address by an Internet access provider, online service provider, or other organization responsible for assigning email addresses for the domain associated with the submitted address. Contestants may be required to show proof of being the authorized account holder.

E. Contestants must be physically present at the site of the Final phase of the Contest in order to participate. Individuals who wish to participate in the Contest without paying for entry to DEF CON 23 must notify the FTC indicating this preference on or before the Submission Deadline for the Qualifying phase. Such individuals may be escorted to the Contest booth as the Sponsor deems necessary, but will not be able to attend any other events, contests, presentations, or otherwise participate in DEF CON 23.

#### 4. Submission

A. *To participate in the Contest, a Contestant must submit the following:*

- (i) solution source code;
- (ii) the written description as required for the specific phase (see Section 7);
- (iii) a brief text description of how the solution functions, which will be made publicly available and must not include any proprietary information;
- (iv) a link to a publicly available video on Youtube.com or Vimeo.com demonstrating how the Solution works, which does not include any proprietary information, is less than 5 minutes long, and does not contain music or copyrighted material unless the Contestant has written legal permission to use such material; and
- (v) any other materials required under Section 7 below, including access to relevant call detail records, dialing platforms, and any other technologies needed to test the Submission, including any legal rights or licenses required to access the technology.

Paragraphs (i)–(v) above are collectively a "Submission." Contestants may also submit a solution title. If the Sponsor permits submission via email, Contestants must use the email address provided on their Registration Form (or in the case of a team, the email address on the team Representative's Registration Form). With the exception of this originating email address, no part of the Submission shall contain information

revealing the Contestant's identity, such as a name, address, employment information, or other identifying details. Additional information and requirements about the Submission process will be provided on the Contest Web site.

##### B. *Submission Deadlines:*

- (i) For the Qualifying phase, Contestants must enter their Submissions by June 15, 2015 at 10:00 p.m. EDT.
- (ii) For the Final phase, Contestants must enter their Submissions by August 8, 2015 at 10:00 p.m. EDT (7:00 p.m. PDT).

Paragraphs (i)–(ii) above are collectively the "Contest Deadlines." The Sponsor's computer is the official time-keeping device for this Contest. Any Submissions entered following the respective Contest Deadlines shall be disqualified. The Judging Period for each phase will commence after the deadline for each phase.

##### C. *Submission Requirements:*

- (i) All parts of the Submission that may be submitted via email must be submitted at the same time. All Submissions must be received by the Contest Deadline for each phase.
- (ii) Source code must be compatible with any of the following languages: C++, C, Java, PERL, Ruby, or Python.
- (iii) No part of a Submission, including any records, platforms, technologies, or licenses required to evaluate the Submission, may require the Sponsor or Contest Judges to spend money or otherwise obtain anything of value; or to execute or enter into any binding agreement (except for a non-disclosure or non-compete agreement) not otherwise provided for under these Rules.

(iv) Submissions from a team must be indicated as such when entering a Submission.

(v) With the exception of source code, Submissions must be in English, except that textual or video material in a language other than English will be accepted if accompanied by an English translation of the text or video.

(vi) Any solution that was publicly available prior to the start of the Contest Submission Period (June 15, 2015) is not eligible for entry in the Contest, unless the solution submitted incorporates significant new functionality, features, or changes that are not publicly available. Contestants must identify any portion of the solution that was publicly available and include a narrative description of the new functionality, features, or changes with any such Submission.

(vii) Submissions must not:

- a. Violate applicable law;

- b. depict hatred;
- c. be in bad taste;
- d. denigrate (or be derogatory toward) any person or group of persons or any race, ethnic group, or culture;
- e. threaten a specific community in society, including any specific race, ethnic group, or culture;
- f. incite violence or be likely to incite violence;
- g. contain vulgar or obscene language or excessive violence;
- h. contain pornography, obscenity, or sexual activity; or
- i. disparage the Sponsor or Participating Organizations.

(viii) Submissions must be free of malware and other security threats. Contestant agrees that the Sponsor may conduct testing on each Submission to determine whether malware or other security threats may be present.

(ix) Any Submission that fails to comply with these requirements, as determined by the Sponsor in its sole discretion, may be disqualified.

##### D. *Additional Terms:*

(i) Once a Submission has been submitted, Contestant may not access or make any changes or alterations to the Submission.

(ii) A Contestant may submit only one Submission as either an individual or a member of a team.

(iii) By entering a Submission, Contestant represents, warrants, and agrees that the Submission is the original work of the Contestant and complies with the Official Rules.

Contestant further represents, warrants, and agrees that any use of the Submission by the Sponsor and Contest Judges (or any of their respective partners, subsidiaries, and affiliates) as authorized by these Official Rules, does not:

a. Infringe upon, misappropriate or otherwise violate any intellectual property right or proprietary right including, without limitation, any statutory or common law trademark, copyright or patent, nor any privacy rights, nor any other rights of any person or entity;

b. constitute or result in any misappropriation or other violation of any person's publicity rights or right of privacy.

#### 5. Submission Rights

A. Subject to the licenses described below, any applicable intellectual property rights to a Submission will remain with the Contestants.

B. By entering a Submission to this Contest, Contestant grants to the Sponsor, and any third parties acting on behalf of the Sponsor, a non-exclusive, irrevocable, royalty-free and worldwide

license to use the Submission, any information and content submitted by the Contestant, and any portion thereof, and to display the Solution name, text description (as described in Section 4.A(iii)), and to make the video available through the Contest Web site, during the Contest and after its conclusion. The Contestant agrees that the foregoing constitutes solely a condition of the Contestant's participation in the Contest, and that the Contest is not a request for or acquisition of any property or services or any other matter subject to federal procurement requirements.

## 6. Winner Selection and Judging Criteria

A. All Submissions will be judged by an expert panel of judges (the "Contest Judges") selected by the Sponsor at the Sponsor's sole discretion. The Sponsor reserves the right to substitute or modify the judging panel, or extend or modify the Judging Period, at any time for any reason.

B. All Contest Judges shall be required to remain fair and impartial. Any Contest Judge may recuse him or herself from judging a Submission if the Contest Judge or the Sponsor considers it inappropriate, for any reason, for the Contest Judge to evaluate a specific Submission or group of Submissions.

C. A Contestant's likelihood of winning will depend on the number and quality of all of the Submissions, as determined by the Contest Judges using the criteria in these Official Rules.

D. For all phases, the Sponsor reserves the right to review the Contest Judges' decision and to withhold any Prize if, at the Sponsor's sole discretion, there is a procedural, legal, or other reason that the Prize should not be awarded.

E. The Sponsor intends to announce who earned the top five scores from the Qualifying phase on or around July 6, 2015, and from the Final phase on or around August 9, 2015. The Sponsor reserves the right to change the announcement dates with or without prior notice for any reason. Prizes, however, will not be awarded and Winners will not be named, until the Sponsor verifies eligibility for receipt of each Prize in accordance with Section 9 below. The Sponsor will announce verified Winners at a later date, and the results will be made available at the Contest Web site.

## 7. Solution Requirements

Contestants will seek to advance the battle against robocalls (a call delivering a prerecorded message) by building a solution that creates a crowd-source

honeypot. The Contest will be judged in two phases—the "Qualifying" phase and "Final" phase.

### A. Qualifying Phase:

For the Qualifying phase, contestants will build solutions that help enable consumers to: (1) Identify unwanted robocalls that consumers receive on landlines and/or mobile phones; and (2) block and/or forward those active robocalls to a crowd-source honeypot. The Contestant's solution must include some method of confirming that the calls forwarded and blocked are robocalls. The Contestant's solution must also include some method of disclosing to the consumer that the calls they identify for forwarding may be disclosed to law enforcement and all carriers associated with delivering the call. In designing the solution, Contestants may not include any feature that requires ongoing manual processing.

Contest Judges will test the Submissions by sending calls to the solution and reviewing the information associated with the calls that are forwarded to the crowd-source honeypot. Each Contestant will be assigned a phone number that their solutions should forward calls to for testing purposes (*i.e.* the crowd-source honeypot number). The phone numbers will be assigned once each Contestant submits a Submission. Contestants may not disclose that number to anyone other than a fellow team member. Each Contestant must provide all equipment and information necessary, including any legal rights or licenses required, for the Contest Judges to test and review the Submissions. Each Contestant must also submit all source code in addition to a written description of the solution, consisting of fewer than 500 words, summarizing the Contestant's techniques and outcomes.

### Judging Criteria:

(i) How well does it work? (50% of total score)

- How well did you succeed in accurately forwarding only robocalls to a honeypot? You will receive twenty points for each distinct successful method that your solution used to identify robocalls for forwarding. For each call forwarded that was not a robocall, one point will be deducted. For each robocall received that the solution failed to forward after the user identifies such robocalls for forwarding, one point will be deducted. Contestants will need to prove to the Contest Judges' satisfaction that the solution accurately forwarded only robocalls, and the necessary level of proof is within the Contest Judges' sole discretion. Furthermore, the Contest Judges have

sole discretion to determine whether two successful methods are meaningfully distinct.

- How well did your solution successfully block robocalls identified for blocking? Contestants will receive twenty points for each distinct successful method that your solution used to identify robocalls for blocking. For each call blocked that was not a robocall, one point will be deducted. For each robocall received that the solution failed to block after the user identifies such robocalls for blocking, one point will be deducted. Contestants will need to prove to the Contest Judges' satisfaction that the solution blocked only robocalls, and the necessary level of proof is within the Contest Judges' sole discretion. Furthermore, the Contest Judges have sole discretion to determine whether two successful methods are meaningfully distinct.

- How scalable is your solution? For each distinct method that your solution uses to forward or block robocalls, Contestants will receive five points for each such method that is easily replicable and adaptable. Furthermore, the Contest Judges have sole discretion to determine whether two methods are meaningfully distinct.

(ii) How user-friendly is your solution? (20% of total score)

- Does your solution adequately provide consumers with notice that calls forwarded may be disclosed to law enforcement or any carrier associated with delivering the call?

- Does your solution provide consumers with flexibility in identifying calls for forwarding or blocking? Flexibility may include, but is not limited to, forwarding or blocking particular calls for specified hours of the day, or limited calendar days.

(iii) Explaining the Scheme (20% of total score)

- What insights did your Submission demonstrate with respect to identifying calls that should be forwarded?

- What insights did your Submission demonstrate with respect to identifying calls that should be blocked?

- What insights did your Submission demonstrate in providing consumers with the greatest control over the calls their phones receive?

(iv) Innovation (10% of total score)

- How innovative was your Submission?

### B. Final Phase:

To be eligible to compete in the Final phase ("Finalists"), Contestants must have scored within the top five scores in the Qualifying phase. Finalists will "seed" their solutions to collect and forward robocalls to a crowd-source honeypot designated by the Sponsor.

Seeding could include, but is not limited to, encouraging consumers to use the solution to forward their robocalls, or listing a phone number associated with their solution (in lieu of a consumer's phone number) on Web sites or other lead sources that robocallers may collect phone numbers from. Finalists will be assigned a phone number that they will forward all robocalls to by 8:00 p.m. EDT on August 5, 2015. For judging purposes, only calls forwarded between 8:00 p.m. EDT on August 5 through 10:00 p.m. EDT on August 8 will be included in determining a Finalist's score. Finalists will be disqualified, however, if they disclose the assigned number to any person other than a team member. Finalists will also be disqualified if they: (1) Place calls using an autodialing program or the functional equivalent; (2) encourage, assist, or request any other person or company to place calls using an autodialing program or the functional equivalent; (3) place their own, or encourage, assist, or request any other person to place their own robocalls to their solution for forwarding; (4) adversely affect any platform, product, system, or technology; (5) violate the terms of service of any third party provider; or (6) do anything prohibited by law. Each Finalist must also submit a written description consisting of fewer than 500 words, summarizing the Finalist's seeding techniques and outcomes.

**Judging Criteria:**

(i) How many robocalls did your solution forward? (70% of total score)

- Did you succeed in accurately forwarding robocalls to a honeypot? You will receive one point for each robocall forwarded. For each call forwarded that was not a robocall, one point will be deducted. Contestants will need to prove to the Contest Judges' satisfaction that the solution accurately forwarded only robocalls, and the necessary level of proof is within the Contest Judges' sole discretion.

(ii) Explaining the Scheme (20% of total score)

- What insights did your Submission demonstrate with respect to seeding techniques?

(iii) Innovation (10% of total score)

- How innovative was your Submission?

C. In order to be considered for a Prize, Submissions must receive a score greater than zero in each required category for both the Qualifying phase (how well does it work, how user-friendly is the solution, explaining the scheme, and innovation) and the Final phase (how many robocalls the solution forwarded, explaining the scheme, and innovation). If the Contest Judges determine that no one satisfies each required category, no one will be deemed eligible for any Prize.

D. The one (1) Contestant or Contestants whose Submission earns the highest overall combined score from the Qualifying and Final phases will be named the Top Prize Winner identified below in Section 8, if the Contestant satisfies the verification requirements described in Section 9. If the Contestant does not satisfy the verification

requirements, the Top Prize may be awarded to the next highest scorer who satisfies the verification requirements, at the Contest Judges' or Sponsor's discretion.

E. Up to two (2) Contestants with the next highest combined scores who meet the Section 9 verification requirements may be awarded the Honorable Mention Prizes—described below in Section 8—at the Contest Judges' or the Sponsor's discretion. If the Contestant does not satisfy the verification requirements, the Honorable Mention Prize may be awarded to the next highest scorer who satisfies the verification requirements, at the Contest Judges' or Sponsor's discretion.

F. Up to five (5) Contestants with the highest scores in the Qualifying phase who meet the Section 9 verification requirements may be awarded the Finalist Prize—described below in Section 8—at the Contest Judges' or Sponsor's discretion. If the Contestant does not satisfy the verification requirements, the Finalist Prize may be awarded to the next highest scorer who satisfies the verification requirements, at the Contest Judges' or Sponsor's discretion.

G. In the event of a tie between or among two or more Submissions where the Contestants meet the verification requirements, the relevant Prize identified below in Section 8 will be divided equally between the tied Contestants.

**8. Prizes**

Winner	Prize amount (for each winner)	Quantity
Top Prize .....	US \$23,000	1
Honorable Mention(s) .....	US \$8,500	2
Finalist(s) .....	US \$2,000	5

A. If no eligible Submissions are entered in the Contest, no Prizes will be awarded. The Sponsor retains the right to make a Prize substitution in the event that funding for the Prize or any portion thereof becomes unavailable. No transfer or substitution of a Prize is permitted except at the Sponsor's sole discretion. It will be the responsibility of the winning team's Representative to allocate the Prize amongst the team, as the Representative deems it appropriate.

B. Each Contestant hereby acknowledges and agrees that the relationship between the Contestant and the Sponsor is not a confidential, fiduciary, or other special relationship, and that the Contestant's decision to provide the Contestant's Submission to

Sponsor for the purposes of this Contest does not place the Sponsor and its respective agents in a position that is any different from the position held by the members of the general public with regard to elements of the Contestant's Submission, except as specifically provided in these Official Rules.

C. Winners (including any winning team members) are responsible for reporting and paying all applicable federal, state, and local taxes. It is the sole responsibility of Winners of \$600 or more to provide information to the Sponsor in order to facilitate receipt of the award, including completing and submitting any tax forms when necessary. It is also the sole responsibility of Winners to satisfy any

applicable reporting requirements. The Sponsor reserves the right to withhold a portion of the Prize amount to comply with tax laws.

D. All payments shall be made by electronic funds transfer or other means determined by the Sponsor.

**9. Verification of Eligibility for Receipt of a Prize**

A. All prize awards are subject to sponsor verification of the winner's identity, eligibility, and participation in the creation of the solution. The sponsor's decisions are final and binding in all matters related to the contest. In order to receive a prize, a contestant will be required to complete, sign and return to the Sponsor

affidavit(s) of eligibility and liability release, or a similar verification document ("Verification Form"). 31 U.S.C. 7701 requires Federal agencies to collect social security numbers to issue a payment. (In the case of a team, the Representative and all participating members must complete, sign and return to the Sponsor the Verification Form.)

B. Contestants potentially qualifying for a Prize will be notified and sent the Verification Form using the email address submitted at registration, starting on or about August 12, 2015. The Sponsor reserves the right to change the time period to send the Verification Form without providing any prior notice. In the case of a team, the notification will only be sent to the Representative. If a notification is returned as undeliverable, the Contestant or team may be disqualified at the Sponsor's sole discretion.

C. At the sole discretion of the Sponsor, a Contestant or team forfeits any Prize if:

(i) The Contestant fails to provide the Verification Form within five (5) business days of receipt of the email notification discussed above (or in the case of a team, any team member fails to provide the Verification Form within five business days of receipt of the email notification);

(ii) the Contestant (or in the case of a team, its Representative) does not timely communicate with the Sponsor to provide payment and all other necessary information within five business days of receiving a request for such information;

(iii) such individual or team Representative is contacted and refuses the Prize;

(iv) the Prize is returned as undeliverable; or

(v) the Submission of the Winner, the Winner, or any member of a Winner's team is disqualified for any reason.

D. In the event of a disqualification, Sponsor, at its sole discretion, may award the applicable Prize to an alternate Contestant. The disqualification of one (or more) team members at any time for any reason may result in the disqualification of the entire team and of each participating member at the sole discretion of the Sponsor.

#### 10. Entry Conditions and Release

A. By registering, each Contestant (including, in the case of a team, all participating members) agree(s):

(i) To comply with and be bound by these Official Rules; and

(ii) That the application of the judging criteria, evaluation of the submissions, and final selection of the winners is a

matter of discretion of the Contest Judges and Sponsor, and that their respective decisions are binding and final in all matters relating to this Contest.

B. By registering, each Contestant (including, in the case of a team, all participating members) agree(s) to release, indemnify, and hold harmless the Sponsor, Participating Organizations, and any other individuals or organizations responsible for sponsoring, fulfilling, administering, advertising, or promoting the Contest, including their respective parents, subsidiaries, and affiliated companies, if any, and all of their respective past and present officers, directors, employees, agents and representatives (hereafter the "Released Parties") from and against any and all claims, expenses, and liabilities (including reasonable attorneys' fees and costs of Submission preparation) arising out of or relating to a Contestant's entry, creation of Submission or entry of a Submission, participation in the Contest, acceptance or use or misuse of the Prize, and the disclosure, broadcast, transmission, performance, exploitation, or use of Submission as authorized or licensed by these Official Rules. Released claims include all claims whatsoever including, but not limited to (except in cases of willful misconduct): injury, death, damage, or loss of property, revenue or profits, whether direct, indirect, or consequential, arising from the Contestant's participation in a competition, whether the claim of injury, death, damage, or loss arises through negligence, mistake, or otherwise. This release does not apply to claims against the Sponsor arising out of the unauthorized use or disclosure by the Sponsor of intellectual property, trade secrets, or confidential business information of the Contestant.

C. Without limiting the foregoing, each Contestant (including, in the case of a team, all participating members) agrees to release all Released Parties of all liability in connection with:

(i) Any incorrect or inaccurate information, whether caused by the Sponsor's or a Contestant's electronic or printing error or by any of the equipment or programming associated with or utilized in the Contest;

(ii) technical failures of any kind, including, but not limited to, malfunctions, interruptions, or disconnections in phone lines, internet connectivity, or electronic transmission errors, or network hardware or software or failure of the Contest Web site, or any other platform or tool that Contestants or Contest Judges choose to use;

(iii) unauthorized human intervention in any part of the entry process or the Contest;

(iv) technical or human error that may occur in the administration of the Contest or the processing of Submissions; or

(v) any injury or damage to persons or property that may be caused, directly or indirectly, in whole or in part, from the Contestant's participation in the Contest or receipt or use or misuse of any Prize. If for any reason any Contestant's Submission is confirmed to have been erroneously deleted, lost, or otherwise destroyed or corrupted, the Contestant's sole remedy is to request the opportunity to resubmit its Submission. The request will be addressed at the sole discretion of the Sponsor if the Contest Submission Period is still open.

D. Based on the subject matter of the Contest, the type of work that it possibly will require, and the low probability that any claims for death, bodily injury, or property damage, or loss could result from Contest participation, the Sponsor determines that Contestants are not required to obtain liability insurance or demonstrate fiscal responsibility in order to participate in this Contest.

#### 11. Publicity

Participation in the Contest constitutes consent to the use by the Sponsor and Participating Organizations, their agents' and any other third parties acting on their behalf, of the Contestant's name or codename (and, as applicable, those of all other members of the team that participated in the Submission), Submission video, and Submission text description for promotional purposes in any media, worldwide, without further payment or consideration. Furthermore, a Contestant's likeness, photograph, voice, opinions, comments, and hometown and state of residence (and, as applicable, those of all other members of the team that participated in the Submission) may be used for the Sponsor or Participating Organizations' promotional purposes if the Contestant provides consent. In addition, the Sponsor and Participating Organizations reserve the right to make any disclosure required by law.

#### 12. General Conditions

A. Each Contestant agrees that the Sponsor is vested with the sole authority to interpret and apply these rules.

B. Sponsor reserves the right, in its sole discretion, to cancel, suspend, or modify the Contest, or any part of it, with or without notice to the contestants, if any fraud, technical



failure, or any other unanticipated factor or factors beyond Sponsor's control impairs the integrity or proper functioning of the Contest, or for any other reason. The Sponsor reserves the right at its sole discretion to disqualify any individual or Contestant that the Sponsor finds to be tampering with the entry process or the operation of the Contest, or to be acting in violation of these Official Rules or in a manner that is inappropriate, not in the best interests of this Contest, or in violation of any applicable law or regulation.

C. Any attempt by any person to undermine the proper functioning of the Contest may be a violation of criminal and civil law, and, should such an attempt be made, the Sponsor reserves the right to take proper legal action, including, without limiting, referral to law enforcement, for any illegal or unlawful activities.

D. The Sponsor's failure to enforce any term of these Official Rules shall not constitute a waiver of that term. The Sponsor is not responsible for incomplete, late, misdirected, damaged, lost, illegible, or incomprehensible Submissions or for address or email address changes of the Contestants. Proof of sending or submitting is not proof of receipt by Sponsor.

E. In the event of any discrepancy or inconsistency between the terms and conditions of the Official Rules and disclosures or other statements contained in any Contest materials, including but not limited to the Contest Web site or point of sale, television, print or online advertising, the terms and conditions of the Official Rules shall prevail.

F. The Sponsor reserves the right to amend the terms and conditions of the Official Rules at any time, including the rights or obligations of the Contestant and the Sponsor. The Sponsor will post the terms and conditions of the amended Official Rules on the Contest Web site ("Corrective Notice"). As permitted by law, any amendment will become effective at the time the Sponsor posts the amended Official Rules.

G. Excluding Submissions, all intellectual property related to this Contest, including but not limited to trademarks, trade-names, logos, designs, promotional materials, Web pages, source codes, drawings, illustrations, slogans, and representations are owned or used under license by either the Sponsor or Participating Organizations. All rights are reserved. Unauthorized copying or use of any copyrighted material or intellectual property without the express written consent of the relevant owner(s) is strictly prohibited.

H. Should any provision of these Official Rules be or become illegal or unenforceable under applicable Federal law, such illegality or unenforceability shall leave the remainder of these Official Rules unaffected and valid. The illegal or unenforceable provision may be replaced by the Sponsor with a valid and enforceable provision that, in the Sponsor's sole judgment, comes closest and best reflects the Sponsor's intention in a legal and enforceable manner with respect to the invalid or unenforceable provision.

### 13. Disputes

Subject to the release provisions in these Official Rules, Contestant agrees that:

A. Any and all disputes, claims, and causes of action arising out of or connected with this Contest, any Prizes awarded, the administration of the Contest, the determination of Winners, or the construction, validity, interpretation, and enforceability of the Official Rules shall be resolved individually;

B. any and all disputes, claims, and causes of action arising out of or connected with this Contest, any Prizes awarded, the administration of the Contest, the determination of Winners, or the construction, validity, interpretation, and enforceability of the Official Rules shall be resolved pursuant to Federal law;

C. under no circumstances will Contestants be entitled to, and Contestants hereby waive, all rights to claim, any punitive, incidental, and consequential damages and any and all rights to have damages multiplied or otherwise increased.

### 14. Privacy

The sponsor may collect personal information from the contestant when he or she enters the contest. Such personal information collected is subject to the privacy policy located here: <http://www.ftc.gov/site-information/privacy-policy>.

### 15. Contact Us

Please visit the Contest Web site for further Contest information and updates.

**Jessica Rich,**

*Director, Bureau of Consumer Protection.*

[FR Doc. 2015-05439 Filed 3-6-15; 8:45 am]

**BILLING CODE 6750-01-P**

## FEDERAL TRADE COMMISSION

### Robocall Contest; "DetectaRobo"

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice; public challenge.

**SUMMARY:** The Federal Trade Commission ("FTC") announces an open source prize competition that challenges the public to analyze data from a robocall honeypot, thus improving honeypot design. A honeypot is an information system that is designed to attract perpetrators of illegal acts—in this case robocallers—and gain knowledge about their tactics. The Contest will be held during the National Day of Civic Hacking, from June 6–7, 2015.

**DATES:** Contestants may register beginning at 9:00 a.m. Eastern Daylight Time ("EDT") on June 6, 2015. Further instructions and requirements regarding registration and submission will be provided on the Contest Web site ([ftc.gov/detectarobo](http://ftc.gov/detectarobo)). The deadline for submitting entries is June 7, 2015, at 8:00 p.m. EDT.

**FOR FURTHER INFORMATION CONTACT:** Patricia Hsue, 202-326-3132, Division of Marketing Practices, Bureau of Consumer Protection, FTC; 600 Pennsylvania Ave. NW., Mailstop CC-8528; Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** The FTC DetectaRobo Contest (the "Contest") is the next step in the Federal Trade Commission's battle against illegal robocalls, and complements the results of the FTC's two prior robocall challenges in 2012 and 2014. Robocalls are prerecorded messages that generally seek to promote the purchase of goods or services to a consumer, and are regulated by the FTC under the Telemarketing Sales Rule. See 16 CFR 310.4(b)(1)(v). Most such calls are illegal,<sup>1</sup> and yet they continue to be prevalent.

The FTC is hosting the Contest in conjunction with the 2015 National Day of Civic Hacking. The Contest will challenge the public to contribute to the design of robocall honeypots—information systems intended to attract perpetrators of illegal robocalls and gather knowledge about robocaller tactics. The Contest is intended to engage individuals or teams of individuals with information security expertise (collectively "Contestants") to

<sup>1</sup> The vast majority of prerecorded sales calls are illegal under the Telemarketing Sales Rule unless the recipient has provided express written consent to receive them. 73 FR 51164 (Aug. 29, 2008); 16 CFR 310.4(b)(1)(v). The Telephone Consumer Protection Act also prohibits any type of call (other than a call made for emergency purposes) using automated telephone equipment or an artificial or prerecorded voice to a cellular telephone in the absence of prior express consent. 47 U.S.C. 227(b)(1)(A)(iii).

apply their knowledge to further the design of robocall honeypots.

The Contest is subject to all applicable laws and regulations. Registering to enter the Contest constitutes Contestant's full agreement to these Official Rules and to decisions of the Sponsor (as defined below), which are final and binding in all matters related to the Contest. Winning a Prize is contingent upon fulfilling all requirements set forth in the Official Rules.

### 1. Sponsor and Participating Organizations

A. *Sponsor*: Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

B. *Participating Organizations*:

(i) Pindrop Security, Inc., 817 West Peachtree Street NW., Suite 770, Atlanta, GA 30308;

(ii) Canadian Radio-television Telecommunications Commission, Ottawa, Ontario, Canada, K1A 0N2.

The FTC reserves the right to modify the list of Participating Organizations at any time and will provide any updates on the Contest Web site.

### 2. Eligibility

A. To participate in the Contest:

(i) Contestants may compete as individuals or as teams of individuals, if they meet all eligibility requirements set forth in Sections 2.A–C. To be eligible to win a Prize, Contestants must meet the additional prize eligibility requirements set forth in Section 9.

(ii) Contestants must comply with all terms and conditions of the Official Rules.

(iii) Contestants must own or have access at their own expense to a computer, an Internet connection, and any other electronic devices, documentation, software, or other items that Contestants may deem necessary to create and enter a Submission (as defined in Section 4 below).

(iv) Each team must appoint one individual (the "Representative") to represent and act on behalf of said team, including by entering a Submission. The Representative must be duly authorized to submit on behalf of the team, and must represent and warrant that he or she is duly authorized to act on behalf of the team.

(v) An individual may enter the Contest only once, either on an individual basis or as a member of one team.

(vi) No individual or team may enter the Contest on behalf of a corporation or other non-individual legal entity.

B. The following individuals (including any individuals participating

as part of a team) are *not* eligible regardless of whether they meet the criteria set forth above:

(i) Any individual under the age of 18;

(ii) any individual who employs any of the Contest Judges as an employee or agent;

(iii) any individual who owns or controls an entity for whom a Contest Judge is an employee, officer, director, or agent;

(iv) any individual who has a material business or financial relationship with any Contest Judge;

(v) any individual who is a member of any Contest Judge's immediate family or household;

(vi) any individual who has been convicted of a felony;

(vii) any employee, representative or agent of the Sponsor or Participating Organizations, as well as any employee, representative, or agent of an advertising agency, contractor or other individual or organization involved with the design, production, promotion, execution, or distribution of the Contest; and all members of the immediate family or household of any such employee, representative, or agent;

(viii) any Federal employee acting within the scope of his or her employment, or as may otherwise be prohibited by Federal law (employees should consult their agency ethics officials);

(ix) any individual or team that used Federal facilities or consulted with Federal employees to develop a Submission, unless the facilities and employees were made available to all Contestants participating in the Contest on an equitable basis; and

(x) any individual or team that used Federal funds to develop a Submission, unless such use is consistent with the grant award, or other applicable Federal funds awarding document. If a grantee using Federal funds enters and wins this Contest, the prize monies shall be treated as program income for purposes of the original grant in accordance with applicable Office of Management and Budget Circulars. Federal contractors may not use Federal funds from a contract to develop a Submission for this Challenge. The Sponsor will, in its sole discretion, disqualify any individual or team that meets any of the criteria set forth in Section 2.B.

C. For purposes hereof:

(i) The members of an individual's immediate family include such individual's spouse, children and step-children, parents and step-parents, and siblings and step-siblings; and

(ii) the members of an individual's household include any other person who shares the same residence as such

individual for at least three (3) months out of the year.

D. Pursuant to the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010, 15 U.S.C. 3719, Contest Prizes (as defined in Section 8 below) may be awarded only to individuals and teams of individuals who are citizens or permanent residents of the United States, subject to verification by the Sponsor before Prizes are awarded (see Section 9 below).

### 3. Registration Requirement for All Contestants

A. Beginning at 9:00 a.m. EDT on June 6, 2015, Contestants may register to participate in the Contest.

B. To enter, every Contestant, including all members of a team, must register by submitting a form ("Registration Form") to verify that he or she has read and agreed to abide by the Official Rules and meets the eligibility requirements, including that he or she: (1) Is at least 18 years old; (2) does not have a familial, or material business or financial relationship with any Contest Judge; and (3) has not been convicted of a felony. The Registration Form will be available to Contestants beginning at 9:00 a.m. EDT on June 6, 2015. Additional information and requirements about the registration process will be provided on the Contest Web site.

C. Contestants should register as soon as possible and after their registration is completed, will receive access to the data to be analyzed. Contestants must submit their Registration Forms before the Submission Deadline. Contest participation will be limited to the first 50 individuals or teams who register.

D. After a Contestant registers, the Sponsor will send a confirmation message to the email address provided by the Contestant. The Contestant should use the confirmation message to verify the email address that he or she provided in order to receive important Contest updates.

E. In the event of a dispute pertaining to this Contest, the authorized account holder of the email address listed at registration will be deemed to be the Contestant. The "authorized account holder" is the natural person assigned an email address by an Internet access provider, online service provider, or other organization responsible for assigning email addresses for the domain associated with the submitted address. Contestants may be required to show proof of being the authorized account holder.

#### 4. Submission

A. To participate in any phase of the Contest, a Contestant must submit the following:

- (i) Solution source code;
- (ii) a written description of the Submission (see Section 7); and
- (iii) any other materials required under Section 7 below, including robocall predictions and access to technologies needed to test the Submission, including any legal rights or licenses required to access the technologies.

Paragraphs (i)–(iii) above are collectively a “Submission.” If the Sponsor permits submission via email, Contestants must use the email address provided on their Registration Forms (or in the case of a team, the email address on the team Representative’s Registration Form). With the exception of this originating email address, no part of the Submission shall contain information revealing the Contestant’s identity, such as a name, address, employment information, or other identifying details. Additional information about and requirements for the Submission process will be provided on the Contest Web site.

##### B. Submission deadlines.

Contestants must enter their Submissions by June 7, 2015 at 8:00 p.m. EDT (“Contest Deadline”). The Sponsor’s computer is the official time-keeping device for this Contest. The Sponsor reserves the right, in its discretion, to extend the Contest Deadline at any time in appropriate circumstances and without prior notice. Any Submissions entered following the Contest Deadline shall be disqualified. The Judging Period will commence after the Contest Deadline.

##### C. Submission requirements.

(i) The source code, written description, and any other materials must all be submitted at the same time. All Submissions must be received by the Contest Deadline.

(ii) Source code must be compatible with any of the following languages: C++, C, Java, PERL, Ruby, or Python.

(iii) No part of a Submission, including any records, platforms, technologies or licenses required to evaluate the Submission, may require the Sponsor or Contest Judges to spend money or otherwise obtain anything of value; or to execute or enter into any binding agreement (except for a non-disclosure or non-compete agreement) not otherwise provided for under these Rules.

(iv) Submissions from a team must be indicated as such when entering a Submission.

(v) With the exception of source code, Submissions must be in English, except that textual material in a language other than English will be accepted if accompanied by an English translation of that text.

(vi) Any solution that was publicly available prior to the start of the Contest Period (June 6–7, 2015) is not eligible for entry in the Contest, unless the solution submitted incorporates significant new functionality, features, or changes that are not publicly available. Contestants must identify any portion of the solution that was publicly available and include a narrative description of the new functionality, features, or changes with any such Submission.

(vii) Submissions must not:

- a. Violate applicable law;
- b. depict hatred;
- c. be in bad taste;
- d. denigrate (or be derogatory toward) any person or group of persons or any race, ethnic group, or culture;
- e. threaten a specific community in society, including any specific race, ethnic group, or culture;
- f. incite violence or be likely to incite violence;
- g. contain vulgar or obscene language or excessive violence;
- h. contain pornography, obscenity, or sexual activity; or
- i. disparage the Sponsor or Participating Organizations.

(viii) Submissions must be free of malware and other security threats. Contestant agrees that the Sponsor may conduct testing on each Submission to determine whether malware or other security threats may be present.

(ix) Any Submissions that fail to comply with these requirements, as determined by the Sponsor in its sole discretion, may be disqualified.

##### D. Additional terms.

(i) Once a Submission has been submitted, Contestant may not access or make any changes or alterations to the Submission.

(ii) A Contestant may submit only one Submission as either an individual or a member of a team.

(iii) By entering a Submission, Contestant represents, warrants, and agrees that the Submission is the original work of the Contestant and complies with the Official Rules.

Contestant further represents, warrants, and agrees that any use of the Submission by the Sponsor and Contest Judges (or any of their respective partners, subsidiaries, and affiliates) as authorized by these Official Rules, does not:

- a. infringe upon, misappropriate or otherwise violate any intellectual

property right or proprietary right including, without limitation, any statutory or common law trademark, copyright or patent, nor any privacy rights, nor any other rights of any person or entity;

b. constitute or result in any misappropriation or other violation of any person’s publicity rights or right of privacy.

#### 5. Submission Rights

By entering a Submission to this Contest, Contestant grants to any person obtaining a copy of his or her Submission, a non-exclusive, irrevocable, royalty-free and worldwide license to use, copy, modify, merge, publish, or distribute the Submission, any information and content submitted by the Contestant, and any portion thereof. Contestants agree that such Submissions shall be made and remain available to all for use on an open source basis, as defined by the Open Source Initiative, *see* [opensource.org](http://opensource.org). Contestant further grants to the Sponsor the right to display the Submission on the Internet. The Contestant agrees that the foregoing constitutes a condition of the Contestant’s participation in the Contest, and that the Contest is not a request for, or acquisition of, any property or service or any other matter subject to federal procurement requirements.

#### 6. Winner Selection and Judging Criteria

A. All Submissions will be judged by an expert panel of judges (the “Contest Judges”) selected by the Sponsor at the Sponsor’s sole discretion. The Sponsor reserves the right to substitute or modify the judging panel, or extend or modify the Judging Period, at any time for any reason.

B. All Contest Judges shall be required to remain fair and impartial. Any Contest Judge may recuse him or herself from judging a Submission if the Contest Judge or the Sponsor considers it inappropriate, for any reason, for the Contest Judge to evaluate a specific Submission or group of Submissions.

C. A Contestant’s likelihood of winning will depend on the number and quality of all of the Submissions, as determined by the Contest Judges using the criteria in these Official Rules.

D. For all phases, the Sponsor reserves the right to review the Contest Judges’ decision and to withhold any Prize if, at the Sponsor’s sole discretion, there is a procedural, legal, or other reason that the Prize should not be awarded.

E. The Sponsor intends to announce the Winners within two months of the

Contest Period, and the results will be made available on the Contest Web site. The Sponsor, however, reserves the right to change the announcement date at any time with or without prior notice for any reason.

**7. Solution Requirements**

A. Each Contestant will have access to two sets of call data from an existing robocall honeypot. Contestants will be authorized to access the data only after the Contestant submits a Registration Form to the Sponsor. To access this data, Contestants may also be required to agree to certain terms and conditions specified by Pindrop. Contestants may not disseminate this data to any individual or legal entity other than another team member, and Contestants shall be disqualified from the Contest by the Sponsor if they do so. The first data set will identify calls that are likely to have been a robocall (a call delivering a prerecorded message). Based on information provided in the first data set, Contestants will develop an algorithm and will predict which of the calls in the second data set are likely to be robocalls. The Contestants' predictions must be submitted in ascii text format using CSV. In addition to submitting these predictions, each Contestant must submit all source code and a written description of the algorithm consisting of fewer than 250 words.

*Judging Criteria*

- (i) Uncovering the Truth (70% of total score).
  - How well did you predict whether the calls in the second honeypot data set were likely to be robocalls? To assess this, the Contest Judges will compare your predictions with actual data about which calls are likely to be a robocall in the second data set. You will receive one point for each call you successfully identified as a likely robocall, and deducted two points for each call you inaccurately identified as a likely robocall.
- (ii) Explaining the Scheme (20% of total score)
  - What insights did your Submission demonstrate with respect to the analysis of honeypot call records?
- (iii) Innovation (10% of total score).
  - How innovative was your Submission?

B. In order to be considered for a Prize, Submissions must receive a score greater than zero in each required category (uncovering the truth, explaining the scheme, and innovation). If the Contest Judges determine that no one satisfies each required category, no

one will be deemed eligible for any Prize.

C. The one (1) Contestant or Contestants whose Submission earns the highest overall score will be named Winner of the Top Prize identified below in Section 8, if the Contestant satisfies the verification requirements described in Section 9. If the Contestant does not satisfy the verification requirements, the Top Prize may be awarded to the next highest scorer who satisfies the verification requirements, at the Contest Judges' or Sponsor's discretion.

D. Up to two (2) Contestants with the next highest scores who meet the Section 9 verification requirements may be awarded the Honorable Mention Prizes—described below in Section 8—at the Contest Judges' or the Sponsor's discretion. If the Contestant does not satisfy the verification requirements, the Honorable Mention Prize may be awarded to the next highest scorer who satisfies the verification requirements, at the Contest Judges' or Sponsor's discretion.

E. In the event of a tie between or among two or more Submissions where the Contestants meet the verification requirements, the relevant Prize identified below in Section 8 will be divided equally between the tied Contestants.

**8. Prizes**

Winner	Prize	Quantity
Top Prize .....	Champion RoboSleuth Award.	1
Honorable Mention(s).	Master RoboSleuth Award(s).	2

A. If no eligible Submissions are entered in the Contest, no Prizes will be awarded.

B. Each Contestant hereby acknowledges and agrees that the relationship between the Contestant and the Sponsor is not a confidential, fiduciary, or other special relationship, and that the Contestant's decision to provide the Contestant's Submission to Sponsor for the purposes of this Contest does not place the Sponsor and its respective agents in a position that is any different from the position held by the members of the general public with regard to elements of the Contestant's Submission, except as specifically provided in these Official Rules.

**9. Verification of Eligibility for Receipt of a Prize**

A. All Prize Awards Are Subject to Sponsor Verification of the Winner's

Identity, Eligibility, and Participation In the Creation of the Solution. The Sponsor's Decisions Are Final and Binding In All Matters Related to the Contest. In order to receive a Prize, a Contestant will be required to complete, sign and return to the Sponsor affidavit(s) of eligibility and liability release, or a similar verification document ("Verification Form"). (In the case of a team, the Representative and all participating members must complete, sign and return to the Sponsor the Verification Form.)

B. Contestants potentially qualifying for a Prize will be notified and sent the Verification Form using the email address submitted at registration within two months of the Contest Period. The Sponsor reserves the right to change the time period to send the Verification Form without providing any prior notice. In the case of a team, the notification will only be sent to the Representative. If a notification is returned as undeliverable, the Contestant or team may be disqualified at the Sponsor's sole discretion.

C. At the sole discretion of the Sponsor, a Contestant or team forfeits any Prize if:

(i) The Contestant fails to provide the Verification Form within five (5) business days of receipt of the email notification discussed above (or in the case of a team, any team member fails to provide the Verification Form within five business days of receipt of the email notification);

(ii) the Contestant (or in the case of a team, its Representative) does not timely communicate with the Sponsor to provide all other necessary information within five business days of receiving a request for such information;

(iii) such individual or team Representative is contacted and refuses the Prize; or

(iv) the Submission of the Winner, the Winner, or any member of a Winner's team is disqualified for any reason.

D. In the event of a disqualification, Sponsor, at its sole discretion, may award the applicable Prize to an alternate Contestant. The disqualification of one (or more) team members at any time for any reason may result in the disqualification of the entire team and of each participating member at the sole discretion of the Sponsor.

**10. Entry Conditions and Release**

A. By registering, each Contestant (including, in the case of a team, all participating members) agree(s):

(i) To comply with and be bound by these Official Rules; and

(ii) that the application of the judging criteria, evaluation of the Submissions, and final selection of the winners is a matter of discretion of the Contest Judges and Sponsor, and that their respective decisions are binding and final in all matters relating to this Contest.

B. By registering, each Contestant (including, in the case of a team, all participating members) agree(s) to release, indemnify, and hold harmless the Sponsor, Participating Organizations, and any other individuals or organizations responsible for sponsoring, fulfilling, administering, advertising, or promoting the Contest, including their respective parents, subsidiaries, and affiliated companies, if any, and all of their respective past and present officers, directors, employees, agents and representatives (hereafter the "Released Parties") from and against any and all claims, expenses, and liabilities (including reasonable attorneys' fees and costs of Submission preparation) arising out of or relating to a Contestant's entry, creation of Submission or entry of a Submission, participation in the Contest, acceptance or use or misuse of the Prize, and the disclosure, broadcast, transmission, performance, exploitation, or use of Submission as authorized or licensed by these Official Rules. Released claims include all claims whatsoever including, but not limited to (except in cases of willful misconduct): Injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from the Contestant's participation in a competition, whether the claim of injury, death, damage, or loss arises through negligence, mistake or otherwise. This release does not apply to claims against the Sponsor arising out of the unauthorized use or disclosure by the Sponsor of intellectual property, trade secrets, or confidential business information of the Contestant.

C. Without limiting the foregoing, each Contestant (including, in the case of a team, all participating members) agrees to release all Released Parties of all liability in connection with:

(i) Any incorrect or inaccurate information, whether caused by the Sponsor's or a Contestant's electronic or printing error or by any of the equipment or programming associated with or utilized in the Contest;

(ii) technical failures of any kind, including, but not limited to, malfunctions, interruptions, or disconnections in phone lines, internet connectivity, or electronic transmission errors, or network hardware or software or failure of the Contest Web site, or any

other platform or tool that Contestants or Contest Judges choose to use;

(iii) unauthorized human intervention in any part of the entry process or the Contest;

(iv) technical or human error that may occur in the administration of the Contest or the processing of Submissions; or

(v) any injury or damage to persons or property that may be caused, directly or indirectly, in whole or in part, from the Contestant's participation in the Contest or receipt or use or misuse of any Prize. If for any reason any Contestant's Submission is confirmed to have been erroneously deleted, lost, or otherwise destroyed or corrupted, the Contestant's sole remedy is to request the opportunity to resubmit its Submission. The request will be addressed at the sole discretion of the Sponsor if the Contest Submission Period is still open.

D. Based on the subject matter of the Contest, the type of work that it possibly will require, and the low probability that any claims for death, bodily injury, or property damage, or loss could result from Contest participation, the Sponsor determines that Contestants are not required to obtain liability insurance or demonstrate fiscal responsibility in order to participate in this Contest.

#### 11. Publicity

Participation in the Contest constitutes consent to the use by the Sponsor and Participating Organizations, their agents', and any other third parties acting on their behalf, of the Contestant's name (and, as applicable, those of all other members of the team that participated in the Submission) for promotional purposes in any media, worldwide, without further payment or consideration. Furthermore, a Contestant's likeness, photograph, voice, opinions, comments, and hometown and state of residence (and, as applicable, those of all other members of the team that participated in the Submission) may be used for the Sponsor or Participating Organizations' promotional purposes if the Contestant provides consent. In addition, Sponsor and Participating Organizations reserve the right to make any disclosure required by law.

#### 12. General Conditions

A. Each Contestant agrees that the Sponsor is vested with the sole authority to interpret and apply these rules.

B. Sponsor reserves the right, in its sole discretion, to cancel, suspend, or modify the Contest, or any part of it, with or without notice to the contestants, if any fraud, technical

failure, or any other unanticipated factor or factors beyond Sponsor's control impairs the integrity or proper functioning of the Contest or for any other reason. The Sponsor reserves the right at its sole discretion to disqualify any individual or Contestant that the Sponsor finds to be tampering with the entry process or the operation of the Contest, or to be acting in violation of these Official Rules or in a manner that is inappropriate, not in the best interests of this Contest, or in violation of any applicable law or regulation.

C. Any attempt by any person to undermine the proper functioning of the Contest may be a violation of criminal and civil law, and, should such an attempt be made, the Sponsor reserves the right to take proper legal action, including, without limiting, referral to law enforcement, for any illegal or unlawful activities.

D. The Sponsor's failure to enforce any term of these Official Rules shall not constitute a waiver of that term. The Sponsor is not responsible for incomplete, late, misdirected, damaged, lost, illegible, or incomprehensible Submissions or for address or email address changes of the Contestants. Proof of sending or submitting is not proof of receipt by Sponsor.

E. In the event of any discrepancy or inconsistency between the terms and conditions of the Official Rules and disclosures or other statements contained in any Contest materials, including but not limited to the Contest Web site or point of sale, television, print or online advertising, the terms and conditions of the Official Rules shall prevail.

F. The Sponsor reserves the right to amend the terms and conditions of the Official Rules at any time, including the rights or obligations of the Contestant and the Sponsor. The Sponsor will post the terms and conditions of the amended Official Rules on the Contest Web site ("Corrective Notice"). As permitted by law, any amendment will become effective at the time the Sponsor posts the amended Official Rules.

G. Excluding Submissions, all intellectual property related to this Contest, including but not limited to trademarks, trade-names, logos, designs, promotional materials, Web pages, source codes, drawings, illustrations, slogans, and representations are owned or used under license by either the Sponsor or Participating Organizations. All rights are reserved. Unauthorized copying or use of any copyrighted material or intellectual property without the express written consent of the relevant owner(s) is strictly prohibited.

H. Should any provision of these Official Rules be or become illegal or unenforceable under applicable Federal law, such illegality or unenforceability shall leave the remainder of these Official Rules unaffected and valid. The illegal or unenforceable provision may be replaced by the Sponsor with a valid and enforceable provision that, in the Sponsor's sole judgment, comes closest and best reflects the Sponsor's intention in a legal and enforceable manner with respect to the invalid or unenforceable provision.

**13. Disputes**

Subject to the release provisions in these Official Rules, Contestant agrees that:

A. Any and all disputes, claims, and causes of action arising out of or connected with this Contest, any Prizes awarded, the administration of the Contest, the determination of Winners, or the construction, validity, interpretation, and enforceability of the Official Rules shall be resolved individually;

B. any and all disputes, claims, and causes of action arising out of or connected with this Contest, any Prizes awarded, the administration of the Contest, the determination of Winners, or the construction, validity, interpretation, and enforceability of the Official Rules shall be resolved pursuant to Federal law;

C. under no circumstances will Contestants be entitled to, and Contestants hereby waive, all rights to claim, any punitive, incidental, and consequential damages and any and all rights to have damages multiplied or otherwise increased.

**14. Privacy**

The Sponsor may collect personal information from the Contestant when he or she enters the Contest. Such personal information collected is subject

to the privacy policy located here: <http://www.ftc.gov/site-information/privacy-policy>.

**15. Contact Us**

Please visit the Contest Web site for further Contest information and updates.

**Jessica Rich,**  
 Director, Bureau of Consumer Protection.  
 [FR Doc. 2015-05442 Filed 3-6-15; 8:45 am]  
**BILLING CODE 6750-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2011-N-0510]

**Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Substances Prohibited From Use in Animal Food or Feed**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Fax written comments on the collection of information by April 8, 2015.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202-395-7285, or emailed to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). All

comments should be identified with the OMB control number 0910-0627. Also include the FDA docket number found in brackets in the heading of this document.

**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](mailto:PRAStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

**Substances Prohibited From Use in Animal Food or Feed—21 CFR Part 589 (OMB Control Number 0910-0627—Revision)**

This regulation prohibits the use of certain cattle origin materials in the food or feed of all animals to help prevent the spread of bovine spongiform encephalopathy (BSE) in U.S. cattle. BSE is a progressive and fatal neurological disorder of cattle that results from an unconventional transmissible agent. BSE belongs to the family of diseases known as transmissible spongiform encephalopathies (TSEs). All TSEs affect the central nervous system of infected animals. These measures will further strengthen existing safeguards against BSE.

In the **Federal Register** of November 21, 2014 (79 FR 69493), FDA published a 60-day notice requesting public comment on the proposed collection of information. One comment was received however it did not respond to any of the four information collection topics solicited and is therefore not addressed by the Agency.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN<sup>1</sup>

21 CFR Section 589.2001; Substances prohibited from use in animal food or feed	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeper	Total hours	Operating and maintenance costs
589.2001(c)(2)(vi) and (c)(3)(i) .....	175	1	175	20	3,500	\$59,500
589.2001(c)(2)(ii) .....	50	1	50	20	1,000	17,000
589.2001(c)(3)(i)(A) .....	175	1	175	26	4,550	80,580
<b>Total</b> .....	.....	.....	.....	.....	9,050	157,080

<sup>1</sup> There are no capital costs associated with this collection of information.

*Description of Respondents for Recordkeeping:* Rendering facilities, medicated feed manufacturers, livestock feeders.

The Agency's recordkeeping burden estimate was calculated by multiplying the number of recordkeepers times the number of records per recordkeeper to determine the total annual number of

records. The total number of annual records were then multiplied by the average burden per recordkeeper to determine the total number of burden hours.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN<sup>1</sup>

21 CFR section 589.2001(f)	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per respondent	Total hours
One-time (initial) burden .....	1	1	1	80	80
Burden from future review .....	1	1	1	26	26

<sup>1</sup> There are no capital costs or operating costs associated with the collection of information.

*Description of Respondents for Reporting:* The final regulation on BSE (73 FR 22720) included a provision that exempts cattle materials prohibited in animal feed (CMPAF) from designated countries from the prohibition on its use in animal feed. A foreign country seeking this designation will submit a written request to FDA that includes a variety of information about the country's BSE status (§ 589.2001(f)). During the past 6 years, FDA received 2 requests from countries to be exempted from CMPAF restrictions.

#### One-Time (Initial) Reporting Burden

There is a one-time burden to countries that apply to FDA seeking to be designated as not subject to restrictions applicable to CMPAF. We estimate that each country that applies for an exclusion will spend 80 hours putting information together to submit to FDA. Table 2 row 1 presents the one-time burden for the exclusion. (See final BSE regulation at 73 FR 22754).

#### Recurring Burden

Countries that successfully petition FDA to be designated as exempt from certain BSE-related restrictions applicable to animal feed will be subject to future review by FDA to ensure that their designation remains appropriate. As part of this process, FDA may ask designated countries from time-to-time to confirm that their BSE situation and the information submitted by them in support of their original application remains unchanged. We assume it will take FDA and the designated country undergoing a review in the future about one third the time and effort it did when the information was submitted. Table 2 row 2 presents the expected recurring burden.

Dated: March 2, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015-05356 Filed 3-6-15; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Advancing Translational Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Advancing Translational Sciences Special Emphasis Panel Small Business Innovation Research (SBIR).

*Date:* March 31, 2015.

*Time:* 8:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

*Contact Person:* Rahat Khan, Ph.D., Scientific Review Officer, Office of Scientific Review, National Center for Advancing Translational Sciences, 6701 Democracy Blvd., Rm 1078, Bethesda, MD 20892, 301-894-7319, [khanr2@csr.nih.gov](mailto:khanr2@csr.nih.gov).

*Name of Committee:* National Center for Advancing Translational Sciences Special Emphasis Panel CTSA Meeting 1.

*Date:* April 8-9, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Washington/Rockville 1750 Rockville Pike, Rockville, MD 20852.

*Contact Person:* Carol Lambert, Ph.D., Acting Deputy Director, Office of Grants Management & Scientific Review, National Center for Advancing Translational Sciences (NCATS) National Institutes of Health, 6701 Democracy Boulevard, Democracy 1, Room 1076, Bethesda, MD 20892, 301-435-0814, [lambert@mail.nih.gov](mailto:lambert@mail.nih.gov).

*Name of Committee:* National Center for Advancing Translational Sciences Special

Emphasis Panel 2015 CTSA Application Review.

*Date:* April 15-16, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Washington/Rockville 1750 Rockville Pike, Rockville, MD 20852.

*Contact Person:* Guo He Zhang, Ph.D., MPH, Scientific Review Office, Office of Grants Management & Scientific Review, National Center for Advancing Translational Sciences (NCATS) National Institutes of Health, 6701 Democracy Boulevard, Democracy 1, Room 1064, Bethesda, MD 20892, 301-435-0812, [zhanggu@mail.nih.gov](mailto:zhanggu@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B-Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS).

Dated: March 3, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05304 Filed 3-6-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Submission for OMB Review; 30-Day Comment Request Surveys and Interviews To Support an Evaluation of the Innovative Molecular Analysis Technologies (IMAT) Program (NCI)

**SUMMARY:** Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 4, 2014, Vol. 79, Page 72004 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Cancer Institute (NCI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an

information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

**Direct Comments to OMB:** Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA\_submission@omb.eop.gov* or by fax to 202-395-6974, Attention: NIH Desk Officer.

**Comment Due Date:** Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** To obtain a copy of the data collection plans and instruments or request more information on the proposed project contact: Anthony Dickherber, NCI Center for Strategic Scientific Initiatives, 31 Center Drive, Rm10A33, Bethesda, MD 20892 or call non-toll-free number 301-547-9980 or Email your request, including your address to: *dickherberaj@mail.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

**Proposed Collection:** Surveys and Interviews to Support an Evaluation of

the Innovative Molecular Analysis Technologies (IMAT) Program (NCI), 0925-NEW, National Cancer Institute (NCI), National Institutes of Health (NIH).

**Need and Use of Information Collection:** The purpose of the proposed evaluation is to pursue a comprehensive process and outcome assessment of the 15-year old Innovative Molecular Analysis Technologies (IMAT) program. While the program consistently offers promising indicators of success, the full program has not been evaluated since 2008, and never in as comprehensive a manner as has been formulated in the current evaluation plan. An outcome evaluation of the long-standing National Cancer Institute's (NCI) IMAT program presents a rich and unique opportunity likely to serve institutes across the National Institutes of Health (NIH), and perhaps other federal agencies, considering the costs and benefits of directing resources towards supporting technology development. An award through the NIH Evaluation Set-Aside program to support this evaluation, for which NIH-wide relevance is a principle element of determining merit for support, is testament to this. The evaluation serves as an opportunity to gauge the impact of investments in technology development and also to

assess the strengths and weaknesses of phased innovation award mechanisms.

Like all institutes and centers (ICs) of the NIH, NCI seeks opportunities for improving their programs' utility for the broad continuum of researchers, clinicians and ultimately patients. NCI Director Harold Varmus and other leadership across NCI, as well as the NCI Board of Scientific Advisors, will be the primary users of the evaluation results. Findings are primarily intended for considering the long-term strategy to support innovative technology development and how to more efficiently translate emerging capabilities through such technologies into the promised benefits for cancer research and clinical care. Interviews with grantees, program officers, review officers, and other NIH awardees make up a crucial component of the evaluation plan and will largely follow set survey protocols. Specific near-term aims include the use of this information to consider the utility of continued investment through existing solicitations and in strategic planning generally for institute support for innovative technology development.

OMB approval is requested for 1 year. There are no costs to respondents other than their time. The total estimated annualized burden hours are 575.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden (in hours)
IMAT Awardee Interview .....	IMAT Awardees .....	100	1	1	100
Evaluation Web-based Survey .....	IMAT Applicants and Other NIH Awardees .....	900	1	30/60	450
Tech End Users Interview .....	Technology End-Users .....	50	1	30/60	25

Dated: February 23, 2015.

**Karla Bailey,**

*NCI Project Clearance Liaison, National Institutes of Health.*

[FR Doc. 2015-05298 Filed 3-6-15; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

[Document Identifier: CMS-10555]

**Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper

performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by May 8, 2015.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or



Submission” or “More Search Options” to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number \_\_\_\_\_, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>.
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov).
3. Call the Reports Clearance Office at (410) 786-1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786-1326.

#### SUPPLEMENTARY INFORMATION:

##### Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

#### **CMS-10555 Small Business Health Options Program (SHOP) Effective Date and Termination Notice Requirements**

Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “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 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

#### **Information Collection**

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Small Business Health Options Program (SHOP) Effective Date and Termination Notice Requirements; *Use:* We are requiring that for plan years beginning on or after January 1, 2017, the Small Business Health Options Program (SHOP) must ensure that a qualified health plan (QHP) issuer notifies qualified employees, enrollees, and new enrollees in a QHP through the SHOP of the effective date of coverage. As required by the Patient Protection and Affordable Care Act; HHS Notice of Benefit and Payment Parameter for 2016 (CMS-9944-F), which published February 27, 2015, if any enrollee's coverage through the SHOP is terminated due to non-payment of premiums or a loss of the enrollee's or employer group's eligibility to participate in the SHOP, the SHOP must notify the enrollee or the qualified employer of the termination of such coverage. In the termination of coverage the SHOP must include the termination date and reason for termination to the enrollee or qualified employer. *Form Number:* CMS-10555 (OMB Control Number: 0938-New); *Frequency:* Annually; *Affected Public:* Private sector (Business or other for profits and Not-for-profit institutions); *Number of Respondents:* 445; *Total Annual Responses:* 1,335; *Total Annual Hours:* 46,725. (For policy questions regarding this collection contact Christelle Jang at (410) 786-8438).

Dated: March 4, 2015.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2015-05420 Filed 3-6-15; 8:45 am]

**BILLING CODE 4120-01-P**

#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

##### **Health Resources and Services Administration**

##### **Advisory Committee on Organ Transplantation (ACOT)**

**AGENCY:** Health Resources and Services Administration (HRSA), HHS.

**ACTION:** Notice; correction.

**SUMMARY:** The Health Resources and Services Administration published a notice in the **Federal Register**, FR 2015-03929 (February 26, 2015), announcing the meeting for the Advisory Committee

on Organ Transplantation (ACOT). This action is to add dial-in information.

*Correction:* In the **Federal Register**, FR 2015-03929 (February 26, 2015), please make the following addition:

Participants can also join this meeting via conference call by calling the toll-free phone number 888-324-4391 and providing the participant pass code 7744447.

**Jackie Painter,**

*Director, Division of the Executive Secretariat.*

[FR Doc. 2015-05415 Filed 3-6-15; 8:45 am]

**BILLING CODE 4165-15-P**

#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

##### **National Institutes of Health**

##### **National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Collaborative Interdisciplinary Team Science in NIDDK Research Areas (R24)—Hematopoiesis.

*Date:* March 20, 2015.

*Time:* 2:00 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-8895, [rushingp@extra.nidk.nih.gov](mailto:rushingp@extra.nidk.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; RFA-DK14-011 Chronic Kidney Disease Biomarkers Consortium (CKD BioCon) (U01).

*Date:* March 24, 2015.

*Time:* 11:30 a.m. to 3:30 p.m.

*Agenda:* To review and evaluate cooperative agreement applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, 301-594-2242, [jerkinsa@nidDK.nih.gov](mailto:jerkinsa@nidDK.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; HIV-Associated Nephropathy Program Project.

*Date:* March 30, 2015.

*Time:* 10:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, (301) 594-8898, [barnardm@extra.nidDK.nih.gov](mailto:barnardm@extra.nidDK.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK R24 Review.

*Date:* March 30, 2015.

*Time:* 2:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Robert Wellner, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 706, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, 301-594-4721, [rw175w@nih.gov](mailto:rw175w@nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Building a Kidney: Cells to Organ.

*Date:* April 7, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Washington Marriott at Metro Center, 775 12th St. NW., Washington, DC 20005.

*Contact Person:* Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-8895, [rushingp@extra.nidDK.nih.gov](mailto:rushingp@extra.nidDK.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK R24 Grant Review.

*Date:* April 8, 2015.

*Time:* 12:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Robert Wellner, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 706, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, 301-594-4721 [rw175w@nih.gov](mailto:rw175w@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 3, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05306 Filed 3-6-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2010-D-0165]

#### International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products; Studies To Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Animals: Validation of Analytical Methods Used in Residue Depletion Studies; Revised Guidance for Industry; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a revised guidance for industry (GFI #208) entitled “Studies to Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Animals: Validation of Analytical Methods Used in Residue Depletion Studies” (VICH GL49(R)). This revised guidance, which provides minor updates to a final guidance on the same topic for which a notice of availability was published in the **Federal Register** of September 15, 2011, has been developed for veterinary use by the International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). This revised VICH guidance document is intended to provide a general description of the criteria that have been found by the European Union, Japan, United States, Australia, New Zealand,

and Canada to be suitable for the validation of analytical methods used in veterinary drug residue depletion studies.

**DATES:** Submit either electronic or written comments on Agency guidances at any time.

**ADDRESSES:** Submit written requests for single copies of the guidance to the Communications Staff (HFV-12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the revised guidance to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Julia Oriani, Center for Veterinary Medicine (HFV-151), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240-402-0788, [julia.oriani@fda.hhs.gov](mailto:julia.oriani@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and has expressed its commitment to seek scientifically based harmonized technical procedures for the development of pharmaceutical products. One of the goals of harmonization is to identify, and then reduce, differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use for several years to develop harmonized technical requirements for the approval of human pharmaceutical and biological products among the European Union, Japan, and the United States. The VICH is a parallel initiative for veterinary medicinal products. The VICH is concerned with developing harmonized technical requirements for the approval of veterinary medicinal products in the European Union, Japan, and the United

States, and includes input from both regulatory and industry representatives.

The VICH Steering Committee is composed of member representatives from the European Commission, European Medicines Evaluation Agency, European Federation of Animal Health, Committee on Veterinary Medicinal Products, FDA, U.S. Department of Agriculture, the Animal Health Institute, Japanese Veterinary Pharmaceutical Association, Japanese Association of Veterinary Biologics, and Japanese Ministry of Agriculture, Forestry, and Fisheries.

Six observers are eligible to participate in the VICH Steering Committee: One representative from the government of Australia/New Zealand, one representative from the industry in Australia/New Zealand, one representative from the government of Canada, one representative from the industry of Canada, one representative from the government of South Africa, and one representative from the industry of South Africa. The VICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation for Animal Health (IFAH). An IFAH representative also participates in the VICH Steering Committee meetings.

## II. Revised Guidance on Studies To Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Animals: Validation of Analytical Methods Used in Residue Depletion Studies

In June 2014, the VICH Steering Committee agreed that a revised guidance document entitled “Studies to Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Animals: Validation of Analytical Methods Used in Residue Depletion Studies” (VICH GL49(R)) should be made available to the public. This revised guidance is a revision of a final guidance on the same topic for which a notice of availability was published in the **Federal Register** of September 15, 2011 (76 FR 57056). The revised guidance makes minor changes such as correcting a typographical error in table 2 (Annex 3). Also, the explanatory text for table 2 (Annex 3) was revised to correct a description of the statistical model and to provide an explanation of the procedure used to generate the data in the table. This revised guidance is a product of the Metabolism and Residue Kinetics Expert Working Group of the VICH.

During the veterinary drug development process, residue depletion studies are conducted to determine the

concentration of the residue or residues present in the edible products (tissues, milk, eggs, or honey) of animals treated with veterinary drugs. This information is used in regulatory submissions around the world. Submission of regulatory methods (*i.e.*, postapproval control methods) and the validation requirements of the regulatory methods are usually well defined by various regulatory agencies worldwide and might even be defined by national or regional law. However, the residue depletion studies are generally conducted before the regulatory methods have been completed. Oftentimes the in-house validated residue methods provide the framework for the methods submitted for regulatory monitoring. Harmonization of the validation requirements for methodology used during residue depletion studies and submitted to the regulatory agencies in support of the maximum residue limits and withdrawal periods should be achievable. It is the intent of this document to describe a validation procedure that is acceptable to the regulatory bodies of the VICH regions for use in the residue depletion studies. This validated method could continue on to become the “regulatory method” but that phase of the process will not be addressed in any detail in this guidance. For purposes of this guidance, the term “acceptable” refers to the scientific evaluation of the analytical method in terms of the described validation criteria, not to acceptance of the analytical method as satisfying the applicable national/regional laws and regulations of any of the relevant regulatory bodies.

## III. Significance of Guidance

As a result of Level 2 revisions, this VICH revised guidance is being issued in final, consistent with FDA’s good guidance practice (GGP) regulations at 21 CFR 10.115(g)(4). This guidance, developed under the VICH process, has been revised to conform to FDA’s GGP regulation (21 CFR 10.115). For example, the document has been designated “guidance” rather than “guideline.” In addition, guidance documents must not include mandatory language such as “shall,” “must,” “require,” or “requirement,” unless FDA is using these words to describe a statutory or regulatory requirement.

This VICH guidance represents the Agency’s current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the

requirements of applicable statutes and regulations.

## IV. Paperwork Reduction Act of 1995

This revised 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 21 CFR part 514 have been approved under OMB control number 0910–0032.

## V. Comments

Interested persons may submit either electronic comments regarding this document to [www.regulations.gov](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>.

## VI. Electronic Access

Persons with access to the Internet may obtain the guidance at either <http://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm> or <http://www.regulations.gov>.

Dated: March 3, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–05346 Filed 3–6–15; 8:45 am]

BILLING CODE 4164–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2013–N–1152]

### Agency Information Collection Activities; Proposed Collection; Comment Request; Petition To Request an Exemption From 100 Percent Identity Testing of Dietary Ingredients: Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an

opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information and to allow 60 days for public comment in response to the notice. This notice invites comments on the information collection provisions of our existing regulations governing petitions to request an exemption from 100 percent identity testing of dietary ingredients.

**DATES:** Submit either electronic or written comments on the collection of information by May 8, 2015.

**ADDRESSES:** Submit electronic comments on the collection of information to <http://www.regulations.gov>. Submit written comments on the collection of information to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

**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](mailto:PRAStaff@fda.hhs.gov).

**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 each 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 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether

the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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.

**Petition To Request an Exemption From 100 Percent Identity Testing of Dietary Ingredients: Current Good Manufacturing Practice in Manufacturing, Packaging, Labeling, or Holding Operations for Dietary Supplements—21 CFR 111.75(a)(1)(ii) (OMB Control Number 0910-0608)—(Extension)**

The Dietary Supplement Health and Education Act (DSHEA) (Pub. L. 103-417) added section 402(g) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 342(g)), which provides, in part, that the Secretary of Health and Human Services (the Secretary) may, by regulation, prescribe good manufacturing practices for dietary supplements. Section 402(g)(1) of the FD&C Act states that a dietary supplement is adulterated if "it has been prepared, packed, or held under conditions that do not meet current good manufacturing practice regulations." Section 701(a) of the FD&C Act (21 U.S.C. 371(a)) gives us the authority to issue regulations for the efficient enforcement of the FD&C Act.

Part 111 (21 CFR part 111) establishes the minimum Current Good Manufacturing Practice (CGMP) necessary for activities related to manufacturing, packaging, labeling, or holding dietary supplements to ensure the quality of the dietary supplement. Section 111.75(a)(1) of our regulations (21 CFR 111.75(a)(1)) establishes a procedure for a petition to request an exemption from 100 percent identity testing of dietary ingredients. Under § 111.75(a)(1)(ii), manufacturers may request an exemption from the requirements set forth in § 111.75(a)(1)(i) when the dietary ingredient is obtained from one or more suppliers identified in the petition. The regulation clarifies that we are willing to consider, on a case-by-case basis, a

manufacturer's conclusion, supported by appropriate data and information in the petition submission, that it has developed a system that it would implement as a sound, consistent means of establishing, with no material diminution of assurance compared to the assurance provided by 100 percent identity testing, the identity of the dietary ingredient before use.

Section 111.75(a)(1) reflects our determination that manufacturers that test or examine 100 percent of the incoming dietary ingredients for identity can be assured of the identity of the ingredient. However, we recognize that it may be possible for a manufacturer to demonstrate, through various methods and processes in use over time for its particular operation, that a system of less than 100 percent identity testing would result in no material diminution of assurance of the identity of the dietary ingredient as compared to the assurance provided by 100 percent identity testing. To provide an opportunity for a manufacturer to make such a showing and reduce the frequency of identity testing of components that are dietary ingredients from 100 percent to some lower frequency, we added to § 111.75(a)(1), an exemption from the requirement of 100 percent identity testing when a manufacturer petitions the Agency for such an exemption to 100 percent identity testing under § 10.30 (21 CFR 10.30) and the Agency grants such exemption. Such a procedure would be consistent with our stated goal, as described in the CGMP final rule, of providing flexibility in the CGMP requirements. Section 111.75(a)(1)(ii) sets forth the information a manufacturer is required to submit in such a petition. The regulation also contains a requirement to ensure that the manufacturer keeps our response to a petition submitted under § 111.75(a)(1)(ii) as a record under § 111.95 (21 CFR 111.95). The collection of information in § 111.95 has been approved under OMB control number 0910-0606.

*Description of Respondents:* The respondents to this collection of information are firms in the dietary supplement industry, including dietary supplement manufacturers, packagers and re-packagers, holders, labelers and re-labelers, distributors, warehouses, exporters, importers, large businesses, and small businesses.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN<sup>1</sup>

21 CFR Section; CGMP requirements for dietary supplements	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
111.75(a)(1)(ii) .....	1	1	1	8	8

<sup>1</sup>There are no capital costs or operating and maintenance costs associated with this collection of information.

In the last 3 years, we have not received any new petitions to request an exemption from 100 percent identity testing of dietary ingredients; therefore, the Agency estimates that one or fewer petitions will be submitted annually. Based on our experience with petition processes, we estimate it will take a requestor about 8 hours to prepare the factual and legal information necessary to support a petition for exemption and to prepare the petition. Although we have not received any new petitions to request an exemption from 100 percent identity testing of dietary ingredients in the last 3 years, we believe that OMB approval of these information collection provisions should be extended to provide for the potential future need of a firm in the dietary supplement industry to petition for an exemption from 100 percent identity testing of dietary ingredients.

Dated: March 2, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015-05357 Filed 3-6-15; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

#### Meeting of the National Advisory Council for Healthcare Research and Quality

**AGENCY:** Agency for Healthcare Research and Quality (AHRQ), HHS.

**ACTION:** Notice of public meeting.

**SUMMARY:** In accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

**DATES:** The meeting will be held on Friday, March 27, 2015, from 8:30 a.m. to 3:00 p.m.

**ADDRESSES:** The meeting will be held at the Eisenberg Conference Center, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850.

#### FOR FURTHER INFORMATION CONTACT:

Jaime Zimmerman, Designated Management Official, at the Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850, (301) 427-1456. For press-related information, please contact Alison Hunt at (301) 427-1244.

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact the Food and Drug Administration (FDA) Office of Equal Employment Opportunity and Diversity Management on (301) 827-4840, no later than Friday, March 13, 2015. The agenda, roster, and minutes are available from Ms. Bonnie Campbell, Committee Management Officer, Agency for Healthcare Research and Quality, 540 Gaither Road, Rockville, Maryland 20850. Ms. Campbell's phone number is (301) 427-1554.

#### SUPPLEMENTARY INFORMATION:

##### I. Purpose

The National Advisory Council for Healthcare Research and Quality is authorized by Section 941 of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director, Agency for Healthcare Research and Quality (AHRQ), on matters related to AHRQ's conduct of its mission including providing guidance on (A) priorities for health care research, (B) the field of health care research including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public private partnerships.

The Council is composed of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation.

##### II. Agenda

On Friday, March 27, 2015, there will be a subcommittee meeting for the National Healthcare Quality and Disparities Report scheduled to begin at 7:30 a.m. The subcommittee meeting is open the public. The Council meeting will convene at 8:30 a.m., with the call

to order by the Council Chair and approval of previous Council summary notes. The meeting is open to the public and will be available via webcast at [www.webconferences.com/ahrq](http://www.webconferences.com/ahrq). The meeting will begin with the AHRQ Director presenting an update on current research, programs, and initiatives. Following the Director's Update, the agenda will include an update on AHRQ insurance-related research and a discussion of Patient Centered Outcomes Research (PCOR) Dissemination and Implementation. The final agenda will be available on the AHRQ Web site at [www.AHRQ.gov](http://www.AHRQ.gov) no later than Friday, March 20, 2015.

Dated: March 4, 2015.

**Carla Ladner,**

*Correspondence Analyst.*

[FR Doc. 2015-05399 Filed 3-6-15; 8:45 am]

**BILLING CODE 4160-90-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Hepatitis B Research Network.

*Date:* March 25, 2015.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Melrose Georgetown Hotel, 2430 Pennsylvania Avenue NW, Washington, DC 20037.

*Contact Person:* Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 747, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-8895, [rushingp@extra.nidDK.nih.gov](mailto:rushingp@extra.nidDK.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Closed Loop Technologies: Technical.

*Date:* March 27, 2015.

*Time:* 9:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 750, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, 301-594-8886, [sanoviche@mail.nih.gov](mailto:sanoviche@mail.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Cooperative Hematology Specialized Core Centers.

*Date:* March 31–April 1, 2015.

*Time:* 4:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Churchill Hotel, 1914 Connecticut Avenue NW., Washington, DC 20009.

*Contact Person:* Carol J. Goter-Robinson, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-7791, [goterrobinsonc@extra.nidDK.nih.gov](mailto:goterrobinsonc@extra.nidDK.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR-13-305 Collaborative Interdisciplinary Team Science in NIDDK Research Areas (R24).

*Date:* April 3, 2015.

*Time:* 11:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 759, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, 301-594-2242, [jerkinsa@nidDK.nih.gov](mailto:jerkinsa@nidDK.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 3, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05307 Filed 3-6-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of General Medical Sciences Initial Review Group; Training and Workforce Development Subcommittee—C.

*Date:* March 16, 2015.

*Time:* 8:30 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hotel Monaco Alexandria, 480 King Street, Alexandria, VA 22314.

*Contact Person:* Mona R. Trempe, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.12A, Bethesda, MD 20892-4874, 301-594-3998, [trempe@nidDK.nih.gov](mailto:trempe@nidDK.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of General Medical Sciences Initial Review Group; Training and Workforce Development Subcommittee—D.

*Date:* March 19–20, 2015.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Courtyard by Marriott Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* Rebecca H. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.18C, Bethesda, MD 20892-6200, 301-594-2771, [johnsonrh@nidDK.nih.gov](mailto:johnsonrh@nidDK.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: March 3, 2015.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05310 Filed 3-6-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

**DATES:** Comments on this ICR should be received no later than April 8, 2015.

**ADDRESSES:** Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) or by fax to 202-395-5806.

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or call (301) 443-1984.

#### SUPPLEMENTARY INFORMATION:

*Information Collection Request Title:* Rural Health Care Services Outreach Program Measures OMB No. 0906-XXXX—New.

*Abstract:* The Rural Health Care Services Outreach (Outreach) Program is authorized by section 330A(e) of the Public Health Service (PHS) Act (42 U.S.C. 254c(e)), as amended, to “promote rural health care services outreach by expanding the delivery of health care services to include new and enhanced services in rural areas.” The goals for the Outreach Program are the following: (1) Expand the delivery of health care services to include new and enhanced services exclusively in rural communities; (2) deliver health care services through a strong consortium, in which every consortium member organization is actively involved and engaged in the planning and delivery of services; (3) utilize and/or adapt an evidence-based or promising practice model(s) in the delivery of health care services; and (4) improve population health and demonstrate health outcomes and sustainability.

*Need and Proposed Use of the Information:* For this program, performance measures were drafted to provide data to the program and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act (GPRA) of 1993. These measures cover the principal topic areas of interest to the Federal Office of Rural Health Policy (FORHP), including: (a) Access to care; (b) population demographics; (c) staffing; (d) consortium/network; (e) sustainability; and (f) project specific domains. Several measures will be used for the Outreach Program. All measures will speak to FORHP’s progress toward meeting the goals.

A 60-day **Federal Register** Notice was published in the **Federal Register** on December 22, 2014, (79 FR 76334). There were no comments.

*Likely Respondents:* The respondents would be recipients of the Rural Health Care Services Outreach grant funding.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

**TOTAL ESTIMATED ANNUALIZED BURDEN HOURS**

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Rural Health Care Services Outreach Grant Program Measures .....	50	1	50	3	150
Total .....	50	1	50	3	150

**Jackie Painter,**  
 Director, Division of the Executive Secretariat.  
 [FR Doc. 2015-05414 Filed 3-6-15; 8:45 am]  
**BILLING CODE 4165-15-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Resources and Services Administration**

**Advisory Commission on Childhood Vaccines; Notice of Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the following meeting:

*Name:* Advisory Commission on Childhood Vaccines (ACCV).

*Date and Time:* March 5, 2015, 10:00 a.m. to 4:00 p.m. EDT.

*Place:* Audio Conference Call and Adobe Connect Pro.

The ACCV will meet on Thursday, March 5, 2015, from 10:00 a.m. to 4:00 p.m. (EDT). The public can join the meeting by:

1. (Audio Portion) Calling the conference Phone Number 877-917-4913 and providing the following information:

Leader’s Name: Dr. A. Melissa Houston.

Password: ACCV.

2. (Visual Portion) Connecting to the ACCV Adobe Connect Pro Meeting using the following URL: <https://hrsa.connectsolutions.com/accv/> (copy and paste the link into your browser if it does not work directly, and enter as a guest). Participants should call and connect 15 minutes prior to the meeting in order for logistics to be set up. If you have never attended an Adobe Connect meeting, please test your connection using the following URL: [https://hrsa.connectsolutions.com/common/help/en/support/meeting\\_test.htm](https://hrsa.connectsolutions.com/common/help/en/support/meeting_test.htm) and get a quick overview by following URL: [http://www.adobe.com/go/connectpro\\_overview](http://www.adobe.com/go/connectpro_overview). Call (301) 443-6634 or send an email to [ahertzog@hrsa.gov](mailto:ahertzog@hrsa.gov) if you are having trouble connecting to the meeting site.

*Agenda:* The agenda items for the March 2015 meeting will include, but are not limited to: updates from the Division of Injury Compensation Programs (DICP), Department of Justice (DOJ), National Vaccine Program Office (NVPO), Immunization Safety Office (Centers for Disease Control and Prevention), National Institute of Allergy and Infectious Diseases

(National Institutes of Health) and Center for Biologics, Evaluation and Research (Food and Drug Administration). A draft agenda and additional meeting materials will be posted on the ACCV Web site (<http://www.hrsa.gov/vaccinecompensation/accv.htm>) prior to the meeting. Agenda items are subject to change as priorities dictate.

*Public Comment:* Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Annie Herzog, DICP, Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), Room 11C-26, 5600 Fishers Lane, Rockville, MD 20857 or email: [ahertzog@hrsa.gov](mailto:ahertzog@hrsa.gov). Requests should contain the name, address, telephone number, email address, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. DICP will notify each presenter by email, mail, or telephone of their assigned presentation

time. Persons who do not file an advance request for a presentation, but desire to make an oral statement, may announce it at the time of the public comment period. Public participation and ability to comment will be limited to space and time as it permits.

The logistical challenges of scheduling this meeting delayed an earlier publication of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Anyone requiring information regarding the ACCV should contact Annie Herzog, DICP, HSB, HRSA, Room 11C-26, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443-6593, or email: [aherzog@hrsa.gov](mailto:aherzog@hrsa.gov).

**Jackie Painter,**

*Director, Division of the Executive Secretariat.*

[FR Doc. 2015-05200 Filed 3-6-15; 8:45 am]

**BILLING CODE 4165-15-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; "NIAID Resource-Related Research Projects (R24): Fecal Microbiome Transplant National Registry".

*Date:* April 2, 2015.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Room 3G61, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

*Contact Person:* Travis J. Taylor, Ph.D., Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, Rockville, MD 20892, 240-669-5082, [Travis.Taylor@nih.gov](mailto:Travis.Taylor@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856,

Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 3, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05309 Filed 3-6-15; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity Meeting.

*Date:* March 26, 2015.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, (301) 594-8898, [barnardm@extra.niddk.nih.gov](mailto:barnardm@extra.niddk.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK—Planning Grant in Chronic Kidney Disease (U34).

*Date:* April 8, 2015.

*Time:* 1:00 p.m. to 2:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Najma Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-8894, [begumn@niddk.nih.gov](mailto:begumn@niddk.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 3, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05308 Filed 3-6-15; 8:45 am]

**BILLING CODE 4140-01P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2015-D-0390]

**Use of an Electronic Informed Consent in Clinical Investigations: Questions and Answers; Draft Guidance for Industry, Clinical Investigators, and Institutional Review Boards; Availability**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or the Agency) is announcing the availability of a draft guidance for industry, clinical investigators, and institutional review boards entitled "Use of Electronic Informed Consent in Clinical Investigations: Questions and Answers." The guidance provides recommendations for clinical investigators, sponsors, and institutional review boards (IRBs) on the use of electronic media and processes to obtain informed consent for FDA-regulated clinical investigations of medical products, including human drug and biological products, medical devices, and combinations thereof.

**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 this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by May 8, 2015.

**ADDRESSES:** Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993; or Office of Good Clinical Practice, Office of Special Medical Programs, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire



Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993-0002; or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002; or the Division of Small Manufacturers, International, and Consumer Assistance, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Cheryl Grandinetti, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6316, Silver Spring, MD 20993-0002, 301-796-2500; Patrick McNeilly, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5103, Silver Spring, MD 20993, 301-796-8340; Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 1-800-835-4709 or 301-827-6210; or Irfan Khan, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3459, Silver Spring, MD 20993, 1-800-638-2041 or 301-796-7100.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

FDA is announcing the availability of a draft guidance for industry, clinical investigators, and institutional review boards entitled "Use of Electronic Informed Consent in Clinical Investigations: Questions and Answers." This guidance provides recommendations for clinical investigators, study sponsors, and IRBs on the use of electronic media and processes to obtain informed consent for FDA-regulated clinical investigations of medical products, including human drug and biological products, medical devices, and combinations thereof. In particular, the guidance provides recommendations on procedures that

may be followed when using an electronic informed consent (eIC) to help (1) ensure protection of the rights, safety, and welfare of human subjects; (2) ensure the subject's comprehension of the information presented during the eIC process; (3) ensure that appropriate documentation of consent is obtained when electronic media and processes are used to obtain informed consent; and (4) ensure the quality and integrity of eIC data included in FDA application submissions or made available to FDA during inspections.

To enhance human subject protection and reduce regulatory burden, the Department of Health and Human Services, Office for Human Research Protections, and FDA have been actively working to harmonize the Agencies' regulatory requirements and guidance for human subject research. This guidance document was developed as a part of these efforts.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on the use of eIC in investigational studies. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

**II. The Paperwork Reduction Act of 1995**

This 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 21 CFR part 11 related to electronic records; electronic signatures have been approved under OMB control number 0910-0303; 21 CFR parts 50 and 56 related to protection of human subjects; IRBs have been approved under OMB control number 0910-0755; 21 CFR 56.115 related to IRB recordkeeping requirements, which include the requirements for records related to informed consent, have been approved under OMB control number 0910-0130; the collections of information in 21 CFR part 312 have been approved under OMB control number 0910-0014; and the collections of information in 21 CFR part 812 have been approved under OMB control number 0910-0078.

**III. 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>.

**IV. Electronic Access**

Persons with access to the Internet may obtain the document at <http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm>; <http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm>; <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm>; or <http://www.regulations.gov>.

Dated: March 3, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015-05377 Filed 3-6-15; 8:45 am]

**BILLING CODE 4164-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Draft Guidance for Industry, Clinical Investigators, and Institutional Review Boards—Use of an Electronic Informed Consent in Clinical Investigations—Questions and Answers; Availability**

**AGENCY:** Office for Human Research Protections, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** In this issue of the **Federal Register**, the Food and Drug Administration (FDA) is announcing the availability of draft guidance for industry, clinical investigators, and institutional review boards entitled "Use of Electronic Informed Consent in Clinical Investigations—Questions and Answers." The draft guidance provides recommendations for clinical investigators, sponsors, and institutional review boards (IRBs) on the use of electronic media and processes to obtain informed consent for FDA-regulated clinical investigations of medical products, including human drug and

biological products, medical devices, and combinations thereof.

To enhance human subject protection and reduce regulatory burden, the Department of Health and Human Services Office for Human Research Protections (OHRP) and FDA have been actively working to harmonize the agencies' regulatory requirements and guidance for human subject research, and the FDA draft guidance document was developed as a part of these efforts. Although the document is issued by FDA and is drafted as guidance that would apply to FDA-regulated clinical investigations, OHRP is considering whether to adopt the positions and recommendations proposed in this guidance for research regulated under the HHS protection of human subjects regulations, 45 CFR part 46, and to issue a joint OHRP and FDA guidance document on this topic when the final guidance document is developed. OHRP asks for public comment about whether a joint guidance document would be useful for the regulated community. In particular, OHRP is interested in public comment regarding whether FDA's draft guidance would be appropriate for all research regulated under 45 CFR part 46, including research studies other than clinical investigations or clinical trials, such as social and behavioral research studies. If different guidance should apply to social and behavioral research, or other non-FDA-regulated studies, OHRP asks that the public comments address how the guidance should differ from the proposed guidance for FDA-regulated clinical investigations.

OHRP specifically welcomes feedback regarding when it might or might not be appropriate, for studies other than clinical trials, for OHRP to recommend that researchers verify that the person signing the informed consent form is the subject participating in the research.

OHRP and FDA will consider these comments in deciding whether to issue a joint OHRP/FDA guidance document on this topic when the final guidance document is developed.

**DATES:** May 7, 2015.

**ADDRESSES:** You may submit comments identified by docket ID number HHS-OPHS-2015-0002 by one of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Enter the above docket ID number in the Enter Keyword or ID field and click on "Search." On the next page, click the "Submit a Comment" action and follow the instructions.

*Mail/Hand delivery/Courier [For paper, disk, or CD-ROM submissions]*

*to:* Irene Stith-Coleman, Ph.D., Office for Human Research Protections, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852.

Comments received, including any personal information, will be posted without change to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Irene Stith-Coleman, Office for Human Research Protections, Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852; phone 240-453-6900; email [Irene.Stith-Coleman@hhs.gov](mailto:Irene.Stith-Coleman@hhs.gov).

Dated: March 3, 2015.

**Jerry Menikoff,**

*Director, Office for Human Research Protections.*

[FR Doc. 2015-05301 Filed 3-6-15; 8:45 am]

**BILLING CODE 4150-36-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Human Genome Research Institute; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Human Genome Research Institute Special Emphasis Panel Loan Repayment Program.

*Date:* April 30, 2015.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Human Genome Research Institute, 3rd Floor Conference Room, 5635 Fishers Lane, Rockville, MD, (Telephone Conference Call).

*Contact Person:* Keith McKenney, Ph.D., Scientific Review Officer, National Human Genome Research Institute, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814, 301-594-4280, [mckenneyk@mail.nih.gov](mailto:mckenneyk@mail.nih.gov). (Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: March 3, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05305 Filed 3-6-15; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2015-N-0647]

**Complexities in Personalized Medicine: Harmonizing Companion Diagnostics Across a Class of Targeted Therapies; Public Workshop**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of public workshop.

The Food and Drug Administration (FDA), in co-sponsorship with the American Association for Cancer Research (AACR) and the American Society of Clinical Oncology (ASCO), is announcing a public workshop entitled "Complexities in Personalized Medicine: Harmonizing Companion Diagnostics Across a Class of Targeted Therapies." The objective of the workshop is to facilitate an in-depth discussion of harmonization of companion diagnostic devices across a class of targeted therapies. The workshop aims to foster collaborations in the clinical cancer research community; provide a deeper understanding of anticancer drug and device development related to personalized medicine; provide a unique perspective of personalized medicine; and help incorporate emerging scientific findings to harmonize companion diagnostics across a class of targeted therapies.

*Date and Time:* The public workshop will be held on March 24, 2015, from 8:30 a.m. to 4:30 p.m.

*Location:* The public workshop will be held at the Mayflower Hotel, Grand Ballroom, 1127 Connecticut Ave. NW., Washington, DC 20036, 202-347-3000.

*Contact Persons:* Kaitlyn Antonelli, American Society of Clinical Oncology, 2318 Mill Rd., suite 800, Alexandria, VA 22314, 571-483-1606, [Kaitlyn.Antonelli@asco.org](mailto:Kaitlyn.Antonelli@asco.org); Pamela Bradley, Center for Devices and Radiological Health, Office of In Vitro Diagnostics and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 240-731-3734, [Pamela.Bradley@fda.hhs.gov](mailto:Pamela.Bradley@fda.hhs.gov); and Rasika Kalamegham, American Association for Cancer Research, 1425 K

St. NW., Washington, DC 20005, 267–765–1029, [Rasika.Kalamegham@aacr.org](mailto:Rasika.Kalamegham@aacr.org).

**Registration:** Registration is free and available on a first-come, first-served basis. Persons interested in attending the “Complexities in Personalized Medicine: Harmonizing Companion Diagnostics Across a Class of Targeted Therapies” public workshop must register online by March 17, 2015, 5 p.m. Registration will be handled through ASCO. Early registration is recommended because facilities are limited and, therefore, we may limit the number of participants from each organization. If time and space permits, onsite registration on the day of the public workshop will be provided beginning at 7 a.m.

If you need special accommodations due to a disability, please contact Kaitlyn Antonelli (see Contact Persons), 571–483–1606, [Kaitlyn.Antonelli@asco.org](mailto:Kaitlyn.Antonelli@asco.org), no later than March 10, 2015.

To register for the public workshop, please use the following Web site: <https://www.surveymonkey.com/s/FDACompanionDiagnostics2015>. Please provide complete contact information for each attendee, including name, title, affiliation, email, and telephone number. Those without Internet access should contact Kaitlyn Antonelli to register. Registrants will receive confirmation after they have been accepted. You will be notified if you are on a waiting list.

**Streaming Audiocast of the Public Workshop:** This public workshop will also be audiocast. Persons interested in accessing the audiocast must register online using the following Web site: <https://www.surveymonkey.com/s/FDACompanionDiagnostics2015>. FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**. Early registration is recommended because audiocast connections are limited. Organizations are requested to register all participants but to view using one connection per location. After registration, participants will be sent technical system requirements and connection access information after March 19, 2015.

**Comments:** FDA is holding this public workshop to obtain information on harmonization of companion diagnostics across a class of targeted therapies. To permit the widest possible opportunity to obtain public comment, FDA is soliciting either electronic or written comments on all aspects of the public workshop. The deadline for

submitting comments related to this public workshop is April 23, 2015.

Regardless of attendance at the public workshop, interested persons may submit either electronic comments regarding this document to <http://www.regulations.gov> or written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. 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>.

**Transcript:** Please be advised that as soon as a transcript is available, it will be accessible at <http://www.regulations.gov>. It may be viewed at the Division of Dockets Management (see *Comments*). A transcript will also be available in either hardcopy or on CD-ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. A link to the transcripts will also be available approximately 45 days after the public workshop on the Internet at <http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm>. (Select this public workshop from the posted events list.)

**SUPPLEMENTARY INFORMATION:** Multiple manufacturers are developing therapeutic products that rely on a particular biomarker and that may require contemporaneous approval/clearance of a companion diagnostic if biomarker detection or measurement is necessary for the safe and effective use of the therapeutic product. Therapeutic product developers working in the same target space can use different methods and measures for the biomarker, and then partner with various sponsors to implement distinct companion diagnostics. These development programs can lead to approval/clearance of multiple therapeutic product-companion diagnostic pairs for a single class of therapeutic products. For example, understanding of the Programmed Death Ligand 1 (PD–1) checkpoint pathway underlies current development of multiple targeted therapies and potential companion diagnostics targeting and measuring PD–1 pathway biomarkers. Although the biomarker being detected/measured is

the same (or closely related) within the drug class, there may be differences between the companion diagnostics in design and performance, such as use of different antibodies or different cut-off values leading to designation of different sets of marker-positive and marker-negative patients.

Comparison of the results from different tests is not part of the companies’ development program for each drug/test pair. Likewise, differences in results from distinct tests are typically not examined for their effect on efficacy of products within the drug class. With no assurance that all the tests identify the populations most likely to respond to all of the drugs, problems may arise if various companion diagnostics for the same biomarker are used in clinical practice to direct treatment with all the targeted therapies in the drug class. Using multiple companion diagnostics to determine therapy for each patient is costly, inefficient, and challenging when dealing with a limited biological specimen. Even if it were practical, multiple testing might lead to suboptimal use of the drugs. Likewise, use of one companion diagnostic might not adequately inform the use of all of the targeted therapies. In such scenarios, where multiple targeted therapy-companion diagnostic pairs exist, patients may not be able to receive optimal care. FDA believes this is an important public health issue that is not easily resolved. Thus, FDA is convening this workshop in association with AACR and ASCO to foster a collaborative examination of the problem as it relates to various stakeholders and to identify potential solutions or paths to solutions for the problem.

Dated: March 3, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–05348 Filed 3–6–15; 8:45 am]

**BILLING CODE 4164–01–P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **National Institutes of Health**

#### **National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, Ancillary Study on IBD.

*Date:* April 8, 2015.

*Time:* 4:30 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Maria E. Davila-Bloom, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 758, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-7637, [davila-bloomm@extra.nidDK.nih.gov](mailto:davila-bloomm@extra.nidDK.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 3, 2015.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2015-05311 Filed 3-6-15; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Advisory Committee on Infant Mortality; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the following meeting:

*Name:* Advisory Committee on Infant Mortality (ACIM).

*Dates and Times:*

March 26, 2015, 8:30 a.m.–5:30 p.m.

March 27, 2015, 8:30 a.m.–3:30 p.m.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Status:* The meeting is open to the public with attendance limited to space availability. For more details and registration, please visit the ACIM Web site: <http://www.hrsa.gov/>

[advisorycommittees/mchbadvisory/InfantMortality/index.html](http://advisorycommittees/mchbadvisory/InfantMortality/index.html).

*Purpose:* The Committee provides advice and recommendations to the Secretary of Health and Human Services on the following: Department of Health and Human Services' programs that focus on reducing infant mortality and improving the health status of infants and pregnant women; and factors affecting the continuum of care with respect to maternal and child health care. The Committee focuses on outcomes following childbirth; strategies to coordinate myriad federal, state, local, and private programs and efforts that are designed to deal with the health and social problems impacting on infant mortality; and the implementation of the Healthy Start Program and *Healthy People 2020* infant mortality objectives.

*Agenda:* Topics that will be discussed include the following: HRSA Update; MCHB Update; Healthy Start Program Update; Updates from Partnering Agencies and Organizations; and, ACIM's recommendations for the HHS National Strategy to Address Infant Mortality, specifically Strategy 4: Increase Health Equity and Reduce Disparities by Targeting Social Determinants of Health through both Investments in High-Risk, Under-Resourced Communities and Major Initiatives to Address Poverty. Proposed agenda items are subject to change as priorities dictate.

Time will be provided for public comments limited to 5 minutes each. Comments are to be submitted in writing no later than 5:00 p.m. (EST) on March 19, 2015.

#### FOR FURTHER INFORMATION CONTACT:

Anyone requiring information regarding the Committee should contact Michael C. Lu, M.D., M.P.H., Executive Secretary, ACIM, Health Resources and Services Administration, Room 18 W, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, telephone: (301) 443-2170.

Individuals who are submitting public comments or who have questions regarding the meeting and location should contact David S. de la Cruz, Ph.D., M.P.H., ACIM Designated Federal Official, HRSA, Maternal and Child Health Bureau, telephone: (301) 443-0543, or email: [David.delaCruz@hrsa.hhs.gov](mailto:David.delaCruz@hrsa.hhs.gov).

**Jackie Painter,**

*Director, Division of the Executive Secretariat.*

[FR Doc. 2015-05416 Filed 3-6-15; 8:45 am]

**BILLING CODE 4165-15-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2014-N-0913]

#### Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; 513(g) Request for Information

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Fax written comments on the collection of information by April 8, 2015.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202-395-7285, or emailed to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). All comments should be identified with the OMB control number 0910-0705. Also include the FDA docket number found in brackets in the heading of this document.

**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](mailto:PRAStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

#### 513(g) Request for Information—(OMB Control Number 0910-0705)—(Extension)

Section 513(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(g)) provides a means for obtaining the Agency's views about the classification and regulatory requirements that may be applicable to a particular device. Section 513(g) provides that, within 60 days of the receipt of a written request of any person for information respecting the class in which a device has been classified or the requirements applicable to a device under the FD&C Act, the Secretary of Health and Human Services

shall provide such person a written statement of the classification (if any) of such device and the requirements of the FD&C Act applicable to the device.

The guidance document entitled “Guidance for Industry and Food and Drug Administration Staff; FDA and Industry Procedures for Section 513(g) Requests for Information Under the Federal Food, Drug, and Cosmetic Act” establishes procedures for submitting, reviewing, and responding to requests for information respecting the class in which a device has been classified or the requirements applicable to a device under the FD&C Act that are submitted in accordance with section 513(g) of the FD&C Act. FDA does not review data

related to substantial equivalence or safety and effectiveness in a 513(g) request for information. FDA’s responses to 513(g) requests for information are not device classification decisions and do not constitute FDA clearance or approval for marketing. Classification decisions and clearance or approval for marketing require submissions under different sections of the FD&C Act. Additionally, the FD&C Act, as amended by the FDA Amendments Act of 2007 (Public Law 110–85), requires FDA to collect user fees for 513(g) requests for information. The guidance document entitled “Guidance for Industry and Food and Drug Administration Staff; User Fees for

513(g) Requests for Information” assists FDA staff and regulated industry by describing the user fees associated with 513(g) requests. The Medical Device User Fee Cover Sheet (Form FDA 3601), which accompanies the supplemental material described in this information collection, is approved under OMB control number 0910–0511 and expires April 30, 2016.

In the **Federal Register** of July 22, 2014 (79 FR 42517), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN<sup>1</sup>

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Center for Devices and Radiological Health 513(g) requests .....	114	1	114	12	1,368
Center for Biologics Evaluation and Research 513(g) requests .....	4	1	4	12	48
Total .....	.....	.....	.....	.....	1,416

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

Respondents to this collection of information are mostly device manufacturers; however, anyone may submit a 513(g) request for information. The total number of annual responses is based on the average number of 513(g) requests received each year by the Agency.

Dated: March 2, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–05358 Filed 3–6–15; 8:45 am]

BILLING CODE 4164–01–P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA–2010–D–0166]

**International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products; Studies To Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Animals: Marker Residue Depletion Studies To Establish Product Withdrawal Periods; Revised Guidance for Industry; Availability**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a revised guidance for industry (GFI #207) entitled “Studies to Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Animals: Marker Residue Depletion Studies to Establish Product Withdrawal Periods” (VICH GL48(R)). This revised guidance, which provides minor updates to a final guidance on the same topic for which a notice of availability was published in the **Federal Register** of September 15, 2011 (2011 guidance), has been developed for veterinary use by the International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). This revised VICH guidance is intended to provide study design recommendations that will facilitate the universal acceptance of the generated residue depletion data to fulfill the national/regional requirements.

**DATES:** Submit either electronic or written comments on Agency guidances at any time.

**ADDRESSES:** Submit written requests for single copies of the guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section

for electronic access to the guidance document.

Submit electronic comments on the revised guidance to <http://www.regulations.gov>. Submit written comments on the 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:** Julia Oriani, Center for Veterinary Medicine (HFV–151), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0788, [julia.oriani@fda.hhs.gov](mailto:julia.oriani@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and has expressed its commitment to seek scientifically based harmonized technical procedures for the development of pharmaceutical products. One of the goals of harmonization is to identify, and then reduce, differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use for several years to develop harmonized technical requirements for the approval of human pharmaceutical and biological products among the European Union, Japan, and the United States. The VICH is a parallel initiative for veterinary medicinal products. The VICH is concerned with developing harmonized technical requirements for the approval of veterinary medicinal products in the European Union, Japan, and the United States, and includes input from both regulatory and industry representatives.

The VICH Steering Committee is composed of member representatives from the European Commission, European Medicines Evaluation Agency, European Federation of Animal Health, Committee on Veterinary Medicinal Products, FDA, U.S. Department of Agriculture, the Animal Health Institute, Japanese Veterinary Pharmaceutical Association, Japanese Association of Veterinary Biologics, and Japanese Ministry of Agriculture, Forestry, and Fisheries.

Six observers are eligible to participate in the VICH Steering Committee: One representative from the government of Australia/New Zealand, one representative from the industry in Australia/New Zealand, one representative from the government of Canada, one representative from the industry of Canada, one representative from the government of South Africa, and one representative from the industry of South Africa. The VICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation for Animal Health (IFAH). An IFAH representative also participates in the VICH Steering Committee meetings.

## II. Revised Guidance on Studies To Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Animals: Marker Residue Depletion Studies To Establish Product Withdrawal Periods

In June 2014, the VICH Steering Committee agreed that a revised guidance document entitled “Studies to Evaluate the Metabolism and Residue Kinetics of Veterinary Drugs in Food-Producing Animals: Marker Residue Depletion Studies To Establish Product Withdrawal Periods” (VICH GL48(R)) should be made available to the public. The revised guidance is a revision of a final guidance on the same topic for which a notice of availability was

published in the **Federal Register** of September 15, 2011 (76 FR 57056). The revised guidance includes minor changes that clarify recommendations for conducting a single timepoint study for products proposed for a 0-day withdrawal period or a 0-day milk discard time. In addition, the design for a 0-day milk discard timestudy was described, and a definition for preruminant was added. This revised guidance is a product of the Metabolism and Residue Kinetics Expert Working Group of the VICH.

As part of the approval process for veterinary medicinal products in food-producing animals, national/regional regulatory authorities require data from marker residue depletion studies in order to establish appropriate withdrawal periods in edible tissues, including meat, milk, and eggs. The objective of this guidance is to provide study design recommendations that will facilitate the universal acceptance of the generated residue depletion data to fulfill the national/regional requirements.

## III. Significance of Guidance

As a result of Level 2 revisions, this VICH revised guidance is being issued in final, consistent with FDA’s good guidance practice (GGP) regulations at 21 CFR 10.115(g)(4). This guidance, developed under the VICH process, has been revised to conform to FDA’s GGP regulation (21 CFR 10.115). For example, the document has been designated “guidance” rather than “guideline.” In addition, guidance documents must not include mandatory language such as “shall,” “must,” “require,” or “requirement,” unless FDA is using these words to describe a statutory or regulatory requirement.

This VICH guidance represents the Agency’s current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of applicable statutes and regulations.

## IV. Paperwork Reduction Act of 1995

This revised 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 21 CFR part 514 have been approved under OMB control number 0910–0032.

## V. Comments

Interested persons may submit either electronic comments regarding this document to [www.regulations.gov](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>.

## VI. Electronic Access

Persons with access to the Internet may obtain the guidance at either <http://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm> or <http://www.regulations.gov>.

Dated: March 3, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015–05345 Filed 3–6–15; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2007–D–0369]

### Product-Specific Bioequivalence Recommendations; Draft and Revised Draft Guidances for Industry; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or the Agency) is announcing the availability of additional draft and revised draft product-specific bioequivalence (BE) recommendations. The recommendations provide product-specific guidance on the design of BE studies to support abbreviated new drug applications (ANDAs). In the **Federal Register** of June 11, 2010, FDA announced the availability of a guidance for industry entitled “Bioequivalence Recommendations for Specific Products,” which explained the process that would be used to make product-specific BE recommendations available to the public on FDA’s Web site. The BE recommendations identified in this notice were developed using the process described in that guidance.

**DATES:** Although you can comment on any guidance at any time (see 21 CFR

10.115(g)(5)), to ensure that the Agency considers your comments on these draft and revised draft guidances before it begins work on the final versions of the guidances, submit either electronic or written comments on the draft and revised draft product-specific BE recommendations listed in this notice by May 8, 2015.

**ADDRESSES:** Submit written requests for single copies of the individual BE guidances to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance recommendations.

Submit electronic comments on the draft product-specific BE recommendations to <http://www.regulations.gov>. Submit written comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Xiaoqiu Tang, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4730, Silver Spring, MD 20993-0002, 301-796-5850.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled "Bioequivalence Recommendations for Specific Products," which explained the process that would be used to make product-specific BE recommendations available to the public on FDA's Web site at <http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm>.

As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific BE recommendations and provide a meaningful opportunity for the public to consider and comment on those recommendations. Under that process, draft recommendations are posted on FDA's Web site and announced periodically in the **Federal Register**. The public is encouraged to submit comments on those recommendations within 60 days of their announcement in the **Federal Register**. FDA considers any comments

received, and either publishes final recommendations or publishes revised draft recommendations for comment. Recommendations were last announced in the **Federal Register** on December 30, 2014 (79 FR 78447). This notice announces draft product-specific recommendations, either new or revised, that are posted on FDA's Web site.

##### II. Drug Products for Which New Draft Product-Specific BE Recommendations Are Available

FDA is announcing the availability of a new draft guidance for industry on product-specific BE recommendations for drug products containing the following active ingredients:

TABLE 1—NEW DRAFT PRODUCT-SPECIFIC BE RECOMMENDATIONS FOR DRUG PRODUCTS

A .....	Avanafil.
	Azilsartan medoxomil; Chlorthalidone.
B .....	Buprenorphine hydrochloride;
	Naloxone hydrochloride.
C .....	Chlorpheniramine maleate; Ibuprofen;
	Phenylephrine hydrochloride.
	Cyclosporine (multiple reference listed drugs).
D .....	Deferiprone.
	Desoximetasone.
	Diclofenac.
	Dorzolamide.
	Doxepin hydrochloride.
E .....	Eltrombopag olamine.
	Emtricitabine; Rilpivirine hydrochloride; Tenofovir disoproxil fumarate.
F .....	Flucinolone acetoneide; Hydroquinone;
	Tretinoin.
I .....	Ibrutinib.
	Ibuprofen.
	Ipratropium bromide.
	Isosorbide dinitrate.
	Isotretinoin.
	Ivacaftor.
L .....	Loperamide hydrochloride (multiple reference listed drugs and dosage forms).
M .....	Minocycline hydrochloride.
N .....	Naproxen sodium; Diphenhydramine hydrochloride.
O .....	Oseltamivir phosphate.
	Oxybutynin chloride.
P .....	Potassium chloride.
	Praziquantel.
	Pyrimethamine.
S .....	Sodium polystyrene sulfonate
	Spinosad.
	Sucroferric oxyhydroxide.
T .....	Ticagrelor.
	Topiramate (multiple reference listed drugs).
V .....	Vigabatrin.

##### III. Drug Products for Which Revised Draft Product-Specific BE Recommendations Are Available

FDA is announcing the availability of a revised draft guidance for industry on product-specific BE recommendations for drug products containing the following active ingredients:

TABLE 2—REVISED DRAFT PRODUCT-SPECIFIC BE RECOMMENDATIONS FOR DRUG PRODUCTS

B .....	Brimonidine tartrate (multiple reference listed drugs).
	Brimonidine tartrate; Brinzolamide.
	Brinzolamide.
	Budesonide.
C .....	Carbamazepine (multiple reference listed drugs and dosage forms).
	Ciprofloxacin; dexamethasone.
D .....	Dexmethylphenidate hydrochloride.
	Dextroamphetamine sulfate.
	Doxepin hydrochloride.
G .....	Gabapentin.
I .....	Isotretinoin.
M .....	Methylphenidate hydrochloride.
	Mirtazapine.
N .....	Nisoldipine.
P .....	Paliperidone.
T .....	Teriflunomide.

For a complete history of previously published **Federal Register** notices related to product-specific BE recommendations, go to <http://www.regulations.gov> and enter Docket No. FDA-2007-D-0369.

These draft and revised draft guidances are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). These guidances represent the Agency's current thinking on product-specific design of BE studies to support ANDAs. They do not create or confer any rights for or on any person and do not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

##### IV. Comments

Interested persons may submit either electronic comments on any of the specific BE recommendations posted on FDA's Web site 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. The guidances, notices, and 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>.

## V. Electronic Access

Persons with access to the Internet may obtain the document at either <http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <http://www.regulations.gov>.

Dated: March 3, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015-05347 Filed 3-6-15; 8:45 am]

BILLING CODE 4164-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2015-N-0030]

#### Compounding of Human Drug Products Under the Federal Food, Drug, and Cosmetic Act; Establishment of a Public Docket

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice; establishment of public docket.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is establishing a public docket to receive information, recommendations, and comments on matters related to the Agency's regulation of compounding of human drug products under sections 503A and 503B of the Federal Food, Drug, and Cosmetic Act (FD&C Act). This docket is intended for general comments related to human drug compounding that are not specific to documents or issues that are the subject of other dockets.

**DATES:** Comments may be submitted to this docket at any time.

**ADDRESSES:** You may submit comments, identified by Docket No. [FDA-2015-N-0030], 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 comments in the following ways:

- *Mail/Hand delivery/Courier (for paper submissions):* Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**Instructions:** All submissions received must include the Agency name and Docket No. [FDA-2015-N-0030]. All comments received may be posted without change to <http://www.regulations.gov>, including any personal information provided.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and insert the docket number found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

#### **FOR FURTHER INFORMATION CONTACT:**

Philantha Bowen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 5175, Silver Spring, MD 20993-0002, 301-796-2466.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Section 503A of the FD&C Act (21 U.S.C. 353a) describes the conditions that must be satisfied for human drug products compounded by a licensed pharmacist or licensed physician to be exempt from the following three sections of the FD&C Act: (1) Section 501(a)(2)(B) (21 U.S.C. 351(a)(2)(B)) (concerning current good manufacturing practice); (2) section 502(f)(1) (21 U.S.C. 352(f)(1)) (concerning the labeling of drugs with adequate directions for use); and (3) section 505 (21 U.S.C. 355) (concerning the approval of drugs under new drug applications or abbreviated new drug applications). Previously, the conditions of section 503A of the FD&C Act also included restrictions on the advertising or promotion of the compounding of any particular drug, class of drug, or type of drug and the solicitation of prescriptions for compounded drugs. These provisions were challenged in court and held unconstitutional by the U.S. Supreme Court in 2002.<sup>1</sup>

On November 27, 2013, President Obama signed the Drug Quality and Security Act (DQSA) (Pub. L. 113-54), which contains important provisions relating to the oversight of human drug compounding. This new law removes from section 503A of the FD&C Act the provisions that had been held unconstitutional by the U.S. Supreme Court in 2002. By removing these provisions, the new law clarifies that section 503A of the FD&C Act applies

<sup>1</sup> See *Thompson v. Western States Med. Ctr.*, 535 U.S. 357 (2002).

nationwide. In addition, the DQSA adds a new section, 503B, to the FD&C Act (21 U.S.C. 353b) that creates a new category of "outsourcing facilities". Outsourcing facilities, as defined in section 503B of the FD&C Act, are facilities that meet certain conditions described in section 503B, including registration with FDA as an outsourcing facility. If these conditions are satisfied, a drug compounded for human use by or under the direct supervision of a licensed pharmacist in an outsourcing facility is exempt from three sections of the FD&C Act: (1) Section 502(f)(1), (2) section 505, and (3) section 582 (21 U.S.C. 360eee), but not section 501(a)(2)(B).

Since enactment of the DQSA, FDA has sought public comment on a number of specific human drug compounding issues and has published several **Federal Register** notices seeking public input. These have included notices inviting comment on the registration process and product reporting requirements for human drug compounding outsourcing facilities (78 FR 72899 and 78 FR 72897), requesting nominations for the list of drugs that present demonstrable difficulties for compounding (78 FR 72840), and seeking input on other specific matters. A complete list of the human drug compounding policy documents issued by the Agency for public comment can be found at <http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/PharmacyCompounding/ucm166743.htm>. The Agency will continue to seek public comment on specific documents and issues through future **Federal Register** notices. The Agency recognizes, however, that it would be useful to have a docket available for submissions of any information related to human drug compounding that may be unrelated to the specific issues and documents published for public comment.

##### **II. Establishment of a Docket**

FDA is establishing a public docket so that anyone can share information, research, and ideas on any matters related to human drug compounding that are not specific to the documents or issues addressed in other dockets. This information will give the Agency insight into stakeholders' experiences and views regarding human drug compounding as the Agency works to implement sections 503A and 503B of the FD&C Act.

This docket will be open for comment simultaneously with a number of other dockets that are specific to particular human drug compounding documents or issues (see <http://www.fda.gov/drugs/>



*guidancecompliance regulatoryinformation/pharmacy compounding/default.htm* for a list of specific human drug compounding policy documents open for public comment). Please do not submit comments to this general docket that have already been submitted to specific dockets. Such submissions are duplicative and not helpful to the Agency. If comments on particular documents or issues are submitted to this docket rather than the docket specifically opened for the particular document or issue, the comment might not be considered as the specific documents are being finalized and issues considered. FDA will not respond to questions or requests submitted to this docket but will consider any information submitted in its work to implement the law.

Information in the docket will be publicly available. Therefore, we remind commenters not to submit personal or confidential information.

Interested persons may submit either electronic comments 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 the 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>.

Dated: March 3, 2015.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2015-05376 Filed 3-6-15; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[Docket No. USCG-2015-0031]

#### Missouri River Waterways Analysis and Management System

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of meeting and request for comments.

**SUMMARY:** Coast Guard Sector Upper Mississippi River will hold a public listening session to present, and receive feedback on, the Missouri River Waterways Analysis and Management System (WAMS) study. The WAMS study will review and assess waterborne commerce as well as safe commercial

and recreational navigation with a focus on the existing aids to navigation in Missouri River system from Sioux City, IA to St. Louis, MO. This listening session will be open to the public.

**DATES:** This listening session will be held in Smithville, MO on February 25, 2015, from 10:00 a.m. to 12:00 p.m. If all interested participants have had an opportunity to comment, the session may conclude early. Written comments and related material may also be presented to Coast Guard personnel specified at that meeting. Comments and related materials submitted after the meeting must be received by the Coast Guard on or before April 10, 2015.

**ADDRESSES:** The listening session will be held at the Jerry Litton Visitors Center, (Smithville Lake) 16311 DD Hwy., Smithville, MO 64089.

Submit written comments identified by docket number USCG-2015-0031 using one of the listed methods, and see **SUPPLEMENTARY INFORMATION** for more information on public comments. To avoid duplication, please use only one of these methods.

- *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. Hours for hand delivery are 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays (telephone 202-366-9329).

**FOR FURTHER INFORMATION CONTACT:** For information about this document call or email Kevin Brensinger, Coast Guard; telephone 314-269-2548, email [SUMRWaterways@uscg.mil](mailto:SUMRWaterways@uscg.mil). For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202-366-9826, toll free 1-800-647-5527.

#### **SUPPLEMENTARY INFORMATION:**

##### **Public Participation and Comments**

We encourage you to participate in this listening session by submitting comments (or related material) on Missouri River Waterways Analysis and Management System study.

We recommend using the user survey document under docket number USCG-2015-0031 to provide comments. 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, may be found 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.

For information on facilities or services for individuals with disabilities or to request special assistance at the listening session, contact Kevin Brensinger at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

#### **Basis and Purpose**

The Waterways Analysis and Management System was implemented to ensure a complete and organized process for matching waterway attributes and services, most significantly the aids to navigation system, with user needs. The Missouri River study includes navigable waters from Sioux City, IA to St. Louis, MO and specifically targets the navigation channel, marking of the navigation channel, movement of commerce and navigation support for the diverse uses of the river. WAMS studies are conducted periodically to better understand users' needs and facilitate safe and effective waterways. Some of the aspects addressed by WAMS are:

- Are all the aids necessary?
- Should aids be added, changed or removed?
- Is the right aid being used for the job?
- Are the aids marked in a correct and visible manner?
- Are these aids being used properly by both the Coast Guard and the waterway user?

It is the intent of Coast Guard Sector Upper Mississippi River to collect comments and materials from this listening session, along with navigation surveys and other information, to establish and preserve the reasonable needs of navigation on this river.

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: February 6, 2015.

**Martin Malloy,**

*Commander, U.S. Coast Guard Sector Upper Mississippi River, Captain of the Port.*

[FR Doc. 2015-05486 Filed 3-6-15; 8:45 am]

BILLING CODE 9110-04-P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2014-0992; OMB Control Numbers 1625-(0013, 0094, 0096, 0097, 0101)]

### Collection of Information Under Review by Office of Management and Budget

**AGENCY:** Coast Guard, DHS.

**ACTION:** Thirty-day notice requesting comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard is forwarding Information Collection Requests (ICRs), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision to the following collections of information: 1625-0013, Plan Approval and Records for Load Lines—Title 46 CFR Subchapter E; 1625-0094, Ships Carrying Bulk hazardous Liquids; 1625-0096, Report of Oil or Hazardous Substance Discharge and Report of Suspicious Maritime Activity; 1625-0097, Plan Approval and Records for Marine Engineering Systems—Title 46 CFR Subchapter F; and 1625-0101, Periodic Gauging and Engineering Analyses for Certain Tank Vessels over 30 Years Old. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

**DATES:** Comments must reach the Coast Guard and OIRA on or before April 8, 2015.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number [USCG-2014-0992] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) and/or to OIRA. To avoid duplicate submissions, please use only one of the following means:

(1) *Online:* (a) To Coast Guard docket at <http://www.regulations.gov>. (b) To OIRA by email via: [OIRA-submission@omb.eop.gov](mailto:OIRA-submission@omb.eop.gov).

(2) *Mail:* (a) DMF (M-30), DOT, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. (b) To OIRA, 725 17th Street NW.,

Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Hand Delivery:* To DMF address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(4) *Fax:* (a) To DMF, 202-493-2251. (b) To OIRA at 202-395-6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12-140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at <http://www.regulations.gov>.

Copies of the ICRs are available through the docket on the Internet at <http://www.regulations.gov>. Additionally, copies are available from: COMMANDANT (CG-612), ATTN: PAPERWORK REDUCTION ACT MANAGER, US COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE., STOP 7710, Washington, DC 20593-7710.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anthony Smith, Office of Information Management, telephone 202-475-3532 or fax 202-372-8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202-366-9826, for questions on the docket.

#### SUPPLEMENTARY INFORMATION:

#### Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collections. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate

comments addressing: (1) The practical utility of the Collections; (2) the accuracy of the estimated burden of the Collections; (3) ways to enhance the quality, utility, and clarity of information subject to the Collections; and (4) ways to minimize the burden of the Collections on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICRs referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG 2014-0992], and must be received by April 8, 2015. We will post all comments received, without change, to <http://www.regulations.gov>. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the "Privacy Act" paragraph below.

#### Submitting Comments

If you submit a comment, please include the docket number [USCG-2014-0992]; indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via <http://www.regulations.gov>), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via [www.regulations.gov](http://www.regulations.gov), it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit comments and material by electronic means, mail, fax, or hand delivery to the DMF at the address under **ADDRESSES**, but please submit them by only one means. To submit your comment online, go to <http://www.regulations.gov>, and type "USCG-2014-0992" in the "Search" box. 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 will address them accordingly.

#### Viewing Comments and Documents

To view comments, as well as documents mentioned in this Notice as being available in the docket, go to <http://www.regulations.gov>, click on the "read comments" box, which will then become highlighted in blue. In the "Search" box insert "USCG-2014-0992" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the DMF in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

OIRA posts its decisions on ICRs online at <http://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Numbers: 1625-(0013, 0094, 0096, 0097, 0101).

#### Privacy Act

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

#### Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (80 FR 46, January 2, 2014) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments.

#### Information Collection Requests

1. *Title:* Plan Approval and Records for Load Lines—Title 46 CFR Subchapter E.

*OMB Control Number:* 1625-0013.

*Type of Request:* Revision of a currently approved collection.

*Respondents:* Owners and operators of vessels.

*Abstract:* This collection is required to ensure that certain vessels are not loaded deeper than appropriate for safety. Vessels over 150 gross tons or 79 feet in length engaged in commerce on international or coastwise voyages by

sea are required to obtain a Load Line Certificate.

*Forms:* None.

*Burden Estimate:* The estimated burden has decreased from 1,761 hours to 907 hours a year due to a decrease in the number of estimated annual respondents.

2. *Title:* Ships Carrying Bulk Hazardous Liquids.

*OMB Control Number:* 1625-0094.

*Type of Request:* Revision of a currently approved collection.

*Respondents:* Owners and operators of chemical tank vessels.

*Abstract:* This information is needed to ensure the safe transport of bulk hazardous liquids on chemical tank vessels and to protect the environment from pollution.

*Forms:* CG-4602B, CG-5148, CG-5148A, CG-5148B and CG-5461.

*Burden Estimate:* The estimated burden has increased from 5,291 hours to 5,539 hours a year due to an increase in the number respondents.

3. *Title:* Report of Oil or Hazardous Substance Discharge and Report of Suspicious Maritime Activity.

*OMB Control Number:* 1625-0096.

*Type of Request:* Revision of a currently approved collection.

*Respondents:* Persons-in-charge of a vessel or onshore/offshore facility; owners or operators of vessels or facilities required to have security plans; and the public.

*Abstract:* Any discharge of oil or a hazardous substance must be reported to the National Response Center (NRC) so that the pre-designated on-scene coordinator can be informed and appropriate spill mitigation action carried out. The NRC also receives suspicious activity reports from the public and disseminates the information to the appropriate entities.

*Forms:* None.

*Burden Estimate:* The estimated burden has decreased from 12,098 hours to 3,275 hours a year due to a decrease in the estimated number of annual responses.

4. *Title:* Plan Approval and Records for Marine Engineering Systems—46 CFR Subchapter F.

*OMB Control Number:* 1625-0097.

*Type of Request:* Revision of a currently approved collection.

*Respondents:* Owners and builders of commercial vessels.

*Abstract:* This collection of information requires an owner or builder of a commercial vessel to submit to the U.S. Coast Guard for review and approval, plans pertaining to marine engineering systems to ensure that the vessel will meet regulatory standards.

*Forms:* None.

*Burden Estimate:* The estimated burden has increased from 3,695 hours to 5,512 hours a year due to an increase in the estimated annual number of responses.

5. *Title:* Periodic Gauging and Engineering Analyses for Certain Tank Vessels Over 30 Years Old.

*OMB Control Number:* 1625-0101.

*Type of Request:* Revision of a currently approved collection.

*Respondents:* Owners and operators of certain tank vessels.

*Abstract:* The Oil Pollution Act of 1990 required the issuance of regulations related to the structural integrity of tank vessels, including periodic gauging of the plating thickness of tank vessels over 30 years old. This collection of information is used to verify the structural integrity of older tank vessels.

*Forms:* None.

*Burden Estimate:* The estimated burden has decreased from 7,946 hours to 5,278 hours a year due to a decrease in the estimated number of annual respondents.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: February 27, 2015.

**Thomas P. Michelli,**

*Chief Information Officer, Acting, U.S. Coast Guard.*

[FR Doc. 2015-05443 Filed 3-6-15; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

**[USCG-2015-0073; OMB Control Number 1625-0045]**

#### Information Collection Request to Office of Management and Budget

**AGENCY:** Coast Guard, DHS.

**ACTION:** Sixty-day notice requesting comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICRs) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a revision of a currently approved collection: 1625-0045, Adequacy Certification for Reception Facilities and Advance Notice—33 CFR part 158. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

**DATES:** Comments must reach the Coast Guard on or before May 8, 2015.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number [USCG-2015-0073] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT). To avoid duplicate submissions, please use only one of the following means:

(1) *Online:* <http://www.regulations.gov>.

(2) *Mail:* DMF (M-30), DOT, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

(3) *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.

(4) *Fax:* 202-493-2251. To ensure your comments are received in a timely manner, mark the fax, to attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12-140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at <http://www.regulations.gov>.

Copies of the ICR(s) are available through the docket on the Internet at <http://www.regulations.gov>. Additionally, copies are available from: COMMANDANT (CG-612), ATTN PAPERWORK REDUCTION ACT MANAGER, US COAST GUARD, 2703 MARTIN LUTHER KING JR AVE SE STOP 7710, Washington, DC 20593-7710.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anthony Smith, Office of Information Management, telephone 202-475-3532, or fax 202-372-8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202-366-9826, for questions on the docket.

**SUPPLEMENTARY INFORMATION:**

**Public Participation and Request for Comments**

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains

information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether these ICRs should be granted based on the Collections being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise these ICRs or decide not to seek approval of revisions of the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG-2015-0073], and must be received by May 8, 2015. We will post all comments received, without change, to <http://www.regulations.gov>. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the "Privacy Act" paragraph below.

**Submitting Comments**

If you submit a comment, please include the docket number [USCG-2015-0073], indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via <http://www.regulations.gov>), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via [www.regulations.gov](http://www.regulations.gov), it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit your comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**; but please submit them by only one means. To submit your comment online, go to <http://www.regulations.gov>, and type "USCG-2015-0073" in the "Search" box. 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 will address them accordingly.

*Viewing comments and documents:* To view comments, as well as documents mentioned in this Notice as being available in the docket, go to <http://www.regulations.gov>, click on the "read comments" box, which will then become highlighted in blue. In the "Search" box insert "USCG-2015-0073" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the DMF in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Privacy Act**

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

*Information Collection Request*

1. *Title:* Adequacy Certification for Reception Facilities and Advance Notice—33 CFR part 158.

*OMB Control Number:* 1625-0045.

*Summary:* This information helps ensure that waterfront facilities are in compliance with reception facility standards. Advance notice information from vessels ensures effective management of reception facilities.

*Need:* Section 1905 of Title 33 U.S.C. gives the Coast Guard the authority to certify the adequacy of reception facilities in ports. Reception facilities are needed to receive waste from ships which may not discharge at sea. Under these regulations in 33 CFR part 158 there are discharge limitations for oil

and oily waste, noxious liquid substances, plastics and other garbage.

*Forms:* CG-5401, CG-5401A, CG-5401B, CG-5401C, CG-5401D.

*Respondents:* Owners and operators of reception facilities, and owners and operators of vessels.

*Frequency:* On occasion.

*Burden Estimate:* The estimated burden has increased from 1,497 hours to 4, 979 hours a year due to an increase in the estimated annual number of respondents.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: February 27, 2015.

**Thomas P. Michelli,**

*U.S. Coast Guard, Chief Information Officer, Acting.*

[FR Doc. 2015-05430 Filed 3-6-15; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2014-0996; OMB Control Number 1625-0037]

### Collection of Information Under Review by Office of Management and Budget

**AGENCY:** Coast Guard, DHS.

**ACTION:** Thirty-day notice requesting comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding Information Collection Requests (ICRs), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of a currently approved collection: 1625-0037, Certificates of Compliance, Boiler/Pressure Vessel Repairs, Cargo Gear Records and Shipping Papers. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

**DATES:** Comments must reach the Coast Guard and OIRA on or before April 8, 2015.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number [USCG-2014-0996] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) and/or to OIRA. To avoid duplicate submissions, please use only one of the following means:

(1) *Online:* (a) To Coast Guard docket at <http://www.regulations.gov>. (b) To

OIRA by email via: *OIRA-submission@omb.eop.gov*.

(2) *Mail:* (a) DMF (M-30), DOT, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. (b) To OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Hand Delivery:* To DMF address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(4) *Fax:* (a) To DMF, 202-493-2251. (b) To OIRA at 202-395-6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12-140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at <http://www.regulations.gov>.

Copies of the ICRs are available through the docket on the Internet at <http://www.regulations.gov>. Additionally, copies are available from: Commandant (CG-612), ATTN: Paperwork Reduction Act Manager, US Coast Guard, 2703 Martin Luther King Jr Ave SE., STOP 7710, Washington, DC 20593-7710.

**FOR FURTHER INFORMATION CONTACT:** Mr. Anthony Smith, Office of Information Management, telephone 202-475-3532 or fax 202-372-8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202-366-9826, for questions on the docket.

#### SUPPLEMENTARY INFORMATION:

#### Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collections. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICRs referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG 2014-0996], and must be received by April 8, 2015. We will post all comments received, without change, to <http://www.regulations.gov>. They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the "Privacy Act" paragraph below.

#### Submitting Comments

If you submit a comment, please include the docket number [USCG-2014-0996]; indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via <http://www.regulations.gov>), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via [www.regulations.gov](http://www.regulations.gov), it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**, but please submit them by only one means. To submit your comment online, go to <http://www.regulations.gov>, and type "USCG-2014-0996" in the "Search" box. 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 will address them accordingly.

### Viewing Comments and Documents

To view comments, as well as documents mentioned in this Notice as being available in the docket, go to <http://www.regulations.gov>, click on the "read comments" box, which will then become highlighted in blue. In the "Search" box insert "USCG-2014-0996" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the DMF in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

OIRA posts its decisions on ICRs online at <http://www.reginfo.gov/public/do/PRAMain> after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Numbers: 1625-0037.

### Privacy Act

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

### Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (80 FR 48, January 2, 2015) required by 44 U.S.C. 3506(c)(2). We received several comments from one commenter to the 60-day notice. The comments were not related to the periodic renewal of this information collection. The comments were about proposed drilling in Alaska. As such, they are beyond the scope of this information collection notice.

### Information Collection Request

1. *Title:* Certificates of Compliance, Boiler/Pressure Vessel Repairs, Cargo Gear Records and Shipping Papers.

*OMB Control Number:* 1625-0037.

*Type of Request:* Extension of a currently approved collection.

*Respondents:* Owners and operators of vessels.

*Abstract:* This information is needed to enable the Coast Guard to fulfill its responsibilities for maritime safety under Title 46, U.S. Code. This collection is solely for this purpose. The affected public includes some owners or operators of large merchant vessels and all foreign-flag tankers calling at U.S. ports.

*Forms:* CG-3585, CG-5437A, CG-5437B.

*Burden Estimate:* The estimated burden remains 14,725 hours a year.

*Authority:* The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: February 27, 2015.

**Thomas P. Michelli,**

*U.S. Coast Guard, Acting Chief Information Officer.*

[FR Doc. 2015-05461 Filed 3-6-15; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

[1651-0077]

#### Agency Information Collection Activities: Customs-Trade Partnership Against Terrorism (C-TPAT) and the Trusted Trader Program

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** 60-day notice and request for comments; revision of an existing collection of information.

**SUMMARY:** U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Customs-Trade Partnership against Terrorism (C-TPAT) and the Trusted Trader Program. CBP proposes to revise this information collection to include the information collection requirements for a new program known as the Trusted Trader Program. This document is published to obtain comments from the public and affected agencies on the addition of the Trusted Trader Program to this information collection.

**DATES:** Written comments should be received on or before May 8, 2015 to be assured of consideration.

**ADDRESSES:** Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, at 202-325-0265.

#### SUPPLEMENTARY INFORMATION: CBP

invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

*Title:* Customs-Trade Partnership against Terrorism (C-TPAT) and the Trusted Trader Program.

*OMB Number:* 1651-0077.

*Abstract:* The C-TPAT Program is designed to safeguard the world's trade industry from terrorists and smugglers by prescreening its participants. The C-TPAT Program applies to United States importers, customs brokers, consolidators, port and terminal operators, carriers, and foreign manufacturers.

Respondents apply to participate in C-TPAT using an on-line application at: <https://ctpat.cbp.dhs.gov/Login.aspx?ReturnUrl=%2fHome.aspx>. The C-TPAT Program application requests an applicant's contact and business information, including the number of company employees, the number of years in business, and a list

of company officers. This collection of information is authorized by the SAFE Port Act (P.L. 109–347).

CBP proposes to establish a collection of information for a new program known as the Trusted Trader Program. The Trusted Trader Program will involve a unification of supply chain security aspects of the current C-TPAT Program and the internal controls of the Importer Self-Assessment (ISA) Program to integrate supply chain security and trade compliance. The goals of the Trusted Trader Program are to strengthen security by leveraging the C-TPAT supply chain requirements and validation, identify low-risk trade entities for supply chain security and trade compliance, and increase the overall efficiency of trade by segmenting risk and processing by account. This Program applies to importer participants who have satisfied C-TPAT supply chain security and trade compliance requirements. The Trusted Trader application will include questions about the following:

Name and contact information for the applicant;

Business information including business type, CBP Bond information, and number of employees;

Information about the applicant's Supply Chain Security Profile; and Trade Compliance Profile and Operating Procedures of the applicant.

Respondents will apply to participate in the Trusted Trader Program using an on-line application available through the C-TPAT portal. The draft Trusted Trader Program application may be viewed at: <http://www.cbp.gov/sites/default/files/documents/Trusted%20Trader%20Application.pdf>.

After an importer obtains Trusted Trader Program membership, the importer will be required to submit an Annual Notification Letter to CBP confirming that they are continuing to meet the requirements of the Trusted Trader Program. This letter should include: personnel changes that impact the Trusted Trader Program; organizational and procedural changes; a summary of risk assessment and self-testing results; a summary of post-entry amendments and/or disclosures made to CBP; and any importer activity changes within the last 12-month period.

**Current Actions:** This submission is being made to revise the current information collection by adding the Trusted Trader Application and Annual Notification Letter.

**Type of Review:** Revision.

**Affected Public:** Businesses.

**C-TPAT Program Application:**

**Estimated Number of Respondents:** 2,541.

**Estimated Number of Responses per Respondent:** 1.

**Estimated Time per Response:** 5 hours.

**Estimated Total Annual Burden Hours:** 12,705.

**Trusted Trader Program Application:**  
**Estimated Number of Respondents:** 75.

**Estimated Number of Responses per Respondent:** 1.

**Estimated Time per Response:** 90 minutes.

**Estimated Total Annual Burden Hours:** 112.5.

**Trusted Trader Program's Annual Notification Letter:**

**Estimated Number of Respondents:** 75.

**Estimated Number of Responses per Respondent:** 1.

**Estimated Time per Response:** 60 minutes.

**Estimated Total Annual Burden Hours:** 75.

Dated: March 2, 2015.

**Tracey Denning,**

*Agency Clearance Officer, U.S. Customs and Border Protection.*

[FR Doc. 2015–05359 Filed 3–6–15; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5242–N–03]

### Applicability of Davis-Bacon Labor Requirements to Projects Selected as Existing Housing Under the Section 8 Project-Based Voucher Program—Guidance

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** On June 25, 2014, HUD published a final rule amending the regulations for HUD's Section 8 Project-Based Voucher program. This notice supplements that final rule by providing further guidance on when Davis-Bacon wage requirements may apply to existing housing.

**DATES:** March 9, 2015.

**FOR FURTHER INFORMATION CONTACT:**

Becky Primeaux, Director, Housing Voucher Management and Operations Division, Office of Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4228, Washington, DC 20410; telephone number 202–708–2815 (this is not a toll-free number). Individuals with speech or hearing impairments may access this

number through TTY by calling the toll-free Federal Information Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*A. Section 8 Project-Based Voucher Assistance—June 25, 2014, Final Rule*

On June 25, 2014, at 79 FR 36146, HUD published a final rule that amended the regulations governing the Section 8 Project-Based Voucher (PBV) program, largely due to changes made to the PBV program by the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289, approved July 30, 2008) (HERA). HERA made comprehensive and significant reforms to several HUD programs, including HUD's Public Housing, Section 8 Tenant-Based Voucher, and PBV programs. On November 24, 2008, at 73 FR 71037, HUD published a notice that provided information about the applicability of certain HERA provisions to these programs. The notice identified: (1) those statutory provisions that were self-executing and required no action on the part of HUD for the changes to be implemented; and (2) those statutory provisions that require new regulations or regulatory changes by HUD for the HERA provisions to be implemented. The notice also offered the opportunity for public comment on the guidance provided.

HUD followed the November 2008 notice with a proposed rule published on May 15, 2012, at 77 FR 28742, that proposed to establish, in regulation, the reforms made by HERA solely to the Section 8 Tenant-Based Voucher and PBV programs as discussed in the November 2008 notice, to make other related changes to the regulations, and to further solicit public comment. The final rule published on June 25, 2014, conformed the regulations of the Section 8 Tenant-Based Voucher and PBV programs to the statutory program changes made by HERA, made other related changes to these regulations as discussed in the May 2012 proposed rule, and made further changes to the two voucher program regulations as a result of issues raised by public comment and certain clarifying changes determined needed by HUD.

One of the changes made by the June 25, 2014, final rule pertained to labor standards. In the final rule, HUD updated the reference to labor standards provisions that are applicable to assistance under the PBV program to remove the reference to labor standards “applicable to an Agreement” covering nine or more assisted units and substitute a reference to labor standards

“applicable to development (including rehabilitation) of a project comprising” nine or more assisted units. HUD advised that this language clarifies that Davis-Bacon requirements may apply to existing housing (which is not subject to an Agreement to Enter into Housing Assistance Payments (HAP) Contract) when the nature of any work planned to be performed prior to execution of a HAP Contract, or after HAP Contract execution (within such post-execution period as may be specified by HUD) constitutes development of the project. The final rule also amended the owner certification provision of the regulation to state that repair work on a project selected as an existing project that is performed within such post-execution period as specified by HUD may constitute development activity, and the owner, by execution of the HAP Contract, certifies that at execution and at all times during the term of the HAP Contract, if the repair work is determined to be development activity, the repair work undertaken shall be in compliance with Davis-Bacon wage requirements.

As noted in the Summary, this notice supplements the June 25, 2014 final rule by providing further guidance on the applicability of Davis-Bacon to existing housing.

#### *B. Existing Housing Under the PBV Program*

Under the PBV program, a public housing agency (PHA) may provide project-based assistance for existing housing, as well as for newly constructed or rehabilitated housing. This provision was put in place by the Quality Housing and Work Responsibility Act of 1998 (Pub. L. 105–276, approved October 21, 1998) as further revised by the Fiscal year 2001 Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act (Pub. L. 106–377, approved October 27, 2000) and implemented by HUD final rule published on October 13, 2005, at 70 FR 59892. In accordance with the 2005 final rule, to qualify as “existing housing”, the units must already exist and substantially comply with HUD’s housing quality standards (HQS) on the proposal selection date, which is the date the PHA gives written notice to the owner that the owner’s proposal has been selected. The units must fully comply with the HQS before execution of the HAP contract.

#### *C. Section 12(a) of the United States Housing Act of 1937*

HUD’s Section 8 program, including the PBV program, is subject to statutory

labor standards provisions in section 12(a) of the U.S. Housing Act of 1937 (1937 Act) (42 U.S.C. 1437j(a)). Section 12(a) provides in relevant part as follows:

Any contract for loans, contributions, sale, or lease pursuant to this Act . . . shall . . . contain a provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of the project involved (including a project with nine or more units assisted under section 8 of this Act, where the public housing agency or the Secretary and the builder or sponsor enter into an agreement for such use before construction or rehabilitation is commenced).

Under the Davis-Bacon Act, Davis-Bacon prevailing wage rates determined by the United States Department of Labor apply to construction (including rehabilitation) contracts in excess of \$2000.

### **II. Applicability of Davis-Bacon Wage Requirements**

#### *A. Applicability in Development of Existing Project-Based Voucher Units*

As noted above, to ensure statutory compliance, the June 25, 2014, final rule revised the cross-reference to the labor standards in § 983.4 (entitled “Cross-reference to other Federal requirements”) to clarify that even though an “Agreement to Enter into Housing Assistance Payments Contract” is not executed for existing housing projects, Davis-Bacon requirements may still apply, and revised § 983.210 (entitled “Owner certification”) to provide for an owner certification that repair work that is undertaken on an existing housing project and is determined to be development activity shall be in compliance with Davis-Bacon requirements. The preamble to the June 25, 2014, final rule clarifies that Davis-Bacon requirements may apply to existing PBV units when the nature of any work planned to be performed prior to HAP contract execution or within a HUD-defined post HAP contract execution period constitutes *development* of the project.

#### *B. Development of the Section 8 Project*

The term “development” is defined in the PBV program as construction or rehabilitation of PBV housing after the proposal selection date. HUD has found that given the current, broad definition of “existing housing”, the potential for circumvention of rehabilitation program requirements exists. These requirements include compliance with labor standards when rehabilitation of existing housing is contemplated in

connection with the placement of units under Section 8. The potential circumvention stems from the fact that PHAs can classify a project as “existing housing” and this classification does not preclude owners and developers from performing work that may fall within the scope of Davis-Bacon. Both the PBV Final Rule and this Notice make clear that Davis-Bacon requirements cannot be avoided simply by classifying a project as an existing housing project under the PBV regulation.

The scope and timing of the contemplated development work are important measures in determining whether Davis-Bacon requirements apply to existing housing under the PBV program.

#### 1. Scope

“Scope” refers to the elements of the proposed work, that is, the specific activities that are involved. An analysis of the scope of the proposed work is performed by the relevant PHA to determine if such work represents “development” for purposes of determining the applicability of Davis-Bacon wage rates to existing housing undergoing construction or reconstruction activity within the time period discussed below in Section B.2. of this Notice.

Development work is subject to Davis-Bacon wage rates, and, when used in reference to public housing, “development” is defined in section 3(c)(1) of the 1937 Act as any or all undertakings necessary for planning, land acquisition, demolition, construction, or equipment, in connection with a low-income housing project. Section 3(c)(1) also states that “construction activity” in connection with a low-income housing project may be confined to the reconstruction, remodeling, or repair of existing buildings.

The 1937 Act defines “development” only as the term is used in reference to public housing. However, the 1937 Act also applies Davis-Bacon requirements to “development” of projects under Section 8 of the Act, such as PBV projects. It is HUD’s position, therefore, that the term “development”, as applied to work subject to Davis-Bacon requirements on Section 8 projects, encompasses work on a Section 8 project that is comparable to the scope of work that HUD has previously determined constitutes development of a public housing project. Accordingly, work that constitutes remodeling that alters the nature or type of housing units in a PBV project, reconstruction, or a substantial improvement in the quality



or kind of original equipment and materials, falls within the purview of “development”. Development activity on a PBV project does not include replacement of equipment and materials rendered unsatisfactory because of normal wear and tear by items of substantially the same kind.

## 2. Timing

Development work planned to be carried out after the proposal selection date (either before or after execution of the HAP contract) within a period reasonably viewed as one in which the Section 8 housing is being developed (as opposed to being maintained, repaired or updated years after original placement of the units under Section 8), is an important factor in analyzing whether the work requires payment of Davis-Bacon wages to laborers and mechanics employed to perform such work. It has long been HUD’s position, consistent with the intent to privatize responsibility for housing for low-income persons under the Section 8 program, that once a Section 8 housing project has been initially developed and placed under a HAP Contract, a decision by the owner to repair or rehabilitate the housing as it ages is not continued “development” of the Section 8 project and is not subject to Davis-Bacon wage requirements under Section 12 of the 1937 Act.

HUD has determined that any development initiated on existing units within 18 months after the effective date of the HAP Contract on projects consisting of 9 or more units assisted under a PBV HAP Contract is considered development for purposes of Davis-Bacon wage rate applicability and such wages must be paid to laborers and mechanics employed to perform development work in connection with this initial placement of the project under a Section 8 contract.

### C. PBV Existing Housing and the Rental Assistance Demonstration Program (RAD)

Under HUD’s final Notice announcing the RAD program (PIH–2012–32 (HA)),<sup>1</sup> issued July 2, 2013, the second component of the RAD program (RAD II) consisted of conversions of Section 8 Tenant Protection Vouchers in projects with expiring or terminating Rent Supplement, Rental Assistance Program, or Section 8 Moderate Rehabilitation contracts to PBVs. The final RAD Notice specifically provided that conversion of public housing projects under the first component of the RAD program would

be subject to Davis-Bacon wage requirements. The last paragraph of Section 3.5 of the final RAD Notice states that all regulatory and statutory requirements of the PBV program in 24 CFR part 983 apply to conversions carried out under RAD II (with certain exceptions not relevant to this guidance) but did not directly address the applicability of Davis-Bacon wage requirements to RAD II projects. Language on Davis-Bacon requirements elsewhere in the RAD Notice may have led to uncertainty regarding the applicability of Davis-Bacon requirements for RAD II projects that met the PBV definition of existing housing. This Notice makes clear that, as more specifically discussed above in Section II. B., rehabilitation constitutes “development” of a Section 8 project, including projects where the rehabilitation is contemplated as part of the conversion of an existing project to a PBV contract under RAD, and regardless of whether the rehabilitation addresses Housing Quality Standards (HQS) deficiencies or is undertaken for other reasons. Accordingly, such rehabilitation is subject to Davis-Bacon requirements pursuant to Section 12(a) of the 1937 Act regardless of whether the housing would qualify as “existing housing” as defined in part 983.

### D. Addendum to Existing HAP Contract

In the case of PBV projects selected as rehabilitation or new construction, an Agreement to Enter into a Housing Assistance Payments Contract (AHAP) is required prior to the commencement of construction or rehabilitation. The AHAP contains federal requirements including applicable labor standards. Since existing housing does not require an AHAP, but development activity described in this guidance may require the payment of Davis-Bacon wages to laborers and mechanics, an addendum to the PBV HAP Contract that reflects the applicability of Davis-Bacon wage rates in the development of existing PBV housing is required when such development will take place within 18 months of the effective date of the HAP Contract. The required addendum is attached to this notice as Appendix 1.

### E. Public Housing Agency (PHA) Responsibilities

PHAs that select existing housing under the PBV program are responsible for monitoring compliance with Davis-Bacon requirements outlined in the Addendum to the Existing Housing Contract (Appendix 1). As provided in § 983.210 of the PBV regulations, the owner, by execution of the HAP Contract, certifies that repair work that

is undertaken on an existing housing project and is determined to be development activity shall be in compliance with Davis-Bacon requirements. Owner non-compliance with the requirements outlined in the Addendum represents grounds for termination of the HAP Contract. If the contract is terminated, the PHA must provide housing choice vouchers to families living in units covered by the PBV HAP Contract.

Dated: February 26, 2015.

**Jemine A. Bryon,**

*Acting Assistant Secretary for Public and Indian Housing.*

## Appendix 1 Addendum to Existing HAP Contract—Labor Standards

### 1. HUD-FEDERAL LABOR STANDARDS PROVISIONS

The owner is responsible for inserting the entire text of section 1 of this Addendum in all construction contracts and, if the owner performs any rehabilitation work on the project, the owner must comply with all provisions of section 1. (Note: Sections 1(b) and (c) apply only when the amount of the prime contract exceeds \$100,000.)

(a)(1)(i) Minimum Wages. All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project) will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made part hereof regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv); also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer’s

<sup>1</sup> See <http://portal.hud.gov/hudportal/documents/huddoc?id=pih2012-32rev1.pdf>

payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under 29 CFR 5.5(a)(1)(ii) and the Davis-Bacon poster (WH-1321)) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(ii)(A) Any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. HUD shall approve an additional classification and wage rate and fringe benefits therefor only when the following criteria have been met:

(1) The work to be performed by the classification requested is not performed by a classification in the wage determination; (2) The classification is utilized in the area by the construction industry; and (3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and HUD or its designee agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by HUD or its designee to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and HUD or its designee do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), HUD or its designee shall refer the questions, including the views of all interested parties and the recommendation of HUD or its designee, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise HUD or its designee or will notify HUD or its designee within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to subparagraphs (a)(1)(ii)(B) or (C) of this paragraph, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determinations

or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program: Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) Withholding. HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractors under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, HUD or its designee may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased. HUD or its designee may, after written notice to the contractor, disburse such amounts withheld for and on account of the contractor or subcontractor to the respective employees to whom they are due.

(3)(i) Payrolls and Basic Records. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5 (a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which

show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)(A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to HUD or its designee. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to HUD or its designee if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit them to the applicant, sponsor, or owner, as the case may be, for transmission to HUD or its designee, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the sponsoring government agency (or the applicant, sponsor, or owner).

(B) Each payroll submitted shall be accompanied by a "Statement of compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following: (1) That the payroll for the payroll period contains the information required to be provided under 29 CFR 5.5(a)(3)(ii), the appropriate information is being maintained under 29 CFR 5.5 (a)(3)(i), and that such information is correct and complete; (2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the

payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in 29 CFR part 3; (3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of Title 18 and section 3801 *et seq.* of Title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of HUD or its designee or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, HUD or its designee may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4)(i) Apprentices and Trainees. Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work

actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the

job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal Employment Opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

(5) Compliance with Copeland Act Requirements. The contractor shall comply with the requirements of 29 CFR part 3 which are incorporated by reference in this Addendum.

(6) Subcontracts. The contractor or subcontractor will insert in any subcontracts the clauses contained in section 1(a)(1) through (11) and such other clauses as HUD or its designee may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this section 1(a).

(7) Contract Terminations; Debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(8) Compliance with Davis-Bacon and Related Act Requirements. All rulings and interpretations of the Davis-Bacon and related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) Disputes Concerning Labor Standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and HUD or its designee, the U.S. Department of Labor, or the employees or their representatives.

(10)(i) Certification of Eligibility. By entering into this Addendum, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be awarded HUD contracts or participate in HUD programs pursuant to 24 CFR part 24.

(ii) No part of this Contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1) or to be awarded HUD contracts or participate in HUD programs pursuant to 24 CFR part 24.

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

11. Complaints, Proceedings, or Testimony by Employees. No laborer or mechanic to whom the wage, salary, or other labor standards provisions of this Addendum are applicable shall be discharged or in any other manner discriminated against by the Contractor or any subcontractor because such employee has filed any complaint or instituted or caused to be instituted any proceeding or has testified or is about to testify in any proceeding under or relating to the labor standards applicable under this Addendum to his employer.

(b) Contract Work Hours and Safety Standards Act. The provisions of this paragraph (b) are applicable only where the amount of the prime contract exceeds \$100,000. As used in this paragraph, the terms "laborers" and "mechanics" include watchmen and guards.

(1) Overtime Requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; Liability for Unpaid Wages; Liquidated Damages. In the event of any violation of the clause set forth in subparagraph (1) of this paragraph, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in subparagraph (1) of this paragraph, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in subparagraph (1) of this paragraph.

(3) Withholding for Unpaid Wages and Liquidated Damages. HUD or its designee shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any monies payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause

set forth in subparagraph (2) of this paragraph.

(4) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in subparagraphs (1) through (4) of this paragraph and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in subparagraphs (1) through (4) of this paragraph.

(c) Health and Safety. The provisions of this paragraph (c) are applicable only where the amount of the prime contract exceeds \$100,000.

(1) No laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous to his or her health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor by regulation.

(2) The contractor shall comply with all regulations issued by the Secretary of Labor pursuant to 29 CFR part 1926, and failure to comply may result in imposition of sanctions pursuant to the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3701 *et seq.*

(3) The contractor shall include the provisions of this paragraph in every subcontract so that such provisions will be binding on each subcontractor. The contractor shall take such action with respect to any subcontract as the Secretary of Housing and Urban Development or the Secretary of Labor shall direct as a means of enforcing such provisions.

## 2. WAGE AND CLAIMS ADJUSTMENTS

The owner shall be responsible for the correction of all violations under section 1 of this Addendum, including violations committed by other contractors. In cases where there is evidence of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the owner or other contractor or a failure by the owner or other contractor to submit payrolls and related reports, the owner shall be required to place an amount in escrow, as determined by HUD sufficient to pay persons employed on the work covered by the Addendum the difference between the salaries or wages actually paid such employees for the total number of hours worked and the full amount of wages required under this Addendum, as well as an amount determined by HUD to be sufficient to satisfy any liability of the owner or other contractor for liquidated damages pursuant to section 1 of this Addendum. The amounts withheld may be disbursed by HUD for and on account of the owner or other contractor to the respective employees to whom they are due, and to the Federal Government in satisfaction of liquidated damages under section 1.

## 3. EVIDENCE OF UNIT(S) COMPLETION; ESCROW

(a) The owner shall evidence the completion of the unit(s) by furnishing the PHA a certification of compliance with the provisions of sections 1 and 2 of this

Addendum, and that to the best of the owner's knowledge and belief there are no claims of underpayment to laborers or mechanics in alleged violation of these provisions of the Addendum. In the event there are any such pending claims to the knowledge of the owner, the PHA, or HUD, the owner will place a sufficient amount in escrow, as directed by the PHA or HUD, to assure such payments.

(b) The escrows required under this section and section 2 of this Addendum shall be paid to HUD, as escrowee, or to an escrowee designated by HUD, and the conditions and manner of releasing and approving such escrows shall be approved by HUD.

[FR Doc. 2015-05462 Filed 3-6-15; 8:45 am]

BILLING CODE 4210-67-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5843-N-03]

### Privacy Act; Notice of Amended System of Records—Single Family Housing Enterprise Data Warehouse

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice amendment.

**SUMMARY:** HUD is proposing to revise information published in the **Federal Register** about one of its system of records, the Single Family Housing Enterprise Data Warehouse (SFHEDW). The revision implemented under this republication, reflects current corrective and administrative changes to the system of records purpose, location, authority, and records retention captions. This update refines previously published details in a clear and cohesive format. This republication does not meet the threshold criteria established by the Office of Management and Budget (OMB) for a modified system of records report. A more detailed description of the present systems status is republished under this notice. This notice deletes and supersedes prior notice published in the **Federal Register** at 76 FR 66950 on October 28, 2011. The scope and functional purpose in place for this system remain unchanged.

**DATES: Effective Date:** This action is effective immediately upon publication of this notice in the **Federal Register**.

**ADDRESSES:** Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Room 10276, Washington, DC 20410-0500. Communication should refer to the above docket number and title. A copy of each communication submitted

will be available for public inspection and copying between 8:00 a.m. and 5:00 p.m. weekdays at the above address.

**FOR FURTHER INFORMATION CONTACT:** Donna Robinson-Staton, Chief Privacy Officer, 451 Seventh Street SW., Washington, DC 20410 (Attention: Capitol View Building, 4th Floor), telephone number: (202) 402-8073. [The above telephone number is not a toll free number.] A telecommunications device for hearing- and speech-impaired persons (TTY) is available by calling the Federal Information Relay Service's toll-free telephone number (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** This system of records is maintained by HUD's Office of Single Family Housing, and includes users of HUD's information technology personally identifiable information that is retrieved by a name or unique identifier. The system encompasses programs and services of the Department's data collection and management practices. Publication of this notice allows HUD to satisfy its reporting requirement and keep an up-to-date accounting of its system of records publication. The system proposal will incorporate Federal privacy requirements and HUD policy requirements. The Privacy Act provides certain safeguards for an individual against an invasion of personal privacy by requiring Federal agencies to protect records contained in an agency system of records from unauthorized disclosure, by ensuring that information is current and collected only for its intended use, and by providing adequate safeguards to prevent misuse of such information. Additionally, this notice demonstrates the Department's focus on industry best practices in protecting the personal privacy of the individuals covered by this system notification. This notice states the name and location of the record system, the authority for and manner of its operations, the categories of individuals that it covers, the type of records that it contains, the sources of the information for those records, the routine uses made of the records and the type of exemption in place for the records. In addition, this notice includes the business address of the HUD officials who will inform interested persons of the procedures whereby they may gain access to and/or request amendments to records pertaining to them.

This publication does not meet the threshold requirements established by the Office of Management and Budget (OMB) for filing a report to OMB, the Senate Committee on Homeland Security and Governmental Affairs, and

the House Committee on Government Reform as instructed by Paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agencies Responsibilities for Maintaining Records About Individuals," July 25, 1994 (59 FR 37914).

**Authority:** 5 U.S.C. 552a; 88 Stat. 1896; 42 U.S.C. 3535(d).

Dated: February 27, 2015.

**Rafael C. Diaz,**  
*Chief Information Officer.*

**SYSTEM OF RECORDS NO.:**

HSNG.SF/HUP.01

**SYSTEM NAME:**

Single Family Housing Enterprise Data Warehouse (SFHEDW)—D64A.

**SYSTEM LOCATION:**

The HUD Data Center, which houses SFHEDW, is located at the Hewlett Packard (HP) Facility at 2020 Union Carbide Drive, South Charleston, West Virginia 25303-2734. Additionally, HUD Headquarter staff and staff throughout the United States will have access to SFHEDW through HUD's standard telecommunications network from desktop workstations. Internal and external hosted locations are as follows: HUD headquarters building, 451 Seventh Street SW., Washington, DC 20410; and Field Offices and Home Ownership Centers<sup>1</sup> where Privacy Act records may be maintained or accessed. The records management storage and archival facility for SFHEDW is located at the Atlanta Federal Records Center, 4712 Southpark Boulevard, Ellenwood, Georgia 30294.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have obtained a mortgage insured under HUD/FHA's single family mortgage insurance programs, individuals who have assumed such a mortgage, and individuals involved in appraising or underwriting the mortgage. The category of individuals contained within this system includes, but are not limited to: mortgagors, appraisers, and employees of lenders, HUD and other parties involved with the transaction.

**CATEGORIES OF RECORDS IN THE SYSTEM:  
AUTOMATED FILES CONTAIN THE FOLLOWING  
CATEGORIES OF RECORDS:**

**Mortgagors:** Name, addresses, date of birth, social security number, and racial/ethnic background (if disclosed) which are supplied by lenders through Automated Underwriting Systems

during the mortgage application and underwriting process.

**Parties Involved with Transaction:** Name, addresses, and identifying numbers which are supplied by the lender or the individual.

**Mortgage Details:** Data regarding current and former FHA insured mortgages which includes underwriting data, such as: Loan-to-value ratios and expense ratios; original terms, such as: mortgage amount, interest rate, term in months; status of the mortgage insurance; and history of payment defaults, if any. This information is provided by the lender at the time of closing, and also maintained by the loan servicer.

**HUD Employees:** Names and identification of all HUD employees who have access to the system records. Also, identification information is stored for employees who work with mortgage applications through FHA Connection.

**Note:** Certain records contained in this system, which pertain to individuals, contain principally proprietary information concerning sole proprietorships, which may reflect personal information; however, only the records reflecting personal information are subject to the Privacy Act.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The system is maintained in accordance with Section 203, National Housing Act, Public Law 73-479; and 42 U.S.C. 3543, titled "Preventing fraud and abuse in Department of Housing and Urban Development programs" enacted as part of the Housing and Community Development Act of 1987, which permits the collection of Social Security Numbers.

**PURPOSE(S):**

The SFHEDW is an ongoing, fully operational data warehouse that is the key source for HUD employees and contractors who require access to Single Family data. Users of SFHEDW have assigned roles, including a "need-to-know" standard access to the system's information. SFHEDW is an integrated data warehouse that contains critical Single Family business data from twenty (20) originating source systems, mostly from FHA Single Family automated systems. The system allows queries for reporting to support oversight activities, market and economic assessment, public and stakeholder communication, planning and performance evaluation, policies and guidelines promulgation, monitoring and enforcement.

<sup>1</sup> <http://portal.hud.gov/hudportal/documents/huddoc?id=append2.pdf>

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, other routine uses include:

1. To the Federal Bureau of Investigations (FBI), for investigations of possible fraud revealed during the underwriting, insuring or monitoring process.
2. To the Department of Justice, for prosecutions of fraud revealed in underwriting, insuring or monitoring.
3. To the General Accounting Office (GAO), for audit purposes.
4. To contractors, grantees, experts, consultants, and the agents thereof, and others performing or working on a contract, service, grant, cooperative agreement with HUD, when necessary to accomplish an agency function related to its system of records, limited to only those data elements considered relevant to accomplishing an agency function. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to HUD officers and employees.
5. To contractors, experts, consultants with whom HUD has a contract, service agreement or other assignment of the Department, when necessary to utilize relevant data for purposes of testing new technology and systems designed to enhance program operations and performance.

6. To appropriate agencies, entities, and persons when: (a) HUD suspects or has confirmed that the security or confidentiality of information in a system of records has been compromised; (b) HUD has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of systems or programs (whether maintained by HUD or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm for purposes of facilitating responses and remediation efforts in the event of a data breach.

See also HUD's privacy Web site, Appendix I,<sup>2</sup> for additional discretionary routine uses that may in

certain cases be applicable to SFHEDW/D64A.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM**

**STORAGE:**

Records are stored on magnetic tape/disc/drum. There are no paper records stored by this system.

**RETRIEVABILITY:**

Records are retrieved by name, social security number or other identification number, case number, property address, or any other type of stored data. There are no paper records retrieved by this system.

**SAFEGUARDS:**

Electronic records are maintained in secured areas, and access is limited to authorized personnel. There are no paper records maintained requiring safeguarding by this system.

**RETENTION AND DISPOSAL:**

Electronic records of cases established are retained indefinitely. Records maintained by SFHEDW are copies of records compiled from the originating source systems. For this reason, records within SFHEDW can be maintained until no longer needed for administrative, legal, audit, or other operational purposes. The Records Retention Schedule for SFHEDW is listed in the General Records Schedule (GRS) 20.4/20.5.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Single Family Program Development, HUP, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Notification and Record access procedures: For information, assistance, or inquiries about the existence of records, contact the Chief Privacy Officer, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4156, Washington, DC 20410 (Attention: Capitol View Building, 4th Floor), telephone number: (202) 402-8073. Verification of your identity must include original signature and be notarized. Written request must include the full name, date of birth, current address, telephone number, and a valid government issued ID of the individual making the request.

**CONTESTING RECORD PROCEDURES:**

The Department's rules for contesting contents of records and appealing initial denials appear in 24 CFR part 16. Additional assistance may be obtained by contacting: U.S. Department of Housing and Urban Development, Chief

Privacy Officer, 451 Seventh Street SW., Washington, DC 20410, or the HUD Departmental Privacy Appeals Officers, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

**RECORD SOURCE CATEGORIES:**

Mortgagors, appraisers, mortgagee staff, underwriters, and HUD employees provide data to the originating source systems. The originating source systems then pass select data onto SFHEDW. The originating source systems that provide data to SFHEDW are as follows:

**Active System Interfaces:**

1. A43—Single Family Insurance System (SFIS).
2. A43C—Single Family Insurance Claims System (CLAIMS).
3. A80R—Single Family Premium Collections System—Upfront (SFPCS-U).
4. A80S—Single Family Acquired Assets Management System (SAMS).
5. F17—Computerized Home Underwriting Mortgage System (CHUMS).
6. F42D—Single Family Default Monitoring System (SFDMS).
7. F72—Title I Insurance and Claims System (TIIS).
8. HMDA data from Federal Reserve Board (FRB).
9. F71A—Generic Debt Management System (GDEBT).
10. A15—Geocoding Service Center (GSC).
11. A80H—Single Family Mortgage Asset Recover Technology System (SMART).
12. P271—Home Equity Reverse Mortgage Information Technology (HERMIT).
13. P013—FHA Subsidiary Ledger (FHA-SL).
14. P269—Ginnie Mae's Reporting and Feedback System (RFS).
15. P238—Ginnie Mae's Portfolio Analysis Database System/Corporate Watch (GPADS/CW)
16. P278—Lender Electronic Assessment Portal (LEAP).

**Archival Data From Retired Systems:**

1. A80N—Single Family Mortgage Notes System (SFMNS)—*System replaced by A80H Single Family Mortgage Asset Recover Technology System (SMART).*
2. F12—Home Equity Conversion Mortgage (HECM)—*System replaced by P271 Home Equity Reverse Mortgage Information Technology (HERMIT).*
3. F42—Consolidated Single Family Statistical System (CSFSS).

<sup>2</sup> <http://portal.hud.gov/hudportal/documents/huddoc?id=append1.pdf>

4. F42H—Home Mortgage Disclosure Act System (HMDA)—*System replaced by data from the Federal Reserve Board (FRB)*.
5. F51—Institution Master File (IMF)—*System replaced by P278 Lender Electronic Assessment Portal (LEAP)*.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 2015-05278 Filed 3-6-15; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5832-N-03]

**60-Day Notice of Proposed Information Collection: Consolidated Plan, Annual Action Plan & Annual Performance Report**

**AGENCY:** Office of Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* May 8, 2015.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**FOR FURTHER INFORMATION CONTACT:** Meg Barclay, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 402-3669. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

**A. Overview of Information Collection**

*Title of Information Collection:*

Consolidated Plan & Annual Performance Report.

*OMB Approval Number:* 2506-0117.

*Type of Request:* Extension.

*Agency Form Number:* N/A.

*Description of the need for the information and proposed use:* The Departments collection of this information is in compliance with statutory provisions of the Cranston Gonzalez National Affordable Housing Act of 1990 that requires participating jurisdictions to submit a Comprehensive Housing Affordability Strategy (section 105(b)); the 1974 Housing and Community Development Act, as amended, that requires states and localities to submit a Community Development Plan (section 104(b)(4) and section 104(m)); and statutory provisions of these Acts that requires states and localities to submit applications and reports for these formula grant programs. The information is needed to provide HUD with preliminary assessment as to the statutory and regulatory eligibility of proposed grantee projects for informing citizens of intended uses of program funds.

*Members of the Affected Public:* States and local governments participating in the Community Development Block Grant Program (CDBG), the Home Investment Partnership Program (HOME), the Emergency Solutions Grants Program (ESG) or the Housing Opportunities for Persons with AIDS/HIV Program (HOPWA).

*Estimated Number of Respondents:* 1,197 localities and 50 states.

*Estimated Number of Responses:* 2,394 localities, 100 states\*.

*Average Hours Per Response:* 210 localities, 610 states.

*Total Estimated Burdens:* 393,327\*\*.

\* Includes combined Consolidated Plan and Annual Action Plan and separate performance report.

\*\* includes hours for 100 localities to submit abbreviated plans.

**B. Solicitation of Public Comment**

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Dated: March 3, 2015.

**Clifford Taffet,**

*General Deputy Assistant Secretary for Community Planning and Development.*

[FR Doc. 2015-05464 Filed 3-6-15; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

[NPS-WASO-D-COS-POL-17739; PPWODIREPO][PPMPSD1Y.YM0000]

**Notice of May 6-7, 2015, Meeting of the National Park System Advisory Board**

**AGENCY:** National Park Service, Interior.

**ACTION:** Meeting notice.

**SUMMARY:** Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix 1-16, and Part 65 of title 36 of the Code of Federal Regulations that the National Park System Advisory Board will meet May 6-7, 2015, in Pensacola Beach, Florida. The agenda will include the review of proposed actions regarding the National Historic Landmarks (NHL) Program. Interested parties are encouraged to submit written comments and recommendations that will be presented to the Board. Interested parties also may attend the board meeting and upon request may address the Board concerning an area's national significance.

**DATES:** *Comments.* Written comments regarding any proposed National Historic Landmarks matter listed in this notice will be accepted by the National Park Service until May 8, 2015.

*Meeting.* The Board will meet on May 6-7, 2015.

**ADDRESSES:** The meeting will be held at Gulf Islands National Seashore in the Auditorium of Fort Pickens Building 5 (Museum), 1400 Fort Pickens Road, Pensacola Beach, Florida 32561, telephone (850) 934-5666.

Agenda: On the morning of May 6, the Board will convene its business meeting at 8:30 a.m., Central Daylight Time, and adjourn for the day at 11:50 a.m. The Board will tour Gulf Islands National Seashore in the afternoon. On May 7, the Board will reconvene at 9 a.m., and adjourn at 3:30 p.m. During the course of the two days, the Board may be addressed by National Park Service Director Jonathan Jarvis and briefed by other National Park Service officials regarding education, philanthropy, NPS urban initiatives, science, and the National Park Service Centennial; deliberate and make recommendations concerning National Historic Landmarks Program proposals; and receive status briefings on matters pending before committees of the Board.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the National Park System Advisory Board or to request to address the Board, contact Shirley Sears, National Park Service, MC 0004-Policy, 1849 C Street, NW., Washington, DC 20240, telephone (202) 354-3955, email [Shirley\\_Sears@nps.gov](mailto:Shirley_Sears@nps.gov).

To submit a written statement specific to, or request information about, any National Historic Landmarks matter listed below, or for information about the National Historic Landmarks Program or National Historic Landmarks designation process and the effects of designation, contact J. Paul Loether, Chief, National Register of Historic Places and National Historic Landmarks Program, National Park Service, 1849 C Street NW., MC 2280, Washington, DC 20240, email [Paul\\_Loether@nps.gov](mailto:Paul_Loether@nps.gov).

**SUPPLEMENTARY INFORMATION:** Matters concerning the National Historic Landmarks Program will be considered by the Board at the morning session of the business meeting on May 6 during which the Board may consider the following:

#### Nominations for NHL Designation

##### Alabama

- U.S. Post Office and Courthouse (Frank M. Johnson Jr. Federal Building and U.S. Courthouse), Montgomery, AL

##### Colorado

- Red Rocks Park and Mount Morrison Civilian Conservation Corps Camp, Jefferson County, CO

##### Georgia

- U.S. Post Office and Courthouse (Elbert Parr Tuttle U.S. Court of

Appeals Building), Atlanta, GA  
Illinois

- Henry Gerber House, Chicago, IL

Louisiana

- U.S. Court of Appeals-Fifth Circuit (John Minor Wisdom U.S. Court of Appeals Building), New Orleans, LA

Michigan

- Lafayette Park, Detroit, MI

Montana

- First Peoples Buffalo Jump, Cascade County, MT

Virginia

- George Washington Masonic National Memorial, Alexandria, VA

#### Proposed Withdrawal of NHL Designation

New York

- Old Blenheim Bridge, Schoharie County, NY

The board meeting will be open to the public. The order of the agenda may be changed, if necessary, to accommodate travel schedules or for other reasons. Space and facilities to accommodate the public are limited and attendees will be accommodated on a first-come basis. Anyone may file with the Board a written statement concerning matters to be discussed. The Board also will permit attendees to address the Board, but may restrict the length of the presentations, as necessary to allow the Board to complete its agenda within the allotted time. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Draft minutes of the meeting will be available for public inspection about 12 weeks after the meeting in the 12th floor conference room at 1201 Eye Street NW., Washington, DC.

Dated: March 3, 2015.

**Alma Ripps,**

*Chief, Office of Policy.*

[FR Doc. 2015-05362 Filed 3-6-15; 8:45 am]

**BILLING CODE 4310-EE-P**

## DEPARTMENT OF THE INTERIOR

### Office of the Assistant Secretary

[RR04000000, XXXR0680R1, RR.17549897.2015000.02]

#### Final Environmental Assessment of the Proposed Olmsted Hydroelectric Power Plant Replacement Project

**AGENCY:** Central Utah Project Completion Act Office, Interior.

**ACTION:** Notice of Availability.

**SUMMARY:** The Department of the Interior and the Central Utah Water Conservancy District, as joint leads, have evaluated the impacts of a proposed replacement of the Olmsted Hydroelectric Power Plant and have prepared an associated Final Environmental Assessment and Finding of No Significant Impact. Therefore, an Environmental Impact Statement is not required.

**ADDRESSES:** Copies of the Final Environmental Assessment and Finding of No Significant Impact are available for inspection at:

- Central Utah Water Conservancy District, 355 West University Parkway, Orem, Utah 84058-7303
- Department of the Interior, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606

In addition, the documents are available at [www.cuwcd.com](http://www.cuwcd.com), [www.cupcao.gov](http://www.cupcao.gov), or [www.cuwcd.com/olmsted/index.html](http://www.cuwcd.com/olmsted/index.html).

**FOR FURTHER INFORMATION CONTACT:** Mr. W. Russ Findlay, Central Utah Project Completion Act Office, 302 East 1860 South, Provo, Utah 84606; by calling 801-379-1084; or email at [wfindlay@usbr.gov](mailto:wfindlay@usbr.gov).

**SUPPLEMENTARY INFORMATION:** The Department of the Interior and Central Utah Water Conservancy District are publishing this notice pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended. The Final Environmental Assessment presents analysis of the anticipated environmental effects of a proposed replacement of the Olmsted Hydroelectric Power Plant. The Proposed Action in the Final Environmental Assessment includes: constructing a new powerhouse, replacing the penstocks, modifying existing operations to utilize the 10 million gallon Olmsted Flow Equalization Reservoir, marketing the power generated, constructing operation and maintenance facilities, and improving access to the site.



Dated: March 3, 2015.

Reed R. Murray,

Program Director, Central Utah Project  
Completion Act, Department of the Interior.

[FR Doc. 2015-05378 Filed 3-6-15; 8:45 am]

BILLING CODE 4332-90-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[15XL LLIDT00000.L10100000.XG0000  
.LXSSD0540000 241A 4500075905]

#### Notice of Mailing/Street Address Change for the BLM-Idaho Twin Falls District Office, ID

**AGENCY:** Bureau of Land Management,  
Interior.

**ACTION:** Notice.

**SUMMARY:** The mailing/street address for the Bureau of Land Management (BLM), Twin Falls District Office will be changing from 2536 Kimberly Road, Twin Falls, Idaho 83301 to 2878 Addison Avenue East, Twin Falls, Idaho 83301.

The new Twin Falls District Office will consolidate several BLM offices in a new building. The new building will provide needed space for staff and operational support.

**DATES:** The date for the change will be on or about July 1, 2015.

**FOR FURTHER INFORMATION CONTACT:** Richard Alvarez, Lead Property Management Specialist, BLM Idaho State Office, 208-373-3916, [ralvarez@blm.gov](mailto:ralvarez@blm.gov).

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 to leave a message or question for the above individual. The FIRS is available 24 hours a day, seven days a week. You will receive a reply during normal business hours.

**Authority:** Departmental Manual 382, chapter 2.1.

Timothy M. Murphy,

BLM Idaho State Director.

[FR Doc. 2015-05429 Filed 3-6-15; 8:45 am]

BILLING CODE 4310-GG-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS-R8-ES-2015-N021; FXES11130000-156-FF08E00000]

#### Endangered and Threatened Wildlife and Plants; Recovery Plan and Initiation of Status Review for Four Subspecies of Island Fox (*Urocyon littoralis*)

**AGENCY:** Fish and Wildlife Service,  
Interior.

**ACTION:** Notice of document availability  
and initiation of status reviews.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the availability of the final recovery plan for the four subspecies of island fox (*Urocyon littoralis*). Each of the four subspecies, San Miguel Island fox (*Urocyon littoralis littoralis*), Santa Rosa Island fox (*U. l. santarosae*), Santa Cruz Island fox (*U. l. santacruzae*), and Santa Catalina Island fox (*U. l. catalinae*), is endemic to the Channel Island off southern California for which it is named. The 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. With the publication of this notice, we are also initiating status reviews of these four subspecies. A status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any such information that has become available since the listing of these subspecies.

**DATES:** To ensure consideration, we are requesting submission of new information for use in the status review no later than May 8, 2015. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** You may obtain a copy of the recovery plan from our Web site at <http://www.fws.gov/endangered/species/recovery-plans.html>. You may also request a copy of the recovery plan from the Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003 (telephone 805-644-1766). You may submit new information to be considered in the status reviews to the same address or by email to [fw8islandfox@fws.gov](mailto:fw8islandfox@fws.gov).

For more about submitting information, see "Request for Information" in the **SUPPLEMENTARY INFORMATION** section below.

**FOR FURTHER INFORMATION CONTACT:** Steve Henry, Field Supervisor, at the

above street address or telephone number (see **ADDRESSES**). Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800-877-8339 for TTY assistance.

#### 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.

On March 5, 2004, four of the six subspecies of island fox endemic to the California Channel Islands were listed as endangered following catastrophic population declines (69 FR 10335). The San Miguel Island fox declined from an estimated 450 individuals to 15, the Santa Rosa Island fox declined from over 1,750 individuals to 14, the Santa Cruz Island fox declined from approximately 1,450 individuals to approximately 55, and the Santa Catalina Island fox declined from over 1,300 individuals to 103. The San Clemente Island fox (*Urocyon littoralis clementae*) and the San Nicolas Island fox (*U. l. dickeyi*) were not federally listed in 2004, as their population numbers had not experienced similar declines.

The two primary threats that resulted in the listing of the four subspecies of island fox as federally endangered were: (1) Predation by golden eagles (*Aquila chrysaetos*) (San Miguel Island fox, Santa Rosa Island fox, and Santa Cruz Island fox); and (2) disease (Santa Catalina Island fox). Additionally, because the size of each island fox population was drastically reduced, they were highly vulnerable to stochastic events and the effects of low genetic diversity.

##### Recovery Plan

The *Draft Recovery Plan for Four Subspecies of Island Fox (Urocyon littoralis)* was developed by the Island Fox Recovery Team's Recovery Coordination Group and was published on September 14, 2012. In developing the plan, we coordinated with the California Department of Fish and

Wildlife, and a team of stakeholders, which included scientific experts, landowners and managers, agency representatives, and non-government organizations.

Section 4(f) of the Act requires us to provide an opportunity for public review and comment prior to finalization of recovery plans. We made the draft of this recovery plan available for public comment from September 14, 2012, to November 13, 2012 (77 FR 56858). We considered all information we received during the public comment period and revised the recovery plan accordingly.

### 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.

To achieve these goals, we have identified the following objectives in the recovery plan:

(1) Each federally listed subspecies of island fox exhibits demographic characteristics consistent with long-term viability; and

(2) Land managers are able to respond in a timely fashion to predation by nesting golden eagles or significant predation rates by transient golden eagles, to potential or incipient disease outbreaks and to other identified threats using the best available technology.

Because some or all of the subspecies may meet their recovery criteria, we are initiating a status review of each subspecies.

### Why do we conduct a status review?

Under the Act (16 U.S.C. 1531 *et seq.*), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the Act requires us to review each listed species' status at least once every 5 years. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species under active review. For additional information about status reviews, go to <http://www.fws.gov/angered/what-we-do/recovery-overview.html>, scroll down to "Learn

More about 5-Year Reviews," and click on our factsheet.

### What information do we consider in our review?

A status review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that have become available since the listing determination or most recent status review, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and

(E) Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the review and will also be useful in evaluating the ongoing recovery programs for the species.

### Request for Information

To ensure that a status review is complete and based on the best available scientific and commercial information, we request new information from all sources. See "What Information Do We Consider in Our Review?" for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

### Public Availability of Submissions

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.

Comments and materials received will be available for public inspection, by appointment, during normal business

hours at the offices where the comments are submitted.

### Authority

We developed our recovery plan and initiate these reviews under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 27, 2015.

**Alexandra Pitts,**

*Regional Director, Pacific Southwest Region.*

[FR Doc. 2015-05029 Filed 3-6-15; 8:45 am]

**BILLING CODE 4310-55P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-909]

### Certain Non-Volatile Memory Devices and Products Containing Same; Commission Determination Not To Review Granting Motion Terminating the Investigation as to all Respondents; Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 23) of the presiding administrative law judge ("ALJ") terminating the above-captioned investigation as to all respondents based on a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation

on February 3, 2014, based on a complaint filed on behalf of Macronix International Co., Ltd. of Hsin-chu, Taiwan and Macronix America, Inc. of Milpitas, California. 79 FR 6227–28. The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain non-volatile memory devices and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 6,552,360; 6,100,557; and 6,002,630. The complaint further alleges a domestic industry exists or is in the process of being established. The Commission's notice of investigation, as amended, named the following respondents: Spansion, Inc., Spansion LLC, and Ruckus Wireless, Inc., all of Sunnyvale, California; Spansion (Thailand) Ltd. of Nonthaburi, Thailand; Tellabs Operations, Inc. and Tellabs North America, Inc., both of Naperville, Illinois (collectively, "the Tellabs respondents"); Beats Electronics LLC of Santa Monica, California; Delphi Automotive PLC of Kent, United Kingdom; Delphi Automotive Systems, LLC of Troy, Michigan; Harman International Industries, Inc. of Stamford, Connecticut; Harman Becker Automotive Systems, Inc. of Farmington Hills, Michigan; and Harman Becker Automotive Systems GmbH of Karlsbad, Germany. The Office of Unfair Import Investigations participated in the investigation.

On September 4, 2014, the Commission issued notice of its determination not to review the ALJ's ID (Order No. 15) terminating the investigation as to original respondent Tellabs, Inc. of Naperville, Illinois, and amending the complaint and notice of investigation to substitute the Tellabs respondents for Tellabs, Inc.

On January 29, 2015, complainants and all respondents jointly moved to terminate the investigation with respect to all respondents based on a settlement agreement. The Commission investigative attorney filed a response supporting the motion.

On January 30, 2015, the ALJ issued the subject ID (Order No. 23) granting the joint motion for termination of the investigation as to all respondents. He found that the motion satisfies Commission rules 210.21(a)(2), (b)(1). No party petitioned for review of the ID.

The Commission has determined not to review the subject ID, and has terminated the investigation.

The authority for the Commission's determination is contained in section

337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: March 4, 2015.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2015–05424 Filed 3–6–15; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Bureau of Prisons

#### Annual Determination of Average Cost of Incarceration

**AGENCY:** Bureau of Prisons, Justice.

**ACTION:** Notice.

**SUMMARY:** The fee to cover the average cost of incarceration for Federal inmates in Fiscal Year 2014 was \$30,619.85 (\$83.89 per day). (Please note: There were 365 days in FY 2014.) The average annual cost to confine an inmate in a Residential Re-entry Center for Fiscal Year 2014 was \$28,999.25 (\$79.45 per day).

**DATES:** *Effective Date:* March 10, 2015.

**ADDRESSES:** Office of General Counsel, Federal Bureau of Prisons, 320 First St. NW., Washington, DC 20534.

**FOR FURTHER INFORMATION CONTACT:** Sarah Qureshi, (202) 307–2105.

**SUPPLEMENTARY INFORMATION:** 28 CFR part 505 allows for assessment and collection of a fee to cover the average cost of incarceration for Federal inmates. We calculate this fee by dividing the number representing Bureau of Prisons facilities' monetary obligation (excluding activation costs) by the number of inmate-days incurred for the preceding fiscal year, and then by multiplying the quotient by 365. Under § 505.2, the Director of the Bureau of Prisons determined that, based upon fiscal year 2014 data, the fee to cover the average cost of incarceration for Federal inmates in Fiscal Year 2014 was \$30,619.85 (\$83.89 per day). (Please note: There were 365 days in FY 2014.) The average annual cost to confine an inmate in a Residential Re-entry Center for Fiscal Year 2014 was \$28,999.25 (\$79.45 per day).

**Charles E. Samuels, Jr.,**

*Director, Bureau of Prisons.*

[FR Doc. 2015–05437 Filed 3–6–15; 8:45 am]

**BILLING CODE 4410–05–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Bureau of International Labor Affairs National Advisory Committee for Labor Provisions of U.S. Free Trade Agreements

**AGENCY:** Bureau of International Labor Affairs, Department of Labor.

**ACTION:** Notice of Charter Renewal.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2), the North American Agreement on Labor Cooperation (NAALC), and the Labor Chapters of U.S. Free Trade Agreements (FTAs), the Secretary of Labor has determined that the renewal of the charter of the National Advisory Committee for Labor Provisions of U.S. Free Trade Agreements (NAC) is necessary and in the public interest and will provide information that cannot be obtained from other sources. The committee shall provide its views to the Secretary of Labor through the Bureau of International Labor Affairs of the U.S. Department of Labor, which is the point of contact for the NAALC and the Labor Chapters of U.S. FTAs. The committee shall comprise twelve members, four representing the labor community, four representing the business community, and four representing the public.

**Purpose:** In accordance with the provisions of the FACA, Article 17 of the NAALC, Article 17.4 of the United States-Singapore Free Trade Agreement, Article 18.4 of the United States-Chile Free Trade Agreement, Article 18.4 of the United States-Australia Free Trade Agreement, Article 16.4 of the United States-Morocco Free Trade Agreement, Article 16.4 of the Central America-Dominican Republic-United States Free Trade Agreement (CAFTA–DR), Article 15.4 of the United States-Bahrain Free Trade Agreement, Article 16.4 of the United States-Oman Free Trade Agreement, Article 17.5 of the United States-Peru Trade Promotion Agreement, Article 17.5 of the United States-Colombia Trade Promotion Agreement, Article 19.5 of the United States-Korea Free Trade Agreement, and Article 16.5 of the United States-Panama Trade Promotion Agreement, the Secretary of Labor has determined that the renewal of the charter of the NAC is necessary and in the public interest and will provide information that cannot be obtained from other sources.

The Bureau of International Labor Affairs of the U.S. Department of Labor serves as the U.S. point of contact under the FTAs listed above. The committee

shall provide its advice to the Secretary of Labor through the Bureau of International Labor Affairs concerning the implementation of the NAALC and the Labor Chapters of U.S. FTAs. The committee may be asked to provide advice on the implementation of labor provisions of other FTAs to which the United States may be a party or become a party. The committee should provide advice on issues within the scope of the NAALC and the Labor Chapters of the FTAs, including cooperative activities and the labor cooperation mechanism of each FTA as established in the Labor Chapters and the corresponding annexes. The committee may be asked to provide advice on these and other matters as they arise in the course of administering the labor provisions of other FTAs.

The committee shall comprise 12 members, four representing the labor community, four representing the business community, and four representing the public. Unless already employees of the United States Government, no members of the committee shall be deemed to be employees of the United States Government for any purpose by virtue of their participation on the committee. Members of the committee will not be compensated for their services or reimbursed for travel expenses.

**Authority:** The authority for this notice is granted by the FACA (5 U.S.C. App. 2) and the Secretary of Labor's Order No. 18-2006 (71 FR 77560 (12/26/2006)).

**FOR FURTHER INFORMATION CONTACT:** Donna Chung, Division Chief for Monitoring and Enforcement of Trade Agreements, Office of Trade and Labor Affairs, Bureau of International Labor Affairs, U.S. Department of Labor, telephone (202) 693-4861.

Signed at Washington, DC, this 2nd day of March 2015.

**Carol Pier,**

*Deputy Undersecretary, Bureau of International Labor Affairs.*

[FR Doc. 2015-05411 Filed 3-6-15; 8:45 am]

**BILLING CODE 4510-28-P**

## DEPARTMENT OF LABOR

### Office of Disability Employment Policy

#### Advisory Committee on Increasing Competitive Integrated Employment for Individuals With Disabilities; Notice of Meeting

The Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (the Committee) was mandated by section 609 of the

Rehabilitation Act of 1973, as amended by section 461 of the Workforce Innovation and Opportunity Act (WIOA). The Secretary of Labor established the Committee on September 15, 2014 in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The purpose of the Committee is to study and prepare findings, conclusions and recommendations for Congress and the Secretary of Labor on (1) ways to increase employment opportunities for individuals with intellectual or developmental disabilities or other individuals with significant disabilities in competitive, integrated employment; (2) the use of the certificate program carried out under section 14(c) of the Fair Labor Standards Act (FLSA) of 1938 (29 U.S.C. 214(c)); and (3) ways to improve oversight of the use of such certificates.

The Committee is required to meet no less than eight times. It is also required to submit an interim report to the Secretary of Labor; the Senate Committee on Health, Education, Labor and Pensions; and the House Committee on Education and the Workforce within one year of the Committee's establishment. A final report must be submitted to the same entities no later than two years from the Committee establishment date. The Committee terminates one day after the submission of the final report.

The next meeting of the Committee will take place on Monday, March 23, 2015 and Tuesday, March 24, 2015. The meeting will be open to the public on Monday, March 23 from 8:30 a.m. to 5:00 p.m. On Tuesday, March 24, the meeting will be open to the public from 8:00 a.m. to 4:00 p.m. The meeting with take place at the Kellogg Conference Hotel at Gallaudet University, 800 Florida Ave. NE., Washington, DC 20002-3695.

On March 23rd and 24th, the Committee will hear expert testimony on a number of topics, including, but not limited to: Transition issues under the Individuals with Disabilities Education Act (IDEA), an update for the Centers for Medicare and Medicaid Services (CMS), and a detailed briefing regarding enforcement under section 14(c) of the Fair Labor Standards Act (FLSA). The committee will also hear from a panel of business representatives who will discuss the latest business initiatives to employ individuals with disabilities in competitive integrated settings as well as a state panel that will describe state efforts at system change. In addition, if the subcommittees have met, they will report to the whole

Committee on their efforts to date and will discuss next steps in their work.

Organizations or members of the public wishing to submit a written statement may do so by submitting 30 copies on or before March 18, 2015 to David Berthiaume, Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities, U.S. Department of Labor, Suite S-1303, 200 Constitution Avenue NW., Washington, DC 20210. Statements also may be submitted as email attachments in rich text, Word, or pdf format transmitted to [IntegratedCompetitiveEmployment@dol.gov](mailto:IntegratedCompetitiveEmployment@dol.gov). It is requested that statements not be included in the body of an email. Statements deemed relevant by the Committee and received on or before March 18, 2015 will be included in the record of the meeting. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. Individuals with disabilities who need accommodations or wish to submit a comment in an alternate format should contact Mr. Berthiaume by email at: [IntegratedCompetitiveEmployment@dol.gov](mailto:IntegratedCompetitiveEmployment@dol.gov) or by phone at: (202) 693-7887.

Signed at Washington, DC, this 3rd day of March, 2015.

**Jennifer Sheehy,**

*Acting Assistant Secretary, Office of Disability Employment Policy.*

[FR Doc. 2015-05417 Filed 3-6-15; 8:45 am]

**BILLING CODE 4510-23-P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts

#### Arts Advisory Panel Meetings

**AGENCY:** National Endowment for the Arts, National Foundation on the Arts and Humanities.

**ACTION:** Notice of Meeting.

**SUMMARY:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Arts Advisory Panel to the National Council on the Arts will be held by teleconference from the National Endowment for the Arts, Constitution Center, 400 7th St. SW., Washington, DC, 20506 as follows (all meetings are Eastern time and ending times are approximate):

*Music* (review of nominations): This meeting will be closed.

**DATES:** April 7, 2015 3:00 p.m. to 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC, 20506; *plowitzk@arts.gov*, or call 202/682-5691.

**SUPPLEMENTARY INFORMATION:** The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 15, 2012, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of title 5, United States Code.

Dated: March 4, 2015.

**Kathy Plowitz-Worden,**

*Panel Coordinator, National Endowment for the Arts.*

[FR Doc. 2015-05350 Filed 3-6-15; 8:45 am]

**BILLING CODE 7537-01-P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts

#### Agency Information Collection Activities: Proposed Collection; Comment Request; National Endowment for the Arts Panelist Profile Form

**AGENCY:** National Endowment for the Arts, National Foundation on the Arts and the Humanities.

**ACTION:** Proposed collection; comments request.

**SUMMARY:** The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44U.S.C. 3506(c)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the NEA is soliciting

comments concerning the proposed information collection of: National Endowment for the Arts Panelist Profile Form. A copy of the current information collection request can be obtained by contacting the office listed below in the address section of this notice.

**DATES:** Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**. The NEA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond.

**ADDRESSES:** Email comments to *plowitzk@arts.gov* or mail to Kathy Plowitz-Worden, Office of Guidelines and Panel Operations, National Endowment for the Arts, Constitution Center, 400 7th St. SW., Washington, DC 20506-0001, telephone (202) 682-5691 (this is not a toll-free number), fax (202) 682-5049.

Dated: March 4, 2015.

**Kathy Plowitz-Worden,**

*Panel Coordinator, National Endowment for the Arts.*

[FR Doc. 2015-05349 Filed 3-6-15; 8:45 am]

**BILLING CODE 7537-01-P**

## NATIONAL TRANSPORTATION SAFETY BOARD

### Public Forum—Trains and Trespassing: Ending Tragic Encounters

On Tuesday and Wednesday, March 24-25, 2015, the National Transportation Safety Board (NTSB) will convene a forum titled *Trains and Trespassing: Ending Tragic Encounters*. The forum will begin at 9:00 a.m. on March 24, and is open to all. Attendance is free and no registration is required. NTSB Board Member Robert L. Sumwalt will serve as the presiding officer of the forum. The forum is organized into five topic areas covering:

- Human Costs Associated With Trespassing
- Diversity of Trespasser Incidents
- Current Interventions and Strategies
- Understanding Challenges to Trespasser Prevention
- Approaches in Moving Forward With Preventing Trespassing

In addition, the forum will include a tour and presentation inside the Operation Lifesaver train at Union Station. Invited panelists will include representatives from the Federal Railroad Administration, Federal Transit Administration, railroad and rail transit owners and operators, researchers, emergency responders, and industry and advocacy groups.

Below is the preliminary agenda.

#### Tuesday, March 24, 2015: (9:00 a.m.–5:00 p.m.)

1. Opening Statement by Member Sumwalt
2. Presentations on: *Human Costs Associated With Trespassing*
3. Presentations on *Diversity of Trespasser Incidents*
4. Questions from the Technical Panel and Member Sumwalt
5. Presentations on *Current Interventions and Strategies*
6. Questions from the Technical Panel and Member Sumwalt
7. Presentations on *Understanding Challenges to Trespasser Prevention*
8. Questions from the Technical Panel and Member Sumwalt
9. Closing Statement by Member Sumwalt

#### Wednesday, March 25, 2015 (8:00 a.m.–1:00 p.m.)

1. Tour and Presentation of Operation Lifesaver train (Union Station)
2. Presentations on *Moving Prevention Forward*
3. Questions from the Technical Panel and Member Sumwalt
4. Closing Statement by Member Sumwalt

Unless otherwise noted, the forum will be held in the NTSB Board Room and Conference Center, located at 429 L'Enfant Plaza SW., Washington, DC. The public can view the forum in person or by live webcast at *www.nts.gov*. Webcast archives are generally available by the end of the next day following the hearing, and webcasts are archived for a period of 3 months from after the date of the event.

Individuals requiring reasonable accommodation and/or wheelchair access directions should contact Rochelle Hall at (202) 314-6305 or by email at *Rochelle.Hall@nts.gov* by WEDNESDAY, March 18, 2015.

NTSB Media Contact: Eric Weiss—*eric.weiss@nts.gov*.

NTSB Forum Manager: Rick Narvell—  
*rick.narvell@ntsb.gov*.

**Candi R. Bing,**

*Executive Secretariat.*

[FR Doc. 2015-05410 Filed 3-6-15; 8:45 am]

**BILLING CODE 7533-01-P**

**PENSION BENEFIT GUARANTY CORPORATION**

**Submission of Information Collection for OMB Review; Comment Request; Survey of Nonparticipating Single Premium Group Annuity Rates**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of request for extension of OMB approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation (“PBGC”) is requesting that the Office of Management and Budget (“OMB”) extend approval, under the Paperwork Reduction Act, of a collection of information (OMB control number 1212-0030; expires March 31, 2015). This voluntary collection of information is a quarterly survey of insurance company rates for pricing annuity contracts. The American Council of Life Insurers conducts the survey for PBGC. This notice informs the public of PBGC’s request and solicits public comment on the collection of information.

**DATES:** Comments should be submitted by *April 8, 2015*.

**ADDRESSES:** Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA\_DOCKET@omb.eop.gov* or by fax to (202) 395-6974.

A copy of the request (including the collection of information) will be posted at <http://www.pbgc.gov/res/laws-andregulations/information-collectionsunder-omb-review.html>. It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at the above address, visiting the Disclosure Division, faxing a request to 202-326-4042, or calling 202-326-4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4040.) The Disclosure Division will email, fax, or mail the information to you, as you request.

**FOR FURTHER INFORMATION CONTACT:** Jo Amato Burns, Attorney (326-4400, ext. 3072) or Catherine B. Klion, Assistant

General Counsel (326-4400, ext. 3041), Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202-326-4400 (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4400.)

**SUPPLEMENTARY INFORMATION:** PBGC’s regulations prescribe actuarial valuation methods and assumptions (including interest rate assumptions) to be used in determining the actuarial present value of benefits under single-employer plans that terminate (29 CFR part 4044) and under multiemployer plans that undergo a mass withdrawal of contributing employers (29 CFR part 4281). Each month PBGC publishes the interest rates to be used under those regulations for plans terminating or undergoing mass withdrawal during the next month.

The interest rates are intended to reflect current conditions in the annuity markets. To determine these interest rates, PBGC gathers pricing data from insurance companies that are providing annuity contracts to terminating pension plans through a quarterly “Survey of Nonparticipating Single Premium Group Annuity Rates.” The American Council of Life Insurers distributes the survey and provides PBGC with “blind” data (*i.e.*, PBGC is unable to match responses with the companies that submitted them). PBGC also uses the information from the survey in determining the interest rates it uses to value benefits payable to participants and beneficiaries in PBGC-trusted plans for purposes of PBGC’s financial statements.

The survey is directed at insurance companies that have volunteered to participate, most, or all, of which are members of the American Council of Life Insurers. The survey is conducted quarterly and will be sent to approximately 22 insurance companies. Based on experience under the current approval, PBGC estimates that 6 insurance companies will complete and return the survey. PBGC further estimates that the average annual burden of this collection of information is 12 hours and \$480.

The collection of information has been approved by OMB under control number 1212-0030 through March 31, 2015. PBGC is requesting that OMB extend its approval for another three years. 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.

Issued in Washington, DC, this 3rd day of March 2015.

**Judith Starr,**

*General Counsel, Pension Benefit Guaranty Corporation.*

[FR Doc. 2015-05367 Filed 3-6-15; 8:45 am]

**BILLING CODE 7709-02-P**

**SECURITIES AND EXCHANGE COMMISSION**

**[Investment Company Act Release No. 31492; 812-13819]**

**Janus ETF Trust, et al.; Notice of Application**

March 3, 2015.

**AGENCY:** Securities and Exchange Commission (the “Commission”).

**ACTION:** Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the “Act”) for an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c-1 under the Act, and under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act, and under section 12(d)(1)(j) for an exemption from sections 12(d)(1)(A) and (B) of the Act.

*Applicants:* Janus ETF Trust (the “Trust”), Janus Capital Management LLC (the “Adviser”) and Janus Distributors LLC (“Janus Distributors”).

*Summary of Application:* Applicants request an order that permits: (a) Actively-managed series of the Trust to issue shares (“Shares”) redeemable in large aggregations only (“Creation Units”); (b) secondary market transactions in Shares to occur at negotiated market prices; (c) certain series to pay redemption proceeds, under certain circumstances, more than seven days after the tender of Creation Units for redemption; (d) certain affiliated persons of the series to deposit securities into, and receive securities from, the series in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the series to acquire Shares; and (f) certain series to perform creations and redemptions of Creation Units in-kind in a master-feeder structure.

*Filing Dates:* The application was filed on September 3, 2010, and amended on March 25, 2011 and November 6, 2014.

*Hearing or Notification of Hearing:* An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may

request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 27, 2015, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Brent J. Fields, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549. Applicants: Janus Capital Management LLC, 151 Detroit Street, Denver, Colorado 80206.

**FOR FURTHER INFORMATION CONTACT:** Laura J. Riegel, Senior Counsel, at (202) 551-6873 or Dalia Osman Blass, Assistant Chief Counsel, at (202) 551-6821 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

### Applicants' Representations

1. The Trust is registered as an open-end management investment company under the Act and is organized as a Delaware statutory trust. The Trust will offer Funds (as defined below), each of which, or its respective Master Fund (as defined below), will have distinct investment strategies and will attempt to achieve its investment objective by utilizing an active management strategy. The Initial Fund of the Trust (the "Initial Fund") will employ an actively-managed fixed-income strategy to maximize total return, consistent with preservation of capital. The Initial Fund will invest under normal circumstances in bonds, including, but not limited to government notes and bonds, corporate bonds, convertible bonds, commercial and residential mortgage-backed securities, asset-backed securities, zero-coupon bonds, and derivatives that provide exposure to bonds.

2. Janus Capital Management LLC, a Delaware limited liability company, is, and any other Adviser will be, registered as an investment adviser

under the Investment Advisers Act of 1940 (the "Advisers Act"). The Adviser will be the investment adviser to each Fund, or its respective Master Fund, and may enter into sub-advisory agreements with one or more investment advisers, each of which will serve as sub-adviser (each, a "Sub-Adviser") to a Fund, or its respective Master Fund. Any Sub-Adviser will be registered or not subject to registration under the Advisers Act. Janus Distributors, a Delaware limited liability company, is, and any other Distributor will be, registered as a broker-dealer ("Broker") under the Securities Exchange Act of 1934 (the "Exchange Act").<sup>1</sup> A Distributor will serve as the principal underwriter and distributor for each of the Funds.

3. Applicants request that the order apply to future series of the Trust or of any other open-end investment company that currently exists or may be created in the future that, in each case, (a) is an actively managed exchange-traded fund ("ETF"), (b) is advised by Janus Capital Management LLC or an entity controlling, controlled by, or under common control with Janus Capital Management LLC (each such entity or any successor entity thereto is included in the term "Adviser")<sup>2</sup> and (c) complies with the terms and conditions of the application (individually a "Fund," and collectively, the "Funds").<sup>3</sup>

4. The Funds, or their respective Master Funds, may invest in equity securities or fixed income securities traded in the U.S. or non-U.S. markets. Funds, or their respective Master Funds, that invest in equity securities or fixed income securities traded in the U.S. or non-U.S. markets are "Global Funds." Funds, or their respective Master Funds, that invest solely in foreign equity securities or foreign fixed income securities are "Foreign Funds." The Funds, or their respective Master Funds, may also invest in "Depository Receipts"<sup>4</sup> and may engage in TBA

<sup>1</sup> For purposes of the requested order, the term "Distributor" shall include any other entity that acts as the distributor and principal underwriter of the Creation Units of Shares of the Funds in the future and complies with the terms and conditions of the application.

<sup>2</sup> For the purposes of the requested order, "successor" is limited to an entity that would result from a reorganization into another jurisdiction or a change in the type of business organization.

<sup>3</sup> All entities that currently intend to rely on the order are named as applicants. Any entity that relies on the order in the future will comply with the terms and conditions of the application.

<sup>4</sup> Depository Receipts are typically issued by a financial institution (a "Depository") and evidence ownership in a security or pool of securities that have been deposited with the Depository. A Fund (or its respective Master Fund) will not invest in any Depository Receipts that the Adviser or any

Transactions (defined below). Applicants further state that, in order to implement each Fund's investment strategy, the Adviser and/or Sub-Advisers of a Fund may review and change the securities, or instruments, or other assets or positions held by the Fund, or its respective Master Fund ("Portfolio Positions") daily.<sup>5</sup>

5. Applicants also request that any exemption under section 12(d)(1)(J) of the Act from sections 12(d)(1)(A) and (B) apply to: (i) Any Fund; (ii) any Acquiring Fund (as defined below); and (iii) any Brokers selling Shares of a Fund to an Acquiring Fund or any principal underwriter of a Fund. A management investment company or unit investment trust registered under the Act that is not part of the same "group of investment companies" as the Fund within the meaning of section 12(d)(1)(G)(ii) of the Act and that acquires Shares of a Fund in excess of the limits of Section 12(d)(1)(A) of the Act is referred to as an "Acquiring Management Company" or an "Acquiring Trust," respectively, and the Acquiring Management Companies and Acquiring Trusts are referred to collectively as "Acquiring Funds."<sup>6</sup>

6. Applicants further request that the order permit a Fund to operate as a feeder fund ("Feeder Fund") ("Master-Feeder Relief"). Under the order, a Feeder Fund would be permitted to acquire shares of another registered investment company in the same group of investment companies having substantially the same investment objectives as the Feeder Fund ("Master Fund") beyond the limitations in section 12(d)(1)(A) of the Act,<sup>7</sup> and the Master Fund, and any principal underwriter for the Master Fund, would be permitted to sell shares of the Master

Sub-Adviser deems to be illiquid or for which pricing information is not readily available. No affiliated persons of applicants or any Sub-Adviser will serve as the Depository for any Depository Receipts held by a Fund (or its respective Master Fund).

<sup>5</sup> If a Fund (or its respective Master Fund) invests in derivatives, then (a) the Fund's board of trustees or directors (for any entity, the "Board") will periodically review and approve the Fund's (or, in the case of a Feeder Fund, its Master Fund's) use of derivatives and how the Fund's investment adviser assesses and manages risk with respect to the Fund's (or, in the case of a Feeder Fund, its Master Fund's) use of derivatives and (b) the Fund's disclosure of its (or, in the case of a Feeder Fund, its Master Fund's) use of derivatives in its offering documents and periodic reports will be consistent with relevant Commission and staff guidance.

<sup>6</sup> An Acquiring Fund may rely on the order only to invest in a Fund and not in any other registered investment company.

<sup>7</sup> A Feeder Fund managed in a master-feeder structure will not make direct investments in any security or other instrument other than the securities issued by its respective Master Fund.

Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B) of the Act. Applicants request that the Master-Feeder Relief apply to any Feeder Fund, any Master Fund and any principal underwriter for the Master Funds selling shares of a Master Fund to a Feeder Fund. Applicants state that creating an exchange-traded feeder fund may be preferable to creating entirely new series for several reasons, including avoiding additional overhead costs and economies of scale for the Feeder Funds.<sup>8</sup> Applicants assert that while certain costs may be higher in a master-feeder structure and that there may possibly be lower tax efficiencies for the Feeder Funds, the Feeder Funds' Board will consider any such potential disadvantages against the benefits of economies of scale and other benefits of operating within a master-feeder structure.

7. A Creation Unit will consist of at least 25,000 Shares and applicants expect that the trading price of a Share will range from \$20 to \$100. All orders to purchase Creation Units must be placed with the Distributor by or through an "Authorized Participant," which is either (a) a Broker or other participant in the Continuous Net Settlement System of the National Securities Clearing Corporation ("NSCC," and such process the "NSCC Process"), or (b) a participant in the Depository Trust Company ("DTC," such participant "DTC Participant" and such process the "DTC Process"), which, in either case, has executed an agreement with the Distributor with respect to the purchase and redemption of Creation Units.

8. In order to keep costs low and permit each Fund to be as fully invested as possible, Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis.<sup>9</sup> Except where the purchase or redemption will include cash under the limited circumstances specified below, purchasers will be required to purchase Creation Units by making an in-kind deposit of specified instruments ("Deposit Instruments"), and shareholders redeeming their Shares will receive an in-kind transfer of specified instruments ("Redemption

<sup>8</sup> In a master-feeder structure, the Master Fund, rather than the Feeder Fund, would invest its portfolio in compliance with the order. There would be no ability by Fund shareholders to exchange shares of Feeder Funds for shares of another feeder series of the Master Fund.

<sup>9</sup> Feeder Funds will redeem shares from the appropriate Master Fund and then deliver to the redeeming shareholder the applicable redemption payment.

Instruments").<sup>10</sup> On any given Business Day<sup>11</sup> the names and quantities of the instruments that constitute the Deposit Instruments and the names and quantities of the instruments that constitute the Redemption Instruments will be identical, and these instruments may be referred to, in the case of either a purchase or a redemption, as the "Creation Basket." In addition, the Creation Basket will correspond pro rata to the positions in a Fund's portfolio (including cash positions),<sup>12</sup> except: (a) In the case of bonds, for minor differences when it is impossible to break up bonds beyond certain minimum sizes needed for transfer and settlement; (b) for minor differences when rounding is necessary to eliminate fractional shares or lots that are not tradeable round lots;<sup>13</sup> or (c) TBA Transactions,<sup>14</sup> short positions and other positions that cannot be transferred in kind<sup>15</sup> will be excluded from the Creation Basket.<sup>16</sup> If there is a difference between the NAV attributable to a Creation Unit and the aggregate market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will also pay to the other an amount in cash equal to that difference (the "Balancing Amount").

9. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in kind, solely under the following circumstances: (a) To the extent there is a Balancing Amount, as described

<sup>10</sup> The Funds must comply with the federal securities laws in accepting Deposit Instruments and satisfying redemptions with Redemption Instruments, including that the Deposit Instruments and Redemption Instruments are sold in transactions that would be exempt from registration under the Securities Act of 1933 ("Securities Act"). In accepting Deposit Instruments and satisfying redemptions with Redemption Instruments that are restricted securities eligible for resale pursuant to Rule 144A under the Securities Act, the Funds will comply with the conditions of Rule 144A.

<sup>11</sup> Each Fund will sell and redeem Creation Units on any day that the Trust is open, including as required by section 22(e) of the Act (each, a "Business Day").

<sup>12</sup> The portfolio used for this purpose will be the same portfolio used to calculate the Fund's net asset value ("NAV") for that Business Day.

<sup>13</sup> A tradeable round lot for a security will be the standard unit of trading in that particular type of security in its primary market.

<sup>14</sup> A TBA Transaction is a method of trading mortgage-backed securities. In a TBA Transaction, the buyer and seller agree on general trade parameters such as agency, settlement date, par amount and price.

<sup>15</sup> This includes instruments that can be transferred in kind only with the consent of the original counterparty to the extent the Fund does not intend to seek such consents.

<sup>16</sup> Because these instruments will be excluded from the Creation Basket, their value will be reflected in the determination of the Balancing Amount (defined below).

above; (b) if, on a given Business Day, a Fund announces before the open of trading that all purchases, all redemptions or all purchases and redemptions on that day will be made entirely in cash; (c) if, upon receiving a purchase or redemption order from an Authorized Participant, a Fund determines to require the purchase or redemption, as applicable, to be made entirely in cash; (d) if, on a given Business Day, a Fund requires all Authorized Participants purchasing or redeeming Shares on that day to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are not eligible for transfer through either the NSCC Process or DTC Process; or (ii) in the case of Global Funds and Foreign Funds, such instruments are not eligible for trading due to local trading restrictions, local restrictions on securities transfers or other similar circumstances; or (e) if a Fund permits an Authorized Participant to deposit or receive (as applicable) cash in lieu of some or all of the Deposit Instruments or Redemption Instruments, respectively, solely because: (i) Such instruments are, in the case of the purchase of a Creation Unit, not available in sufficient quantity; (ii) such instruments are not eligible for trading by an Authorized Participant or the investor on whose behalf the Authorized Participant is acting; or (iii) a holder of Shares of a Global Fund or Foreign Fund would be subject to unfavorable income tax treatment if the holder receives redemption proceeds in kind.<sup>17</sup>

10. Each Business Day, before the open of trading on a national securities exchange, as defined in section 2(a)(26) of the Act (a "Listing Market"), on which Shares are listed and traded, each Fund will cause to be published through the NSCC the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Balancing Amount (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following Business Day, and there will be no intra-day changes to the Creation Basket except to correct errors in the published Creation Basket. The Listing Market will disseminate, every 15 seconds throughout the regular trading hours, through the facilities of the Consolidated Tape Association, an estimated NAV, which is an amount per

<sup>17</sup> A "custom order" is any purchase or redemption of Shares made in whole or in part on a cash basis in reliance on clause (e)(i) or (e)(ii).



Share representing the current value of the Portfolio Positions that were publicly disclosed prior to the commencement of trading in Shares on the Listing Market.

11. Each Fund will recoup the settlement costs charged by NSCC and DTC by imposing a fee (the "Transaction Fee") on investors purchasing or redeeming Creation Units.<sup>18</sup> Where a Fund permits an in-kind purchaser or redeemer to deposit or receive cash in lieu of one or more Deposit or Redemption Instruments, the purchaser or redeemer may be assessed a higher Transaction Fee to offset the cost of buying or selling those particular Deposit or Redemption Instruments. In all cases, such Transaction Fees will be limited in accordance with requirements of the Commission applicable to management investment companies offering redeemable securities. All orders to purchase Creation Units must be placed with the Distributor by or through an Authorized Participant and the Distributor will transmit such orders to the Funds. The Distributor will be responsible for maintaining records of both the orders placed with it and the confirmations of acceptance furnished by it.

12. Purchasers of Shares in Creation Units may hold such Shares or may sell such Shares into the secondary market. Shares will be listed and traded at negotiated prices on a Listing Market and it is expected that the relevant Listing Market will designate one or more member firms to maintain a market for the Shares.<sup>19</sup> The price of Shares trading on a Listing Market will be based on a current bid-offer in the

secondary market. Purchases and sales of Shares in the secondary market will not involve a Fund and will be subject to customary brokerage commissions and charges.

13. Applicants expect that purchasers of Creation Units will include institutional investors and arbitrageurs. Applicants expect that secondary market purchasers of Shares will include both institutional and retail investors.<sup>20</sup> Applicants believe that the structure and operation of the Funds will be designed to enable efficient arbitrage and, thereby, minimize the probability that Shares will trade at a material premium or discount to a Fund's NAV.

14. Shares will not be individually redeemable and owners of Shares may acquire those Shares from a Fund, or tender such shares for redemption to the Fund, in Creation Units only. To redeem, an investor must accumulate enough Shares to constitute a Creation Unit. Redemption requests must be placed by or through an Authorized Participant. As discussed above, redemptions of Creation Units will generally be made on an in-kind basis, subject to certain specified exceptions under which redemptions may be made in whole or in part on a cash basis, and will be subject to a Transaction Fee.

15. Neither a Trust nor any Fund will be advertised or marketed or otherwise held out as a traditional open-end investment company or mutual fund. Instead, each Fund will be marketed as an "actively-managed exchange-traded fund." All marketing materials that describe the features or method of obtaining, buying, or selling Creation Units, or Shares traded on a Listing Market, or refer to redeemability, will prominently disclose that Shares are not individually redeemable and that the owners of Shares may acquire those Shares from a Fund or tender those Shares for redemption to the Fund in Creation Units only.

16. The Trust's Web site ("Website"), which will be publicly available prior to the offering of Shares, will include each Fund's prospectus ("Prospectus"), statement of additional information ("SAI"), and summary prospectus, if used. The Web site will contain, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or mid-point of the bid/ask spread at the time of calculation of such NAV ("Bid/Ask Price"), and a calculation of the premium or discount

of the market closing price or the Bid/Ask Price against such NAV. On each Business Day, prior to the commencement of trading in Shares on a Listing Market, each Fund shall post on the Web site the identities and quantities of the Portfolio Positions held by the Fund, or its respective Master Fund, that will form the basis for the calculation of the NAV at the end of that Business Day.<sup>21</sup>

### Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act granting an exemption from sections 2(a)(32), 5(a)(1), 22(d) and 22(e) of the Act and rule 22c-1 under the Act; and under sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1) and (2) of the Act, and under section 12(d)(1)(j) for an exemption from sections 12(d)(1)(A) and (B) of the Act.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security or transaction, or any class of persons, securities or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) of the Act authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act if evidence establishes that the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policies of the registered investment company and the general provisions of the Act. Section 12(d)(1)(j) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors.

### Sections 5(a)(1) and 2(a)(32) of the Act

3. Section 5(a)(1) of the Act defines an "open-end company" as a management investment company that is offering for sale or has outstanding any redeemable security of which it is the issuer.

<sup>21</sup> Under accounting procedures followed by the Fund, trades made on the prior Business Day ("T") will be booked and reflected in NAV on the current Business Day (T+1). Accordingly, the Funds will be able to disclose at the beginning of the Business Day the proffolio that will form the basis for the NAV calculation at the end of the Business Day.

<sup>18</sup> Applicants are not requesting relief from section 18 of the Act. Accordingly, a Master Fund may require a Transaction Fee payment to cover expenses related to purchases or redemptions of the Master Fund's shares by a Feeder Fund only if it requires the same payment for equivalent purchases or redemptions by any other feeder fund. Thus, for example, a Master Fund may require payment of a Transaction Fee by a Feeder Fund for transactions for 20,000 or more shares so long as it requires payment of the same Transaction Fee by all feeder funds for transactions involving 20,000 or more shares.

<sup>19</sup> If Shares are listed on The NASDAQ Stock Market LLC ("Nasdaq") or a similar electronic Listing Market (including NYSE Arca, Inc.), one or more member firms of that Listing Market will act as market maker (a "Market Maker") and maintain a market for Shares trading on that Listing Market. On Nasdaq, no particular Market Maker would be contractually obligated to make a market in Shares. However, the listing requirements on Nasdaq stipulate that at least two Market Makers must be registered in Shares to maintain a listing. Registered Market Makers are required to make a continuous two-sided market or subject themselves to regulatory sanctions. No Market Maker will be an affiliated person, or an affiliated person of an affiliated person, of the Funds, except within the meaning of section 2(a)(3)(A) or (C) of the Act due solely to ownership of Shares.

<sup>20</sup> Shares will be registered in book-entry form only. DTC or its nominee will be the registered owner of all outstanding Shares. Beneficial ownership of Shares will be shown on the records of DTC or DTC Participants.

Section 2(a)(32) of the Act defines a redeemable security as any security, other than short-term paper, under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately a proportionate share of the issuer's current net assets, or the cash equivalent. Because Shares will not be individually redeemable, applicants request an order that would permit the Trust to register as an open-end management investment company and issue Shares that are redeemable in Creation Units only.<sup>22</sup> Applicants state that investors may purchase Shares in Creation Units from each Fund and that Creation Units will always be redeemable in accordance with the provisions of the Act. Applicants further state that because the market price of Shares will be disciplined by arbitrage opportunities, investors should be able to sell Shares in the secondary market at prices that do not vary materially from their NAV.

*Section 22(d) of the Act and Rule 22c-1 Under the Act*

4. Section 22(d) of the Act, among other things, prohibits a dealer from selling a redeemable security that is currently being offered to the public by or through a principal underwriter, except at a current public offering price described in the prospectus. Rule 22c-1 under the Act generally requires that a dealer selling, redeeming, or repurchasing a redeemable security do so only at a price based on its NAV. Applicants state that secondary market trading in Shares will take place at negotiated prices, not at a current offering price described in the Prospectus, and not at a price based on NAV. Thus, purchases and sales of Shares in the secondary market will not comply with section 22(d) of the Act and rule 22c-1 under the Act. Applicants request an exemption under section 6(c) from these provisions.<sup>23</sup>

5. Applicants state that, while there is little legislative history regarding section 22(d), its provisions, as well as those of rule 22c-1, appear to have been designed to (a) to prevent dilution caused by certain riskless-trading schemes by principal underwriters and contract dealers, (b) to prevent unjust discrimination or preferential treatment among buyers and (c) to ensure an orderly distribution system of shares by

<sup>22</sup> The Master Funds will not require relief from sections 2(a)(32) and 5(a)(1) because the Master Funds will issue individually redeemable securities.

<sup>23</sup> The Master Funds will not require relief from section 22(d) or rule 22c-1 because shares of the Master Funds will not trade at negotiated prices in the secondary market.

contract dealers by eliminating price competition from non-contract dealers who could offer investors shares at less than the published sales price and who could pay investors a little more than the published redemption price.

6. Applicants assert that the protections intended to be afforded by Section 22(d) and rule 22c-1 are adequately addressed by the proposed methods for creating, redeeming and pricing Creation Units and pricing and trading Shares. Applicants state that (a) secondary market trading in Shares does not involve the Funds as parties and cannot result in dilution of an investment in Shares and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces but do not occur as a result of unjust or discriminatory manipulation. Finally, applicants assert that competitive forces in the marketplace should ensure that the margin between NAV and the price for the Shares in the secondary market remains narrow.

*Section 22(e) of the Act*

7. Section 22(e) of the Act generally prohibits a registered investment company from suspending the right of redemption or postponing the date of payment of redemption proceeds for more than seven days after the tender of a security for redemption. Applicants observe that the settlement of redemptions of Creation Units of the Foreign and Global Funds is contingent not only on the settlement cycle of the U.S. securities markets but also on the delivery cycles present in foreign markets for underlying foreign Portfolio Positions in which those Funds invest. Applicants have been advised that, under certain circumstances, the delivery cycles for transferring Portfolio Positions to redeeming investors, coupled with local market holiday schedules, will require a delivery process of up to fifteen (15) calendar days. Applicants therefore request relief from section 22(e) in order to provide payment or satisfaction of redemptions within a longer number of calendar days as required for such payment or satisfaction in the principal local markets where transactions in the Portfolio Positions of each Foreign and Global Fund customarily clear and settle, but in all cases no later than fifteen (15) days following the tender of a Creation Unit.<sup>24</sup>

<sup>24</sup> Applicants acknowledge that no relief obtained from the requirements of Section 22(e) of the Act will affect any obligations that it may otherwise have under Rule 15c6-1 under the Exchange Act.

8. Applicants state that section 22(e) was designed to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds. Applicants assert that the protections intended to be afforded by Section 22(e) are adequately addressed by the proposed method and securities delivery cycles for redeeming Creation Units. Applicants state that allowing redemption payments for Creation Units of a Fund to be made within a maximum of fifteen (15) calendar days<sup>25</sup> would not be inconsistent with the spirit and intent of section 22(e).<sup>26</sup> Applicants represent that each Fund's Prospectus and/or SAI will identify those instances in a given year where, due to local holidays, more than seven calendar days, up to a maximum of fifteen (15) calendar days, will be needed to deliver redemption proceeds and will list such holidays. Applicants are not seeking relief from section 22(e) with respect to Foreign and Global Funds that do not effect redemptions in-kind.

*Section 12(d)(1) of the Act*

9. Section 12(d)(1)(A) of the Act prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, or any other broker or dealer from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally.

10. Applicants request relief to permit Acquiring Funds to acquire Shares in excess of the limits in section 12(d)(1)(A) of the Act and to permit the Funds, their principal underwriters and any Broker to sell Shares to Acquiring Funds in excess of the limits in section

Rule 15c6-1 requires that most securities transactions be settled within three business days of the trade date.

<sup>25</sup> Certain countries in which a Fund may invest have historically had settlement periods of up to 15 calendar days.

<sup>26</sup> Other feeder funds invested in any Master Fund are not seeking, and will not rely on, the section 22(e) relief requested herein.

12(d)(1)(B) of the Act. Applicants submit that the proposed conditions to the requested relief address the concerns underlying the limits in section 12(d)(1), which include concerns about undue influence, excessive layering of fees and overly complex structures.

11. Applicants submit that their proposed conditions address concerns regarding the potential for undue influence. To limit the control that an Acquiring Fund may have over a Fund, applicants propose a condition prohibiting the adviser of an Acquiring Management Company (“Acquiring Fund Advisor”), sponsor of an Acquiring Trust (“Sponsor”), any person controlling, controlled by, or under common control with the Acquiring Fund Advisor or Sponsor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Acquiring Fund Advisor, the Sponsor, or any person controlling, controlled by, or under common control with the Acquiring Fund Advisor or Sponsor (“Acquiring Fund’s Advisory Group”) from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The same prohibition would apply to any sub-adviser to an Acquiring Fund (“Acquiring Fund Sub-Advisor”), any person controlling, controlled by or under common control with the Acquiring Fund Sub-Advisor, and any investment company or issuer that would be an investment company but for sections 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Acquiring Fund Sub-Advisor or any person controlling, controlled by or under common control with the Acquiring Fund Sub-Advisor (“Acquiring Fund’s Sub-Advisory Group”).

12. Applicants propose a condition to ensure that no Acquiring Fund or Acquiring Fund Affiliate<sup>27</sup> (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of an underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (“Affiliated Underwriting”). An

<sup>27</sup> An “Acquiring Fund Affiliate” is any Acquiring Fund Advisor, Acquiring Fund Sub-Advisor, Sponsor, promoter and principal underwriter of an Acquiring Fund, and any person controlling, controlled by or under common control with any of these entities. “Fund Affiliate” is an investment adviser, promoter, or principal underwriter of a Fund or any person controlling, controlled by or under common control with any of these entities.

“Underwriting Affiliate” is a principal underwriter in any underwriting or selling syndicate that is an officer, director, member of an advisory board, Acquiring Fund Advisor, Acquiring Fund Sub-Advisor, employee or Sponsor of the Acquiring Fund, or a person of which any such officer, director, member of an advisory board, Acquiring Fund Advisor, Acquiring Fund Sub-Advisor, employee or Sponsor is an affiliated person (except any person whose relationship to the Fund is covered by section 10(f) of the Act is not an Underwriting Affiliate).

13. Applicants propose several conditions to address the potential for layering of fees. Applicants note that the Board of any Acquiring Management Company, including a majority of the directors or trustees who are not “interested persons” within the meaning of section 2(a)(19) of the Act (for any Board, the “Independent Trustees”), will be required to find that the advisory fees charged under the contract are based on services provided that will be in addition to, rather than duplicative of, services provided under the advisory contract of any Fund in which the Acquiring Management Company may invest. Applicants also state that any sales charges and/or service fees charged with respect to shares of an Acquiring Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.<sup>28</sup>

14. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that a Fund will be prohibited from acquiring securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

15. To ensure that an Acquiring Fund is aware of the terms and conditions of the requested order, the Acquiring Funds must enter into an agreement with the respective Funds (“Acquiring Fund Agreement”). The Acquiring Fund Agreement will include an acknowledgement from the Acquiring Fund that it may rely on the order only to invest in a Fund and not in any other investment company.

<sup>28</sup> Any reference to NASD Conduct Rule 2830 includes any successor or replacement rule that may be adopted by the Financial Industry Regulatory Authority.

16. Applicants also are seeking relief from sections 12(d)(1)(A) and 12(d)(1)(B) to the extent necessary to permit the Feeder Funds to perform creations and redemptions of Shares in-kind in a master-feeder structure. Applicants assert that this structure is substantially identical to traditional master-feeder structures permitted pursuant to the exception provided in section 12(d)(1)(E) of the Act. Section 12(d)(1)(E) provides that the percentage limitations of sections 12(d)(1)(A) and (B) will not apply to a security issued by an investment company (in this case, the shares of the applicable Master Fund) if, among other things, that security is the only investment security held in the investing fund’s portfolio (in this case, the Feeder Fund’s portfolio). Applicants believe the proposed master-feeder structure complies with section 12(d)(1)(E) because each Feeder Fund will hold only investment securities issued by its corresponding Master Fund; however, the Feeder Funds may receive securities other than securities of its corresponding Master Fund if a Feeder Fund accepts an in-kind creation. To the extent that a Feeder Fund may be deemed to be holding both shares of the Master Fund and other securities, applicants request relief from sections 12(d)(1)(A) and (B). The Feeder Funds would operate in compliance with all other provisions of section 12(d)(1)(E).

#### *Section 17(a) of the Act*

17. Section 17(a) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of such person (“Second Tier Affiliates”), from selling any security to or purchasing any security from the company. Section 2(a)(3) of the Act defines “affiliated person” to include any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person and any person directly or indirectly controlling, controlled by, or under common control with, the other person. Section 2(a)(9) of the Act defines “control” as “the power to exercise a controlling influence over the management or policies” of the fund and provides that a control relationship will be presumed where one person owns more than 25% of another person’s voting securities. The Funds may be deemed to be controlled by the Adviser or an entity controlling, controlled by or under common control with the Adviser and hence affiliated persons of each other. In addition, the Funds may be deemed to be under common control with any other

registered investment company (or series thereof) advised by the Adviser or an entity controlling, controlled by or under common control with the Adviser (an "Affiliated Fund").

18. Applicants request an exemption under sections 6(c) and 17(b) of the Act from sections 17(a)(1) and 17(a)(2) of the Act to permit in-kind purchases and redemptions of Creation Units from the Funds by persons that are affiliated persons or Second Tier Affiliates of the Funds solely by virtue of one or more of the following: (a) Holding 5% or more, or more than 25%, of the Shares of a Trust of one or more Funds; (b) having an affiliation with a person with an ownership interest described in (a); or (c) holding 5% or more, or more than 25%, of the shares of one or more Affiliated Funds. Applicants also request an exemption in order to permit each Fund to sell Shares to and redeem Shares from, and engage in the in-kind transactions that would accompany such sales and redemptions with, any Acquiring Fund of which the Fund is an affiliated person or Second-Tier Affiliate.<sup>29</sup>

19. Applicants assert that no useful purpose would be served by prohibiting such affiliated persons or Second Tier Affiliates from making in-kind purchases or in-kind redemptions of Shares of a Fund in Creation Units. Both the deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions will be the same for all purchases and redemptions. Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Positions currently held by the relevant Funds, or their respective Master Funds, and the valuation of the Deposit Instruments and Redemption Instruments will be made in an identical manner regardless of the identity of the purchaser or redeemer. Applicants do not believe that in-kind purchases and redemptions

<sup>29</sup> Applicants anticipate that most Acquiring Funds will purchase Shares in the secondary market and will not purchase or redeem Creation Units directly from a Fund. To the extent that purchases and sales of Shares occur in the secondary market and not through principal transactions directly between an Acquiring Fund and a Fund, relief from section 17(a) would not be necessary. However, the requested relief would apply to direct sales of Shares in Creation Units by a Fund to an Acquiring Fund and redemptions of those Shares in Creation Units. The requested relief is intended to cover transactions that would accompany such sales and redemptions. Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an affiliated person, or an affiliated person of an affiliated person of an Acquiring Fund because an investment adviser to the Funds is also an investment adviser to that Acquiring Fund.

will result in abusive self-dealing or overreaching of the Fund.

20. Applicants also submit that the sale of Shares to and redemption of Shares from an Acquiring Fund satisfies the standards for relief under sections 17(b) and 6(c) of the Act. Applicants note that any consideration paid for the purchase or redemption of Shares directly from a Fund will be based on the NAV of the Fund.<sup>30</sup> The Acquiring Fund Agreement will require any Acquiring Fund that purchases Creation Units directly from a Fund to represent that the purchase will be in compliance with its investment restrictions and consistent with the investment policies set forth in its registration statement.

21. In addition, to the extent that a Fund operates in a master-feeder structure, applicants also request relief permitting the Feeder Funds to engage in in-kind creations and redemptions with the applicable Master Fund. Applicants state that the request for relief described above would not be sufficient to permit such transactions because the Feeder Funds and the applicable Master Fund could also be affiliated by virtue of having the same investment adviser. However, applicants believe that in-kind creations and redemptions between a Feeder Fund and a Master Fund advised by the same investment adviser do not involve "overreaching" by an affiliated person. Applicants represent that such transactions will occur only at the Feeder Fund's proportionate share of the Master Fund's net assets, and the distributed securities will be valued in the same manner as they are valued for the purposes of calculating the applicable Master Fund's NAV. Further, all such transactions will be effected with respect to pre-determined securities and on the same terms with respect to all investors. Finally, such transaction would only occur as a result of, and to effectuate, a creation or redemption transaction between the Feeder Fund and a third-party investor. Applicants state that, in effect, the Feeder Fund will serve as a conduit through which creation and redemption orders by Authorized Participants will be effected.

22. Applicants believe that: (a) With respect to the relief requested pursuant to section 17(b), the proposed

<sup>30</sup> Applicants acknowledge that the receipt of compensation by (a) an affiliated person of an Acquiring Fund, or an affiliated person of such person, for the purchase by the Acquiring Fund of Shares of a Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its Shares to an Acquiring Fund, may be prohibited by section 17(e)(1) of the Act. The Acquiring Fund Agreement also will include this acknowledgment.

transactions are fair and reasonable, and do not involve overreaching on the part of any person concerned, the proposed transactions are consistent with the policy of each Fund and, where applicable, Acquiring Fund, and the proposed transactions are consistent with the general purposes of the Act; and (b) with respect to the relief requested pursuant to section 6(c), the requested exemption for the proposed transactions is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

#### Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

##### *A. Actively-Managed Exchange-Traded Fund Relief*

1. Neither the Trust nor any Fund will be advertised or marketed as an open-end investment company or mutual fund. Any advertising material that describes the purchase or sale of Creation Units or refers to redeemability will prominently disclose that the Shares are not individually redeemable and that owners of the Shares may acquire those Shares from the Fund and tender those Shares for redemption to the Fund in Creation Units only.

2. The Web site, which is and will be publicly accessible at no charge, will contain, on a per Share basis for each Fund, the prior Business Day's NAV and the market closing price or Bid/Ask Price, and a calculation of the premium or discount of the market closing price or Bid/Ask Price against such NAV.

3. As long as a Fund operates in reliance on the requested order, its Shares will be listed on a Listing Market.

4. On each Business Day, before commencement of trading in Shares on a Fund's Listing Market, the Fund will disclose on the Web site the identities and quantities of the Portfolio Positions held by the Fund, or its respective Master Fund, that will form the basis for the Fund's calculation of NAV per Share at the end of the Business Day.

5. The Adviser or any Sub-Advisers, directly or indirectly, will not cause any Authorized Participant (or any investor on whose behalf an Authorized Participant may transact with the Fund) to acquire any Deposit Instrument for a Fund, or its respective Master Fund, through a transaction in which the Fund, or its respective Master Fund, could not engage directly.

6. The requested relief to permit ETF operations will expire on the effective date of any Commission rule under the Act that provides relief permitting the operation of actively-managed exchange-traded funds, other than the Master-Feeder Relief.

*B. Section 12(d)(1) Relief*

7. The members of an Acquiring Fund's Advisory Group will not control (individually or in the aggregate) a Fund, or its respective Master Fund, within the meaning of section 2(a)(9) of the Act. The members of an Acquiring Fund's Sub-Advisory Group will not control (individually or in the aggregate) a Fund, or its respective Master Fund, within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Acquiring Fund's Advisory Group or the Acquiring Fund's Sub-Advisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its Shares of the Fund in the same proportion as the vote of all other holders of that Fund's Shares. This condition does not apply to the Acquiring Fund's Sub-Advisory Group with respect to a Fund, or its respective Master Fund, for which the Acquiring Fund Sub-Advisor or a person controlling, controlled by, or under common control with the Acquiring Fund Sub-Advisor acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

8. No Acquiring Fund or Acquiring Fund Affiliate will cause any existing or potential investment by the Acquiring Fund in a Fund to influence the terms of any services or transactions between the Acquiring Fund or an Acquiring Fund Affiliate and the Fund, or its respective Master Fund, or a Fund Affiliate.

9. The Board of an Acquiring Management Company, including a majority of the Independent Trustees, will adopt procedures reasonably designed to ensure that the Acquiring Fund Advisor and any Acquiring Fund Sub-Advisor are conducting the investment program of the Acquiring Management Company without taking into account any consideration received by the Acquiring Management Company or an Acquiring Fund Affiliate from a Fund, or its respective Master Fund, or a Fund Affiliate in connection with any services or transactions.

10. Once an investment by an Acquiring Fund in Shares exceeds the limits in section 12(d)(1)(A)(i) of the Act, the Board of the Fund, or its respective Master Fund, including a

majority of the Independent Trustees, will determine that any consideration paid by the Fund, or its respective Master Fund, to an Acquiring Fund or an Acquiring Fund Affiliate in connection with any services or transactions: (i) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund, or its respective Master Fund; (ii) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (iii) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund, or its respective Master Fund, and its investment adviser(s), or any person controlling, controlled by or under common control with such investment adviser(s).

11. No Acquiring Fund or Acquiring Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause the Fund, or its respective Master Fund, to purchase a security in any Affiliated Underwriting.

12. The Board of a Fund, or its respective Master Fund, including a majority of the Independent Trustees, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund, or its respective Master Fund, in an Affiliated Underwriting, once an investment by an Acquiring Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board of the Fund will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Acquiring Fund in the Fund. The Board of the Fund will consider, among other things: (i) Whether the purchases were consistent with the investment objectives and policies of the Fund, or its respective Master Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund, or its respective Master Fund, in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board of the Fund will take any

appropriate actions based on its review, including, if appropriate, the institution of procedures designed to ensure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders of the Fund.

13. Each Fund, or its respective Master Fund, will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings, once an investment by an Acquiring Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the determinations of the Board of the Fund were made.

14. Before investing in Shares of a Fund in excess of the limits in section 12(d)(1)(A), each Acquiring Fund and the Fund will execute an Acquiring Fund Agreement stating, without limitation, that their Boards and their investment adviser(s), or their Sponsors or trustees ("Trustee"), as applicable, understand the terms and conditions of the requested order, and agree to fulfill their responsibilities under the requested order. At the time of its investment in Shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), an Acquiring Fund will notify the Fund of the investment. At such time, the Acquiring Fund will also transmit to the Fund a list of the names of each Acquiring Fund Affiliate and Underwriting Affiliate. The Acquiring Fund will notify the Fund of any changes to the list of the names as soon as reasonably practicable after a change occurs. The Fund and the Acquiring Fund will maintain and preserve a copy of the requested order, the Acquiring Fund Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

15. The Acquiring Fund Advisor, Trustee or Sponsor, as applicable, will waive fees otherwise payable to it by the Acquiring Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted under rule 12b-1 under the

Act) received from the Fund, or its respective Master Fund, by the Acquiring Fund Advisor, Trustee or Sponsor, or an affiliated person of the Acquiring Fund Advisor, Trustee or Sponsor, other than any advisory fees paid to the Acquiring Fund Advisor, Trustee or Sponsor, or its affiliated person by the Fund, or its respective Master Fund, in connection with the investment by the Acquiring Fund in the Fund. Any Acquiring Fund Sub-Advisor will waive fees otherwise payable to the Acquiring Fund Sub-Advisor, directly or indirectly, by the Acquiring Management Company in an amount at least equal to any compensation received from a Fund, or its respective Master Fund, by the Acquiring Fund Sub-Advisor, or an affiliated person of the Acquiring Fund Sub-Advisor, other than any advisory fees paid to the Acquiring Fund Sub-Advisor or its affiliated person by the Fund, or its respective Master Fund, in connection with any investment by the Acquiring Management Company in the Fund made at the direction of the Acquiring Fund Sub-Advisor. In the event that the Acquiring Fund Sub-Advisor waives fees, the benefit of the waiver will be passed through to the Acquiring Management Company.

16. Any sales charges and/or service fees charged with respect to shares of an Acquiring Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

17. No Fund, or its respective Master Fund, will acquire securities of any other investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent (i) the Fund, or its respective Master Fund, acquires securities of another investment company pursuant to exemptive relief from the Commission permitting the Fund, or its respective Master Fund, to acquire securities of one or more investment companies for short-term cash management purposes or (ii) the Fund acquires securities of the Master Fund pursuant to the Master-Feeder Relief.

18. Before approving any advisory contract under section 15 of the Act, the Board of each Acquiring Management Company, including a majority of the Independent Trustees, will find that the advisory fees charged under such advisory contract are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund, or its respective Master Fund, in which the Acquiring Management Company may invest.

These findings and their basis will be recorded fully in the minute books of the appropriate Acquiring Management Company.

For the Commission, by the Division of Investment Management, under delegated authority.

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015-05288 Filed 3-6-15; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74417; File No. SR-ISE-2015-06]

### Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

March 3, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 18, 2015, the International Securities Exchange, LLC (the "Exchange" or the "ISE") filed with the Securities and Exchange Commission ("Commission") the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE proposes to amend its Schedule of Fees to increase certain network and gateway fees. The text of the proposed rule change is available on the Exchange's Web site (<http://www.ise.com>), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The purpose of the proposed rule change is to amend the Schedule of Fees to increase certain network and gateway fees. The Exchange charges an Ethernet fee for its four different Ethernet connection options, which is \$750 per month for a 1 Gigabit ("Gb") connection, \$4,000 per month for a 10 Gb connection, \$7,000 per month for a 10 Gb low latency connection, and \$12,500 per month for a 40 Gb low latency connection. These Ethernet connectivity options provide access to both the ISE and the ISE's sister exchange, ISE Gemini, LLC ("ISE Gemini").<sup>3</sup> The Exchange proposes to increase these Ethernet fees to \$1,000 per month for the 1 Gb connection, \$4,500 per month for the 10 Gb connection, \$8,000 per month for the 10 Gb low latency connection, and \$15,000 per month for the 40 Gb low latency connection. In addition, the Exchange offers both shared and dedicated gateways to facilitate member access to ISE and ISE Gemini for a single fee. The Exchange charges members a monthly gateway fee of \$500 per gateway for a shared gateway or \$2,000 per gateway pair for members that elect to use their own dedicated gateways as an alternative to using shared gateways. The Exchange proposes to increase the gateway fee to \$750 per month for a shared gateway and \$2,250 per month for a dedicated gateway pair.

##### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,<sup>4</sup> in general, and Section 6(b)(4) of the Act,<sup>5</sup> in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The Exchange believes that it is reasonable and equitable to increase the network and gateway fees described in this filing as the new fees are more in line with the Exchange's current connectivity costs, including costs for software and

<sup>3</sup> Market participants pay the same fees regardless of whether they choose to connect to both exchanges or solely to the ISE.

<sup>4</sup> 15 U.S.C. 78f.

<sup>5</sup> 15 U.S.C. 78f(b)(4).

hardware enhancements, and resources dedicated to development, quality assurance, and support. The proposed fees are within the range of fees currently charged by other options exchanges. Furthermore, the Exchange believes that the proposed fees are not unfairly discriminatory as all market participants that use these services will pay the same fee based on the connectivity options that they choose, and there is no differentiation among market participants with regard to the fees charged.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,<sup>6</sup> the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change increases certain network and gateway fees to levels that are within the range of fees charged by other options exchanges. These fees will be charged to all firms that elect to use the connectivity options described in this filing. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

#### *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 unsolicited written comments from members or other interested parties.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>7</sup> and subparagraph (f)(2) of Rule 19b-4 thereunder,<sup>8</sup> because it establishes a due, fee, or other charge imposed by ISE.

At any time within 60 days of the filing of such proposed rule change, the

Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File No. SR-ISE-2015-06 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 No. SR-ISE-2015-06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of 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-ISE-2015-06 and should be submitted by March 30, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2015-05293 Filed 3-6-15; 8:45 am]

BILLING CODE 8011-01-P

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-74416; File No. SR-ISE Gemini-2015-04]

### **Self-Regulatory Organizations; ISE Gemini, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees**

March 3, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 18, 2015, ISE Gemini, LLC (the "Exchange" or "ISE Gemini") filed with the Securities and Exchange Commission ("Commission") the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

ISE Gemini proposes to amend its Schedule of Fees to increase certain network and gateway fees. The text of the proposed rule change is available on the Exchange's Internet Web site at <http://www.ise.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

<sup>9</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>6</sup> 15 U.S.C. 78f(b)(8).

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>8</sup> 17 CFR 240.19b-4(f)(2).

self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

**1. Purpose**

The purpose of the proposed rule change is to amend the Schedule of Fees to increase certain network and gateway fees. The Exchange charges an Ethernet fee for its four different Ethernet connection options, which is \$750 per month for a 1 Gigabit ("Gb") connection, \$4,000 per month for a 10 Gb connection, \$7,000 per month for a 10 Gb low latency connection, and \$12,500 per month for a 40 Gb low latency connection. These Ethernet connectivity options provide access to both ISE Gemini and ISE Gemini's sister exchange, the International Securities Exchange, LLC ("ISE").<sup>3</sup> The Exchange proposes to increase these Ethernet fees to \$1,000 per month for the 1 Gb connection, \$4,500 per month for the 10 Gb connection, \$8,000 per month for the 10 Gb low latency connection, and \$15,000 per month for the 40 Gb low latency connection. In addition, the Exchange offers both shared and dedicated gateways to facilitate member access to ISE and ISE Gemini for a single fee. The Exchange charges members a monthly gateway fee of \$500 per gateway for a shared gateway or \$2,000 per gateway pair for members that elect to use their own dedicated gateways as an alternative to using shared gateways. The Exchange proposes to increase the gateway fee to \$750 per month for a shared gateway and \$2,250 per month for a dedicated gateway pair.

**2. Statutory Basis**

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,<sup>4</sup> in general, and Section 6(b)(4) of the Act,<sup>5</sup> in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The Exchange believes that it is reasonable and equitable to increase the network and gateway fees described in this filing as the new fees are more in line with the Exchange's current connectivity costs,

including costs for software and hardware enhancements, and resources dedicated to development, quality assurance, and support. The proposed fees are within the range of fees currently charged by other options exchanges. Furthermore, the Exchange believes that the proposed fees are not unfairly discriminatory as all market participants that use these services will pay the same fee based on the connectivity options that they choose, and there is no differentiation among market participants with regard to the fees charged.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,<sup>6</sup> the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change increases certain network and gateway fees to levels that are within the range of fees charged by other options exchanges. These fees will be charged to all firms that elect to use the connectivity options described in this filing. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

*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 unsolicited written comments from members or other interested parties.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>7</sup> and subparagraph (f)(2) of Rule 19b-4 thereunder,<sup>8</sup> because it establishes a due, fee, or other charge imposed by ISE Gemini.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File No. SR-ISE Gemini-2015-04 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 No. SR-ISE Gemini-2015-04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from

<sup>3</sup> Market participants pay the same fees regardless of whether they choose to connect to both exchanges or solely to ISE Gemini.

<sup>4</sup> 15 U.S.C. 78f.

<sup>5</sup> 15 U.S.C. 78f(b)(4).

<sup>6</sup> 15 U.S.C. 78f(b)(8).

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>8</sup> 17 CFR 240.19b-4(f)(2).



submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–ISE Gemini-2015–04 and should be submitted by March 30, 2015.<sup>9</sup>

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

**Brent J. Fields,**  
Secretary.

[FR Doc. 2015–05292 Filed 3–6–15; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74415; File No. SR–NYSEArca–2015–08]

### Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To Eliminate Additional Order Type Combinations and Delete Related Rule Text and To Restructure the Remaining Rule Text in NYSE Arca Equities Rule 7.31

March 3, 2015.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the “Act”)<sup>2</sup> and Rule 19b–4 thereunder,<sup>3</sup> notice is hereby given that, on February 19, 2015, NYSE Arca, Inc. (the “Exchange” or “NYSE Arca”) filed with the Securities and Exchange Commission (“SEC” or the “Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to eliminate additional order type combinations and delete related rule text and to restructure the remaining rule text in NYSE Arca Equities Rule 7.31. The text of the proposed rule change is available on the Exchange’s Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

<sup>9</sup> 17 CFR 200.30–3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b–4.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

On June 5, 2014, in a speech entitled “Enhancing Our Market Equity Structure,” Mary Jo White, Chair of the Securities and Exchange Commission (“SEC” or the “Commission”) requested the equity exchanges to conduct a comprehensive review of their order types and how they operate in practice, and as part of this review, consider appropriate rule changes to help clarify the nature of their order types.<sup>4</sup> Subsequent to the Chair’s speech, the SEC’s Division of Trading and Markets requested that the equity exchanges complete their reviews and submit any proposed rule changes by November 1, 2014.<sup>5</sup>

The Exchange notes that it continually assesses its rules governing order types and undertook on its own initiative a review of its rules related to order functionality to assure that its various order types, which have been adopted and amended over the years, accurately describe the functionality associated with those order types, and more specifically, how different order types may interact. As a result of that review, in 2013, the Exchange submitted a proposed rule change, which the Commission approved, to update its rules relating to order types and modifiers.<sup>6</sup> The 2013 Review Filing did

<sup>4</sup> See Mary Jo White, Chair, Securities and Exchange Commission, Speech at the Sandler, O’Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014) (available at [www.sec.gov/News/Speech/Detail/Speech/1370542004312#.U5HI-fmwjw](http://www.sec.gov/News/Speech/Detail/Speech/1370542004312#.U5HI-fmwjw)).

<sup>5</sup> See Letter from James Burns, Deputy Director, Division of Trading and Markets, Securities and Exchange Commission, to Jeffrey C. Sprecher, Chief Executive Officer, Intercontinental Exchange, Inc., dated June 20, 2014.

<sup>6</sup> See Securities Exchange Act Release No. 71331 (Jan. 16, 2014), 79 FR 3907 (Jan. 23, 2014) (SR–NYSEArca–2013–92) (Approval order) (“2013 Review Filing”).

not add any new functionality but instead enhanced and clarified descriptions of the order type and modifier functionality on the Exchange. More recently, as part of its ongoing review to streamline its rules and reduce complexity among its order type offerings, the Exchange filed a proposed rule change, which the Commission approved, to eliminate specified order types, modifiers, and related references.<sup>7</sup>

The Exchange is filing this proposed rule change to continue its efforts to review and clarify its rules governing order types. First, the Exchange has identified additional order types and functionality to eliminate and proposes to delete related rule text in NYSE Arca Equities Rule 7.31 (“Rule 7.31”), as described in more detail below.

Second, the Exchange is proposing certain non-substantive and clarifying changes to its rules. As Rule 7.31 has been amended through the years, additional order types and modifiers have been added as new subsections to what was the end of the rule text at any given time. Accordingly, the rule text describes the Exchange’s order types and modifiers in the order in which those order types and modifiers were added. In addition, when rule text has been deleted and replaced with references to “Reserved,” the subsections have not been renumbered. The Exchange proposes to provide additional clarity to Rule 7.31 by re-grouping and re-numbering current rule text, removing references to “reserved” subsections, and making other non-substantive, clarifying changes. In this regard, the proposed rule changes are not intended to reflect changes to functionality but rather to clarify Rule 7.31 to make it easier to navigate.<sup>8</sup>

##### Proposed Elimination of Additional Orders and Modifiers

As part of its review, the Exchange has identified the following additional order types and functionality to eliminate:

- All-or-None (“AON”) Orders: An AON Order is a limit order that is to be executed in its entirety or not at all. A limit order marked AON does not trade through a Protected Quotation. AONs are defined as a type of Working Order, currently set forth in Rule 7.31(h)(1). To

<sup>7</sup> See Securities Exchange Act Release No. 72942 (Aug. 28, 2014), 79 FR 52784 (Sept. 4, 2014) (SR–NYSEArca–2014–75) (Approval order) (“2013 Deletion Filing”).

<sup>8</sup> The Exchange notes that its affiliated exchanges, New York Stock Exchange LLC (“NYSE”) and NYSE MKT LLC are proposing similar restructuring of their respective order type rules to group order types and modifiers. See SR–NYSE–2014–59 and SR–NYSEMKT–2014–95.

effectuate the proposed elimination of AON Orders, the Exchange proposes not to include current Rule 7.31(h)(1) in the rule restructuring, described below. The Exchange proposes to make conforming changes to Rules 7.36(a)(2)(C) and current Rule 7.37(b)(2)(A)(ii) to reflect the elimination of AON.<sup>9</sup>

- **Primary Sweep Orders (“PSO”):** A PSO is a Primary Only Order (defined in Rule 7.31(x)) that first sweeps the Exchange’s book before routing to the primary market. PSOs may only be day or IOC, and may not be designated as GTC or an ISO. PSOs are currently set forth in Rule 7.31(kk). To effectuate the proposed elimination, the Exchange proposes not to include current Rule 7.31(kk) in the rule restructuring, described below.

In addition, the Exchange has identified additional order type functionality combinations that would no longer be accepted:

- **Reserve Orders designated IOC:** Rule 7.31(h)(3) governing Reserve Orders currently provides that Reserve Orders must be in round lots and cannot be combined with an order type that could never be displayed. The Exchange proposes to further specify that Reserve Orders may not be designated with an Immediate or Cancel (“IOC”) time-in-force modifier, which would be stated in new Rule 7.31(d)(2) governing Reserve Orders.

- **Inside Limit Orders designated IOC:** Inside Limit Orders, which are currently defined in Rule 7.31(d), are limit orders that, if routed away, are routed to the market participant with the best displayed price. If there is an unfilled portion of such an order, it will not be routed to the next best price level until all quotes at the current best bid or offer are exhausted. The Exchange proposes to specify that Inside Limit Orders may not be designated IOC because the Exchange believes that the IOC time-in-force modifier is inconsistent with the purpose of an Inside Limit Order, which is to wait for each price point to be cleared before being executed or routed to additional price points. This change would be included in new Rule 7.31(a)(3).

- **PNP Blind Orders:** Rule 7.31(mm) currently specifies that a PNP Blind order may be combined with an Add Liquidity Only (“ALO”) Order. The Exchange proposes to amend the rule text governing PNP Blind to provide that a PNP Blind order that is combined with an ALO modifier may not also be

designated Reserve. This change would be included in new Rule 7.31(e)(4).

The Exchange believes that by eliminating the above-described order types and functionality, the Exchange would further streamline its rules and reduce complexity among the order types offered at the Exchange.

Because of technology changes associated with eliminating the above-described order types and functionality, the Exchange will announce by Trader Update the implementation date of these proposed changes.

#### Proposed Rule 7.31 Restructure

The Exchange proposes to re-structure Rule 7.31 to re-group existing order types and modifiers together along functional lines.

Proposed new subsection (a) of Rule 7.31 would set forth the Exchange’s order types that are the foundation for all other order type instructions, *i.e.*, the primary order types. All orders entered at the Exchange must be designated with an identifier associated with a primary order type, together with such other technical specifications as may be applicable for a specific order or modifier combination. The Exchange, therefore, believes that clearly identifying the primary order types in Exchange rules would provide transparency for ETP Holders of how to designate orders entered at the Exchange. The proposed primary order types would be:

- **Market Orders.** Current Rule 7.31(a) describing Market Orders and related subsections would be moved to new Rule 7.31(a)(1). In moving the rule text currently set forth in Rule 7.31(a)(3)(A), the Exchange proposes non-substantive revisions to delete the phrase “unless marked IOC” because Market Orders cannot be designated IOC<sup>10</sup> and to capitalize the terms “Market Order”. In addition, the Exchange proposes a clarifying change to the second sentence of current Rule 7.31(a), which currently provides that Market Orders shall be rejected if there is no bid or offer. Because such rejection is based on whether there is a contra-side bid or offer (*i.e.*, a Market Order to sell is rejected if there is no bid), the Exchange proposes to clarify this sentence in new Rule 7.31(a)(1) to provide that “Market Orders are rejected if there is no contra-side bid or offer.”

- **Limit Orders.** Current Rule 7.31(b) describing Limit Orders and related subsections would be moved to new

Rule 7.31(a)(2). The Exchange proposes a non-substantive change to capitalize the term “Limit Order” in new Rule 7.31(a)(2) and make conforming changes to references to “limit order” in the remainder of Rule 7.31, as specified below. In addition, the Exchange proposes a clarifying change to the second sentence of current Rule 7.31(b), which currently provides that a marketable limit order is a limit order to buy (sell) at or above (below) the PBBO for the security. Because marketability is based on the contra-side PBBO (*i.e.*, a Limit Order to buy is marketable against the PBO), the Exchange proposes to clarify this sentence in new Rule 7.31(a)(2) to provide that: “A ‘marketable’ Limit Order is a Limit Order to buy (sell) at or above (below) the contra-side PBBO for the security.”

- **Inside Limit Orders.** Current Rule 7.31(d) describing Inside Limit Orders would be moved to new Rule 7.31(a)(3). The Exchange proposes clarifying amendments to new Rule 7.31(a)(3) to replace references to “best displayed price” with references to “contra-side NBBO.” As set forth in Rule 7.37, Inside Limit Orders are priced based on the NBBO. Accordingly, the Exchange believes that referencing the NBBO in new Rule 7.31(a)(3) would eliminate the need for a market participant to review two rules, Rules 7.31 and 7.37, to determine that the term “best displayed price” refers to the NBBO. The Exchange also proposes to add new text to Rule 7.31(a)(3) to clarify that after an Inside Limit Order has been routed to a contra-side NBBO, the Exchange displays the Inside Limit Order at that now-exhausted contra-side NBBO price while the Exchange waits for an updated NBBO to be displayed. As provided for in the current rule, once a new contra-side NBBO is displayed, the Exchange will route to that single price point and continue such assessment at each new contra-side NBBO until the order is filled or no longer marketable. In addition, to effect the above-described proposal to provide that Inside Limit Orders may not be designated IOC, the Exchange proposes to add to new Rule 7.31(a)(3)(D) that an Inside Limit Order may not be designated as IOC. Because an Inside Limit Order may still be designated as NOW, which is a distinct time-in-force modifier from IOC, the Exchange also proposes to add to new Rule 7.31(a)(3)(D) that an Inside Limit Order may be designated as NOW. The Exchange further proposes non-substantive changes to the rule text governing Inside Limit Orders to separate the existing text into sub-

<sup>9</sup> The Exchange also proposes non-substantive changes to Rule 7.37 to delete references to “reserved” and re-number the rule text accordingly. Current Rule 7.37(b)(2)(A)(ii), as amended, would be renumbered to Rule 7.37(b)(1)(A).

<sup>10</sup> In the 2013 Deletion Filing, the Exchange amended the definition of IOC to specify that it is only available for Limit Orders. See 2013 Deletion Filing, *supra* n. 7.

sections, which the Exchange believes would make the rule text easier to navigate.

Proposed new subsection (b) of Rule 7.31 would set forth the Time in Force Modifiers that the Exchange makes available for orders entered at the Exchange. In the 2013 Review Filing, the Exchange grouped its existing time-in-force modifiers together in current Rule 7.31(c).<sup>11</sup> As proposed, Rule 7.31(c) would be redesignated as Rule 7.31(b), without changing the rule text.

In addition, the Exchange proposes to move the rule text governing NOW Orders, currently in Rule 7.31(v), to new Rule 7.31(b)(5). The Exchange believes that “NOW Orders” are appropriately included with the time-in-force modifiers because a NOW Order designation provides for an immediate execution of an order in whole or in part on the Exchange with the unexecuted portion routed to away markets consistent with Rule 7.37(d), and the portion not so executed cancelled. The Exchange also believes that the “NOW” designation is more appropriately described as a modifier rather than as an order, and therefore proposes to re-name it as a “NOW Modifier” and make conforming changes in other Exchange rules. In addition, the Exchange notes that it routes orders designated NOW to all available quotes in the routing determination, consistent with Rule 7.37(d)(2). The Exchange therefore proposes to delete the references in the rule text to NOW recipients and replace such references with rule text that specifies that orders with a NOW modifier would be routed to all available quotations in the routing determination, including Protected Quotations.

Proposed new subsection (c) of Rule 7.31 would specify the Exchange’s existing Auction-Only Orders, which the Exchange last revised in the 2013 Deletion Filing.<sup>12</sup> The Exchange proposes non-substantive changes to the definitions of Limit-on-Open Orders, Market-on-Open Orders, Limit-on-Close Orders, and Market-on-Close Orders, which would be defined in proposed Rule 7.31(c)(1)–(4), respectively. The Exchange further proposes to delete rule text in proposed Rules 7.31(c)(1), (c)(2), (c)(3), and (c)(4), as duplicative of the general definition of Auction Only Orders in proposed new Rule 7.31(c). The Exchange further proposes to add to Rule 7.31(c) existing rule text from these subsections, as modified, that the Exchange would reject any Auction-Only Orders in securities that are not

eligible for an auction on the Exchange or if an auction is suspended pursuant to Rule 7.35(g).

Proposed new subsection (d) of Rule 7.31 would specify the Exchange’s Working Orders, which are currently defined in Rule 7.31(h). As noted above, the Exchange proposes to eliminate AON Orders. Accordingly, [sic]

- Discretionary Orders. Current Rule 7.31(h)(2) would be moved to new Rule 7.31(d)(1) without any substantive changes to the rule text (the Exchange would capitalize the term “Limit Order”).

- Reserve Orders. Current Rule 7.31(h)(3) would be moved to new Rule 7.31(d)(2) and the Exchange proposes non-substantive changes to capitalize the term “Limit Order” and delete a duplicative use of the word “Order.” To effect the change described above that Reserve Orders may not be designated IOC, the Exchange proposes to add to new Rule 7.31(d)(2) that Reserve Orders may not be designated IOC. The Exchange also proposes to clarify that the existing requirement that Reserve Orders be in round lots applies to the displayed quantity of the Reserve Order.

- Passive Liquidity Orders. Current Rule 7.31(h)(4) would be moved to new Rule 7.31(d)(3). The Exchange notes that Rule 7.31(h)(4) currently provides that “[a] Passive Liquidity Order must be designated as an Inside Limit Order.” This requirement refers to the identifier associated with entering Passive Liquidity Orders at the Exchange. The description of how Passive Liquidity Orders operate is in current Rule 7.31(h)(4), and proposed new Rule 7.31(d)(3). As noted above, the Exchange now proposes to separately define the Exchange’s primary order types. In connection with this proposal, the Exchange proposes to reorganize the description of Passive Liquidity Orders to delete the separate phrase “[a] Passive Liquidity Order must be designated as an Inside Limit Order” and replace the term “order” in the first sentence of the rule with a reference to “Inside Limit Order.” The Exchange also proposes to clarify that a Passive Liquidity Order does not route.

- Mid-Point Passive Liquidity (“MPL”) Orders. Current Rule 7.31(h)(5) would be moved to new Rule 7.31(d)(4). The Exchange proposes to make non-substantive changes to the rule text to make it easier to read, including adding new subsections and deleting obsolete rule text and capitalizing the term “Limit Order.” The Exchange also proposes to specify that the primary order type for an MPL Order is a Limit Order rather than a Passive Liquidity Order because an MPL Order does not

use the Inside Limit Order primary order type (and related technical identifier). Because a Passive Liquidity Order is by definition an undisplayed order, and because the Exchange is proposing to delete reference to Passive Liquidity Order as part of the MPL Order definition, the Exchange proposes to specify that MPL Orders are undisplayed. This proposed addition to the definition of MPL Orders is non-substantive because Passive Liquidity Orders are undisplayed orders and, thus, the current description of MPL Orders as Passive Liquidity Orders incorporates the undisplayed functionality of MPL Orders.

The Exchange also proposes to include new text that explicitly states that an incoming order marketable against a resting MPL Order with minimum execution size specifications will not execute against such MPL Order unless it meets the minimum size restrictions and, instead, will trade through such MPL Order. The Exchange believes this additional rule language would provide clarity and transparency that when an MPL Order also includes a minimum execution size, it may be traded through by incoming marketable orders that do not satisfy the minimum execution size condition.

- MPL–IOC Order. Current Rule 7.31(h)(6) would be moved to new Rule 7.31(d)(5) without any substantive changes to the rule text.

Proposed new subsection (e) of Rule 7.31 would specify the Exchange’s existing order types that, by definition, do not route. The order types proposed to be included in this new subsection are:

- ALO Order. Current Rule 7.31(nn) would be moved to new Rule 7.31(e)(1). The current rule provides that an ALO must be designated as either a PNP or MPL and the Exchange proposes to clarify that the reference to PNP includes PNP Blind orders. This proposed change does not alter any existing functionality associated with ALO because PNP Blind orders are by definition PNP Orders. The Exchange further notes that all functionality associated with PNP Orders, including the ability to be designated ISO, are applicable to PNP Orders that are designated ALO.

- Intermarket Sweep Order. Current Rule 7.31(jj) would be moved to new Rule 7.31(e)(2) without any substantive changes to the rule text (the Exchange would capitalize the term “Limit Order”).

- PNP Order (Post No Preference). Current Rule 7.31(w) would be moved to new Rule 7.31(e)(3). Because PNP Orders cannot be combined with Inside

<sup>11</sup> See 2013 Review Filing, *supra* n. 6.

<sup>12</sup> See 2013 Deletion Filing, *supra* n. 7.

Limit Orders, the Exchange proposes to delete the following rule text: “A PNP Inside Limit Order shall not lock or cross Manual Quotations” when moving the rule text to new Rule 7.31(e)(3). The Exchange proposes a non-substantive change to the rule text to capitalize the term “Limit Order.”

- PNP Blind. Current Rule 7.31(mm) would be moved to new Rule 7.31(e)(4) without any substantive changes to the rule text (the Exchange would capitalize the term “PNP Order”). As discussed above, the Exchange proposes to provide in new Rule 7.31(e)(4) that a PNP Blind order combined with ALO may not be designated as a Reserve Order.

- Cross Order. Because Cross Orders do not route, the Exchange proposes to move current Rule 7.31(s) to new Rule 7.31(e)(5) without any changes to the rule text.<sup>13</sup>

- Tracking Order. Current Rule 7.31(f) would be moved to new Rule 7.31(e)(6). The Exchange proposes to make the following clarifying changes to the rule text. First, the Exchange is proposing to clarify that a Tracking Order is eligible to execute against a contra-side order equal to or less than the size of a Tracking Order and to specify that that the size requirement relates to comparing the incoming contra-side order to the size of a resting Tracking Order, not Tracking Orders in the aggregate. Second, because Tracking Orders execute at the price of the same-side NBBO, provided such price is equal to or better than the price of the Tracking Order, the Exchange proposes to clarify in new Rule 7.31(e)(6) that a Tracking Order will execute at the price of the same-side NBBO provided that such price shall not trade through a Protected Quotation or the price of the Tracking Order.

Proposed new subsection (f) of Rule 7.31 would specify the Exchange’s existing order types that by definition, include specified routing instructions. As noted above, the Exchange proposes to delete Primary Sweep Orders.

Accordingly, new subsection (f) would not include Primary Sweep Orders. The order types proposed to be included in this new subsection are:

- Primary Only Order (“PO Order”). Current Rule 7.31(x) would be moved to new Rule 7.31(f)(1) without any substantive changes to the rule text (the Exchange would capitalize the terms “Limit Order” and “Market Order”).

- Primary Until 9:45 Order. Current Rule 7.31(oo) would be moved to new

Rule 7.31(f)(2) without any substantive changes to the rule text (the Exchange would capitalize the term “Limit Order”).

- Primary After 3:55 Order. Current Rule 7.31(pp) would be moved to new Rule 7.31(f)(3) without any substantive changes to the rule text (the Exchange would capitalize the term “Limit Order”).

Proposed new subsection (g) of Rule 7.31 would include the Exchange’s other existing order instructions and modifiers, including:

- Pegged Order. Current Rule 7.31(cc) would be moved to new Rule 7.31(g)(1) without any substantive changes to the rule text (the Exchange would capitalize the term “Limit Order”).

- Proactive if Locked Modifier. Current Rule 7.31(hh) would be moved to new Rule 7.31(g)(2) without any substantive changes to the rule text (the Exchange would capitalize the term “Limit Order”).

- Do Not Reduce Modifier. Current Rule 7.31(n) would be moved to new Rule 7.31(g)(3) without any substantive changes to the rule text (the Exchange would capitalize the term “Limit Order”).

- Do Not Increase Modifier. Current Rule 7.31(o) would be moved to new Rule 7.31(g)(4) without any substantive changes to the rule text (the Exchange would capitalize the term “Limit Order”).

- Self Trade Prevention Modifier (“STP”). Current Rule 7.31(qq) would be moved to new Rule 7.31(g)(5) without any substantive changes.

Finally, proposed new subsection (h) of Rule 7.31 would describe Q Orders, an existing order type available for Exchange Market Makers, which are currently defined in Rule 7.31(k). In moving the rule text, the Exchange proposes to delete the subsections marked “reserved” and renumber the remaining subsections accordingly. The Exchange also proposes to clarify in new Rule 7.31(h)(3) that Q Orders do not route.

#### Additional Proposed Amendments

To reflect the changes proposed to Rule 7.31, the Exchange proposes to make conforming, non-substantive changes to Rules 7.35, 7.36, and 7.37, as follows:

- Amend Rule 7.35 to capitalize the terms “Market Order” and “Limit Order,” replace the term “Limited Priced Order” with the term “Limit Order,” and use the terms “LOC Order” and “MOC Order” instead of “Limit-on-Close Order” and “Market-on-Close Order.” In Rule 7.35(e), the Exchange proposes to delete the reference to a

Closing Auction for NYSE-listed securities subject to a sub-penny trading condition under NYSE Rule 123D, as that condition no longer exists on NYSE. In addition, because the Exchange does not run a Market Order Auction in Nasdaq-listed securities (other than of Derivative Securities Products as defined in Rule 7.34(a)(4)(A), and as specified in Rule 7.35(c)), the Exchange proposes to delete all references to Nasdaq-Listed securities and related rule text in Rules 7.35(c)(1)(B), (c)(2)(B), and (c)(3)(B). Similarly, because the Exchange only runs a Trading Halt Auction in securities that are listed on the Exchange, the Exchange proposes to delete references to how Trading Halt Auctions operate for securities other than those listed on the Exchange, and as currently described in Rules 7.35(f)(1)(A) and (B), (f)(4)(A), and (f)(4)(B), and re-number existing Rule 7.36(f)(4)(C) as Rule 7.36(f)(4);

- Amend Rule 7.36 to capitalize the term “Limit Order”; and Amend Rule 7.37 to capitalize the term “Reserve Order,” use the term “ISO” instead of “Intermarket Sweep Order,” replace the term “Limited Price Order” with the term “Limit Order,” remove references to the term “Reserved” from current Rule 7.37(a) and (b) and re-number the subsections of the rule accordingly, and update the cross-reference to the rule cite for Passive Liquidity Orders in new Rule 7.37(a)(1).

The Exchange also proposes to amend Rule 7.36 to clarify how the Exchange treats non-marketable odd-lot orders that are priced better than the best-priced round lot interest at the Exchange for purposes of determining the best ranked displayed order(s) on the Exchange. Specifically, when disseminating the Exchange’s best ranked displayed orders to either the Consolidated Quotation System (for Tape A and B securities) or the UTP Plan (for Tape C securities) (together, the “public data feeds”), the Exchange aggregates non-marketable odd-lot interest at multiple price points and if they equal a round lot or more, displays the aggregated odd-lot orders in a round lot quantity at the least aggressive price at which such odd-lot sized orders can be aggregated to equal at least a round lot. For example, if the Exchange has a bid of 100 shares at 10.00, 50 shares at 10.01 and 60 shares at 10.02, the Exchange’s best bid published to the public data feeds would be 100 shares at 10.01. Similarly, if the Exchange has an offer of 100 shares at 10.05, 50 shares at 10.04, and 60 shares at 10.03, the Exchange’s best offer published to the public data feeds would be 100 shares

<sup>13</sup> The Exchange revised its Cross Order functionality in the 2013 Deletion Filing. See 2013 Deletion Filing, *supra* n. 7.

at 10.04. To reflect this clarification, the Exchange proposes to amend Rule 7.36(c) to provide that if non-marketable odd-lot sized orders at different price points equal at least a round lot, such odd-lot sized orders would be displayed as the best ranked displayed orders to sell (buy) at the least aggressive price at which such odd-lot sized orders can be aggregated to equal at least a round lot.

Finally, the Exchange proposes to amend Rule 7.38(a)(1) regarding Odd Lots to specify the order types that may not be entered as odd lots. Currently, Rule 7.38(a)(1) provides that odd lot orders may not be Working Orders, Tracking Orders, *etc.* However, to reflect certain amendments to Rule 7.31, which were not incorporated in Rule 7.38,<sup>14</sup> and to provide more specificity, the Exchange proposes to clarify Rule 7.38(a)(1) to provide that the following orders may not be entered as odd lots: Reserve Orders, MPL–IOC Orders, Tracking Orders, and Q Orders. The Exchange also proposes a non-substantive change to Rule 7.38(a)(2) to remove an extraneous period at the end of the sentence.

## 2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the “Act”),<sup>15</sup> in general, and furthers the objectives of Section 6(b)(5),<sup>16</sup> in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest. Specifically, the Exchange believes that eliminating AON and PSO Orders, as well as reducing specified order type combinations, would remove impediments to and perfect the mechanism of a free and open market by simplifying functionality and complexity of its order types. The Exchange believes that eliminating these order types would be consistent with the public interest and the protection of investors because

investors will not be harmed and in fact would benefit from the removal of complex functionality. The Exchange further believes that removing cross-references to AON in Rules 7.36 and 7.37 would remove impediments to and perfect the mechanism of a free and open market because it would reduce potential confusion that may result from having such cross references in the Exchange’s rulebook. Removing such obsolete cross references would also further the goal of transparency and add clarity to the Exchange’s rules.

The Exchange further believes that the proposed restructuring of Rule 7.31, to group existing order types to align by functionality, delete subsections marked “reserved”, and clarify rule text also would remove impediments to and perfect the mechanism of a free and open market by ensuring that members, regulators, and the public can more easily navigate the Exchange’s rulebook and better understand the order types available for trading on the Exchange. The Exchange believes that the related, proposed conforming changes to Rules 7.35, 7.36, 7.37 and 7.38 similarly would remove impediments to and perfect the mechanism of a free and open market by assuring consistency of terms used in the Exchange’s rulebook. The Exchange also believes that the proposed amendment to Rule 7.38 to specify which orders may not be odd lots provides more specificity to the Exchange’s rulebook, thereby similarly promoting transparency and thus removing impediments and perfecting the mechanism of a free and open market.

Finally, the Exchange believes that the proposed amendment to Rule 7.36 to specify how the Exchange aggregates non-marketable odd-lot sized orders at multiple price points that equal a round lot for purposes of determining the Exchange’s best ranked displayed order(s) would remove impediments to and perfect the mechanism of a free and open market and a national market system because it provides greater specificity regarding how the Exchange determines its best bid or offer for display on the public data feeds. The Exchange further believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system to aggregate such non-marketable odd-lot orders because pursuant to Rule 7.38(b), odd-lot orders are ranked and executed in the same manner as round lot orders, and therefore, incoming marketable contra-side orders would execute against resting non-marketable odd-lot orders that represent the best price on the Exchange. Because arriving

marketable contra-side orders execute in price-time priority against resting odd-lot orders priced better than resting round-lot orders, the Exchange believes that it is appropriate to display such odd-lot interest on the public data feeds as the Exchange’s best bid or offer if in the aggregate, they equal a round lot or more. The Exchange further believes that aggregating such odd-lot orders at the least aggressive price point from among those odd-lot orders would remove impediments to and perfect the mechanism of a free and open market because it represents the lowest possible execution price (for incoming sell orders) or highest possible execution price (for incoming buy orders). The Exchange notes that the incoming marketable interest would receive price improvement when executing against any odd-lot orders priced better than the aggregated displayed price.

### *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 change is not designed to address any competitive issue but rather would remove complex functionality and re-structure Rule 7.31 and make conforming changes to related Exchange rules, thereby reducing confusion and making the Exchange’s rules easier to navigate.

### *C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

## **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

## **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and

<sup>14</sup> *E.g.*, In 2011, the Exchange amended Rule 7.31(h)(5) to lower the minimum order entry size to one share for MPL Orders. *See* Securities Exchange Act Release No. 64523 (May 19, 2011), 76 FR 30417 (May 24, 2011) (SR–NYSEArca–2011–29) (Notice of filing of proposed rule change amending Rule 7.31(h)(5) to reduce the minimum order entry size of MPL Orders from 100 shares to one share).

<sup>15</sup> 15 U.S.C. 78f(b).

<sup>16</sup> 15 U.S.C. 78f(b)(5).

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](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEArca-2015-08 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2015-08. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEArca-2015-08 and should be submitted on or before March 30, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Brent J. Fields,**  
Secretary.

[FR Doc. 2015-05291 Filed 3-6-15; 8:45 am]  
BILLING CODE 8011-01-P

## SMALL BUSINESS ADMINISTRATION

[License No. 03/03-0236]

### Legg Mason SBIC Mezzanine Fund, L.P.; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Legg Mason SBIC Mezzanine Fund, L.P., 2330 W. Joppa Road, Suite 320, Lutherville, MD 21093, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the "Act"), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration ("SBA") Rules and Regulations (13 CFR 107.730). Legg Mason SBIC Mezzanine Fund, L.P. has provided equity financing to Die Cast Holdings, Inc., 3400 Wentworth Drive SW., Wyoming, MI 49509. The proceeds were used to recapitalize the company.

The financing is brought within the purview of § 107.730(a)(1) of the Regulations because an individual that was an employee of Legg Mason SBIC Mezzanine Fund, L.P.'s investment advisor at the time of the financing became an officer of Die Cast Holdings, Inc. within the six month period following the financing, and therefore this transaction is considered financing an Associate requiring SBA prior written exemption.

Notice is hereby given that any interested person may submit written comments on the transaction within fifteen days of the date of this publication to the Associate Administrator for the Office of Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Dated: February 25, 2015.

**Javier E. Saade,**  
Associate Administrator for Office of  
Investment and Innovation.

[FR Doc. 2015-05321 Filed 3-6-15; 8:45 am]

BILLING CODE 8025-01-P

## SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA-2015-0008]

### Agency Information Collection Activities: Proposed Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance

by the Office of Management and Budget (OMB) in compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and an extension of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

#### (OMB)

Office of Management and Budget,  
Attn: Desk Officer for SSA, Fax: 202-395-6974, Email address: [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov).

#### (SSA)

Social Security Administration,  
OLCA, Attn: Reports Clearance Director,  
3100 West High Rise, 6401 Security  
Blvd., Baltimore, MD 21235, Fax: 410-966-2830, Email address:  
[OR.Reports.Clearance@ssa.gov](mailto:OR.Reports.Clearance@ssa.gov).

Or you may submit your comments online through [www.regulations.gov](http://www.regulations.gov), referencing Docket ID Number [SSA-2015-0008].

The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than May 8, 2015. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Application for Parent's Insurance Benefits—20 CFR 404.370-404.374, and 404.601-404.603-0960-0012. Section 202(h) of the Social Security Act establishes the conditions of eligibility a claimant must meet to receive monthly benefits as a parent of a deceased worker. SSA uses information from Form SSA-7-F6 to determine if the claimant meets the eligibility and application criteria. The respondents are applicants for, and recipients of, Social Security Old Age, Survivors, and Disability Insurance (OASDI).

*Type of Request:* Revision of an OMB-approved information collection.

<sup>17</sup> 17 CFR 200.30-3(a)(12).

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Modernized Claims System (MCS) .....	153	1	15	38
MCS/Signature Proxy .....	158	1	14	37
Paper Form .....	4	1	15	1
Total .....	315	.....	.....	76

2. Claimant's Medication—20 CFR 404.1512, 416.912—0960-0289. In cases where claimants request a hearing after denial of their disability claim for Social Security, SSA uses Form HA-4632 to request information from the claimant regarding the medications they use. This

information helps the administrative law judge overseeing the case to fully investigate: (1) The claimant's medical treatment and (2) the effects of the medications on the claimant's medical impairments and functional capacity. The respondents are applicants (or their

representatives) for OASDI benefits or Supplemental Security Income (SSI) payments who request a hearing to contest an agency denial of their claim.

*Type of Request:* Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
HA-4632 (paper) .....	20,000	1	15	5,000
Electronic Records Express .....	180,000	1	15	45,000
Total .....	200,000	.....	.....	50,000

3. Permanent Residence in the United States Under Color of Law (PRUCOL)—20 CFR 416.1615 and 416.1618—0960-0451. As per 20 CFR 416.1415 and 416.1618 of the Code of Federal Regulations, SSA requires claimants or recipients to submit evidence of their alien status when they apply for SSI payments, and periodically thereafter as part of the eligibility determination process for SSI. When SSA cannot

verify evidence of alien status through the regular claimant interview process, SSA verifies the validity of the evidence of PRUCOL for grandfathered nonqualified aliens with the Department of Homeland Security (DHS), and determines if the individual qualifies for PRUCOL status based on the DHS response. SSA does not maintain any forms or applications for respondents to use, rather, the regulations listed in 20

CFR 416.1615 and 416.1618 specify the information respondents need to submit to SSA to show evidence of PRUCOL. Without this information, SSA is unable to determine whether the PRUCOL individual is eligible for SSI payments. Respondents are qualified and unqualified aliens who apply for SSI payments under PRUCOL.

*Type of Request:* Extension of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Personal or Telephone Interview .....	1,049	1	5	87

4. Authorization for the Social Security Administration to Obtain Account Records from a Financial Institution and Request for Records (Medicare)—0960-0729. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) established the Medicare Part D program for voluntary prescription drug coverage of premium, deductible, and co-payment costs for individuals with limited income and resources. The

MMA mandates that the Government provide subsidies for those individuals who qualify for the program, and who meet eligibility criteria for help with premium, deductible, or co-payment costs. SSA uses the SSA-4640, Authorization for the Social Security Administration to Obtain Account Records from a Financial Institution and Request for Records (Medicare) to determine if subsidy applicants or recipients qualify, or continue to

qualify, for the subsidy. SSA uses Form SSA-4640 to: (1) Obtain the individual's consent to verify balances of financial institution (FI) accounts; and (2) obtain verification of such balances from the FI. Respondents are Medicare Part D program subsidy applicants or claimants, and their financial institutions.

*Type of Request:* Revision of an OMB-approved information collection.

Respondent type	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA-4640—Medicare Part D Subsidy Claimants .....	5,000	1	1	83
SSA-4640—Financial Institutions .....	5,000	1	4	333

Respondent type	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Totals .....	10,000	.....	.....	416

Dated: March 4, 2015.

**Faye Lipsky,**

*Reports Clearance Officer, Social Security Administration.*

[FR Doc. 2015-05351 Filed 3-6-15; 8:45 am]

**BILLING CODE 4191-02-P**

## DEPARTMENT OF STATE

[Public Notice 9061]

### Removal of Sanctions on Person on Whom Sanctions Have Been Imposed Under the Iran Sanctions Act of 1996, as Amended

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** The Secretary of State has decided to terminate sanctions imposed under the Iran Sanctions Act of 1996 (Pub. L. 104-172) (50 U.S.C. 1701 note) ("ISA"), as amended, on Republican Unitary Enterprise Production Association Belarusneft (a.k.a. Belarusneft, a.k.a. Belorusneft) on the basis that the company is no longer engaging in sanctionable activity described in section 5(a)[(1)?] of and that this person has provided reliable assurances that it will not knowingly engage in such activities in the future. Therefore, certain sanctions that were imposed on Belarusneft on March 29, 2011 are no longer in effect.

**DATES:** *Effective Date:* The sanctions on Belarusneft are lifted effective February 25, 2015.

**FOR FURTHER INFORMATION CONTACT:** On general issues: Office of Sanctions Policy and Implementation, Department of State, Telephone: (202) 647-7489.

**SUPPLEMENTARY INFORMATION:** On March 29, 2011, the Secretary of State made a determination to impose certain sanctions on, *inter alia*, Republican Unitary Enterprise Production Association Belarusneft (a.k.a. Belarusneft, a.k.a. Belorusneft) under the Iran Sanctions Act of 1996, as amended (Pub. L. 104-172) (50 U.S.C. 1701 note). See 76 FR 18821 (April 5, 2011). Additional information regarding the basis for imposing sanctions and the specific sanctions imposed on Belarusneft is contained in the **Federal Register** notice cited above.

Pursuant to section 9(b)(1) of ISA and the authority delegated to the Secretary

of State in the Delegation Memorandum, the Secretary now has decided to terminate sanctions on Belarusneft on the basis that the company is no longer engaging in sanctionable activity described in section 5(a) of ISA, and that this person has provided reliable assurances that they will not knowingly engage in such activities in the future. The sanctions on Belarusneft, therefore, are no longer in effect.

Pursuant to the authority delegated to the Secretary of State in the Delegation Memorandum, relevant agencies and instrumentalities of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this notice.

The following constitutes a current, as of this date, list of persons on whom sanctions are imposed under ISA. The particular sanctions imposed on an individual person are identified in the relevant **Federal Register** Notice.

- Bimeh Markazi-Central Insurance of Iran (See Public Notice 8268, 78 FR 21183, April 9, 2013)
- Cambis, Dimitris (See Public Notice 8268, 78 FR 21183, April 9, 2013)
- FAL Oil Company Limited (see Public Notice 7776, 77 FR 4389, January 27, 2012)
- Ferland Company Limited (See Public Notice 8352, 78 FR 35351, June 12, 2013)
- Impire Shipping (See Public Notice 8268, 78 FR 21183, April 9, 2013)
- Jam Petrochemical Company (See Public Notice 8352 78 FR 35351, June 12, 2013)
- Kish Protection and Indemnity (a.k.a. Kish P&I) (See Public Notice 8268, 78 FR 21183, April 9, 2013)
- Kuo Oil (S) Pte. Ltd. (see Public Notice 7776, 77 FR 4389, January 27, 2012)
- Naftiran Intertrade Company (see Public Notice 7197, 75 FR 62916, October 13, 2010)
- Niksima Food and Beverage JLT (See Public Notice 8352, 78 FR 35351, June 12, 2013)
- Petrochemical Commercial Company International (a.k.a. PCCI) (see Public Notice 7585, 76 FR 56866, September 14, 2011)
- Petróleos de Venezuela S.A. (a.k.a. PDVSA) (see Public Notice 7585, 76 FR 56866, September 14, 2011)
- Royal Oyster Group (see Public Notice 7585, 76 FR 56866, September 14, 2011)

—Speedy Ship (a.k.a. SPD) (see Public Notice 7585, 76 FR 56866, September 14, 2011)

—Sytrol (see Public Notice 8040, 77 FR 59034, September 25, 2012)

—Zhuhai Zhenrong Company (see Public Notice 7776, 77 FR 4389, January 27, 2012)

Dated: March 4, 2015.

**Kurt W. Tong,**

*Acting Assistant Secretary for Economic and Business Affairs.*

[FR Doc. 2015-05467 Filed 3-6-15; 8:45 am]

**BILLING CODE 4710-07-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Extension of Public Comment Period for the Cross Harbor Freight Program, Tier 1 Draft Environmental Impact Statement

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice; Extension of public comment period.

**SUMMARY:** The FHWA and the Port Authority of New York and New Jersey (PANYNJ) are extending the public comment period for the Cross Harbor Freight Program Tier 1 Draft Environmental Impact Statement (DEIS) until Friday, March 20, 2015.

**DATES:** Comments on the Tier 1 DEIS should be received no later than Friday, March 20, 2015.

**FOR FURTHER INFORMATION CONTACT:** Mark Hoffer, Port Authority of New York and New Jersey, (212) 435-7276, or Jonathan McDade, Federal Highway Administration—NY Division (518) 431-4127.

You may also visit the Project Web site: [www.crossharborstudy.com](http://www.crossharborstudy.com).

**ADDRESSES:** Comments on the Tier 1 DEIS can be mailed to the following address: Cross Harbor Freight Program; c/o InGroup, Inc.; P.O. Box 206, Midland Park, NJ 07432; submitted via email to: [crossharborstudy@ingroupinc.com](mailto:crossharborstudy@ingroupinc.com); or provided as oral or written testimony at the public hearings.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Access

An electronic copy of this document may be downloaded from the **Federal**



Register home page at: <http://www.archives.gov> and the Government Publishing Office's database at: <http://www.access.gpo.gov/nara>.

### Background

On November 21, 2014, the FHWA published in the **Federal Register** notice of the availability of the Tier 1 DEIS at 79 FR 68242. That **Federal Register** notice listed February 27, 2015, as the end date for the comment period. Due to severe weather conditions throughout the project area, four public hearings were rescheduled. Accordingly, the FHWA and the PANYNJ are extending the public comment period for the Cross Harbor Freight Program Tier 1 DEIS until Friday, March 20, 2015.

The comprehensive public hearing schedule, the DEIS, and list of DEIS repositories are available on the project Web site: [www.crossharborstudy.com](http://www.crossharborstudy.com).

**Extended Deadline for Public Comment Period:** Comments on the Tier 1 DEIS should be received no later than Friday, March 20, 2015.

#### Joseph Ehrlich,

Principal Transportation Planner, Port Authority New York and New Jersey.

#### Michael Canavan,

Chief Operating Officer, NY Division of FHWA/USDOT.

[FR Doc. 2015-05243 Filed 3-6-15; 8:45 am]

**BILLING CODE** 4910-22-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2014-0311]

### 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 69 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 January 31, 2015. The exemptions expire on January 31, 2017.

**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366-4001, [fmcsamedical@dot.gov](mailto: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](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

#### II. Background

On December 31, 2014, FMCSA published a notice of receipt of Federal diabetes exemption applications from 69 individuals and requested comments from the public (79 FR 78938). The public comment period closed on January 30, 2015, and no comments were received.

FMCSA has evaluated the eligibility of the 69 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 69 applicants have had ITDM over a range of one to 44 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 December 31, 2014, **Federal Register** notice and they will not be repeated in this notice.

#### III. Discussion of Comments

FMCSA received no comments in this proceeding.

#### 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 69 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above 949 CFR 391.64(b):

Joseph L. Allen (TX)  
Cory T. Anderson (KY)  
Ammon Ashby (UT)  
Wayne A. Aukes (MN)  
Ira M. Avant (UT)  
Eric W. Beasley (GA)  
Freddie W. Bermudez, Jr. (IL)  
Evelin B. Black (CA)  
Derrell K. Blanton (NC)  
Richard A. Boor  
Jimmy R. Bradley (OK)  
Stephen R. Brown (NH)  
Kenneth E. Chastain (TN)  
Jeffrey C. Colbert (AR)  
Nathan W. Cooper (IN)  
Gregory F. Darmody (RI)  
David A. Decker (MD)  
Kenny I. Dickerson (GA)  
James M. DiClaudio (NJ)  
Steven A. Dion (NY)  
Dean R. Duquette (ME)  
Joseph J. Eckstrom (NY)  
Ashford N. Eskaran (HI)  
Tyrone A. Green (NY)  
Morgan D. Hale, Jr. (KY)  
James J. Hartman (SD)

Dale H. Hintz (WI)  
Benjamin D. Horton (VA)  
Danny R. Jackson, Jr. (OR)  
Brian C. Jagdman (MD)  
Terry J. Johnson (MD)  
Robert L. Johnson, Jr. (OK)  
John F. Jones (OH)  
Michael W. Jones (NJ)  
Carl J. Kern, Jr. (PA)  
William C. Knight (TN)  
Monte J. Lakosky (MI)  
Aaron J. Larson (WI)  
Roger L. Larson (SD)  
Jeffrey G. Lawrence (AR)  
Leo D. Maggioli (MA)  
Ryan M. McClatchey (TN)  
Carl A. Mears, Jr. (VT)  
Laurence R. Middendorf (PA)  
Robert P. Miller (WI)  
James E. Neeley (MO)  
Nicholas M. Palocy (NY)  
Andrew S. Parks (CA)  
John D. Patterson (OH)  
Michael W. Perez (OH)  
Jerry Platero (NM)  
Darrell K. Rau (IA)  
Andrew B. Renninger (PA)  
Ryan T. Rock (ID)  
Wilfredo Rodriguez (NY)  
James T. Rogers (NC)  
Mark A. Santana (PA)  
Donald E. Scovil (NH)  
David E. Shinen (CA)  
Patrick A. Shryock (AR)  
Trevor J. Swanson (MN)  
Joshua C. Thompson (AZ)  
Jeffrey D. Thomson (WI)  
Marshall L. Wainwright (IL)  
Robert L. Whipple, Sr. (PA)  
Glenn Whitehouse (PA)  
Jennifer R. Williams (PA)  
John E. Yates (IN)  
Jeffrey S. Zimmer (NH)

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.

Dated: March 2, 2015.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2015-05239 Filed 3-6-15; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Intent To Rule on Request to Release Airport Property From Aeronautical Use at the Grand Junction Regional Airport, Grand Junction, Colorado

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of request to release airport property from aeronautical use.

**SUMMARY:** The FAA proposes to rule and invite public comment on the release of land from aeronautical use at the Grand Junction Regional Airport under the provisions of Section 125 of the Wendell H. Ford Aviation Investment Reform Act for the 21st Century (AIR 21), now 49 U.S.C. 47107(h)(2).

**DATES:** Comments must be received on or before April 8, 2015.

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Mr. John P. Bauer, Manager, Federal Aviation Administration, Northwest Mountain Region, Airports Division, Denver Airports District Office, 26805 E. 68th Avenue, Suite 224, Denver, Colorado 80249-6361.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Ben Johnson, Interim Airport Manager, Grand Junction Regional Airport, Grand Junction, Colorado, at the following address: Mr. Ben Johnson, Interim Airport Manager, Grand Junction Regional Airport, 2828 Walker Field Drive, Suite 301, Grand Junction, Colorado 81506.

**FOR FURTHER INFORMATION CONTACT:** Mr. Marc Miller, Colorado Engineer/Compliance Specialist, Federal Aviation Administration, Northwest Mountain Region, Denver Airports District Office, 26805 E. 68th Avenue, Suite 224, Denver, Colorado 80249-6361.

The request to release property may be reviewed, by appointment, in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to release property at the Grand Junction Regional Airport under the provisions of the AIR 21 (49 U.S.C. 47107(h)(2)).

The FAA Modernization and Reform Act of 2012, HR 658, Section 817, gave the Secretary of Transportation the authorization to grant an airport, city, or county release from any of the terms, conditions, reservations, or restrictions contained in a deed under which the United States conveyed to the airport, city, or county an interest in real

property for airport purposes pursuant to Section 16 of the Federal Airport Act (60 Stat. 179) or Section 23 of the Airport and Airway Development Act of 1970 (84 Stat. 232).

On March 2, 2015, the FAA determined that the request to release property from aeronautical use at the Grand Junction Regional Airport submitted by the Grand Junction Regional Airport Authority meets the procedural requirements of the Federal Aviation Administration. The FAA may approve the request, in whole or in part, no later than April 8, 2015.

The following is a brief overview of the request:

The Grand Junction Regional Airport Authority is proposing the release from the aeronautical use terms, conditions, reservations, and restrictions on 37.057 acres parcel of property conveyed to the City of Grand Junction on September 14, 1951 pursuant to Section 16 of the Federal Airport Act. All Section 16 property at the airport was subsequently conveyed by the City of Grand Junction to the Walker Field, Colorado, Public Airport Authority by Warranty Deed dated March 24, 1975. On August 26, 1988, 18 acres (parcels F, G, I, J, and K) of the subject property was granted a deed of release by the FAA to be released from aeronautical use, and leased at fair market value in generating airport revenue. In 2008, the airport access road adjacent to the parcels previously released was upgraded and realigned. Based on the new alignment the 18 acres previously released in 1988 are included in this proposed release of 37 acres as they overlap with the current layout. The proposed release would allow for future non-aeronautical uses that may include mixed-use commercial, restaurants, hotels, retail shops, industrial and manufacturing, which are permitted under the current Planned Airport Development zoning. The proceeds from the leasing of the property will be at fair market value and the sponsor will utilize the revenue to reinvest into future airport development.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon appointment and request, inspect the application, notice and other documents germane to the application in person at the Grand Junction Regional Airport.

Issued in Denver, Colorado, on March 2, 2015.

**John P. Bauer,**

*Manager, Denver Airports District Office.*

[FR Doc. 2015-05408 Filed 3-6-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2008-0398]

#### Qualification of Drivers; Exemption Applications; Vision

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

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 11 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

**DATES:** This decision is effective April 6, 2015. Comments must be received on or before April 8, 2015.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA-2008-0398], using any of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.
- Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- Hand Delivery or Courier: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- Fax: 1-202-493-2251.

**Instructions:** Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to <http://www.regulations.gov>, including any

personal information included in a comment. Please see the Privacy Act heading below.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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

**FOR FURTHER INFORMATION CONTACT:** Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 202-366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption." The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

##### II. Exemption Decision

This notice addresses 11 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 11 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are: Michael L. Ayers (AL)

Paul V. Daluisio (NY)  
 Tracy A. Doty (TN)  
 Matthew A. Ericson (WI)  
 Charles W. Hillyer (OH)  
 Stephen R. Jackson (WY)  
 Darrel R. Martin (MD)  
 Pahl M. Olson (WI)  
 James L. Rooney (WA)  
 James E. Russell (AZ)  
 Forrest L. Wright (AL)

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

### III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 11 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (74 FR 7097; 74 FR 15584; 76 FR 15361; 78 FR 16761). Each of these 11 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption

requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

### IV. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

#### Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA-2008-0398), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and put the docket number, "FMCSA-2008-0398" in the "Keyword" box, and click "Search." When the new screen appears, click on "Comment Now!" button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

#### Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> and in the search box insert the docket number, "FMCSA-2008-0398" in the "Keyword" box and click "Search." Next, click "Open Docket Folder" button choose the document listed to review. If you do not have access to the

Internet, you may view the docket online by visiting the Docket Management Facility in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: March 2, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015-05261 Filed 3-6-15; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Twenty Eighth Meeting; RTCA Special Committee 213, Enhanced Flight Vision Systems/Synthetic Vision Systems (EFVS/SVS)

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

**ACTION:** Meeting Notice of RTCA Special Committee 213, Enhanced Flight Vision Systems/Synthetic Vision Systems (EFVS/SVS).

**SUMMARY:** The FAA is issuing this notice to advise the public of the twenty eighth meeting of the RTCA Special Committee 213, Enhanced Flight Vision Systems/Synthetic Vision Systems (EFVS/SVS).

**DATES:** The meeting will be held April 14-16th 2015 from 8:30 a.m.-5:00 p.m. on April 14-15 and 8:30 a.m.-4:00 p.m. on April 16.

**ADDRESSES:** Dassault Aviation, 78 qual Marcel Dassault 92214 Saint-Cloud France.

**FOR FURTHER INFORMATION CONTACT:** Tim Etherington, [tjetheri@rockwellcollins.com](mailto:tjetheri@rockwellcollins.com), (319) 295-5233 or mobile at (319) 431-7154, Patrick Krohn, [pkrohn@uasc.com](mailto:pkrohn@uasc.com), telephone (425) 602-1375 or mobile at (425) 829-1996 and The RTCA Secretariat, 1150 18th Street, NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330-0652/(202) 833-9339, fax at (202) 833-9434, or Web site at <http://www.rtca.org>. Additional contact information: RTCA contact is Jennifer Iverson, [jiverson@rtca.org](mailto:jiverson@rtca.org), (202) 330-0662.

All attendees are required to provide the following information by email to [Martine.levesque@dassault-aviation.com](mailto:Martine.levesque@dassault-aviation.com) and [Alain.boucher@dassault-aviation.com](mailto:Alain.boucher@dassault-aviation.com) no later than March 27th. If this information is not provided, you will be unable to attend the meeting.

- Last and first name
- Date and place of birth

- Nationality
- Passport number (ID number will be ok for French citizens)
- Company and position.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 213. The agenda will include the following:

#### Tuesday, April 14

- Plenary discussion (sign-in at 08:00 a.m.)
  - Introductions and administrative items
  - Review and approve minutes from last full plenary meeting
  - Review of terms of reference (if needed)
  - WG1, WG2 and WG3 status updates
  - Industry updates
  - WG2 Draft Document

#### Wednesday, April 15

- Plenary discussion
  - WG2 Draft Document
  - WG3 discussion
  - WG1 discussion

#### Thursday, April 16

- Plenary discussion
  - WG2 Draft Document
  - WG3 discussion
  - Administrative items (new meeting location/dates, action items etc.)

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 4, 2015.

#### Mohannad Dawoud,

*Management Analyst, NextGen, Program Oversight and Administration, Federal Aviation Administration.*

[FR Doc. 2015-05409 Filed 3-6-15; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Thursday, April 9, 2015.

**FOR FURTHER INFORMATION CONTACT:** Theresa Singleton at 1-888-912-1227 or 202-317-3329.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Thursday, April 9, 2015, at 12:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Theresa Singleton. For more information please contact: Theresa Singleton at 1-888-912-1227 or 202-317-3329, TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: <http://www.improveirs.org>.

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: March 3, 2015.

#### Otis Simpson,

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2015-05339 Filed 3-6-15; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Wednesday, April 15, 2015.

**FOR FURTHER INFORMATION CONTACT:** Linda Rivera at 1-888-912-1227 or (202) 317-3337.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee will be held Wednesday, April 15, 2015 at 2:30 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Linda Rivera. For more information please contact: Ms. Rivera at 1-888-912-1227 or (202) 317-3337, or write TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: <http://www.improveirs.org>.

The committee will be discussing Toll-free issues and public input is welcomed.

Dated: March 3, 2015.

#### Otis Simpson,

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2015-05341 Filed 3-6-15; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Recruitment Notice for the Taxpayer Advocacy Panel

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice.

**SUMMARY:** Notice of Open Season for Recruitment of IRS Taxpayer Advocacy Panel (TAP) Members.

**DATES:** March 9, 2015 through April 19, 2015.

**FOR FURTHER INFORMATION CONTACT:** Lisa Billups at 214-413-6523 (not a toll-free call).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the Department of the Treasury and the Internal Revenue Service (IRS) are inviting individuals to help improve the nation's tax agency by applying to be members of the Taxpayer Advocacy Panel (TAP). The mission of the TAP is to listen to taxpayers, identify issues that affect taxpayers, and make suggestions for improving IRS service and customer satisfaction. The TAP serves as an advisory body to the Secretary of the Treasury, the Commissioner of Internal Revenue, and the National Taxpayer Advocate. TAP

members will participate in subcommittees that channel their feedback to the IRS through the Panel's parent committee.

The IRS is seeking applicants who have an interest in good government, a personal commitment to volunteer approximately 200 to 300 hours a year, and a desire to help improve IRS customer service. To the extent possible, the TAP Director will ensure that TAP membership is balanced and represents a cross-section of the taxpaying public with at least one member from each state, the District of Columbia and Puerto Rico in addition to one member representing international taxpayers. Potential candidates must be U.S. citizens and must pass an IRS tax compliance check and a Federal Bureau of Investigation background investigation. Federally-registered lobbyists cannot be members of the TAP.

TAP members are a diverse group of citizens who represent the interests of taxpayers from their respective geographic locations by providing feedback from a taxpayer's perspective on ways to improve IRS customer service and administration of the federal tax system, and by identifying grassroots taxpayer issues. Members should have good communication skills and be able to speak to taxpayers about the TAP and TAP activities, while clearly distinguishing between TAP positions and their personal viewpoints.

Interested applicants should visit the TAP Web site at [www.improveirs.org](http://www.improveirs.org) for more information about the TAP. To complete an on-line application visit [www.usajobs.gov](http://www.usajobs.gov) or call the TAP toll-free number, 1-888-912-1227, if they have questions about TAP membership. The opening date for submitting applications is March 9, 2015, and the deadline for submitting applications is April 19, 2015. Interviews may be held. The Department of the Treasury will review the recommended candidates and make final selections. New TAP members will serve a three-year term starting in December 2015. (Note: highly-ranked applicants not selected as members may be placed on a roster of alternates who will be eligible to fill future vacancies that may occur on the Panel.)

Questions regarding the selection of TAP members may be directed to Lisa Billups, Taxpayer Advocacy Panel, Internal Revenue Service, 1111 Constitution Avenue NW., TA:TAP Room 1509, Washington, DC 20224, or 214-413-6523 (not a toll-free call).

Dated: March 3, 2015.

**Otis Simpson,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2015-05360 Filed 3-6-15; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Taxpayer Advocacy Panel Joint Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Wednesday, April 29, 2015.

**FOR FURTHER INFORMATION CONTACT:** Lisa Billups at 1-888-912-1227 or (214) 413-6523.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Wednesday, April 29, 2015, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. For more information please contact Lisa Billups at 1-888-912-1227 or 214-413-6523, or write TAP Office 1114 Commerce Street, Dallas, TX 75242-1021, or post comments to the Web site: <http://www.improveirs.org>.

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: March 3, 2015.

**Otis Simpson,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2015-05361 Filed 3-6-15; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Thursday, April 2, 2015.

**FOR FURTHER INFORMATION CONTACT:** Janice Spinks at 1-888-912-1227 or (206) 946-3006.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee will be held Thursday, April 2, 2015, at 3:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Janice Spinks. For more information please contact: Janice Spinks at 1-888-912-1227 or 206-946-3006, or write TAP Office, 915 2nd Avenue, MS W-406, Seattle, WA 98174, or post comments to the Web site: <http://www.improveirs.org>.

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: March 3, 2015.

**Otis Simpson,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2015-05363 Filed 3-6-15; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Taxpayer Advocacy Panel Special Projects Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel Special Projects Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held Thursday, April 2, 2015.

**FOR FURTHER INFORMATION CONTACT:** Kim Vinci at 1-888-912-1227 or 916-974-5086.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer Advocacy Panel Special Projects Committee will be held Thursday, April 2, 2015, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Kim Vinci. For more information please contact: Kim Vinci at 1-888-912-1227 or 916-974-5086, TAP Office, 4330 Watt Ave, Sacramento, CA 95821, or contact us at the Web site: <http://www.improveirs.org>.

The agenda will include a discussion on various special topics with IRS processes.

Dated: March 3, 2015.

**Otis Simpson,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2015-05364 Filed 3-6-15; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Sanctions Actions Pursuant to Executive Orders 13382, 13572, 13573, 13582, and 13608

**AGENCY:** Office of Foreign Assets Control, Treasury Department.

**ACTION:** Notice.

**SUMMARY:** The Treasury Department's Office of Foreign Assets Control (OFAC) is publishing the names of 37 persons whose property and interests in property are blocked pursuant to one or more of the following authorities: Executive Order (E.O.) 13382, E.O. 13572, E.O. 13573, and E.O. 13582. OFAC is also publishing the names of six persons upon which measures have also been imposed pursuant to E.O. 13608.

**DATES:** OFAC's actions described in this notice were effective December 17, 2014, October 16, 2014, July 9, 2014, and May 8, 2014, as further specified below.

**FOR FURTHER INFORMATION CONTACT:**

Associate Director for Global Targeting, tel.: 202/622-2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622-2490, Assistant Director for Licensing, tel.: 202/622-2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622-2410, Office of the General

Counsel, Department of the Treasury (not toll free numbers).

**SUPPLEMENTARY INFORMATION:**

**Electronic and Facsimile Availability**

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's Web site ([www.treas.gov/ofac](http://www.treas.gov/ofac)). Certain general information pertaining to OFAC's sanctions programs is also available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622-0077.

**Notice of OFAC Actions**

On December 17, 2014, OFAC blocked the property and interests in property of the following 11 persons pursuant to E.O. 13582, "Blocking Property of the Government of Syria and Prohibiting Certain Transactions with Respect to Syria":

**Individuals**

1. ABDULKARIM, Wael (a.k.a. ABDULKARIM, Mohammad Wael), Dubai, United Arab Emirates; DOB 1973; POB Damascus, Syria; nationality Syria; Managing Director, Pangates International Corp. Ltd.; General Manager, Pangates International Corp. Ltd.; Director, Abdulkarim Group (individual) [SYRIA] (Linked To: PANGATES INTERNATIONAL CORPORATION LIMITED; Linked To: ABDULKARIM GROUP)

2. BARQAWI, Ahmad (a.k.a. AL-BARQAWI, Ahmad; a.k.a. BARQAWI, Ahmad Abed Allah; a.k.a. BARQAWI, Ahmad Abedallah; a.k.a. BARQAWI, Ahmed; a.k.a. "BARQAWI, Hamodeh"), Dubai, United Arab Emirates; DOB 1985; POB Damascus, Syria; General Manager, Pangates International Corp. Ltd.; General Manager, Maxima Middle East Trading Co. (individual) [SYRIA] (Linked To: PANGATES INTERNATIONAL CORPORATION LIMITED; Linked To: MAXIMA MIDDLE EAST TRADING CO.)

3. BEKTAS, Halis; DOB 13 Feb 1966; citizen Switzerland; Passport X0906223 (Switzerland) (individual) [SYRIA] [FSE-SY]

4. HOLLEBRAND, Alexander (a.k.a. HOLLEBRAND, Sander); DOB 20 Dec 1954; POB Netherlands (individual) [SYRIA] [FSE-SY]

5. VAN MAZIJK, Paul; DOB 24 Jan 1958; Passport NSK7K05F4 (Netherlands) (individual) [SYRIA] [FSE-SY]

**Entities**

1. ABDULKARIM GROUP (a.k.a. ABD-AL-KARIM GROUP; a.k.a. ALKARIM FOR TRADE & INDUSTRY

L.L.C.; a.k.a. ALKARIM FOR TRADE AND INDUSTRY; a.k.a. MOHD. WAEL ABDULKARIM & PARTNERS CO.; a.k.a. WAEL ABDULKARIM AND PARTNERS), Abu Rumaneh, Ibn Al Haytham St., Besides Indian Embassy, Building No. 7, 1st Floor, Office No. 5, Damascus, Syria; Jaber Bin Hayan St. No. 162, Akkad & Sufi Bldg No. 1, 1st Floor, Damascus, Syria; P.O. Box 5797, Damascus, Syria; P.O. Box 30693, Damascus, Syria; Adra-Tal El Kordi Triangle PC, Damascus 30693, Syria; Riyad El Solh Street, Beirut 12347, Lebanon; Web site [abdulkarimgroup.com](http://abdulkarimgroup.com) [SYRIA] (Linked To: PANGATES INTERNATIONAL CORPORATION LIMITED)

2. BLUEMARINE SA (a.k.a. BLUE MARINE SHIPPING AGENCY S.A.; a.k.a. BLUEMARINE AG; a.k.a. BLUEMARINE LTD), Lindenstrasse 2, Baar 6340, Switzerland [SYRIA] [FSE-SY]

3. MAXIMA MIDDLE EAST TRADING CO., P.O. Box 122925, Sharjah Airport International Free Zone, SAIF Lounge, Sharjah, United Arab Emirates; Suite 13, First Floor Oliaji Trade Centre, Francis Rachel Street, Victoria, Mahe, Seychelles [SYRIA] (Linked To: ABDULKARIM GROUP; Linked To: PANGATES INTERNATIONAL CORPORATION LIMITED)

4. RIXO INTERNATIONAL TRADING LTD., Lindenstrasse 2, Baar 6340, Switzerland; Web site <http://www.rixointernational.com> [SYRIA] [FSE-SY]

5. SKIRRON HOLDING SA (a.k.a. SKIRRON HOLDING AG), Lindenstrasse 2, Baar 6340, Switzerland [SYRIA]

6. STAROIL B.V. (a.k.a. STAROIL S.A.), Wilhelminastraat 43 A, Haarlem 2011 VK, Netherlands; 30 A Rte de Chene, Geneva 1208, Switzerland; Registration ID 819860578 (Netherlands); V.A.T. Number NL 819860578B01 (Netherlands); Commercial Registry Number 34311024 (Netherlands) [SYRIA] [FSE-SY]

Also on December 17, 2014, OFAC prohibited all transactions or dealings, whether direct or indirect, involving the following six persons, including any exporting, reexporting, importing, selling, purchasing, transporting, swapping, brokering, approving, financing, facilitating or guaranteeing, in or related to any (i) goods, services, or technology in or intended for the United States, or (ii) any goods, services, or technology provided by or to United States persons, wherever located, pursuant to E.O. 13608, "Prohibiting Certain Transactions With and Suspending Entry Into the United States

of Foreign Sanctions Evaders With Respect to Iran and Syria”:

#### Individuals

1. BEKTAS, Halis; DOB 13 Feb 1966; citizen Switzerland; Passport X0906223 (Switzerland) (individual) [SYRIA] [FSE-SY]
2. HOLLEBRAND, Alexander (a.k.a. HOLLEBRAND, Sander); DOB 20 Dec 1954; POB Netherlands (individual) [SYRIA] [FSE-SY]
3. VAN MAZIJK, Paul; DOB 24 Jan 1958; Passport NSK7K05F4 (Netherlands) (individual) [SYRIA] [FSE-SY]

#### Entities

1. BLUEMARINE SA (a.k.a. BLUE MARINE SHIPPING AGENCY S.A.; a.k.a. BLUEMARINE AG; a.k.a. BLUEMARINE LTD), Lindenstrasse 2, Baar 6340, Switzerland [SYRIA] [FSE-SY]
2. RIXO INTERNATIONAL TRADING LTD., Lindenstrasse 2, Baar 6340, Switzerland; Web site <http://www.rixointernational.com> [SYRIA] [FSE-SY]
3. STAROIL B.V. (a.k.a. STAROIL S.A.), Wilhelminastraat 43 A, Haarlem 2011 VK, Netherlands; 30 A Rte de Chene, Geneva 1208, Switzerland; Registration ID 819860578 (Netherlands); V.A.T. Number NL 819860578B01 (Netherlands); Commercial Registry Number 34311024 (Netherlands) [SYRIA] [FSE-SY]

On October 16, 2014, OFAC blocked the property and interests in property of the following six persons pursuant to E.O. 13582, “Blocking Property of the Government of Syria and Prohibiting Certain Transactions with Respect to Syria”:

#### Individuals

1. DAGHER, Jad (a.k.a. DAGHER, Jade Adel), Dagher Building, 3rd Floor, Bikfaya, Metn, Lebanon; DOB 1976; nationality Lebanon; General Manager at DK Middle-East & Africa Regional Office (individual) [SYRIA] (Linked To: DK GROUP SARL)
2. AL-ZEYDI, Issa (a.k.a. AL-ZAYDI, Issa); DOB 07 Feb 1939; POB Russia; nationality Russia; Passport 63N9437545 (Russia) (individual) [SYRIA]
3. IOANNOU, Ioannis; DOB 29 Nov 1954; POB Cyprus; nationality Cyprus; Passport E386670 (Cyprus); Identification Number 502128 (Cyprus) (individual) [SYRIA]

#### Entities

1. DK GROUP SARL (a.k.a. DK GROUP; a.k.a. DK MIDDLE-EAST & AFRICA REGIONAL OFFICE), Peres

Lazaristes Center, No 3, 5th Floor, Emir Bachir Street, Beirut Central District, Bachoura Sector, Beirut, Lebanon; Azarieh Building—Block 03, 5th Floor, Azarieh Street—Solidere—Downtown, P.O. Box 11-503, Beirut, Lebanon; Web site <http://www.dk-group.biz>; Registration ID 2004405 (Lebanon) [SYRIA]

2. FRUMINETI INVESTMENTS LTD., Logothetou, 1, Germasogeia, Limassol 4043, Cyprus; Registration ID HE 291043 [SYRIA]

3. PIRUSETI ENTERPRISES LTD, 1 Logothetou Street, Nicosia 4034, Cyprus; 118 Anexartisias Street, Suite 202, Limassol 3040, Cyprus; Logothetou 1, Germasogeia, Limassol, Cyprus; Registration ID C290894; alt. Registration ID HE 290894 [SYRIA]

Also on October 16, 2014, OFAC identified four persons whose property and interests in property are blocked pursuant to E.O. 13582, “Blocking Property of the Government of Syria and Prohibiting Certain Transactions with Respect to Syria”:

#### Entities

1. AGRICULTURAL COOPERATIVE BANK (a.k.a. AL MASRAF AL ZERAEI AL TAWENI; a.k.a. “ACB”), Al Naanaa Garden, Damascus, Syria; Postal Box 4325, Damascus, Syria; Tall, Damascus, Syria; Doma, Doma, Syria; Zabadani, Damascus, Syria; Katana, Damascus, Syria; Al Qatifa, Damascus, Syria; Nabek, Damascus, Syria; Yabrood, Damascus, Syria; Daria, Damascus, Syria; Alksoaa, Damascus, Syria; Al Qounaitra, Syria; Deraa, Syria; Azraa, Syria; Alsnmin, Syria; Gazallah, Syria; Nawa, Syria; Sweida, Syria; Shahba, Sweida, Syria; Salkhad, Sweida, Syria; Algaria, Sweida, Syria; Homs, Syria; Talkah, Homs, Syria; Tadmer, Homs, Syria; Al Rastan, Homs, Syria; Al Qasser, Homs, Syria; Shin, Homs, Syria; Agricultural Cooperative Bank Building, Damascus Tajhez, 4325, Damascus, Syria; Web site [www.agrobank.gov.sy](http://www.agrobank.gov.sy) [SYRIA]

2. INDUSTRIAL BANK, Dar Al Muhanisen Building, 7th Floor, Maysaloun Street, P.O. Box 7572, Damascus, Syria; P.O. Box 7578, 29 Maysaloun Street, Damascus, Syria; Jamal Abd Al Nasser Street, Al Hasaka, Syria; P.O. Box 50, Masarif Building, Sweida, Syria; Near the Big Mosque, Aleppo, Syria; Hama, Syria; Ibn Kholdoun Street, Homs, Syria; P.O. Box 8, Jules Jamal Street, Deraa, Syria; P.O. Box 2359, 29 Ayaar Street, Damascus, Syria; P.O. Box 25069, Harbaka, Damascus, Syria; P.O. Box 10, Rif Dimashq, Daraya, Damascus, Syria; P.O. Box 82, Rif Dimashq, Yabrood,

Damascus, Syria; Web site [www.industrialbank.gov.sy](http://www.industrialbank.gov.sy) [SYRIA]

3. POPULAR CREDIT BANK (a.k.a. “PCB”), Dar El-Mohandeseen- Mysaloun St., P.O. Box: 2841, Damascus, Syria; P.O. Box 2841, Maysaloun Street, Damascus, Syria; Dar Al Mouhandseen Building, 6th Floor, Maysaloun Street, Dar Al Mohandessin Area, Damascus 2841, Syria [SYRIA]

4. SAVING BANK (a.k.a. SAVINGS BANK; f.k.a. THE GENERAL ESTABLISHMENT OF MAIL SAVING FUND; f.k.a. THE POST SAVING FUND), Amous Square, Damascus, Syria; P.O. Box: 5467, Al-Furat St., Merjeh, Damascus, Syria [SYRIA]

Also on October 16, 2014, OFAC blocked the property and interests in property of the following two persons pursuant to E.O. 13573, “Blocking Property of Senior Officials of the Government of Syria”:

#### Individuals

1. ORFALI, Khodr (a.k.a. ORPHALI, Khedr; a.k.a. ORPHALY, Khodr; a.k.a. ORPHALY, Khudr; a.k.a. URFALI, Khudr); DOB 1956; POB Deir Ezzor, Syria; Minister of Economy and Foreign Trade (individual) [SYRIA]
2. TU'MA, Kamal Eddin (a.k.a. TOUMA, Kamal Eddin; a.k.a. TU'MA, Kamal Al-Din); DOB 1959; POB Damascus, Syria; Minister of Industry (individual) [SYRIA]

Also on October 16, 2014, OFAC blocked the property and interests in property of the following person pursuant to E.O. 13572, “Blocking Property of Certain Persons With Respect to Human Rights Abuses in Syria”:

#### Individual

1. MIHOUB, Qusay (a.k.a. MAHYUB, Qusay); DOB 1960; Brigadier General (individual) [SYRIA].

On July 9, 2014, OFAC blocked the property and interests in property of the following person pursuant to E.O. 13582, “Blocking Property of the Government of Syria and Prohibiting Certain Transactions with Respect to Syria”:

#### Entity

1. PANGATES INTERNATIONAL CORPORATION LIMITED, P.O. Box 8177, Sharjah Airport International Free Zone, Sharjah, United Arab Emirates; Office Y-47, Sharjah Airport International Free Zone, Sharjah, United Arab Emirates; P.O. Box 5797, Damascus, Syria; Web site [www.pangates-me.com](http://www.pangates-me.com); Email Address [info@pangates-me.com](mailto:info@pangates-me.com); alt. Email Address [pangates@emirates.net.ae](mailto:pangates@emirates.net.ae) [SYRIA]



Also on July 9, 2014, OFAC blocked the property and interests in property of the following two persons pursuant to E.O. 13382, "Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters":

#### Entities

1. EXPERT PARTNERS (a.k.a. EXPERTS PARTNERS), Rukn Addin, Saladin Street, Building 5, PO Box 7006, Damascus, Syria [NPWMD]

2. MEGATRADE, Aleppo Street, PO Box 5966, Damascus, Syria [NPWMD]

On May 8, 2014, OFAC blocked the property and interests in property of the following six persons pursuant to E.O. 13573, "Blocking Property of Senior Officials of the Government of Syria":

#### Individuals

1. AL-HASSAN, Bassam (a.k.a. HASAN, Basam; a.k.a. HASAN, Bassam; a.k.a. HASSAN, Bassam); DOB 1961; alt. DOB 1960; alt. DOB 1962; POB Homs, Syria; Brigadier General and Syrian Presidential Advisor (individual) [SYRIA]

2. AL-QADRI, Ahmad; DOB 1956; POB Hasaka, Syria; Minister of Agriculture and Agrarian Reform (individual) [SYRIA]

3. AL-SHAMMAT, Kinda; DOB 1973; POB Damascus, Syria; Minister of Social Affairs (individual) [SYRIA]

4. ARNOUS, Hussein; DOB 1953; POB Idleb, Syria; Minister of Public Works (individual) [SYRIA]

5. HIJAZI, Hassan; DOB 1964; POB Quneitra, Syria; Minister of Labor (individual) [SYRIA]

6. ISMAEL, Ismael; DOB 1955; Minister of Finance (individual) [SYRIA]

Also on May 8, 2014, OFAC identified two persons whose property and interests in property are blocked pursuant to E.O. 13582, "Blocking Property of the Government of Syria and Prohibiting Certain Transactions with Respect to Syria":

#### Entities

1. BANIAS REFINERY COMPANY, Baniyas Refinery Building, 26 Latkia Main Road, Baniyas, Tartous, Syria; Baniyas Refinery Building, Latkia Main Road, Baniyas Industrial Area, Baniyas, Tartous, Syria; Postal Box 26, Tartous, Syria; P.O. Box 26, Baniyas, Syria [SYRIA]

2. HOMS REFINERY COMPANY (a.k.a. GENERAL COMPANY FOR HOMS REFINERY), General Company for Homs Refinery Building, 352 Tripoli Street, Homs, Syria; P.O. Box 352, Trablus (Tripoli) Street, Homs, Syria; Postal Box 352, Homs, Syria [SYRIA]

Also on May 8, 2014, OFAC blocked the property and interests in property of

the following two persons pursuant to E.O. 13582, "Blocking Property of the Government of Syria and Prohibiting Certain Transactions with Respect to Syria":

#### Entity

1. TEMPBANK (a.k.a. MAB TEMPBANK OAO; a.k.a. MOSCOW JOINT-STOK BANK TEMPBANK OPEN JOINT-STOCK COMPANY; a.k.a. OTKRYTOE AKTSIONERNOE OBSHCHESTVO MOSKOVSKI AKTSIONERNY BANK TEMPBANK), 36/50 Lyusinovskaya ul., Moscow 115093, Russia; SWIFT/BIC TMJSRUMM; Web site [www.tempbank.ru](http://www.tempbank.ru); Email Address [info@tempbank.ru](mailto:info@tempbank.ru); Registration ID 1027739270294; Telephone No. 7495 6764060; Fax No. 7495 6761178 [SYRIA]

#### Individual

1. GAGLOEV, Mikhail Georgievich (a.k.a. GAGLOYEV, Mikhail Georgiyevich); DOB 17 Feb 1966; citizen Russia; Chairman of Management Committee of Tempbank (individual) [SYRIA]

Dated: February 13, 2015.

#### John Smith,

*Acting Director, Office of Foreign Assets Control.*

[FR Doc. 2015-05396 Filed 3-6-15; 8:45 am]

BILLING CODE 4810-AL-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. **DATES:** The meeting will be held Wednesday, April 8, 2015.

**FOR FURTHER INFORMATION CONTACT:** Otis Simpson at 1-888-912-1227 or 202-317-3332.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Taxpayer

Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Wednesday, April 8, 2015, at 3:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Otis Simpson. For more information please contact: Otis Simpson at 1-888-912-1227 or 202-317-3332, TAP Office, 1111 Constitution Avenue NW., Room 1509—National Office, Washington, DC 20224, or contact us at the Web site: <http://www.improveirs.org>.

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: March 3, 2015.

#### Otis Simpson,

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2015-05340 Filed 3-6-15; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

**DATES:** The meeting will be held April 7, 2015.

**FOR FURTHER INFORMATION CONTACT:** Donna Powers at 1-888-912-1227 or (954) 423-7977.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Tuesday April 7, 2015 at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Donna Powers. For more information please contact: Donna Powers at 1-888-912-

1227 or (954) 423-7977 or write: TAP Office, 1000 S. Pine Island Road, Plantation, FL 33324 or contact us at the Web site: <http://www.improveirs.org>. The committee will be discussing various issues related to Tax Forms and Publications and public input is welcomed.

Dated: March 3, 2015.

**Otis Simpson,**

*Acting Director, Taxpayer Advocacy Panel.*

[FR Doc. 2015-05365 Filed 3-6-15; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Notice of Availability of a Supplemental Draft Environmental Impact Statement for the San Francisco VA Medical Center Long Range Development Plan

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice of availability.

**SUMMARY:** The Department of Veterans Affairs (VA), San Francisco VA Medical Center (SFVAMC) announces the availability of the *Supplemental Draft Environmental Impact Statement (SDEIS) for the Long Range Development Plan (LRDP)*, for public comment pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4331 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Requirements of NEPA (40 CFR parts 1500-1508), VA's implementing Regulations (38 CFR part 26), as well as the settlement agreement resulting from *Planning Association for the Richmond, et al v. U.S. Department of Veterans Affairs*, C-06-02321-SBA (filed 6 June 2008). VA supplemented the draft EIS originally released in August 2012 to account for design and project phasing changes from the LRDP released in 2012 to the LRDP released in 2014. Both versions of the LRDP describe development and construction of patient care buildings, research buildings, business occupancy buildings, and parking structures, as well as retrofitting seismically deficient buildings. The SDEIS identifies and

addresses environmental impacts associated with the Proposed Action.

**DATES:** Interested parties are invited to submit comments in writing on the SFVAMC SDEIS by May 8, 2015. In preparing the SDEIS the SFVAMC will consider all comments received or postmarked by that date. Comments received after that date will be considered to the extent practicable. Interested parties are also invited to participate in a public meeting regarding the SFVAMC SDEIS on April 14, 2015 at SFVAMC (4150 Clement Street, San Francisco, CA 94121, Building 7, 1st floor, Auditorium) at 5 p.m.

**ADDRESSES:** Submit written comments on the SFVAMC SDEIS through [www.regulations.gov](http://www.regulations.gov). Please refer to: "SFVAMC Supplemental Draft EIS" in any correspondence.

Written comments may also be submitted electronically to [robin.flanagan@va.gov](mailto:robin.flanagan@va.gov) please reference "SFVAMC Supplemental Draft EIS" in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Robin Flanagan, San Francisco Veterans Affairs Medical Center, 4150 Clement Street, San Francisco, CA 94121 or by telephone, (415) 750-2049. The SFVAMC 2014 LRDP and SDEIS are available for viewing on the SFVAMC Web site: <http://www.sanfrancisco.va.gov/planning>.

**SUPPLEMENTARY INFORMATION:** VA operates the SFVAMC, located at Fort Miley in San Francisco, California. It is the only VA medical center in the City and County of San Francisco and VA considers it an aging facility that needs to be retrofitted and expanded.

#### Proposed Action

The SFVAMC has identified a need for retrofitting existing buildings to the most recent seismic safety requirements and for an additional 589,000 gross square feet (gsf) of medical facility space to meet the needs of San Francisco Bay Area and northern California coast Veterans over the next 15 years, in two phases.

#### Purpose and Need for Action

The purpose of the Proposed Action is to meet the Veterans Health

Administration mission of providing comprehensive, high-quality health care services that improve the health and well-being of Veterans and other eligible persons in the San Francisco Bay Area and Northern California. VA's need for the Proposed Action is to address the area's current and future capacity issues brought about by the growing Veteran population, to better serve the ever-changing health care needs of the growing Veteran population, and to provide safe and appropriate facilities for providing health care services and conducting research.

SFVAMC has major space and parking deficiencies at its existing Fort Miley Campus. The SFVAMC mission is to continue to be a major primary and tertiary care medical center providing high-quality care to eligible Veterans in the San Francisco Bay Area and along the North Coast. SFVAMC strives to deliver needed care to Veterans while contributing to health care knowledge through research. SFVAMC is also a ready resource for Department of Defense backup, serving as a Federal Coordinating Center in the event of a national emergency. New construction initiatives would transform the Campus by providing seismic improvements and additional facility space. VA can meet its mission more effectively by integrating clinical care, education, and research, because such integration makes for more efficient and progressive overall care for Veterans.

#### Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, approved this document on February 25, 2015 for publication.

Approved: March 5, 2015.

**Michael Shores,**

*Regulation Policy and Management, Office of General Counsel.*

[FR Doc. 2015-05507 Filed 3-6-15; 8:45 am]

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