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Title 3—

Memorandum of March 12, 2015

The President

Delegation of Authority Pursuant to Section 1278(b)(1) of the National Defense Authorization Act for Fiscal Year 2015**Memorandum for the Director of the National Counterterrorism Center**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate the functions and authorities vested in the President by section 1278(b)(1) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) to the Director of the National Counterterrorism Center.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, March 12, 2015

Rules and Regulations

Federal Register

Vol. 80, No. 51

Tuesday, March 17, 2015

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF ADMINISTRATION

3 CFR Part 101

5 CFR Chapter XV

RIN 0300-AA00

Removal of Published Rules To Align Published Policy with Current Sources of Law

AGENCY: Office of Administration, Executive Office of the President.

ACTION: Final rule.

SUMMARY: The Executive Office of the President, Office of Administration, is removing regulations from the Code of Federal Regulations related to the status of records created and maintained by the Executive Office of the President. This action is being taken in order to align Office of Administration policy with well-settled legal interpretations of the Office of Administration's status under Federal law and Executive Orders, including the Freedom of Information Act, the Privacy Act of 1974, and Executive Order 13526. The Office of Administration, as an entity whose sole function is to advise and assist the President of the United States, is not an agency under the Freedom of Information Act or the Privacy Act of 1974, nor does its implementation of Executive Order 13526 affect members of the public. Accordingly, the provisions of the Code of Federal Regulations to be removed are without legal effect.

DATES: This rule is effective March 17, 2015.

FOR FURTHER INFORMATION CONTACT: Hugh L. Brady, General Counsel, Executive Office of the President, Office of Administration, 202-395-1268.

SUPPLEMENTARY INFORMATION: The Executive Office of the President, Office

of Administration, removes the following provisions from the Code of Federal Regulations: Chapter XV, title 5, comprising 5 CFR parts 2500, 2502, and 2504; and 3 CFR 101.3. This action is being taken in order to implement well-settled legal interpretations of the Office of Administration's status under Federal law and Executive Orders, including the Freedom of Information Act, the Privacy Act of 1974, and Executive Order 13526. The Office of Administration, as an entity whose sole function is to advise and assist the President of the United States, is not an agency within the meaning of 5 U.S.C. 552(f), and thus is not subject to the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552a). The Office of Administration's implementation of Executive Order 13526 does not affect members of the public and the Office of Administration is therefore not required to publish its internal policies. Accordingly, the provisions of the Code of Federal Regulations to be removed are without legal effect.

This rule removing 5 CFR parts 2500, 2502, and 2504, and 3 CFR 101.3 is issued pursuant to, among other authorities, *C.R.E.W. v. Office of Admin.*, 566 F.3d 219 (D.C. Cir. 2009); *Whether the Office of Admin. Is an "Agency" for Purposes of Freedom of Information Act*, 31 Op. O.L.C. (Aug. 21, 2007); *Franklin v. Mass.*, 505 U.S. 788 (1992); and *Kissinger v. Reporters Comm. for Freedom of the Press*, 445 U.S. 136 (1980). In *C.R.E.W.*, the United States Court of Appeals for the District of Columbia Circuit held that the Office of Administration is not an agency within the meaning of 5 U.S.C. 552(f). Accordingly, the Office of Administration is not an agency for purposes of the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552a). All records of the Office of Administration are Presidential records under the Presidential Records Act, 44 U.S.C. 2201-2207, and are not available to the public until the fifth anniversary of the last year of an Administration.

Additionally, Office of Administration procedures recorded at 5 CFR part 2500 reflect an internal process that has been discontinued. The Office of Administration does not have regulations implementing Executive Order 13526 that affect members of the

public and is therefore not required to publish its internal policies.

This rule removes all rules previously issued by the Executive Office of the President, Office of Administration, that are without legal effect under well-settled interpretations of the law by the courts, the Department of Justice, and the current provisions of Executive Order 13526. The Office of Administration therefore removes chapter XV, title 5 and 3 CFR 101.3.

Notice and Comment Requirements

The provisions of the Administrative Procedure Act requiring notice of proposed rulemaking, the opportunity for public participation, and a 30-day delay in effective date set forth in 5 U.S.C. 553 are inapplicable because they are "unnecessary" under 5 U.S.C. 553(b)(B) and the United States Court of Appeals for the District of Columbia Circuit's holding in *C.R.E.W.* The court's holding in *C.R.E.W.* clarifies that the Freedom of Information Act has no legal effect on the Office of Administration because the Office of Administration is not an agency within the meaning of 5 U.S.C. 552(f). This rule is published solely to align relevant provisions of the Code of Federal Regulations with well-settled law. Thus, this rule involves no agency discretion, so notice of proposed rulemaking, the opportunity for public participation, and a 30-day delay in effective date would be unnecessary.

If this rulemaking were delayed to allow for notice and comment and a 30-day delay in effectiveness, it would delay alignment of the Code of Federal Regulations with existing Federal law as interpreted by the courts, the Department of Justice, and the current provisions of Executive Order 13526, as well as Office of Administration policy.

Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be issued for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612) are not applicable. Therefore, this regulation is issued in final form.

Rulemaking Requirements

Executive Orders 13563 and 12866 direct agencies to assess all costs and

benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This rule has not been designated a “significant regulatory action” under Executive Order 12866.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), unless that collection of information displays a currently valid Office of Management and Budget Control Number. This rule does not involve any collection of information subject to the Paperwork Reduction Act.

This rule does not contain “policies that have federalism implications” as that term is defined under Executive Order 13132.

List of Subjects

3 CFR Part 101

Freedom of information.

5 CFR Part 2500

Classified information.

5 CFR Part 2502

Courts, Freedom of information.

5 CFR Part 2504

Privacy.

Accordingly, under the authority of 5 U.S.C. 553 and as discussed in the preamble, amend 3 CFR part 101 and chapter XV of title 5 of the Code of Federal Regulations as follows.

Title 3—The President

CHAPTER I—EXECUTIVE OFFICE OF THE PRESIDENT

PART 101—PUBLIC INFORMATION PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT

■ 1. The authority citation for part 101 continues to read as follows:

Authority: 5 U.S.C. 552.

§ 101.3 [REMOVED]

■ 2. Remove § 101.3.

Title 5—Administrative Personnel

CHAPTER XV—[REMOVED]

■ 3. Remove chapter XV, consisting of parts 2500 through 2599.

Dated: February 23, 2015.

Beth A. Jones,

Deputy Assistant to the President, Director, Office of Administration.

[FR Doc. 2015–05899 Filed 3–16–15; 8:45 am]

BILLING CODE 3215–F5–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0653; Directorate Identifier 2014–NM–057–AD; Amendment 39–18113; AD 2015–05–03]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. This AD was prompted by reports of cracking on the skin panels and skin splice joints and angles at certain stringers at various locations between certain fuselage stations. This AD requires revising the maintenance or inspection program, as applicable, to incorporate new or revised maintenance requirements and airworthiness limitations, and incorporating structural repairs and modifications to preclude widespread fatigue damage (WFD). We are issuing this AD to detect and correct WFD, which could adversely affect the structural integrity of the airplane.

DATES: This AD becomes effective April 21, 2015.

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

ADDRESSES: You may examine the AD docket on the Internet at <http://www.regulations.gov/#/docketDetail;D=FAA-2014-0653> or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Bombardier, Inc., 400

Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email thd.crj@aero.bombardier.com; Internet <http://www.bombardier.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2014–0653.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7329; fax: 516–794–5531; email: aziz.ahmed@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 Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The NPRM published in the **Federal Register** on October 1, 2014 (79 FR 59157). The NPRM was prompted by reports of cracking on the skin panels and skin splice joints and angles at certain stringers at various locations between certain fuselage stations. The NPRM proposed to require revising the maintenance or inspection program, as applicable, to incorporate new or revised maintenance requirements and airworthiness limitations, and incorporating structural repairs and modifications to preclude WFD. We are issuing this AD to detect and correct WFD, which could adversely affect the structural integrity of the airplane.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2014–07, dated January 31, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The MCAI states:

Complete aeroplane fatigue testing on a CL–600–2B19 aeroplane by the aeroplane manufacturer revealed the onset of simultaneous cracking on the skin panels and skin splice joints and angles at stringers number 6 and 20 at various locations

between fuselage stations (FS) 409.00 to FS 589.00.

Cracks at multiple locations may reduce the residual strength of the joint below the required levels if the cracks are not detectable under the existing maintenance program established at the time of certification. This multiple site damage (MSD) behavior, if not corrected, could lead to widespread fatigue damage (WFD) and adversely affect the structural integrity of the aeroplane and/or could result in rapid decompression of the aeroplane.

A Temporary Revision (TR) has been made to the Maintenance Requirements Manual (MRM) to revise existing Airworthiness Limitations (AWL) tasks and introduce new inspection tasks for the detection of MSD. The aeroplane manufacturer is also developing a structural modification to preclude WFD from occurring in the fleet at these locations.

This [Canadian] AD mandates the incorporation of the new and revised AWL tasks [into the maintenance program], and a structural modification to preclude WFD.

You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov/#!documentDetail;D=FAA-2014-0653-0003>.

Comments

We gave the public the opportunity to participate in developing this AD. We received no valid comments on the NPRM (79 FR 59157, October 1, 2014) or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data 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 59157, October 1, 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 59157, October 1, 2014).

Related Service Information Under 1 CFR Part 51

We reviewed the following service information.

- Airworthiness Limitations (AWL) Task 53–41–109, Longitudinal Str. 6 splice at STR 6 and 20, of Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 Maintenance Requirements Manual, CSP A–053. This service information describes procedures for inspecting the longitudinal stringer 6 splice at stringers 6 and 20.

- AWL Task 53–41–110, Longitudinal Str. 6 splice butt strap at Str. 6, FS409.0 to FS617.0, of Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 Maintenance Requirements Manual, CSP A–053. This service information describes procedures for inspecting the longitudinal stringer 6 splice butt at stringer 6 at fuselage station 409.0 to fuselage station 617.0.

- AWL Task 53–41–204, Frame splice angles at STR 6 and 20, of Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 Maintenance Requirements Manual, CSP A–053. This service information describes procedures for inspecting the frame splice angles at stringers 6 and 20.

- AWL Task 53–41–205, Longitudinal skin splice at STR 6 and 20, of Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL–600–2B19 Maintenance Requirements Manual, CSP A–053. This service information describes procedures for inspecting the longitudinal skin splice at stringers 6 and 20.

This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Costs of Compliance

We estimate that this AD affects 526 airplanes of U.S. registry.

We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this AD. We have received no definitive data that would enable us to provide cost estimates for the repairs and modifications specified in this AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be \$44,710, or \$85 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 AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov/#!docketDetail;D=FAA-2014-0653>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015-05-03 Bombardier, Inc.: Amendment 39-18113. Docket No. FAA-2014-0653; Directorate Identifier 2014-NM-057-AD.

(a) Effective Date

This AD becomes effective April 21, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, serial numbers 7003 and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code 05, Periodic Inspections.

(e) Reason

This AD was prompted by reports of cracking on the skin panels and skin splice joints and angles at certain stringers at various locations between certain fuselage stations. We are issuing this AD to detect and correct widespread fatigue damage, which could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Revision of Maintenance or Inspection Program

Within 60 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, by incorporating the airworthiness limitations (AWL) tasks specified in paragraphs (g)(1) through (g)(4) of this AD. The initial compliance times for the tasks start from the applicable threshold times specified in Part 2 Airworthiness Requirements, Revision 9, dated June 10, 2013, of Appendix B, Airworthiness Limitations, of Bombardier CL-600-2B19, Maintenance Requirements Manual, CSP A-053; except that, for airplanes that have accumulated more than 38,000 total flight cycles as of the effective date of this AD, the initial compliance time for the AWL tasks is before the accumulation of 2,000 flight cycles after the effective date of this AD.

(1) AWL Task 53-41-109, Longitudinal Str. 6 splice at STR 6 and 20, of Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL-600-2B19, Maintenance Requirements Manual, CSP A-053.

(2) AWL Task 53-41-110, Longitudinal Str. 6 splice butt strap at Str. 6, FS409.0 to FS617.0, of Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL-600-2B19, Maintenance Requirements Manual, CSP A-053.

(3) AWL Task 53-41-204, Frame splice angles at STR 6 and 20, of Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL-600-2B19, Maintenance Requirements Manual, CSP A-053.

(4) AWL Task 53-41-205, Longitudinal skin splice at STR 6 and 20., of Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL-600-2B19, Maintenance Requirements Manual, CSP A-053.

(h) No Alternative Actions or Intervals

After the maintenance or inspection program has been revised as 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.

(i) Repairs and Modifications

Before the accumulation of 60,000 total flight cycles: Install repairs and modifications to preclude widespread fatigue damage at locations specified in the tasks identified in paragraphs (g)(1) through (g)(4) of this AD, using a method approved by the Manager, New York ACO, ANE-170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO, ANE-170, 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 ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; fax 516-794-5531. 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, New York ACO, ANE-170, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(k) Related Information

Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian

Airworthiness Directive CF-2014-07, dated January 31, 2014, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov/#/documentDetail;D=FAA-2014-0653-0003>.

(l) Material Incorporated by Reference

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

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

(i) Appendix B, Airworthiness Limitations, of Part 2, Airworthiness Requirements, Revision 9, dated June 10, 2013, of the Bombardier CL-600-2B19 Maintenance Requirements Manual, CSP A-053:

(A) Airworthiness Limitations (AWL) Task 53-41-109, Longitudinal Str. 6 splice at STR 6 and 20;

(B) AWL Task 53-41-110, Longitudinal Str. 6 splice butt strap at Str. 6, FS409.0 to FS617.0;

(C) AWL Task 53-41-204, Frame splice angles at STR 6 and 20; and

(D) AWL Task 53-41-205, Longitudinal skin splice at STR 6 and 20.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514-855-7401; email

thd.crj@aero.bombardier.com; Internet <http://www.bombardier.com>.

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

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

Issued in Renton, Washington, on March 2, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015-05717 Filed 3-16-15; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2015-0536; Directorate Identifier 2015-CE-004-AD; Amendment 39-18116; AD 2015-05-06]

RIN 2120-AA64

**Airworthiness Directives;
Flugzeugwerke Altenrhein AG (FFA)
Airplanes**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Flugzeugwerke Altenrhein AG (FFA) Models AS 202/15 "BRAVO", AS 202/18A "BRAVO", and AS 202/18A4 "BRAVO" airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as corrosion on the upper forward fuselage stringers. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2015.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of March 17, 2015.

We must receive comments on this AD by May 1, 2015.

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

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

- *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 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Gomolzig Flugzeug- und Maschinenbau GmbH, Eisenwerkstraße 9, 58332 Schwelm, telephone: +49 (0) 2336 490 330; fax: +49 (0) 2336 490 339; email:

info@gomolzig.de; internet: <http://www.gomolzig.de/>. You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0536.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0536; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4059; fax: (816) 329-4090; email: doug.rudolph@FAA.gov.

SUPPLEMENTARY INFORMATION:**Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2015-0023-E, dated February 18, 2015, (referred to after this as "the MCAI"), to correct an unsafe condition for Flugzeugwerke Altenrhein AG (FFA) Models AS 202/15 "BRAVO", AS 202/18A "BRAVO", and AS 202/18A4 "BRAVO" airplanes. The MCAI states:

Heavy corrosion was reportedly discovered on an AS 202 aeroplane, between the forward (FWD) windshield frame angle and the upper FWD stringer, left hand (LH) and right hand (RH). The corrosion was found underneath the removed windshield frame. Corrosion was not detected during a general visual inspection from below.

This condition, if not detected and corrected, could lead to failure of the FWD upper stringer, which reduces the structural integrity of the affected area.

To address this potential unsafe condition, Gomolzig Flugzeug- und Maschinenbau GmbH (GFM), acting on behalf of the TC holder, have issued Service Bulletin (SB) No. 2015-1 to provide inspection instructions.

For the reasons described above, this AD requires repetitive inspections of the upper FWD stringer (LH and RH) structure for signs of corrosion and, depending on the findings,

the accomplishment of applicable corrective action(s).

This AD is considered to be an interim action and further AD action may follow.

You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0536.

Relevant Service Information Under 14 CFR Part 51

Gomolzig Flugzeug- und Maschinenbau GmbH has issued Service Bulletin GFM SB 2015-1, dated February 5, 2015. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. The Gomolzig Flugzeug- und Maschinenbau GmbH service bulletin describes procedures for inspecting the upper forward stringer (LH and RH) structure for signs of corrosion and making all necessary repairs. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

FAA's Determination and Requirements of the AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are issuing this AD because we evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

This AD is considered an interim action. After issuing this AD, we may initiate further AD action to require a possible terminating action for the 12-month repetitive inspections.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because corrosion on the upper forward fuselage stringers could cause them to fail, which could result in reduced structural integrity of the windshield frame. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2015–0536; Directorate Identifier 2015–CE–004–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

We estimate that this AD will affect 1 product of U.S. registry. We also estimate that it will take about 6 work-hours per product to comply with the basic requirements of this AD. The average labor rate is \$85 per work-hour.

Based on these figures, we estimate the cost of the AD on U.S. operators to be \$510.

In addition, we estimate that any necessary follow-on actions will take about 20 work-hours and require parts costing \$1,000, for a cost of \$2,700 per product. We have no way of determining at this time if the affected airplane may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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 AD:

2015–05–06 Flugzeugwerke Altenrhein AG (FFA): Amendment 39–18116; Docket No. FAA–2015–0536; Directorate Identifier 2015–CE–004–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective March 17, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Flugzeugwerke Altenrhein AG (FFA) Models AS 202/15 “BRAVO”, AS 202/18A “BRAVO”, and AS 202/18A4 “BRAVO” airplanes, all serial numbers, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by a report of corrosion found on the upper forward windshield frame angle and the upper forward stringer. We are issuing this AD to detect and correct corrosion on the left-hand (LH) and the right-hand (RH) upper forward fuselage stringers. If not detected and corrected, this condition could lead to failure of the LH and/or the RH upper forward fuselage stringers, which could result in reduced structural integrity of the windshield frame.

(f) Actions and Compliance

Unless already done, do the following actions.

(1) Before further flight after March 17, 2015 (the effective date of this AD) and thereafter at intervals not to exceed 12 months, do a detailed visual inspection of the LH and RH forward (FWD) upper stringer top side structure for corrosion and any signs of damage to the corrosion protection. Do the inspection following the Instructions section in Gomolzig Flugzeug- und Maschinenbau GmbH Service Bulletin GFM SB 2015–1, dated February 5, 2015.

(2) If corrosion or any signs of damage to the corrosion protection is found during any inspection required in paragraph (f)(1) of this AD, before further flight after the inspection where corrosion or signs of damage to the corrosion protection is found, remove the corrosion at the affected area following the Instructions section in Gomolzig Flugzeug- und Maschinenbau GmbH Service Bulletin GFM SB 2015–1, dated February 5, 2015.

(3) If corrosion is found during any inspection required in paragraph (f)(1) of this AD that exceeds the allowable limits specified in paragraph 1.f of the Instructions section in Gomolzig Flugzeug- und Maschinenbau GmbH Service Bulletin GFM SB 2015–1, dated February 5, 2015, before further flight after the inspection where corrosion is found that exceeds the allowable limits, contact Gomolzig Flugzeug- und Maschinenbau GmbH at the address specified in paragraph (i)(3) of this AD for an FAA-approved repair scheme and incorporate the repair.

(4) Within 30 days after doing the initial inspection required in paragraph (f)(1) of this AD, report the results, including findings of no corrosion, to Gomolzig Flugzeug- und Maschinenbau GmbH at the address specified in paragraph (i)(3) of this AD using page 5 of Gomolzig Flugzeug- und Maschinenbau GmbH Service Bulletin GFM SB 2015–1, dated February 5, 2015.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090; email: doug.rudolph@faa.gov. Before using any approved AMOC on any airplane

to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product*: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

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

(g) Special Flight Permit

In accordance with 14 CFR 39.23, a single flight is allowed to a location where the initial inspection required in paragraph (f)(1) of this AD can be done provided the following limitations are adhered to:

- (1) No aerobatic maneuvers.
- (2) Normal category maneuvering load factors must not exceed +3.8g/ -1.9g.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2015-0023-E, dated February 18, 2015, for related information. You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0536.

(i) 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) Gomolzig Flugzeug- und Maschinenbau GmbH Service Bulletin GFM SB 2015-1, dated February 5, 2015.

(ii) Reserved.

(3) For Gomolzig Flugzeug- und Maschinenbau GmbH service information identified in this AD, contact Gomolzig Flugzeug- und Maschinenbau GmbH, Eisenwerkstraße 9, 58332 Schwelm, telephone: +49 (0) 2336 490 330; fax: +49 (0) 2336 490 339; email: info@gomolzig.de; internet: <http://www.gomolzig.de/>.

(4) You may view this referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0536.

(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 Kansas City, Missouri on March 4, 2015.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015-05788 Filed 3-16-15; 8:45 am]

BILLING CODE 4910-13-P

RAILROAD RETIREMENT BOARD

20 CFR Parts 200, 320, and 345

RIN 3220-AB65

Restructuring of the Office of Programs; Elimination of Regional Offices

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) amends its regulations to reflect the restructuring of the Office of Programs and the elimination of the Regional Offices.

DATES: This rule will be effective March 17, 2015.

ADDRESSES: Martha P. Rico, Secretary to the Board, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611-2092.

FOR FURTHER INFORMATION CONTACT: Marguerite P. Dadabo, Assistant General Counsel, (312) 751-4945, TTD (312) 751-4701.

SUPPLEMENTARY INFORMATION: The Railroad Retirement Board has restructured its Office of Assessment and Training in a Board-approved reorganization plan. The Office of Assessment and Training, formerly a single component of the Office of Programs, is now intermingled with other subcomponents of the Office of Programs. Therefore, issues that were formerly under the jurisdiction of the Office of Programs/Assessment and Training are now under the jurisdiction of the Office of Programs/Policy and Systems for purposes of the following regulations.

Additionally, the Railroad Retirement Board underwent a reorganization of its regional offices in an effort to improve efficiency and eliminate duplication. As a result of this reorganization, the Railroad Retirement Board eliminated its Regional Offices in Atlanta, Georgia, Denver, Colorado, and Philadelphia, Pennsylvania. The work done by the Regional Offices is now handled by the Field Services Headquarters staff.

The Board published a proposed rule on February 14, 2012 and requested comments by April 16, 2012 [77 FR 8183]. No comments were received. The final rule is essentially the same as the proposed rule.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866, as amended. Therefore, no regulatory impact analysis is required. There are no changes to the information collections associated with Parts 200, 320 and 345.

List of Subjects in 20 CFR Parts 200, 320, and 345.

Railroad employees, Railroad employers, Railroad retirement, Railroad unemployment.

For the reasons set out in the preamble, the Railroad Retirement Board amends title 20, chapter II, subchapter A, part 200 and subchapter C, parts 320 and 345 of the Code of Federal Regulations as follows:

PART 200—GENERAL ADMINISTRATION

■ 1. The authority citation for part 200 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; § 200.4 also issued under 5 U.S.C. 552; § 200.5 also issued under 5 U.S.C. 552a; § 200.6 also issued under 5 U.S.C. 552b; and § 200.7 also issued under 31 U.S.C. 3717.

■ 2. In § 200.1, paragraph (a)(4) is revised to read as follows:

§ 200.1 Designation of central and field organization.

(a) * * *

(4) The headquarters of the Board is in Chicago, Illinois, at 844 North Rush Street. The Board maintains numerous district offices across the country in localities easily accessible to large numbers of railroad workers.

* * * * *

■ 3. In § 200.4, paragraphs (d)(1), (d)(2), and (d)(5) are revised to read as follows:

§ 200.4 Availability of information to the public.

* * * * *

(d) * * *

(1) In the Office of Programs/ Operations: The Retirement Claims Manual, RCM Circulars, Special Services Manual, Policy Decisions, Procedural Memoranda containing information on the adjudication of claims not contained in the Retirement Claims Manual or in RCM Circulars, Field Operating Manual (Parts I and VI), FOM Circulars and Memoranda, the Occupational Disability Rating Schedule, Adjudication Instruction Manual, memorandum instructions on adjudication, and circular letters of instruction to railroad officials.

(2) In the Office of Programs/Policy and Systems: The Instructions to Employers, and Circular Letters to Employers.

* * * * *

(5) Field offices shall also make available to the extent practicable such of these materials and indexes as are furnished them in the ordinary course of business.

PART 320—INITIAL DETERMINATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND REVIEWS OF AND APPEALS FROM SUCH DETERMINATIONS

■ 4. The authority citation for part 320 continues to read as follows:

Authority: 45 U.S.C. 355 and 362(l).

■ 5. In § 320.6, paragraph (c) introductory text is revised to read as follows:

§ 320.6 Adjudicating office.

* * * * *

(c) *Field Service-Headquarters.* Field Service-Headquarters staff are authorized to make determinations on any of the issues listed in paragraph (b) of this section. In addition, Field Service-Headquarters staff are authorized to make initial determinations on the following issues:

* * * * *

■ 6. In § 320.10, paragraph (c) is revised to read as follows:

§ 320.10 Reconsideration of initial determination.

* * * * *

(c) *Notice of decision.* The adjudicating office shall, as soon as possible, render a decision on the request for reconsideration. If a decision rendered by a district office, as the adjudicating office, sustains the initial determination, either in whole or in part, the decision shall be referred to the appropriate Field Service-Headquarters staff for review prior to issuance. The party who requested reconsideration shall be notified, in writing, of the

decision on reconsideration no later than 15 days from the date of the decision or, where the Field Service-Headquarters staff has conducted a review of the decision, within 7 days following the completion of the review. If the decision results in denial of benefits, the claimant shall be notified of the right to appeal as provided in § 320.12 of this part. If the decision results in payment of benefits, the base-year employer(s) shall be notified of the right to appeal as provided in § 320.12 of this part.

* * * * *

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

■ 7. The authority citation for part 345 continues to read as follows:

Authority: 45 U.S.C. 362(l).

■ 8. Revise § 345.202 to read as follows:

§ 345.202 Consolidated employer records.

(a) *Establishing a consolidated employer record.* Two or more employers that are under common ownership or control may request the Board to consolidate their individual employer records into a joint individual employer record. Such joint individual employer record shall be treated as though it were a single employer record. A request for such consolidation shall be made to the Director of Policy and Systems, and such consolidation shall be effective commencing with the calendar year following the year of the request.

(b) *Discontinuance of a consolidated employer record.* Two or more employers that have established and maintained a consolidated employer record will be permitted to discontinue such consolidated record only if the individual employers agree to an allocation of the consolidated employer record and such allocation is approved by the Director of Policy and Systems. The discontinuance of the consolidated record shall be effective commencing with the calendar year following the year of the Director of Policy and Systems' approval.

■ 9. In § 345.307 paragraphs (a) and (b) are revised to read as follows:

§ 345.307 Rate protest.

(a) *Request for reconsideration.* An employer may appeal a determination of a contribution rate computed under this part by filing a request for reconsideration with the Director of Policy and Systems within 90 days after the date on which the Board notified the employer of its rate of contribution for

the next ensuing calendar year. Within 45 days of the receipt of a request for reconsideration, the Director shall issue a decision on the protest.

(b) *Appeal to the Board.* An employer aggrieved by the decision of the Director of Policy and Systems under paragraph (a) of this section may appeal to the Board. Such appeal shall be filed with the Secretary to the Board within 30 days after the date on which the Director notified the employer of the decision on reconsideration. The Board may decide such appeal without a hearing or, in its discretion, may refer the matter to a hearings officer pursuant to part 319 of this chapter.

* * * * *

Dated: March 11, 2015.

Martha P. Rico,

Secretary to the Board, By Authority of the Board.

[FR Doc. 2015-05888 Filed 3-16-15; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Part 1

RIN 1505-AC37

Privacy Act of 1974; Implementation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rule.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of the Treasury (Treasury) gives notice of an amendment to update its Privacy Act regulations to add an exemption from certain provisions of the Privacy Act for a system of records related to the Internal Revenue Service Return Preparer Office.

DATES: *Effective date:* March 17, 2015.

FOR FURTHER INFORMATION CONTACT: David Silverman, Management and Program Analyst, Privacy, Governmental Liaison and Disclosure, 1111 Constitution Ave. NW., Washington, DC 20224. Phone: (202) 317-6452 (not a toll-free number).

SUPPLEMENTARY INFORMATION: On behalf of the Internal Revenue Service Treasury published a system of records notice at 76 FR 70813, November 15, 2011, establishing a new system of records entitled "Treasury/IRS 37.111—Preparer Tax Identification Number Records."

Treasury also published a proposed rule at 76 FR 71293, on November 17, 2011, that would amend 31 CFR 1.36(g)(1)(vii).

The proposed rule would exempt the new system of records (Treasury/IRS 37.111) from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

The proposed rule requested that the public submit comments to the Internal Revenue Service, Return Preparer Office, and no comments were received. Accordingly, Treasury is hereby giving notice that the system of records entitled “Treasury/IRS 37.111—Preparer Tax Identification Number Records” is exempt from certain provisions of the Privacy Act, pursuant to 5 U.S.C. 552a(k)(2) as set forth in the proposed rule.

This final rule is not a “significant regulatory action” under Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, it is hereby certified that this rule will not have significant economic impact on a substantial

number of small entities. This certification is based on the fact that the final rule affects individuals and not small entities. The term “small entity” is defined to have the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction,” as defined in the RFA.

As authorized by 5 U.S.C. 553(d)(3), Treasury finds that good cause exists for dispensing with the 30-day delay in the effective date of this rule. These regulations exempt certain investigative records maintained by Treasury from notification, access, and amendment of a record. In order to protect the confidentiality of such investigatory records Treasury finds that it is in the public interest to make these regulations effective upon publication. In addition, interested persons have had advance notice of and an opportunity to comment on the proposed rule and no comments were received.

List of Subjects in 31 CFR Part 1

Privacy.

Part 1, Subpart C of title 31 of the Code of Federal Regulations is amended as follows:

PART 1—[AMENDED]

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

Authority: 5 U.S.C. 301 and 31 U.S.C. 321. Subpart A also issued under 5 U.S.C. 552 as amended. Subpart C also issued under 5 U.S.C. 552a.

■ 2. In § 1.36, paragraph (g)(1)(vii) is amended by adding an entry for “IRS 37.111” to the table in numerical order to read as follows:

§ 1.36 Systems exempt in whole or in part from provisions of 5 U.S.C. 552a and this part.

- (g) * * *
- (1) * * *
- (vii) * * *

Number	Name of system
* * * * *	* * * * *
IRS 37.111	Preparer Tax Identification Number Records.
* * * * *	* * * * *

* * * * *
Dated: February 23, 2015.

Helen Goff Foster,
Deputy Assistant Secretary for Privacy,
Transparency, and Records.
[FR Doc. 2015-06021 Filed 3-16-15; 8:45 am]
BILLING CODE 4830-01—P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2015-0142]

Drawbridge Operation Regulation; Snohomish River and Steamboat Slough, Everett and Marysville, WA

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 SR 529 Bridges across the Snohomish River, mile 3.6 near Everett, WA, and the SR 529 Bridges across Steamboat Slough, mile 1.1, near Marysville, WA. The deviation is necessary to accommodate

the Everett Marathon. The deviation allows the bridges to remain in the closed-to-navigation position during the marathon to allow safe movement of event participants.

DATES: This deviation is effective from 7:30 a.m. to 11:00 a.m. on April 12, 2015.

ADDRESSES: The docket for this deviation, [USCG-2015-0142] 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 Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206-220-7282, email d13-pf-d13bridges@uscg.mil. If you have questions on viewing the docket, call Cheryl Collins, Program Manager,

Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION: The Washington State Department of Transportation (WSDOT) has requested that the SR 529 Bridges, north bound and south bound, across the Snohomish River and Steamboat Slough remain closed to vessel traffic to facilitate safe, uninterrupted roadway passage of participants of the Everett Marathon. The SR 529 Bridges over the Snohomish River at mile 3.6 provides 37 feet of vertical clearance above mean high water elevation while in the closed position. Under normal conditions these bridges operate in accordance with 33 CFR 117.1059(c), which requires advance notification of one-hour when a bridge opening is needed.

The SR 529 Bridges over Steamboat Slough at mile 1.1 provide 10 feet of vertical clearance above mean high water elevation while in the closed position. Under normal conditions these bridges operate in accordance with 33 CFR 117.1059(g), which requires advance notification of four hours when a bridge opening is needed.

The deviation allows the SR 529 Bridges crossing the Snohomish River and Steamboat Slough to remain in the closed-to navigation position, and need

not open for maritime traffic, from 7:30 a.m. to 11:00 a.m. on April 12, 2015. The bridges shall operate in accordance to 33 CFR 117.1059 at all other times.

Vessels able to pass through the bridges in the closed-to-navigation position may do so at anytime. The bridges will be required to open, if needed, for vessels engaged in emergency response operations during this closure period. Waterway usage on this part of the Snohomish River and Steamboat Slough includes vessels ranging from commercial tug and barge to small pleasure craft. Mariners will be notified and kept informed of the bridges' operational status via the Coast Guard Notice to Mariners publication and Broadcast Notice to Mariners as appropriate.

In accordance with 33 CFR 117.35(e), the drawbridges must return to their 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: March 3, 2015.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2015-06034 Filed 3-16-15; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2015-0108]

Drawbridge Operation Regulation; Sloop Channel, Jones Beach, 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 Wantagh State Parkway Bridge, mile 15.4, across Sloop Channel at Jones Beach, New York. This deviation is necessary to facilitate public safety during a public event, the Jones Beach Park's Air Show. This deviation allows the bridge to remain closed for an hour and a half on each day of the air show to help reduce vehicular traffic delays.

DATES: This deviation is effective between 4:30 p.m. and 6 p.m. on May 23 and May 24, 2015.

ADDRESSES: The docket for this deviation, [USCG-2015-0108] 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 Leung-Yee, Project Officer, First Coast Guard District, telephone (212) 514-4330, 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 Wantagh State Parkway Bridge across Sloop Channel, mile 15.4, at Jones Beach, New York, has a vertical clearance in the closed position of 16 feet at mean high water and 19.5 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.5.

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

The bridge owner, New York State Parks, Recreation and Historic Preservation, requested a temporary deviation from the normal operating schedule to facilitate public safety during the annual Jones Beach Park's Air Show over Memorial Day Weekend.

Under this temporary deviation, the Wantagh State Parkway Bridge may remain in the closed position between 4:30 p.m. and 6 p.m. on May 23 and May 24, 2015.

There are no alternate routes for vessel traffic. The vertical clearance under the bridge is 16 feet at mean high water and 19.5 feet at mean low water. 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 bridges 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: March 3, 2015.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2015-06148 Filed 3-16-15; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2015-0127]

Drawbridge Operation Regulation; Columbia River, Celilo, OR and Wishram, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Burlington Northern Santa Fe Railway Bridge, also known as the Celilo Bridge, across the Columbia River, mile 201.2, at Celilo, OR and Wishram, WA. The deviation is necessary to replace lift span rail joints. This deviation allows the bridge to remain in the closed-to-navigation position during maintenance activities.

DATES: This deviation is effective without actual notice March 13, 2015 until 3 p.m. For the purposes of enforcement, actual notice will be used from 7 a.m. on March 9, 2015, until 3 p.m. March 13, 2015.

ADDRESSES: The docket for this deviation, [USCG-2015-0127] 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 Mr. Steven Fischer, Bridge Administrator, Coast Guard Thirteenth District; telephone 206-220-7282, email d13-pf-d13bridges@uscg.mil. If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION: Burlington Northern Santa Fe (BNSF) Railway requested this deviation to facilitate the installation of new rail joints on the lift span. BNSF has scheduled this installation to coincide with the U.S. Army Corps of Engineers lock outages on the Columbia River. The Celilo Bridge crosses the Columbia River at mile 201.2 and provides 18.8 feet of vertical clearance above Columbia River Datum 0.0 while in the closed position. Under normal operations, this bridge opens as required by 33 CFR 117.869. The deviation period is from 7 a.m. to 3 p.m. daily on March 9, 2015 through March 13, 2015. This deviation allows the lift span of the BNSF Railway Bridge across the Columbia River, mile 201.2, to remain in the closed-to-navigation position, and need not open for maritime traffic during the periods listed above. The bridge shall operate in accordance to 33 CFR 117.869 at all other times. Waterway usage on this part of the Columbia River includes vessels ranging from commercial tug and barge to small pleasure craft.

Vessels able to pass through the bridge in the closed positions may do so at anytime. The BNSF Railway Bridge will not be able to open for emergencies, and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices 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: March 5, 2015.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard, District.

[FR Doc. 2015-05886 Filed 3-13-15; 11:15 am]

BILLING CODE 9110-04-P

POSTAL SERVICE

39 CFR Part 111

Clarification of Content Eligibility for Standard Mail Marketing Parcels

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is revising *Mailing Standards of the United States Postal Service*, Domestic Mail Manual to

(DMM®) to reaffirm basic eligibility standards for Standard Mail Marketing Parcels.

DATES: *Effective date:* April 16, 2015.

FOR FURTHER INFORMATION CONTACT: Lizbeth Dobbins at 202-268-3789, John F. Rosato at 202-268-8597, or Suzanne Newman at 202-695-0550.

SUPPLEMENTARY INFORMATION:

I. Proposed Rule

The Postal Service published a proposed rule (80 FR 1872-1873) on January 14, 2015, with a comment period ending February 13, 2015, to recertify the definition of Standard Mail Marketing Parcels, remind customers about the basic eligibility and address format standards, and ensure compliance with the rule that this product line not be used for fulfillment.

Background: Previously the Postal Service published standards for the use of the Marketing Parcel product which limited its use to non-fulfillment activity. We affirmed that definition in *Postal Bulletin* 22327 (December 29, 2011), and reaffirmed it in *Postal Bulletin* 22406 (January 8, 2015).

Specifically, Standard Mail Marketing Parcels were designed for mailers to send non-requested items or samples to potential customers. Our intent was to build a low cost prospecting vehicle; therefore, the Postal Service built in factors to minimize handling costs. One factor, the alternative addressing format, was required so that the current resident became the recipient of the mailpiece if the named addressee moved from that address. This avoided extra delivery and forwarding costs. Another factor was the specification of size restrictions, including the requirement that pieces needed to be similar in shape and weight if sent in a single mailing.

Building upon the original intent, and to keep this product a viable and cost-effective promotional vehicle, we are adding stronger language to the DMM on content eligibility and address format for Standard Mail Marketing Parcels.

This includes clarification that all Standard Mail Marketing Parcels (regular and nonprofit) must bear an alternate addressing format and cannot be used for “fulfillment purposes” (*i.e.* the sending of items specifically purchased or requested by the customer of a mailer). The one exception to this rule is if the customer of a mailer elects to receive certain samples in connection with the purchase of an item, those samples may be sent separately from the purchased item as a Standard Mail Marketing Parcel. Moreover, the alternate address format must be on the same line as the addressee’s name, or on

the address line directly above or below the addressee’s name as identified in DMM 602.3.4.

II. Comments and Responses

We received feedback from five commenters, who raised three distinct issues.

(1) *Statement:* One commenter had no issues with the definition and wondered why it was an issue.

Response: It came to the attention of the Postal Service that this product was being improperly used for fulfillment, since it was so inexpensive.

(2) *Statement:* Four commenters stated they had no issue with the content eligibility requirement but requested that a “grace” period be established to give them time to adjust their business models.

Response: The Postal Service appreciates that some customers may have misused the product, as designed, and appreciates the challenges of adjusting business models. Therefore the Postal Service will review requests for a “grace period” on a case by case basis.

(3) *Statement:* Three commenters requested additional time to adjust their existing contract agreements.

Response: As stated above, the Postal Service will review requests for a “grace period” on a case by case basis.

The Postal Service appreciates the forthrightness of the commenters in explaining how they do business using this product. In response to these concerns, the Postal Service has determined that it is appropriate to relax the proposed rule in one respect. Since the samples will not be required to be identical in weight, if a customer elects to receive certain samples in connection with the purchase of an item, those samples may be sent separately from the purchased item as a Standard Mail Marketing Parcel as long as the transactions are linked.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations*. See 39 CFR 111.1. Accordingly, for the reasons stated in the preamble, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)*, as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

200 Commercial Mail

* * * * *

240 Standard Mail

243 Prices and Eligibility

* * * * *

3.0 Basic Eligibility Standards for Standard Mail

* * * * *

3.2 Defining Characteristics

* * * * *

3.2.2 Standard Mail Marketing Parcels

[Revise 3.2.2 to read as follows:]

All Standard Mail Marketing parcels (regular and nonprofit) must bear an alternate addressing format and cannot be used for “fulfillment purposes” (*i.e.* the sending of items specifically purchased or requested by the customer of a mailer). The alternate address format must be on the same line as the addressee’s name or on the address line directly above or below the addressee’s name.

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2015–05885 Filed 3–16–15; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2010–0121; A–1–FRL–9915–05–Region 1]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut. The regulations adopted by Connecticut include the California Low Emission Vehicle (LEV) II light-duty motor vehicle emission standards effective in model year 2008, the California LEV II medium-duty vehicle standards effective in model year 2009, and greenhouse gas emission standards for light-duty motor vehicles and medium-duty vehicles effective with model year 2009. The Connecticut LEV regulation submitted also includes a zero emission vehicle (ZEV) provision, as well as emission control label and environmental performance label requirements. Connecticut has adopted these revisions to reduce emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_x) in accordance with the requirements of the Clean Air Act (CAA), as well as to reduce greenhouse gases (carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons). In addition, Connecticut has worked to ensure that their program is identical to California’s, as required by the CAA. The intended effect of this action is to approve the Connecticut LEV II program. In addition, EPA is approving the removal of the definition and regulation of “composite motor vehicles” from the Connecticut’s SIP-approved vehicle inspection and maintenance program. These actions are being taken in accordance with the CAA.

DATES: This rule is effective on April 16, 2015.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R01–OAR–2010–0121. All documents in the docket are listed on the www.regulations.gov Web site. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square–Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the **FOR FURTHER**

INFORMATION CONTACT section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

Copies of the documents relevant to this action are also available for public inspection during normal business hours, by appointment at the Bureau of Air Management, Department of Energy and Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630.

FOR FURTHER INFORMATION CONTACT:

Donald O. Cooke, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, Air Quality Planning Unit, 5 Post Office Square–Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, telephone number (617) 918–1668, fax number (617) 918–0668, email cooke.donald@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

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

- I. Background and Purpose
- II. Response to Public Comments
- III. Final Action
- IV. Statutory and Executive Order Reviews

I. Background and Purpose

On January 27, 2014 (79 FR 4308), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Connecticut, “Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Low Emission Vehicle Program.” The NPR proposed approval of Connecticut’s Low Emissions Vehicle II (LEV II) program, as adopted by Connecticut on December 4, 2004, and subsequently amended on December 22, 2005 and August 4, 2009. The Connecticut LEV II program is cited as a weight-of-evidence measure in Connecticut’s Attainment Demonstration SIP for the 1997 8-hour ozone standard, submitted to EPA on February 1, 2008. The formal LEV II SIP revision was submitted by Connecticut on January 22, 2010.

On December 4, 2004, Connecticut repealed the provisions of section 22a–174–36 of the Regulations of Connecticut State Agencies, rescinding both the California Low Emission Vehicle I program and the National Low Emission Vehicle (NLEV) program. In accordance with section 177 of the Clean Air Act (CAA) and as required by Connecticut Public Act 04–84, Connecticut adopted section 22a–174–

36b, the California Low Emission Vehicle II (LEV II) program, including all “zero emission vehicle” program elements, commencing with 2008 model year vehicles.

On December 22, 2005, Connecticut amended section 22a-174-36b of the Regulations of Connecticut State Agencies, making minor technical corrections and clarifications; adopting California LEV II emission standards and related provisions for medium-duty vehicles commencing with the 2009 model year; adopting recently announced revisions concerning LEV II greenhouse gas emission standards and related provisions for passenger cars, light duty trucks and medium-duty passenger vehicles commencing with the 2009 model year in accordance with section 177 of the CAA and Connecticut Public Act 04-84; and providing additional clarification and flexibility with respect to the implementation of the zero emissions vehicle (ZEV) program in Connecticut.

On August 4, 2009, Connecticut adopted a third amendment consisting of revisions to two sections of the air quality regulations concerning motor vehicles. The recall, warranty, ZEV, and ZEV travel provision amendments update the Connecticut LEV program consistent with changes California made to its LEV program.

In addition to the amendments to the Connecticut LEV program, Connecticut’s January 22, 2010 SIP revision includes a change in its motor vehicle inspection and maintenance (I/M) program to exempt composite vehicles from I/M program testing.

Other specific requirements of Connecticut’s LEV II and motor vehicle I/M programs and the rationale for EPA’s proposed action are explained in the NPR and will not be restated here.

II. Response to Public Comments

EPA received comments on the NPR from one anonymous commenter. This commenter supported the effort of Connecticut and other states to follow California’s lead in implementing a low emission vehicle program. The commenter went on to identify three specific issues: (1) Market failure with public transportation; (2) cars manufactured before 2008; and (3) monitoring emissions.

The action before EPA is to approve or disapprove Connecticut’s request to revise its SIP to include California LEV II light-duty motor vehicle emission standards (effective in model year 2008), the California LEV II medium-duty vehicle standards (effective in model year 2009), and greenhouse gas emission standards for light-duty motor vehicles

and medium-duty vehicles (effective with model year 2009). The Connecticut LEV program submitted is identical to California’s program, as required by the Clean Air Act, and includes a ZEV provision, as well as emission control label and environmental performance label requirements. Connecticut’s SIP revision also includes a minor amendment to the state’s motor vehicle inspection and maintenance (I/M) program which exempts composite vehicles from I/M program testing.

The workings of the public transportation system and the development of new light rail transportation systems referenced by the commenter is not germane to the approval of the submitted Connecticut SIP revision.

In addition, motor vehicles manufactured prior to 2008 are not covered by Connecticut’s LEV II program. These vehicles were required to be manufactured in accordance with the Federal Tier 1 and Tier 2 Vehicle and Gasoline Sulfur Program, as well as the Northeast National Low Emission Vehicle Program, the programs in place at that time. Pre-2008 motor vehicles registered in Connecticut are also subject to Connecticut’s I/M program which is further discussed below.

In the third and final issue, the commenter asks how emissions would be monitored and “how often the rule/law require[s] drivers to go have a reading made.” This issue is not relevant to the approval of Connecticut’s LEV II program. The Connecticut LEV II program includes requirements that apply to the manufacturer of motor vehicles, not the drivers of motor vehicles. Connecticut’s motor vehicle I/M program does, however, contain requirements for drivers. EPA previously approved Connecticut’s I/M program into the SIP on December 5, 2008 (73 FR 74019). This program requires biennial inspections for all subject motor vehicles that are at least four years old. Connecticut’s I/M program covers all gasoline and diesel vehicles, light duty trucks, and heavy duty vehicles that are 25 years old and newer and registered in the State. In today’s action, EPA is approving a minor amendment to that program. Specifically, composite vehicles are being exempted from I/M program testing. As explained in EPA’s NPR, this exemption would exempt only 100 vehicles from Connecticut’s I/M program which applies to approximately 1,959,000 vehicles, and will not have significant air quality impacts. Other aspects of Connecticut’s I/M program including the periodic inspection requirement remain as

approved by EPA on December 5, 2008 (73 FR 74019).

III. Final Action

EPA is approving Connecticut’s Low Emission Vehicle Program as a revision to the Connecticut SIP. Specifically, EPA is incorporating into the SIP Regulations of Connecticut State Agencies (RCSA) section 22a-174-36b entitled “Low Emission Vehicles II Program,” effective in the State of Connecticut on August 10, 2009.

EPA is also approving Connecticut’s revised Motor Vehicle Inspection and Maintenance Program as a revision to the Connecticut SIP. Specifically, EPA is incorporating into the SIP Regulations of Connecticut State Agencies (RCSA) section 22a-174-27 entitled “Emission standards and on-board diagnostic II test requirements for periodic motor vehicle inspection and maintenance,” effective in the State of Connecticut on August 10, 2009.

IV. Statutory and Executive Order Reviews

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

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

In addition, 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.

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 18, 2015. Filing a petition for reconsideration by the Administrator of this final rule does

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

List of Subjects in 40 CFR Part 52

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

Dated: July 29, 2014.

H. Curtis Spalding,

Regional Administrator, EPA New England.

Editorial note: This document was received for publication by the Office of Federal Register on March 11, 2015.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart H—Connecticut

■ 2. Section 52.370 is amended by redesignating paragraph (c)(98)(i)(A) as (c)(98)(i)(A)(1) and adding paragraphs (c)(98)(i)(A)(2) and (c)(105) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(98) * * *

(i) * * *

(A) * * *

(2) In revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 22, 2010 section 22a–174–27 (e) was repealed by the State of Connecticut

effective August 10, 2009. Section 22a–174–27 (e), which was approved in paragraph (c)(98)(i)(A)(1), is removed from the SIP without replacement; see paragraph (c)(105)(i)(B) of this section.

* * * * *

(105) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 22, 2010.

(i) Incorporation by reference.

(A) Regulations of Connecticut State Agencies (RCSA) section 22a–174–36b entitled “Low Emission Vehicles II Program,”

(1) Regulations of Connecticut State Agencies (RCSA) section 22a–174–36b entitled “Low Emission Vehicles II Program,” effective December 22, 2005, revisions to the following provisions (including the text that appears in underline): Sections 22a–174–36b (a), (b), (d), (f) through (j), (l), (m), (n), and (o).

(2) Regulations of Connecticut State Agencies (RCSA) section 22a–174–36b entitled “Low Emission Vehicles II Program,” effective August 10, 2009, revisions to the following provisions: Sections 22a–174–36b (c), (e), and (k), as published in the Connecticut Law Journal on September 8, 2009.

(B) Regulations of Connecticut State Agencies (RCSA) section 22a–174–27 entitled “Emission standards and on-board diagnostic II test requirements for periodic motor vehicle inspection and maintenance,” effective August 10, 2009, revisions to Section 22a–174–27 (b), as published in the Connecticut Law Journal on September 8, 2009.

■ 3. In § 52.385, Table 52.385 is amended by revising the second entry for state citation 22a–174–27; adding a new entry for state citation 22a–174–27 after the existing two entries; and adding two new entries for state citation 22a–174–36b in numerical order to read as follows:

§ 52.385 EPA-approved Connecticut regulations.

* * * * *

TABLE 52.385—EPA-APPROVED REGULATIONS

Connecticut State citation	Title/Subject	Dates		Federal Register citation	Section 52.370	Comments/Description
		Date adopted by State	Date approved by EPA			
* 22a–174–27 ..	* Emission standards and on-board diagnostic II test requirements for periodic motor vehicle inspection and maintenance.	* 8/25/04	* 12/05/08	* 74 FR 74019	* (c)(98)	* DEP regulations including emissions standards and OBD2 requirements. Paragraph 52.370(c)(98) was revised March 17, 2015 by redesignating paragraph (c)(98)(i)(A) as (c)(98)(i)(A)(1) and adding paragraph (c)(98)(i)(A)(2) to read as follows: (2) In revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on January 22, 2010 section 22a–174–27 (e) was repealed by the State of Connecticut effective August 10, 2009. Section 22a–174–27 (e), which was approved in paragraph (c)(98)(i)(A)(1), is removed from the SIP without replacement; see paragraph (c)(105)(i)(B) of this section.
22a–174–27 ..	Emission standards and on-board diagnostic II test requirements for periodic motor vehicle inspection and maintenance.	8/10/09	3/17/15	[Insert Federal Register citation]	(c)(105)	This SIP revision includes a change to exempt composite vehicles from tailpipe inspections. Revision to Section 22a–174–27 (b) and removal of Section 22a–174–27 (e).
* 22a–174–36b	* Low Emission Vehicles II Program..	* 12/22/05	* 3/17/15	* [Insert Federal Register citation]	* (c)(105)	* Adoption of Connecticut's Low Emissions Vehicle II (LEV II) Program. Sections 22a–174–36b (a), (b), (d), (f) through (j), (l), (m), and new sections (n) and (o).
22a–174–36b	Low Emission Vehicles II Program..	8/10/09	3/17/15	[Insert Federal Register citation]	(c)(105)	Sections 22a–174–36b (c), (e), and (k).
*	*	*	*	*	*	*

[FR Doc. 2015–05964 Filed 3–16–15; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 141126999–5235–01]

RIN 0648–BE69

Pacific Halibut Fisheries; Catch Sharing Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: The Assistant Administrator (AA) for Fisheries, National Oceanic and Atmospheric Administration (NOAA), on behalf of the International Pacific Halibut Commission (IPHC), publishes annual management measures governing the Pacific halibut fishery recommended as regulations by the IPHC and accepted by the Secretary of State. This action is intended to enhance the conservation of Pacific

halibut and further the goals and objectives of the Pacific Fishery Management Council (PFMC) and the North Pacific Fishery Management Council (NPFMC).

DATES: The IPHC's 2015 annual management measures are effective March 13, 2015. The 2015 management measures are effective until superseded.

ADDRESSES: Additional requests for information regarding this action may be obtained by contacting the International Pacific Halibut Commission, 2320 W. Commodore Way Suite 300, Seattle, WA 98199-1287; or Sustainable Fisheries Division, NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, Attn: Ellen Sebastian, Records Officer; or Sustainable Fisheries Division, NMFS West Coast Region, 7600 Sand Point Way NE., Seattle, WA 98115. This final rule also is accessible via the Internet at the Federal eRulemaking portal at <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For waters off Alaska, Glenn Merrill or Julie Scheurer, 907-586-7228; or, for waters off the U.S. West Coast, Sarah Williams, 206-526-4646.

SUPPLEMENTARY INFORMATION:

Background

The IPHC has recommended regulations which would govern the Pacific halibut fishery in 2015, pursuant to the Convention between Canada and the United States for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979).

As provided by the Northern Pacific Halibut Act of 1982 (Halibut Act) at 16 U.S.C. 773b, the Secretary of State, with the concurrence of the Secretary of Commerce, may accept or reject, on behalf of the United States, regulations recommended by the IPHC in accordance with the Convention (Halibut Act, Sections 773-773k). The Secretary of State of the United States, with the concurrence of the Secretary of Commerce, accepted the 2015 IPHC regulations as provided by the Halibut Act at 16 U.S.C. 773-773k.

The Halibut Act provides the Secretary of Commerce with the authority and general responsibility to carry out the requirements of the Convention and the Halibut Act. The Regional Fishery Management Councils may develop, and the Secretary of Commerce may implement, regulations governing harvesting privileges among U.S. fishermen in U.S. waters that are in

addition to, and not in conflict with, approved IPHC regulations. The NPFMC has exercised this authority most notably in developing halibut management programs for three fisheries that harvest halibut in Alaska: the subsistence, sport, and commercial fisheries.

Subsistence and sport halibut fishery regulations are codified at 50 CFR part 300. Commercial halibut fisheries in Alaska are subject to the Individual Fishing Quota (IFQ) Program and Community Development Quota (CDQ) Program (50 CFR part 679), and the area-specific catch sharing plans.

The IPHC apportions catch limits for the Pacific halibut fishery among regulatory areas (Figure 1): Area 2A (Oregon, Washington, and California), Area 2B (British Columbia), Area 2C (Southeast Alaska), Area 3A (Central Gulf of Alaska), Area 3B (Western Gulf of Alaska), and Area 4 (subdivided into 5 areas, 4A-4E, in the Bering Sea and Aleutian Islands of Western Alaska).

The NPFMC implemented a catch sharing plan (CSP) among commercial IFQ and CDQ halibut fisheries in IPHC Areas 4C, 4D and 4E (Area 4, Western Alaska) through rulemaking, and the Secretary of State approved the plan on March 20, 1996 (61 FR 11337). The Area 4 CSP regulations were codified at 50 CFR 300.65, and were amended on March 17, 1998 (63 FR 13000). New annual regulations pertaining to the Area 4 CSP also may be implemented through IPHC action, subject to acceptance by the Secretary of State.

The NPFMC recommended and NMFS implemented through rulemaking a CSP for guided sport (charter) and commercial IFQ halibut fisheries in IPHC Area 2C and Area 3A on January 13, 2014 (78 FR 75844, December 12, 2013). The Area 2C and 3A CSP regulations are codified at 50 CFR 300.65. The CSP defines an annual process for allocating halibut between the commercial and charter fisheries so that each sector's allocation varies in proportion to halibut abundance; specifies a public process for setting annual management measures; and authorizes limited annual leases of commercial IFQ for use in the charter fishery as guided angler fish (GAF).

The IPHC held its annual meeting in Vancouver, British Columbia, January 26-30, 2015, and recommended a number of changes to the previous IPHC regulations (79 FR 13906, March 12, 2014). The Secretary of State accepted the annual management measures, including the following changes to the previous IPHC regulations for 2015:

1. New halibut catch limits in all regulatory areas in Section 11;

2. New commercial halibut fishery opening and closing dates in Section 8;

3. New management measures for Area 2C and Area 3A guided sport fisheries in Section 28, and in Figure 3 and Figure 4; and

4. Addition of California Division of Fish and Wildlife to the list of officers authorized to enforce these regulations in Section 3.

Pursuant to regulations at 50 CFR 300.62, the 2015 IPHC annual management measures are published in the **Federal Register** to provide notice of their immediate regulatory effectiveness and to inform persons subject to the regulations of their restrictions and requirements. Because NMFS publishes the regulations applicable to the entire Convention area, these regulations include some provisions relating to and affecting Canadian fishing and fisheries. NMFS could implement more restrictive regulations for the sport fishery for halibut or components of it; therefore, anglers are advised to check the current Federal or IPHC regulations prior to fishing.

Catch Limits

The IPHC recommended to the governments of Canada and the United States catch limits for 2015 totaling 29,223,000 lb (13,255 mt). The IPHC recommended area-specific catch limits for 2015 that were higher than 2014 in most of its management areas except Area 3B, where catch limits were reduced, and Areas 4B and 4CDE where catch limits remained at the same level as in 2014. The IPHC is responding to stock challenges with a risk-based precautionary approach and a review of the current harvest policy to ensure the best possible advice. A description of the process the IPHC used to set these catch limits follows.

As in 2012 and 2013, the 2014 stock assessment was based on an ensemble of models incorporating the uncertainty within each model as well as the uncertainty among models. This approach provides a stronger basis for risk assessment of specific management measures that may be recommended by the IPHC. There were two new additions to this year's ensemble of models: The use of long and short time-series models treating Areas As Fleets (AAF). The two AAF models considered this year assess the halibut population as a coastwide stock, while allowing for region-specific variations in the selectivity and catchability in the treatment of survey and fishery information. The AAF approach is a commonly applied stock assessment method for dealing with populations showing evidence of spatial structure, but without explicitly

modeling different recruitment distribution and migration rates among areas. Spatially explicit approaches are currently being developed for future evaluation; however, there is no comprehensive information available on juvenile distribution and movement. For 2014, the stock assessment ensemble included short and long time-series models based on both the coastwide and the AAF approaches. This combination of models included uncertainty in natural mortality rates, environmental effects on recruitment, and uncertainty in other model parameters.

The assessment indicates that the Pacific halibut stock declined continuously from the late 1990s to around 2010. That trend is estimated to have been a result of decreasing size at age as well as smaller recruitments than those observed through the 1980s and 1990s. In recent years, the estimated female spawning biomass appears to have stabilized near 200 million pounds. Overall, the ensemble models project a stable halibut biomass in the next 3 years at current harvest rates. The AAF models project a slight increase in halibut biomass in the next 3 years at current harvest rates.

As in 2014, and as part of an ongoing effort to provide Commissioners with greater flexibility when selecting catch limits, in January 2015 IPHC staff provided a decision table that estimates the consequences to stock and fishery status and trends from different levels of harvest. This decision table more fully accommodates uncertainty in the stock status and allowed the Commissioners to weigh the risk and benefits of management choices as they set the annual catch limits. After considering harvest advice for 2015 from its scientific staff, Canadian and U.S. harvesters and processors, and other fishery agencies, the IPHC recommended catch limits for 2015 to

the U.S. and Canadian governments (see Table 1 below).

The IPHC recommended higher catch limits than 2014 for Areas 2A, 2B, and 2C because the stock assessment survey and fishery weight per unit effort (WPUE) estimates indicate a stable and upward trend in exploitable biomass in these areas. The IPHC recommended the higher catch limits in Areas 2A, 2B, and 2C than would result from the application of the IPHC's adopted harvest policy. The IPHC made these catch limit recommendations after considering the low risk of an adverse impact on the halibut stock from the recommended catch limits in Areas 2A, 2B, and 2C, and the favorable survey and fishery trends in these areas.

The IPHC recommended a more precautionary approach to their catch limit recommendations for Areas 3A and 3B relative to Areas 2A, 2B, and 2C. The IPHC recommended catch limits that were consistent with the IPHCs adopted harvest policy in Areas 3A and 3B. The IPHC noted that the catch limit recommendations in Areas 3A and 3B are precautionary and catch limits greater than the adopted harvest policy were not warranted given downward trends in exploitable biomass and WPUE in these areas. The catch limit in Area 3A increased slightly relative to 2014 due to increased biomass estimates in Area 3A. The catch limit in Area 3B decreased slightly relative to 2014 due to decreased biomass estimates in Area 3B.

The IPHC recommended a catch limit for Area 4A that was higher than the 2014 limit. The IPHC-recommended catch limit in Area 4A is consistent with the IPHC's adopted harvest policy in this area. The IPHC did not recommend a catch limit amount in Area 4A greater than its adopted harvest policy in this area because the stock trends in this area are uncertain and a more precautionary approach to management is appropriate. Specifically, the survey

trends in Area 4A show an increased biomass, but the commercial WPUE decreased in 2014.

The IPHC recommended a catch limit for Area 4B that was the same as that adopted in 2014. The IPHC recommended a catch limit in Area 4B that is slightly higher than that which would result from application of its adopted harvest policy in Area 4B. The IPHC made this catch limit recommendation after considering the low risk of an adverse impact on the halibut stock from the recommended catch limit in Area 4B, and the after considering the adverse socioeconomic impact that could result from a catch limit that was lower than that provided in 2014.

Similarly, the IPHC recommended a catch limit for Areas 4CDE that is the same as that adopted in 2014. The IPHC recommended a catch limit in Areas 4CDE that is higher than that which would result from application of its adopted harvest policy in Areas 4CDE. The IPHC made this catch limit recommendation after considering the low risk of an adverse impact on the halibut stock from the recommended catch limit in Areas 4CDE, and the after considering the adverse socioeconomic impact that could result from a catch limit that was lower than that provided in 2014. The IPHC also noted that overall stock trends in Area 4CDE from the fishery survey show an increasing biomass. The IPHC also considered ongoing efforts by the North Pacific groundfish fleet to reduce the amount of halibut mortality from bycatch, particularly in Areas 4CDE, during 2014 and 2015. The IPHC noted that reduced bycatch mortality in 2015 is likely to provide additional harvest opportunities for the commercial fishery in the future. Overall, the IPHC's catch limit recommendations for 2015 are projected to result in a stable or slightly increasing halibut stock in the future.

TABLE 1—PERCENT CHANGE IN CATCH LIMITS FROM 2014 TO 2015 BY IPHC REGULATORY AREA

Regulatory Area	2015 IPHC Recommended catch limit (lb)	2014 Catch limit (lb)	Percent change from 2014
2A ¹	970,000	960,000	1.0
2B ²	7,038,000	6,850,000	2.7
2C ³	4,650,000	4,160,000	11.8
3A ³	10,100,000	9,430,000	7.1
3B	2,650,000	2,840,000	-6.7
4A	1,390,000	850,000	63.5
4B	1,140,000	1,140,000	0
4CDE	1,285,000	1,285,000	0
Coastwide	29,223,000	27,515,000	6.2

¹ Area 2A catch limit includes sport, commercial, and tribal catch limits.

² Area 2B catch limit includes sport and commercial catch limits.

³ Shown is the combined commercial and charter allocation under the Area 2C and Area 3A CSP. This value includes allocations to the charter sector, and an amount for commercial wastage. The commercial catch limits after deducting wastage are 3,679,000 lb in Area 2C and 7,790,000 lb in Area 3A.

Commercial Halibut Fishery Opening Dates

The opening date for the tribal commercial fishery in Area 2A and for the commercial halibut fisheries in Areas 2B through 4E is March 14, 2015. The date takes into account a number of factors, including the timing of halibut migration and spawning, marketing for seasonal holidays, and interest in getting product to processing plants before the herring season opens. The closing date for the halibut fisheries is November 7, 2015. This date takes into account the anticipated time required to fully harvest the commercial halibut catch limits while providing adequate time for IPHC staff to review the complete record of 2015 commercial catch data for use in the 2016 stock assessment process.

In the Area 2A non-treaty directed commercial fishery the IPHC recommended seven 10-hour fishing periods. Each fishing period shall begin at 0800 hours and terminate at 1800 hours local time on June 24, July 8, July 22, August 5, August 19, September 2, and September 16, 2015, unless the IPHC specifies otherwise. These 10-hour openings will occur until the quota is taken and the fishery is closed.

Area 2A Catch Sharing Plan

The NMFS West Coast Region published a proposed rule for changes to the Pacific Halibut Catch Sharing Plan for Area 2A off Washington, Oregon, and California on February 3, 2015 (80 FR 5719), with public comments accepted through March 5, 2015. A separate final rule will be published to approve changes to the Area 2A CSP and to implement the portions of the CSP and management measures that are not implemented through the IPHC annual management measures that are published in this final rule. These measures include the sport fishery allocations and management measures for Area 2A. Once published, the final rule implementing the Area 2A CSP will be available on the NOAA Fisheries West Coast Region's Web site at http://www.westcoast.fisheries.noaa.gov/fisheries/management/pacific_halibut_management.html, and under FDMS Docket Number NOAA-NMFS-2014-0159 at www.regulations.gov.

Catch Sharing Plan for Area 2C and Area 3A

In 2014, NMFS implemented a CSP for Area 2C and Area 3A. The CSP defines an annual process for allocating halibut between the charter and commercial fisheries in Area 2C and

Area 3A, and establishes allocations for each fishery. To allow flexibility for individual commercial and charter fishery participants, the CSP also authorizes annual transfers of commercial halibut IFQ as guided angler fish (GAF) to charter halibut permit holders for harvest in the charter fishery. Under the CSP, the IPHC recommends combined catch limits (CCLs) for the charter and commercial halibut fisheries in Area 2C and Area 3A. Each CCL includes estimates of discard mortality (wastage) for each fishery. The CSP was implemented to achieve the halibut fishery management goals of the NPFMC. More information is provided in the proposed (78 FR 39122, June, 28, 2013) and final (78 FR 75844, December 12, 2013) rules implementing the CSP. Implementing regulations for the CSP are at 50 CFR 300.65. The Area 2C and Area 3A CSP allocation tables are located in Tables 1 through 4 of subpart E of 50 CFR part 300.

The IPHC recommended a CCL of 4,650,000 lb (2,109.2 mt) for Area 2C. Following the CSP allocations in Tables 1 and 3 of subpart E of 50 CFR part 300, the commercial fishery is allocated 81.7 percent or 3,799,000 lb (1,723.2 mt), and the charter fishery is allocated 18.3 percent or 851,000 lb (386.0 mt) of the CCL (rounded to the nearest 1,000 lb). Wastage in the amount of 120,000 lb (54.4 mt) was deducted from the commercial allocation to obtain the commercial catch limit of 3,679,000 lb (1,668.8 mt). The charter allocation for 2015 is about 90,000 lb (40.8 mt), or 11.8 percent greater than the charter sector allocation of 761,000 lb (345.2 mt) in 2014.

The IPHC recommended a CCL of 10,100,000 lb (4,581.3 mt) for Area 3A. Following the CSP allocations in Tables 2 and 4 of subpart E of 50 CFR part 300, the commercial fishery is allocated the difference of the CCL and a fixed 1,890,000 lb (857.3 mt) for the charter fishery. The commercial fishery is therefore allocated 8,210,000 lb (3,724.0 mt), and the charter fishery is allocated 1,890,000 lb (857.3 mt). Discard mortality in the amount of 420,000 lb (190.5 mt) was deducted from the commercial allocation to obtain the commercial catch limit of 7,790,000 lb (3,533.5 mt). The charter allocation increased by about 108,000 lb (49.0 mt), or 6.1 percent, from the 2014 allocation of 1,782,000 lb (808.3 mt).

Charter Halibut Management Measures for Area 2C and Area 3A

The NPFMC formed the Charter Halibut Management Implementation Committee to provide it with

recommendations for annual management measures intended to limit charter harvest to the charter catch limit while minimizing negative economic impacts to the charter fishery participants in times of low halibut abundance. The committee is composed of representatives from the charter fishing industry in Areas 2C and 3A. The committee selected management measures for further analysis from a suite of alternatives that were presented in October 2014. After reviewing an analysis of the effects of the alternative measures on estimated charter removals, the committee recommended its preferred management measures to the NPFMC for 2015. The NPFMC recommended the committee's preferred measures to recommend to the IPHC, and the IPHC took action consistent with the NPFMC's recommendations. The NPFMC has used this process to select and recommend annual management measures to the IPHC since 2012.

The IPHC recognizes the role of the NPFMC to develop policy and regulations that allocate the Pacific halibut resource among fishermen in and off Alaska, and that NMFS has developed numerous regulations to support the NPFMC's goals of limiting charter harvests over the past several years. The IPHC concluded that additional restrictions were necessary for 2015 to limit the Area 2C and Area 3A charter halibut fisheries to their charter catch limits under the CSP, to achieve the IPHC's overall conservation objective to limit total halibut harvests to established catch limits, and to meet the NPFMC's allocation objectives for these areas. The IPHC determined that limiting charter harvests by implementing the management measures discussed below would meet these objectives.

Reverse Slot Limit for Halibut Retained on a Charter Vessel Fishing in Area 2C

Total charter removals in Area 2C exceeded the 2014 charter allocation by about 109,677 lb (49.7 mt) or 14 percent. The method used to forecast harvest for 2015 was changed to better account for trends, and the harvest forecast for 2015 is higher than the preliminary estimate for 2014.

The preliminary estimate of charter wastage (release mortality) in 2014 represented about 5.5 percent of the directed harvest amount. Therefore, projected charter harvest for 2015 was inflated by 5.5 percent to account for all charter removals in the selection of annual management measures for Area 2C.

Changes in management measures are required to manage total charter removals, including wastage, in Area 2C within the 2015 allocation. Therefore, the 2015 reverse slot limit is more restrictive to limit charter removals in Area 2C within the allocation under the CSP of 851,000 lb (386.0 mt). This final rule amends the 2014 measures applicable to the charter vessel fishery in Area 2C.

For 2015, the IPHC recommended a management measure that prohibits a person on board a charter vessel referred to in 50 CFR 300.65 and fishing in Area 2C from taking or possessing any halibut, with head on, that is greater than 42 inches (107 cm) and less than 80 inches (203 cm), as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail. This type of restriction is referred to as a "reverse slot limit." The 2014 reverse slot limit prohibited retention by charter anglers of halibut that were greater than 44 inches (112 cm) and less than 76 inches (193 cm).

Management Measures for Charter Vessel Fishing in Area 3A

Charter removals in Area 3A in 2014 exceeded the charter allocation by 413,374 lb (187.5 mt), or 23 percent, primarily because the halibut that were caught and retained by charter anglers were larger on average than predicted for the size limit. The estimation error for average weight was factored into the analysis of potential management measures for 2015.

The preliminary estimate of charter wastage in 2014 represented less than 2 percent of the directed harvest amount. The projected charter harvest for 2015 was increased by 2 percent to account for total charter removals in the selection of appropriate annual management measures for Area 3A for 2015.

This final rule amends the 2014 management measures applicable to the charter halibut fishery in Area 3A. The NPFMC and IPHC considered 2014 information on charter removals and the projections of charter harvest for 2015. Despite the increased allocation for 2015, the NPFMC and IPHC determined that changes to the 2014 Area 3A management measures are necessary to manage total charter removals, including wastage, within the 2015 allocation.

For 2015, the IPHC recommended the following management measures for Area 3A: (1) A two-fish bag limit with a 29-inch size limit on one of the halibut; (2) A one trip per day limit; (3)

a day-of-week closure; and (4) an annual limit. Each of these management measures is described in more detail below. The size and trip limit regulations were in place in 2014, but the day-of-week closure and annual limit measures are new for 2015.

Size Limit for Halibut Retained on a Charter Vessel in Area 3A

The 2015 charter halibut fishery in Area 3A will be managed under a two-fish daily bag limit in which one of the retained halibut may be of any size and one of the retained halibut must be 29 inches (74 cm) total length or less. The NPFMC and the IPHC recommended the 2014 daily bag and size limit in Area 3A for 2015 to maintain similar angling opportunities to previous years. This daily bag and size limit will be combined with additional restrictions to limit charter halibut removals to the 2015 allocation.

Trip Limit for Charter Vessels Harvesting Halibut in Area 3A

In 2014, charter vessels were limited to one charter halibut fishing trip in which halibut were retained per calendar day in Area 3A. The one-trip per day limit will remain in place in Area 3A for 2015. If no halibut are retained during a charter vessel fishing trip, the vessel may take an additional trip to catch and retain halibut that day. The trip limit applies to vessels only, not to charter halibut permits. A charter operator may use more than one vessel to take more than one charter vessel fishing trip using the same charter halibut permit per day. Trip limits will affect only a small number of charter operators and allows the size of the size-restricted fish in the daily bag limit to be maximized for the entire charter fleet in Area 3A. Without a trip limit, a more restrictive size or bag limit might have been necessary to achieve harvest targets.

Currently, charter operators in Area 3A are able to conduct a single trip over two calendar days by remaining at sea overnight because, according to the Federal definition at 50 CFR 300.61, a charter vessel fishing trip does not end until clients or halibut are offloaded. This practice allows retention of two daily halibut limits on a single trip. Additionally, the charter operator could start another trip on the same day that the previous trip ended because a complete trip had not occurred on a single calendar day; thereby circumventing the trip limit. The committee and the NPFMC requested that the trip limit annual management measures recommended by the IPHC and implemented in this regulation be

reworded to reflect their original intent for this measure. This regulation provides that clarification.

For purposes of the trip limit in Area 3A in 2015, a charter vessel fishing trip will end when anglers or halibut are offloaded, or at the end of the calendar day, whichever occurs first. Charter operators will still be able to conduct overnight trips and harvest a bag limit of halibut on each calendar day, but they will not be allowed to begin another overnight trip until the day after the trip ended. For example, if an overnight trip started on a Monday and ended on a Tuesday, and charter vessel anglers harvested halibut on Monday and Tuesday, the charter operator would not be able to start another charter vessel fishing trip on that vessel until Wednesday. Alternatively, charter anglers could harvest halibut on the first calendar day of an overnight trip, but not the second, allowing the guide to embark on another overnight trip on the second day. GAF halibut are exempt from the trip limit; therefore, GAF could be used to harvest halibut on a second trip in a day, but only if exclusively GAF halibut were harvested on that trip. For example, if an overnight trip started on a Monday and anglers harvested halibut on Monday, they could harvest GAF on Tuesday, allowing the charter operator to start another charter vessel fishing trip on Tuesday on the same charter vessel and charter vessel anglers to harvest halibut on Tuesday.

Day-of-Week Closure in Area 3A

The NPFMC and the IPHC recommended a day-of-week closure for Area 3A in 2015. No retention of halibut by charter vessel anglers will be allowed in Area 3A on Thursdays beginning June 15 through August 31 (*i.e.*, June 18 and 25, July 2, 9, 16, 23, and 30, and August 6 and 13). Retention of only GAF halibut will be allowed on charter vessels on Thursdays during these dates; all other halibut that are caught while fishing on a charter vessel must be released. Thursday was selected as the closure day because it was estimated to have the largest potential effect on reducing charter harvest in Area 3A.

Annual Limit of Five Fish for Charter Vessels Anglers in Area 3A

Charter vessel anglers will be limited to harvesting no more than five halibut on charter vessel fishing trips in Area 3A during a calendar year. This limit applies only to halibut caught aboard charter vessels in Area 3A. Halibut harvested while unguided fishing, fishing in other IPHC regulatory areas, or harvested as GAF will not accrue toward the annual limit.

Final Rule To Change the Definition of Sport Fishing Guide Services in Federal Regulations

NMFS published a proposed rule on December 3, 2014 (79 FR 71729), to revise Federal regulations for charter halibut fishing in Areas 2C and 3A. The proposed revisions were recommended by the NPFMC under authority of the Northern Pacific Halibut Act of 1982 at 16 U.S.C. 773b. The proposed rule would align Federal regulations with State of Alaska regulations, would clarify the intent of the NPFMC and NMFS for management of charter halibut fisheries in Alaska, and would facilitate enforcement and clarify recordkeeping and reporting requirements for the charter halibut fishery. The proposed rule is available on the NMFS Alaska Region Web site at <http://www.alaskafisheries.noaa.gov/prules/79fr71729.pdf>.

Current Federal charter fishing regulations do not apply to a small number of businesses that offer guide-assisted sport fishing services in which guides provide assistance to halibut anglers, likely for compensation, from adjacent vessels or shore. Under current Federal regulations, a person providing assistance to an angler during a fishing trip, and who is not on board the vessel with the anglers, is not providing sport fishing guide services. As a result, persons providing guide-assisted sport fishing services are not required to have charter halibut permits as required by the charter halibut limited access program regulations at 50 CFR 300.67. In addition, anglers receiving assistance during the fishing trip from a guide who is not on board the same vessel are not subject to regulations that limit guided anglers to more restrictive daily bag and size limits that are intended to limit charter removals to allocations specified by the NPFMC's CSP for Area 2C and Area 3A. The proposed rule is primarily intended to clarify that (1) "guide-assisted" sport fishing services for halibut would be managed under Federal charter fishery regulations, and (2) halibut harvested by a guide-assisted angler would accrue toward charter allocations.

In recommending the proposed revisions to Federal regulations, the NPFMC specified that guide-assisted sport fishing services for halibut are a *de facto* form of charter fishing and should be managed under charter fishing regulations. A guide who is not on the same vessel with an angler and who provides assistance for compensation to an angler meets the NPFMC's definition of guided fishing. For example, the guide may accompany the anglers from

a separate vessel, lead them to the fishing location, and assist in landing and filleting the halibut from a separate vessel. The proposed rule would implement the NPFMC's intent for managing these types of activities by establishing clear and consistent regulations that apply to all businesses providing, and all anglers receiving, sport fishing guide services for halibut fishing.

Once implemented, this rule will revise several Federal regulations and definitions pertaining to charter fishing for halibut. Some revisions to the IPHC annual management measures are also necessary to facilitate compliance and enforcement. First, NMFS proposed adding an annual management measures to section 28(1) to require all halibut harvested on a charter vessel fishing trip to be retained on board the vessel on which it was caught until the end of a charter vessel fishing trip. This requirement will prevent charter vessel anglers without a guide on board the vessel from transferring their catch to another vessel for processing, and is necessary for enforcement of bag and size limits. Second, NMFS proposed revising the IPHC definition of "charter vessel" at Section 3 to specify that, for Alaska, a charter vessel means a vessel used while providing or receiving sport fishing guide services for halibut. This change does not alter the definition of charter vessel as it applies to other IPHC regulatory areas, while making the definition more consistent with the proposed Federal definition for Alaska. Third, minor technical revisions would be made to maintain consistency with Federal and State of Alaska sport fishing regulations. Fourth, section 25(7) will be revised to clarify that the charter vessel guide shall be held liable for any violations of annual management measures committed by an angler on a charter vessel, whether the guide is on board the vessel with the angler or on a separate vessel. And finally, this rule would implement a Federal regulation requiring carcass-retention that duplicates annual management measures at 28(2)(d) and 28(3)(d). This change is discussed in the next section. The IPHC recommended that these changes be made to the annual management measures.

Areas 2C and 3A Carcass-Retention

Current IPHC regulations prohibit the filleting, mutilation, or other disfigurement of sport-caught halibut that would prevent the determination of the size or number of halibut possessed or landed. The IPHC first implemented a carcass-retention requirement in 2011 for Area 2C at section 28(2)(b) requiring

that a person on board a charter vessel who possesses filleted halibut must also retain the entire carcass, with head and tail connected as a single piece, on board the vessel until all the fillets are offloaded. This regulation was implemented in Area 2C to facilitate enforcement of maximum size limits and reverse slot limits in that area. The IPHC recommended a carcass-retention requirement in Area 3A in 2014 at section 28(3)(d) to facilitate enforcement of the 29-inch maximum size limit on one of the two fish. In 2015, anglers in Area 3A are required to retain only the carcass of the halibut that is less than the 29-inch maximum size limit if two halibut are retained. If an angler only retained one halibut in a day, the carcass need not be retained.

The IPHC recommended removing the carcass-retention requirements from the IPHC annual management measures when a carcass-retention requirement is implemented through Federal regulations. NMFS has proposed a carcass-retention requirement through Federal regulation in the sport fishing guide services proposed rule (79 FR 71729, December 3, 2014). This Federal regulation would be effective upon publication of the sport fishing guide services final rule. Because the final rule affecting sport fishing guide services has not yet been published and will not be effective prior to the publication of these annual management measures, the carcass-retention requirements will be retained in these IPHC management measures for 2015, and will be removed next year, if applicable, after the sport fishing guide services final rule has become effective. This will ensure that the carcass-retention requirement is in effect for the 2015 charter fishing season.

Annual Halibut Management Measures

The following annual management measures for the 2015 Pacific halibut fishery are those recommended by the IPHC and accepted by the Secretary of State, with the concurrence of the Secretary.

1. Short Title

These Regulations may be cited as the Pacific Halibut Fishery Regulations.

2. Application

(1) These Regulations apply to persons and vessels fishing for halibut in, or possessing halibut taken from, the maritime area as defined in Section 3.

(2) Sections 3 to 6 apply generally to all halibut fishing.

(3) Sections 7 to 20 apply to commercial fishing for halibut.

(4) Section 21 applies to tagged halibut caught by any vessel.

(5) Section 22 applies to the United States treaty Indian fishery in Subarea 2A-1.

(6) Section 23 applies to customary and traditional fishing in Alaska.

(7) Section 24 applies to Aboriginal groups fishing for food, social and ceremonial purposes in British Columbia.

(8) Sections 25 to 28 apply to sport fishing for halibut.

(9) These Regulations do not apply to fishing operations authorized or conducted by the Commission for research purposes.

3. Definitions

(1) In these Regulations,

(a) "authorized officer" means any State, Federal, or Provincial officer authorized to enforce these Regulations including, but not limited to, the National Marine Fisheries Service (NMFS), Canada's Department of Fisheries and Oceans (DFO), Alaska Wildlife Troopers (AWT), United States Coast Guard (USCG), Washington Department of Fish and Wildlife (WDFW), the Oregon State Police (OSP), and California Department of Fish and Wildlife (CDFW);

(b) "authorized clearance personnel" means an authorized officer of the United States, a representative of the Commission, or a designated fish processor;

(c) "charter vessel" outside of Alaska waters means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator, and in Alaska waters means a vessel used while providing or receiving sport fishing guide services for halibut;

(d) "commercial fishing" means fishing, the resulting catch of which is sold or bartered; or is intended to be sold or bartered, other than (i) Sport fishing, (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 22, (iii) customary and traditional fishing as referred to in section 23 and defined by and regulated pursuant to NMFS regulations published at 50 CFR part 300, and (iv) Aboriginal groups fishing in British Columbia as referred to in section 24;

(e) "Commission" means the International Pacific Halibut Commission;

(f) "daily bag limit" means the maximum number of halibut a person may take in any calendar day from Convention waters;

(g) "fishing" means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or

catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area;

(h) "fishing period limit" means the maximum amount of halibut that may be retained and landed by a vessel during one fishing period;

(i) "land" or "offload" with respect to halibut, means the removal of halibut from the catching vessel;

(j) "license" means a halibut fishing license issued by the Commission pursuant to section 4;

(k) "maritime area", in respect of the fisheries jurisdiction of a Contracting Party, includes without distinction areas within and seaward of the territorial sea and internal waters of that Party;

(l) "net weight" of a halibut means the weight of halibut that is without gills and entrails, head-off, washed, and without ice and slime. If a halibut is weighed with the head on or with ice and slime, the required conversion factors for calculating net weight are a 2 percent deduction for ice and slime and a 10 percent deduction for the head;

(m) "operator", with respect to any vessel, means the owner and/or the master or other individual on board and in charge of that vessel;

(n) "overall length" of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments);

(o) "person" includes an individual, corporation, firm, or association;

(p) "regulatory area" means an area referred to in section 6;

(q) "setline gear" means one or more stationary, buoyed, and anchored lines with hooks attached;

(r) "sport fishing" means all fishing other than (i) commercial fishing, (ii) treaty Indian ceremonial and subsistence fishing as referred to in section 22, (iii) customary and traditional fishing as referred to in section 23 and defined in and regulated pursuant to NMFS regulations published in 50 CFR part 300, and (iv) Aboriginal groups fishing in British Columbia as referred to in section 24;

(s) "tender" means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish processor;

(t) "VMS transmitter" means a NMFS-approved vessel monitoring system transmitter that automatically determines a vessel's position and transmits it to a NMFS-approved communications service provider.¹

(2) In these Regulations, all bearings are true and all positions are determined by the most recent charts issued by the United States National Ocean Service or the Canadian Hydrographic Service.

4. Licensing Vessels for Area 2A

(1) No person shall fish for halibut from a vessel, nor possess halibut on board a vessel, used either for commercial fishing or as a charter vessel in Area 2A, unless the Commission has issued a license valid for fishing in Area 2A in respect of that vessel.

(2) A license issued for a vessel operating in Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.

(3) A vessel with a valid Area 2A commercial license cannot be used to sport fish for Pacific halibut in Area 2A.

(4) A license issued for a vessel operating in the commercial fishery in Area 2A shall be valid for one of the following:

(a) the directed commercial fishery during the fishing periods specified in paragraph (2) of section 8 and the incidental commercial fishery during the sablefish fishery specified in paragraph (3) of section 8;

(b) the incidental catch fishery during the sablefish fishery specified in paragraph (3) of section 8; or

(c) the incidental catch fishery during the salmon troll fishery specified in paragraph (4) of section 8.

(5) No person may apply for or be issued a license for a vessel operating in the incidental catch fishery during the salmon troll fishery in paragraph (4)(c), if that vessel was previously issued a license for either the directed commercial fishery in paragraph (4)(a) or the incidental catch fishery during the sablefish fishery in paragraph (4)(b).

(6) A license issued in respect to a vessel referred to in paragraph (1) of this section must be carried on board that vessel at all times and the vessel operator shall permit its inspection by any authorized officer.

(7) The Commission shall issue a license in respect to a vessel, without fee, from its office in Seattle, Washington, upon receipt of a completed, written, and signed "Application for Vessel License for the Halibut Fishery" form.

(8) A vessel operating in the directed commercial fishery in Area 2A must have its "Application for Vessel License for the Halibut Fishery" form postmarked no later than 11:59 p.m. on April 30, or on the first weekday in May if April 30 is a Saturday or Sunday.

¹ Call NOAA Enforcement Division, Alaska Region, at 907-586-7225 between the hours of 0800

and 1600 local time for a list of NMFS-approved VMS transmitters and communications service providers.

(9) A vessel operating in the incidental catch fishery during the sablefish fishery in Area 2A must have its "Application for Vessel License for the Halibut Fishery" form postmarked no later than 11:59 p.m. on March 15, or the next weekday in March if March 15 is a Saturday or Sunday.

(10) A vessel operating in the incidental catch fishery during the salmon troll fishery in Area 2A must have its "Application for Vessel License for the Halibut Fishery" form postmarked no later than 11:59 p.m. on March 15, or the next weekday in March if March 15 is a Saturday or Sunday.

(11) Application forms may be obtained from any authorized officer or from the Commission.

(12) Information on "Application for Vessel License for the Halibut Fishery" form must be accurate.

(13) The "Application for Vessel License for the Halibut Fishery" form shall be completed and signed by the vessel owner.

(14) Licenses issued under this section shall be valid only during the year in which they are issued.

(15) A new license is required for a vessel that is sold, transferred, renamed, or the documentation is changed.

(16) The license required under this section is in addition to any license, however designated, that is required under the laws of the United States or any of its States.

(17) The United States may suspend, revoke, or modify any license issued under this section under policies and procedures in Title 15, CFR part 904.

5. In-Season Actions

(1) The Commission is authorized to establish or modify regulations during the season after determining that such action:

(a) Will not result in exceeding the catch limit established pre-season for each regulatory area;

(b) is consistent with the Convention between Canada and the United States of America for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, and applicable domestic law of either Canada or the United States; and

(c) is consistent, to the maximum extent practicable, with any domestic catch sharing plans or other domestic allocation programs developed by the United States or Canadian governments.

(2) In-season actions may include, but are not limited to, establishment or modification of the following:

- (a) Closed areas;
- (b) fishing periods;
- (c) fishing period limits;
- (d) gear restrictions;

(e) recreational bag limits;

(f) size limits; or

(g) vessel clearances.

(3) In-season changes will be effective at the time and date specified by the Commission.

(4) The Commission will announce in-season actions under this section by providing notice to major halibut processors; Federal, State, United States treaty Indian, and Provincial fishery officials; and the media.

6. Regulatory Areas

The following areas shall be regulatory areas (see Figure 1) for the purposes of the Convention:

(1) Area 2A includes all waters off the states of California, Oregon, and Washington;

(2) Area 2B includes all waters off British Columbia;

(3) Area 2C includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58°11'56" N. latitude, 136°38'26" W. longitude) and south and east of a line running 205° true from said light;

(4) Area 3A includes all waters between Area 2C and a line extending from the most northerly point on Cape Aklek (57°41'15" N. latitude, 155°35'00" W. longitude) to Cape Ikolik (57°17'17" N. latitude, 154°47'18" W. longitude), then along the Kodiak Island coastline to Cape Trinity (56°44'50" N. latitude, 154°08'44" W. longitude), then 140° true;

(5) Area 3B includes all waters between Area 3A and a line extending 150° true from Cape Lutke (54°29'00" N. latitude, 164°20'00" W. longitude) and south of 54°49'00" N. latitude in Isanotski Strait;

(6) Area 4A includes all waters in the Gulf of Alaska west of Area 3B and in the Bering Sea west of the closed area defined in section 10 that are east of 172°00'00" W. longitude and south of 56°20'00" N. latitude;

(7) Area 4B includes all waters in the Bering Sea and the Gulf of Alaska west of Area 4A and south of 56°20'00" N. latitude;

(8) Area 4C includes all waters in the Bering Sea north of Area 4A and north of the closed area defined in section 10 which are east of 171°00'00" W. longitude, south of 58°00'00" N. latitude, and west of 168°00'00" W. longitude;

(9) Area 4D includes all waters in the Bering Sea north of Areas 4A and 4B, north and west of Area 4C, and west of 168°00'00" W. longitude; and

(10) Area 4E includes all waters in the Bering Sea north and east of the closed area defined in section 10, east of 168°00'00" W. longitude, and south of 65°34'00" N. latitude.

7. Fishing in Regulatory Area 4E and 4D

(1) Section 7 applies only to any person fishing, or vessel that is used to fish for, Area 4E Community Development Quota (CDQ) or Area 4D CDQ halibut, provided that the total annual halibut catch of that person or vessel is landed at a port within Area 4E or 4D.

(2) A person may retain halibut taken with setline gear in Area 4E CDQ and 4D CDQ fishery that are smaller than the size limit specified in section 13, provided that no person may sell or barter such halibut.

(3) The manager of a CDQ organization that authorizes persons to harvest halibut in the Area 4E or 4D CDQ fisheries must report to the Commission the total number and weight of undersized halibut taken and retained by such persons pursuant to section 7, paragraph (2). This report, which shall include data and methodology used to collect the data, must be received by the Commission prior to November 1 of the year in which such halibut were harvested.

8. Fishing Periods

(1) The fishing periods for each regulatory area apply where the catch limits specified in section 11 have not been taken.

(2) Each fishing period in the Area 2A directed commercial fishery² shall begin at 0800 hours and terminate at 1800 hours local time on June 24, July 8, July 22, August 5, August 19, September 2, and September 16 unless the Commission specifies otherwise.

(3) Notwithstanding paragraph (7) of section 11, an incidental catch fishery³ is authorized during the sablefish seasons in Area 2A in accordance with regulations promulgated by NMFS. This fishery will occur between 1200 hours local time on March 14 and 1200 hours local time on November 7.

(4) Notwithstanding paragraph (2), and paragraph (7) of section 11, an incidental catch fishery is authorized during salmon troll seasons in Area 2A in accordance with regulations promulgated by NMFS. This fishery will occur between 1200 hours local time on March 14 and 1200 hours local time on November 7.

² The directed fishery is restricted to waters that are south of Point Chehalis, Washington (46°53'18" N. latitude) under regulations promulgated by NMFS and published in the **Federal Register**.

³ The incidental fishery during the directed, fixed gear sablefish season is restricted to waters that are north of Point Chehalis, Washington (46°53'18" N. latitude) under regulations promulgated by NMFS at 50 CFR 300.63. Landing restrictions for halibut retention in the fixed gear sablefish fishery can be found at 50 CFR 660.231.

(5) The fishing period in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall begin at 1200 hours local time on March 14 and terminate at 1200 hours local time on November 7, unless the Commission specifies otherwise.

(6) All commercial fishing for halibut in Areas 2A, 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall cease at 1200 hours local time on November 7.

9. Closed Periods

(1) No person shall engage in fishing for halibut in any regulatory area other than during the fishing periods set out in section 8 in respect of that area.

(2) No person shall land or otherwise retain halibut caught outside a fishing period applicable to the regulatory area where the halibut was taken.

(3) Subject to paragraphs (7), (8), (9), and (10) of section 19, these Regulations do not prohibit fishing for any species of fish other than halibut during the closed periods.

(4) Notwithstanding paragraph (3), no person shall have halibut in his/her possession while fishing for any other

species of fish during the closed periods.

(5) No vessel shall retrieve any halibut fishing gear during a closed period if the vessel has any halibut on board.

(6) A vessel that has no halibut on board may retrieve any halibut fishing gear during the closed period after the operator notifies an authorized officer or representative of the Commission prior to that retrieval.

(7) After retrieval of halibut gear in accordance with paragraph (6), the vessel shall submit to a hold inspection at the discretion of the authorized officer or representative of the Commission.

(8) No person shall retain any halibut caught on gear retrieved in accordance with paragraph (6).

(9) No person shall possess halibut on board a vessel in a regulatory area during a closed period unless that vessel is in continuous transit to or within a port in which that halibut may be lawfully sold.

10. Closed Area

All waters in the Bering Sea north of 55°00'00" N. latitude in Isanotski Strait

that are enclosed by a line from Cape Sarichef Light (54°36'00" N. latitude, 164°55'42" W. longitude) to a point at 56°20'00" N. latitude, 168°30'00" W. longitude; thence to a point at 58°21'25" N. latitude, 163°00'00" W. longitude; thence to Strogonof Point (56°53'18" N. latitude, 158°50'37" W. longitude); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin at Cape Sarichef Light are closed to halibut fishing and no person shall fish for halibut therein or have halibut in his/her possession while in those waters, except in the course of a continuous transit across those waters. All waters in Isanotski Strait between 55°00'00" N. latitude and 54°49'00" N. latitude are closed to halibut fishing.

11. Catch Limits

(1) The total allowable catch of halibut to be taken during the halibut fishing periods specified in section 8 shall be limited to the net weights expressed in pounds or metric tons shown in the following table:

Regulatory area	Catch limit—net weight	
	Pounds	Metric tons
2A: directed commercial, and incidental commercial catch during salmon troll fishery	193,564	87.8
2A: incidental commercial during sablefish fishery	10,347	4.7
2B ⁴	7,038,000	3,192.4
2C ⁵	3,679,000	1,668.8
3A ⁶	7,790,000	3,533.5
3B	2,650,000	1,202.0
4A	1,390,000	630.5
4B	1,140,000	517.1
4C	596,600	270.6
4D	596,600	270.6
4E	91,800	41.6

(2) Notwithstanding paragraph (1), regulations pertaining to the division of the Area 2A catch limit between the directed commercial fishery and the incidental catch fishery as described in paragraph (4) of section 8 will be promulgated by NMFS and published in the **Federal Register**.

⁴ Area 2B includes combined commercial and sport catch limits that will be allocated by DFO. See section 27 for sport fishing regulations.

⁵ For the commercial fishery in Area 2C, in addition to the catch limit, the estimate of incidental mortality from the commercial fishery is 120,000 pounds. This amount is included in the combined commercial and guided sport sector catch limit set by IPHC and allocated by NMFS by a catch sharing plan.

⁶ For the commercial fishery in Area 3A, in addition to the catch limit, the estimate of incidental mortality from the commercial fishery is 420,000 pounds. This amount is included in the combined commercial and guided sport sector catch limit set by IPHC and allocated by NMFS by a catch sharing plan.

(3) The Commission shall determine and announce to the public the date on which the catch limit for Area 2A will be taken.

(4) Notwithstanding paragraph (1), the commercial fishing in Area 2B will close only when all Individual Vessel Quotas (IVQs) assigned by DFO are taken, or November 7, whichever is earlier.

(5) Notwithstanding paragraph (1), Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will each close only when all Individual Fishing Quotas (IFQ) and all CDQs issued by NMFS have been taken, or November 7, whichever is earlier.

(6) If the Commission determines that the catch limit specified for Area 2A in paragraph (1) would be exceeded in an unrestricted 10-hour fishing period as specified in paragraph (2) of section 8, the catch limit for that area shall be

considered to have been taken unless fishing period limits are implemented.

(7) When under paragraphs (2), (3), and (6) the Commission has announced a date on which the catch limit for Area 2A will be taken, no person shall fish for halibut in that area after that date for the rest of the year, unless the Commission has announced the reopening of that area for halibut fishing.

(8) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4E directed commercial fishery is equal to the combined annual catch limits specified for the Area 4D and Area 4E CDQ fisheries. The annual Area 4D CDQ catch limit will decrease by the equivalent amount of halibut CDQ taken in Area 4E in excess of the annual Area 4E CDQ catch limit.

(9) Notwithstanding paragraph (1), the total allowable catch of halibut that may be taken in the Area 4D directed commercial fishery is equal to the combined annual catch limits specified for Area 4C and Area 4D. The annual Area 4C catch limit will decrease by the equivalent amount of halibut taken in Area 4D in excess of the annual Area 4D catch limit.

Area 2B includes combined commercial and sport catch limits that will be allocated by DFO.

12. Fishing Period Limits

(1) It shall be unlawful for any vessel to retain more halibut than authorized by that vessel's license in any fishing period for which the Commission has announced a fishing period limit.

(2) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut to a commercial fish processor, completely offload all halibut on board said vessel to that processor and ensure that all halibut is weighed and reported on State fish tickets.

(3) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut other than to a commercial fish processor, completely offload all halibut on board said vessel and ensure that all halibut are weighed and reported on State fish tickets.

(4) The provisions of paragraph (3) are not intended to prevent retail over-the-side sales to individual purchasers so long as all the halibut on board is ultimately offloaded and reported.

(5) When fishing period limits are in effect, a vessel's maximum retainable catch will be determined by the Commission based on:

- (a) The vessel's overall length in feet and associated length class;
- (b) The average performance of all vessels within that class; and
- (c) The remaining catch limit.

(6) Length classes are shown in the following table:

Overall length (in feet)	Vessel class
1-25	A
26-30	B
31-35	C
36-40	D
41-45	E
46-50	F
51-55	G
56+	H

(7) Fishing period limits in Area 2A apply only to the directed halibut fishery referred to in paragraph (2) of section 8.

13. Size Limits

(1) No person shall take or possess any halibut that:

(a) With the head on, is less than 32 inches (81.3 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 2; or

(b) With the head removed, is less than 24 inches (61.0 cm) as measured from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail, as illustrated in Figure 2.

(2) No person on board a vessel fishing for, or tendering, halibut caught in Area 2A shall possess any halibut that has had its head removed.

14. Careful Release of Halibut

(1) All halibut that are caught and are not retained shall be immediately released outboard of the roller and returned to the sea with a minimum of injury by:

- (a) Hook straightening;
- (b) Cutting the gangion near the hook; or
- (c) Carefully removing the hook by twisting it from the halibut with a gaff.

(2) Except that paragraph (1) shall not prohibit the possession of halibut on board a vessel that has been brought aboard to be measured to determine if the minimum size limit of the halibut is met and, if sublegal-sized, is promptly returned to the sea with a minimum of injury.

15. Vessel Clearance in Area 4

(1) The operator of any vessel that fishes for halibut in Areas 4A, 4B, 4C, or 4D must obtain a vessel clearance before fishing in any of these areas, and before the landing of any halibut caught in any of these areas, unless specifically exempted in paragraphs (10), (13), (14), (15), or (16).

(2) An operator obtaining a vessel clearance required by paragraph (1) must obtain the clearance in person from the authorized clearance personnel and sign the IPHC form documenting that a clearance was obtained, except that when the clearance is obtained via VHF radio referred to in paragraphs (5), (8), and (9), the authorized clearance personnel must sign the IPHC form documenting that the clearance was obtained.

(3) The vessel clearance required under paragraph (1) prior to fishing in Area 4A may be obtained only at Nazan Bay on Atka Island, Dutch Harbor or Akutan, Alaska, from an authorized officer of the United States, a

representative of the Commission, or a designated fish processor.

(4) The vessel clearance required under paragraph (1) prior to fishing in Area 4B may only be obtained at Nazan Bay on Atka Island or Adak, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(5) The vessel clearance required under paragraph (1) prior to fishing in Area 4C or 4D may be obtained only at St. Paul or St. George, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(6) The vessel operator shall specify the specific regulatory area in which fishing will take place.

(7) Before unloading any halibut caught in Area 4A, a vessel operator may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(8) Before unloading any halibut caught in Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island or Adak, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio or in person.

(9) Before unloading any halibut caught in Area 4C and 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(10) Any vessel operator who complies with the requirements in section 18 for possessing halibut on board a vessel that was caught in more than one regulatory area in Area 4 is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel obtains a vessel clearance prior to fishing in Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or

a designated fish processor. The clearance obtained in St. Paul, St. George, Adak, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. This clearance will list the areas in which the vessel will fish; and

(b) before unloading any halibut from Area 4, the vessel operator obtains a vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, Adak, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul or St. George can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. The clearance obtained in Adak or Nazan Bay on Atka Island can be obtained by VHF radio.

(11) Vessel clearances shall be obtained between 0600 and 1800 hours, local time.

(12) No halibut shall be on board the vessel at the time of the clearances required prior to fishing in Area 4.

(13) Any vessel that is used to fish for halibut only in Area 4A and lands its total annual halibut catch at a port within Area 4A is exempt from the clearance requirements of paragraph (1).

(14) Any vessel that is used to fish for halibut only in Area 4B and lands its total annual halibut catch at a port within Area 4B is exempt from the clearance requirements of paragraph (1).

(15) Any vessel that is used to fish for halibut only in Area 4C or 4D or 4E and lands its total annual halibut catch at a port within Area 4C, 4D, 4E, or the closed area defined in section 10, is exempt from the clearance requirements of paragraph (1).

(16) Any vessel that carries a transmitting VMS transmitter while fishing for halibut in Area 4A, 4B, 4C, or 4D and until all halibut caught in any of these areas is landed, is exempt from the clearance requirements of paragraph (1) of this section, provided that:

(a) The operator of the vessel complies with NMFS' vessel monitoring system regulations published at 50 CFR 679.28(f)(3), (4) and (5); and

(b) The operator of the vessel notifies NOAA Fisheries Office for Law Enforcement at 800-304-4846 (select option 1 to speak to an Enforcement Data Clerk) between the hours of 0600 and 0000 (midnight) local time within 72 hours before fishing for halibut in Area 4A, 4B, 4C, or 4D and receives a VMS confirmation number.

16. Logs

(1) The operator of any U.S. vessel fishing for halibut that has an overall length of 26 feet (7.9 meters) or greater shall maintain an accurate log of halibut fishing operations. The operator of a vessel fishing in waters in and off Alaska must use one of the following logbooks: the Groundfish/IFQ Daily Fishing Longline and Pot Gear Logbook provided by NMFS; the Alaska hook-and-line logbook provided by Petersburg Vessel Owners Association or Alaska Longline Fisherman's Association; the Alaska Department of Fish and Game (ADF&G) longline-pot logbook; or the logbook provided by IPHC. The operator of a vessel fishing in Area 2A must use either the Washington Department of Fish and Wildlife (WDFW) Voluntary Sablefish Logbook, Oregon Department of Fish and Wildlife (ODFW) Fixed Gear Logbook, or the logbook provided by IPHC.

(2) The logbook referred to in paragraph (1) must include the following information:

(a) The name of the vessel and the State (ADF&G, WDFW, ODFW, or California Department of Fish and Game) or Tribal vessel number;

(b) The date(s) upon which the fishing gear is set or retrieved;

(c) The latitude and longitude coordinates or a direction and distance from a point of land for each set or day;

(d) The number of skates deployed or retrieved, and number of skates lost; and

(e) The total weight or number of halibut retained for each set or day.

(3) The logbook referred to in paragraph (1) shall be:

(a) Maintained on board the vessel;

(b) Updated not later than 24 hours after 0000 (midnight) local time for each day fished and prior to the offloading or sale of halibut taken during that fishing trip;

(c) Retained for a period of two years by the owner or operator of the vessel;

(d) Open to inspection by an authorized officer or any authorized representative of the Commission upon demand; and

(e) Kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed.

(4) The log referred to in paragraph (1) does not apply to the incidental halibut fishery during the salmon troll season in Area 2A defined in paragraph (4) of section 8.

(5) The operator of any Canadian vessel fishing for halibut shall maintain an accurate log recorded in the British Columbia Integrated Groundfish Fishing Log provided by DFO.

(6) The logbook referred to in paragraph (5) must include the following information:

(a) The name of the vessel and the DFO vessel registration number;

(b) The date(s) upon which the fishing gear is set and retrieved;

(c) The latitude and longitude coordinates for each set;

(d) The number of skates deployed or retrieved, and number of skates lost; and

(e) The total weight or number of halibut retained for each set.

(7) The logbook referred to in paragraph (5) shall be:

(a) Maintained on board the vessel;

(b) Retained for a period of two years by the owner or operator of the vessel;

(c) Open to inspection by an authorized officer or any authorized representative of the Commission upon demand;

(d) Kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and until the offloading of all halibut is completed;

(e) Mailed to the DFO (white copy) within seven days of offloading; and

(f) Mailed to the Commission (yellow copy) within seven days of the final offload if not collected by a Commission employee.

(8) No person shall make a false entry in a log referred to in this section.

17. Receipt and Possession of Halibut

(1) No person shall receive halibut caught in Area 2A from a United States vessel that does not have on board the license required by section 4.

(2) No person shall possess on board a vessel a halibut other than whole or with gills and entrails removed, except that this paragraph shall not prohibit the possession on board a vessel of:

(a) Halibut cheeks cut from halibut caught by persons authorized to process the halibut on board in accordance with NMFS regulations published at 50 CFR part 679;

(b) Fillets from halibut offloaded in accordance with section 17 that are possessed on board the harvesting vessel in the port of landing up to 1800 hours local time on the calendar day following the offload⁷; and

(c) Halibut with their heads removed in accordance with section 13.

(3) No person shall offload halibut from a vessel unless the gills and entrails have been removed prior to offloading⁸.

⁷ DFO has more restrictive regulations; therefore, section 17 paragraph (2)(b) does not apply to fish caught in Area 2B or landed in British Columbia.

⁸ DFO did not adopt this regulation; therefore, section 17 paragraph (3) does not apply to fish caught in Area 2B.

(4) It shall be the responsibility of a vessel operator who lands halibut to continuously and completely offload at a single offload site all halibut on board the vessel.

(5) A registered buyer (as that term is defined in regulations promulgated by NMFS and codified at 50 CFR part 679) who receives halibut harvested in IFQ and CDQ fisheries in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, directly from the vessel operator that harvested such halibut must weigh all the halibut received and record the following information on Federal catch reports: date of offload; name of vessel; vessel number (State, Tribal or Federal, not IPHC vessel number); scale weight obtained at the time of offloading, including the scale weight (in pounds) of halibut purchased by the registered buyer, the scale weight (in pounds) of halibut offloaded in excess of the IFQ or CDQ, the scale weight of halibut (in pounds) retained for personal use or for future sale, and the scale weight (in pounds) of halibut discarded as unfit for human consumption.

(6) The first recipient, commercial fish processor, or buyer in the United States who purchases or receives halibut directly from the vessel operator that harvested such halibut must weigh and record all halibut received and record the following information on State fish tickets: the date of offload; vessel number (State, Tribal or Federal, not IPHC vessel number); total weight obtained at the time of offload including the weight (in pounds) of halibut purchased; the weight (in pounds) of halibut offloaded in excess of the IFQ, CDQ, or fishing period limits; the weight of halibut (in pounds) retained for personal use or for future sale; and the weight (in pounds) of halibut discarded as unfit for human consumption.

(7) The individual completing the State fish tickets for the Area 2A fisheries as referred to in paragraph (6) must additionally record whether the halibut weight is of head-on or head-off fish.

(8) For halibut landings made in Alaska, the requirements as listed in paragraph (5) and (6) can be met by recording the information in the Interagency Electronic Reporting Systems, eLandings in accordance with NMFS regulation published at 50 CFR part 679.

(9) The master or operator of a Canadian vessel that was engaged in halibut fishing must weigh and record all halibut on board said vessel at the time offloading commences and record on Provincial fish tickets or Federal catch reports the date; locality; name of

vessel; the name(s) of the person(s) from whom the halibut was purchased; and the scale weight obtained at the time of offloading of all halibut on board the vessel including the pounds purchased, pounds in excess of IVQs, pounds retained for personal use, and pounds discarded as unfit for human consumption.

(10) No person shall make a false entry on a State or Provincial fish ticket or a Federal catch or landing report referred to in paragraphs (5), (6), and (9) of section 17.

(11) A copy of the fish tickets or catch reports referred to in paragraphs (5), (6), and (9) shall be:

(a) Retained by the person making them for a period of three years from the date the fish tickets or catch reports are made; and

(b) open to inspection by an authorized officer or any authorized representative of the Commission.

(12) No person shall possess any halibut taken or retained in contravention of these Regulations.

(13) When halibut are landed to other than a commercial fish processor, the records required by paragraph (6) shall be maintained by the operator of the vessel from which that halibut was caught, in compliance with paragraph (11).

(14) No person shall tag halibut unless the tagging is authorized by IPHC permit or by a Federal or State agency.

18. Fishing Multiple Regulatory Areas

(1) Except as provided in this section, no person shall possess at the same time on board a vessel halibut caught in more than one regulatory area.

(2) Halibut caught in more than one of the Regulatory Areas 2C, 3A, or 3B may be possessed on board a vessel at the same time, provided the operator of the vessel:

(a) Has a NMFS-certified observer on board when required by NMFS regulations⁹ published at 50 CFR 679.7(f)(4); and

(b) Can identify the regulatory area in which each halibut on board was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

(3) Halibut caught in more than one of the Regulatory Areas 4A, 4B, 4C, or 4D may be possessed on board a vessel at the same time, provided the operator of the vessel:

(a) Has a NMFS-certified observer on board the vessel as required by NMFS

⁹ Without an observer, a vessel cannot have on board more halibut than the IFQ for the area that is being fished, even if some of the catch occurred earlier in a different area.

regulations published at 50 CFR 679.7(f)(4); or has an operational VMS on board actively transmitting in all regulatory areas fished and does not possess at any time more halibut on board the vessel than the IFQ permit holders on board the vessel have cumulatively available for any single Area 4 regulatory area fished; and

(b) Can identify the regulatory area in which each halibut on board was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

(4) If halibut from Area 4 are on board the vessel, the vessel can have halibut caught in Regulatory Areas 2C, 3A, and 3B on board if in compliance with paragraph (2).

19. Fishing Gear

(1) No person shall fish for halibut using any gear other than hook and line gear, except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined in the Condition of Sablefish Licence can retain halibut caught as bycatch under regulations promulgated by the Canadian Department of Fisheries and Oceans.

(2) No person shall possess halibut taken with any gear other than hook and line gear, except that vessels licensed to catch sablefish in Area 2B using sablefish trap gear as defined by the Condition of Sablefish Licence can retain halibut caught as bycatch under regulations promulgated by the Canadian Department of Fisheries and Oceans.

(3) No person shall possess halibut while on board a vessel carrying any trawl nets or fishing pots capable of catching halibut, except that in Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E, halibut heads, skin, entrails, bones or fins for use as bait may be possessed on board a vessel carrying pots capable of catching halibut, provided that a receipt documenting purchase or transfer of these halibut parts is on board the vessel.

(4) All setline or skate marker buoys carried on board or used by any United States vessel used for halibut fishing shall be marked with one of the following:

(a) The vessel's State license number; or

(b) The vessel's registration number.

(5) The markings specified in paragraph (4) shall be in characters at least four inches in height and one-half inch in width in a contrasting color visible above the water and shall be maintained in legible condition.

(6) All setline or skate marker buoys carried on board or used by a Canadian vessel used for halibut fishing shall be:

(a) Floating and visible on the surface of the water; and

(b) legibly marked with the identification plate number of the vessel engaged in commercial fishing from which that setline is being operated.

(7) No person on board a vessel used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery shall catch or possess halibut anywhere in those waters during that halibut fishing period unless, prior to the start of the halibut fishing period, the vessel has removed its gear from the water and has either:

(a) Made a landing and completely offloaded its catch of other fish; or

(b) Submitted to a hold inspection by an authorized officer.

(8) No vessel used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the fishing period for the directed commercial fishery may be used to catch or possess halibut anywhere in those waters during that halibut fishing period unless, prior to the start of the halibut fishing period, the vessel has removed its gear from the water and has either:

(a) Made a landing and completely offloaded its catch of other fish; or

(b) Submitted to a hold inspection by an authorized officer.

(9) No person on board a vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season shall catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) Submitted to a hold inspection by an authorized officer.

(10) No vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season may be used to catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) Submitted to a hold inspection by an authorized officer.

(11) Notwithstanding any other provision in these Regulations, a person may retain, possess and dispose of halibut taken with trawl gear only as authorized by Prohibited Species Donation regulations of NMFS.

20. Supervision of Unloading and Weighing

The unloading and weighing of halibut may be subject to the supervision of authorized officers to assure the fulfillment of the provisions of these Regulations.

21. Retention of Tagged Halibut

(1) Nothing contained in these Regulations prohibits any vessel at any time from retaining and landing a halibut that bears a Commission external tag at the time of capture, if the halibut with the tag still attached is reported at the time of landing and made available for examination by a representative of the Commission or by an authorized officer.

(2) After examination and removal of the tag by a representative of the Commission or an authorized officer, the halibut:

(a) May be retained for personal use; or

(b) May be sold only if the halibut is caught during commercial halibut fishing and complies with the other commercial fishing provisions of these Regulations.

(3) Externally tagged fish must count against commercial IVQs, CDQs, IFQs, or daily bag or possession limits unless otherwise exempted by State, Provincial, or Federal regulations.

22. Fishing by United States Treaty Indian Tribes

(1) Halibut fishing in Subarea 2A–1 by members of United States treaty Indian tribes located in the State of Washington shall be regulated under regulations promulgated by NMFS and published in the **Federal Register**.

(2) Subarea 2A–1 includes all waters off the coast of Washington that are north of 46°53'18" N. latitude and east of 125°44'00" W. longitude, and all inland marine waters of Washington.

(3) Section 13 (size limits), section 14 (careful release of halibut), section 16 (logs), section 17 (receipt and possession of halibut) and section 19 (fishing gear), except paragraphs (7) and (8) of section 19, apply to commercial fishing for halibut in Subarea 2A–1 by the treaty Indian tribes.

(4) Regulations in paragraph (3) of this section that apply to State fish tickets apply to Tribal tickets that are authorized by Washington Department of Fish and Wildlife.

(5) Section 4 (Licensing Vessels for Area 2A) does not apply to commercial fishing for halibut in Subarea 2A–1 by treaty Indian tribes.

(6) Commercial fishing for halibut in Subarea 2A–1 is permitted with hook and line gear from March 14 through November 7, or until 307,700 pounds (139.6 metric tons) net weight is taken, whichever occurs first.

(7) Ceremonial and subsistence fishing for halibut in Subarea 2A–1 is permitted with hook and line gear from January 1 through December 31, and is estimated to take 31,800 pounds (14.4 metric tons) net weight.

23. Customary and Traditional Fishing in Alaska

(1) Customary and traditional fishing for halibut in Regulatory Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall be governed pursuant to regulations promulgated by NMFS and published in 50 CFR part 300.

(2) Customary and traditional fishing is authorized from January 1 through December 31.

24. Aboriginal Groups Fishing for Food, Social and Ceremonial Purposes in British Columbia

(1) Fishing for halibut for food, social and ceremonial purposes by Aboriginal groups in Regulatory Area 2B shall be governed by the Fisheries Act of Canada and regulations as amended from time to time.

25. Sport Fishing for Halibut—General

(1) No person shall engage in sport fishing for halibut using gear other than a single line with no more than two hooks attached; or a spear.

(2) Any minimum overall size limit promulgated under IPHC or NMFS regulations shall be measured in a straight line passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail.

(3) Any halibut brought aboard a vessel and not immediately returned to the sea with a minimum of injury will be included in the daily bag limit of the person catching the halibut.

(4) No person may possess halibut on a vessel while fishing in a closed area.

(5) No halibut caught by sport fishing shall be offered for sale, sold, traded, or bartered.

(6) No halibut caught in sport fishing shall be possessed on board a vessel when other fish or shellfish aboard said vessel are destined for commercial use, sale, trade, or barter.

(7) The operator of a charter vessel shall be liable for any violations of these Regulations committed by an angler on

board said vessel. In Alaska, the charter vessel guide, as defined in 50 CFR 300.61 and referred to in 50 CFR 300.65, 300.66, and 300.67, shall be liable for any violation of these Regulations committed by an angler on board a charter vessel.

26. Sport Fishing for Halibut—Area 2A

(1) The total allowable catch of halibut shall be limited to:

- (a) 214,110 pounds (97.1 metric tons) net weight in waters off Washington;
- (b) 187,259 pounds (84.9 metric tons) net weight in waters off Oregon; and
- (c) 25,220 pounds (11.4 metric tons) net weight in waters off California.

(2) The Commission shall determine and announce closing dates to the public for any area in which the catch limits promulgated by NMFS are estimated to have been taken.

(3) When the Commission has determined that a subquota under paragraph (8) of this section is estimated to have been taken, and has announced a date on which the season will close, no person shall sport fish for halibut in that area after that date for the rest of the year, unless a reopening of that area for sport halibut fishing is scheduled in accordance with the Catch Sharing Plan for Area 2A, or announced by the Commission.

(4) In California, Oregon, or Washington, no person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(5) The possession limit on a vessel for halibut in the waters off the coast of Washington is the same as the daily bag limit. The possession limit on land in Washington for halibut caught in U.S. waters off the coast of Washington is two halibut.

(6) The possession limit on a vessel for halibut caught in the waters off the coast of Oregon is the same as the daily bag limit. The possession limit for halibut on land in Oregon is three daily bag limits.

(7) The possession limit on a vessel for halibut caught in the waters off the coast of California is one halibut. The possession limit for halibut on land in California is one halibut.

(8) [The Area 2A CSP will be published under a separate final rule that, once published, will be available on the NOAA Fisheries West Coast Region's Web site at http://www.westcoast.fisheries.noaa.gov/fisheries/management/pacific_halibut_management.html, and under FDMS Docket Number NOAA–NMFS–2014–0159 at www.regulations.gov.]

27. Sport Fishing for Halibut—Area 2B

(1) In all waters off British Columbia:^{10 11}

(a) the sport fishing season will open on February 1 unless more restrictive regulations are in place;¹⁰

(b) the sport fishing season will close when the sport catch limit allocated by DFO, is taken, or December 31, whichever is earlier; and

(c) the daily bag limit is two halibut of any size per day per person.

(2) In British Columbia, no person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(3) The possession limit for halibut in the waters off the coast of British Columbia is three halibut.^{10 11}

28. Sport Fishing for Halibut—Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, 4E

(1) In Convention waters in and off Alaska:^{12 13}

(a) The sport fishing season is from February 1 to December 31.

(b) The daily bag limit is two halibut of any size per day per person unless a more restrictive bag limit applies in Commission regulations or Federal regulations at 50 CFR 300.65.

(c) No person may possess more than two daily bag limits.

(d) No person shall possess on board a vessel, including charter vessels and pleasure craft used for fishing, halibut that have been filleted, mutilated, or otherwise disfigured in any manner, except that each halibut may be cut into no more than 2 ventral pieces, 2 dorsal pieces, and 2 cheek pieces, with skin on all pieces.¹⁴

(e) Halibut in excess of the possession limit in paragraph (1)(c) of this section may be possessed on a vessel that does not contain sport fishing gear, fishing rods, hand lines, or gaffs.

¹⁰ DFO could implement more restrictive regulations for the sport fishery, therefore anglers are advised to check the current Federal or Provincial regulations prior to fishing.

¹¹ For regulations on the experimental recreational fishery implemented by DFO check the current Federal or Provincial regulations.

¹² NMFS could implement more restrictive regulations for the sport fishery or components of it, therefore, anglers are advised to check the current Federal or State regulations prior to fishing.

¹³ Charter vessels are prohibited from harvesting halibut in Area 2C and 3A during one charter vessel fishing trip under regulations promulgated by NMFS at 50 CFR 300.66.

¹⁴ For halibut caught and retained as GAF, the charter vessel guide must immediately remove the tips of the upper and lower lobes of the caudal (tail) fin, and if the halibut is filleted, the entire carcass, with head and tail connected as a single piece, must be retained on board the vessel until all fillets are offloaded (50 CFR 300.65(c)(5)(iv)(G)). Additional regulations governing use of GAF are at 50 CFR 300.65.

(f) All halibut harvested on a charter vessel fishing trip in Area 2C or Area 3A must be retained on board the charter vessel on which the halibut was caught until the end of the charter vessel fishing trip as defined at 50 CFR 300.61.

(g) Guided angler fish (GAF), as described at 50 CFR 300.65, may be used to allow a charter vessel angler to harvest additional halibut up to the limits in place for unguided anglers, and are exempt from the requirements in paragraphs 2 and 3 of this section.¹⁴

(2) For guided sport fishing (as referred to in 50 CFR 300.65) in Regulatory Area 2C:

(a) The total catch allocation, including an estimate of incidental mortality (wastage), is 851,000 pounds (386.0 metric tons).

(b) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than one halibut per calendar day.

(c) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain any halibut that with head on that is greater than 42 inches (107 cm) and less than 80 inches (203 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 3.

(d) If the halibut is filleted, the entire carcass, with head and tail connected as a single piece, must be retained on board the vessel until all fillets are offloaded.¹⁴

(3) For guided sport fishing (as referred to in 50 CFR 300.65) in Regulatory Area 3A:

(a) The total catch allocation, including an estimate of incidental mortality (wastage), is 1,890,000 pounds (857.3 metric tons).

(b) No person on board a charter vessel (as referred to in 50 CFR 300.65) shall catch and retain more than two halibut per calendar day.

(c) At least one of the retained halibut must have a head-on length of no more than 29 inches (74 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 4. If a person sport fishing on a charter vessel in Area 3A retains only one halibut in a calendar day, that halibut may be of any length.

(d) If the size-restricted halibut is filleted, the entire carcass, with head and tail connected as a single piece, must be retained on board the vessel until all fillets are offloaded.¹⁴

(e) A charter vessel on which one or more anglers catch and retain halibut may only make one charter vessel

fishing trip per calendar day. A charter vessel fishing trip is defined at 50 CFR 300.61 as the time period between the first deployment of fishing gear into the water by a charter vessel angler (as defined at 50 CFR 300.61) and the offloading of one or more charter vessel anglers or any halibut from that vessel. For purposes of this trip limit, a charter vessel fishing trip ends at 11:59 p.m. (Alaska local time) on the same calendar day that the fishing trip began, or when

any anglers or halibut are offloaded, whichever comes first.

(f) No person on board a charter vessel may catch and retain halibut on Thursdays between June 15 and August 31. Only GAF halibut, if authorized by 50 CFR 300.65, may be retained by charter vessel anglers in Area 3A on Thursdays between these dates.

(g) Charter vessel anglers may catch and retain no more than five (5) halibut per year on board charter vessels in Area 3A. Halibut that are retained as

GAF, retained while on a charter vessel fishing trip in other Commission regulatory areas, or retained while fishing without the services of a guide do not accrue toward the 5-fish annual limit.

29. Previous Regulations Superseded

These Regulations shall supersede all previous regulations of the Commission, and these Regulations shall be effective each succeeding year until superseded.

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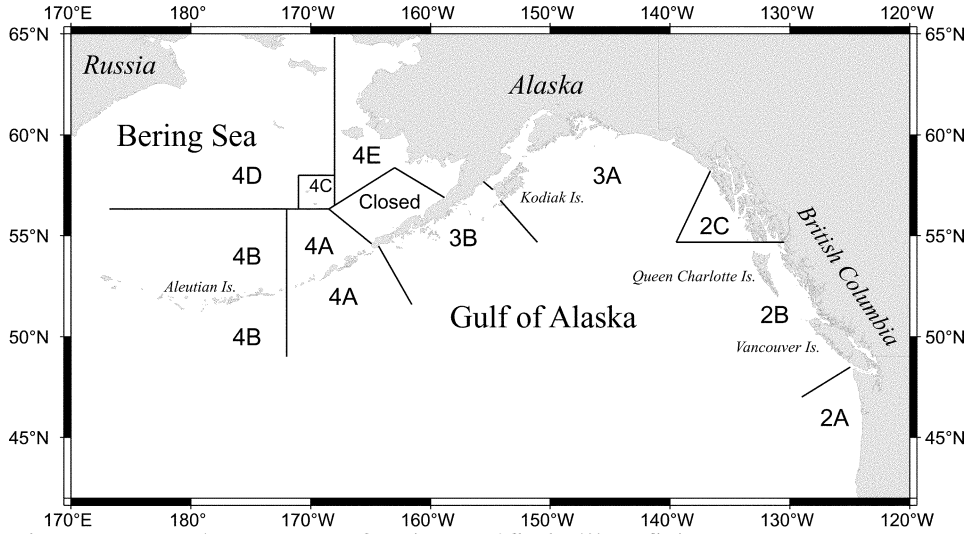


Figure 1. Regulatory areas for the Pacific halibut fishery.

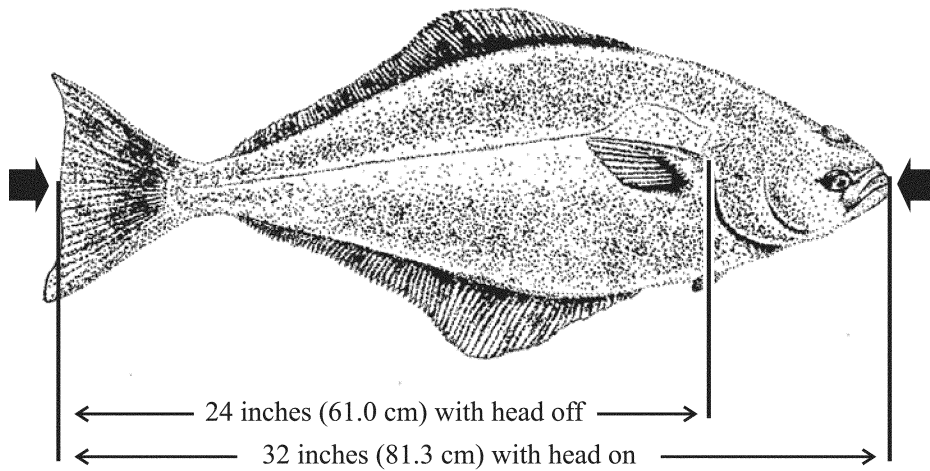


Figure 2. Minimum commercial size.

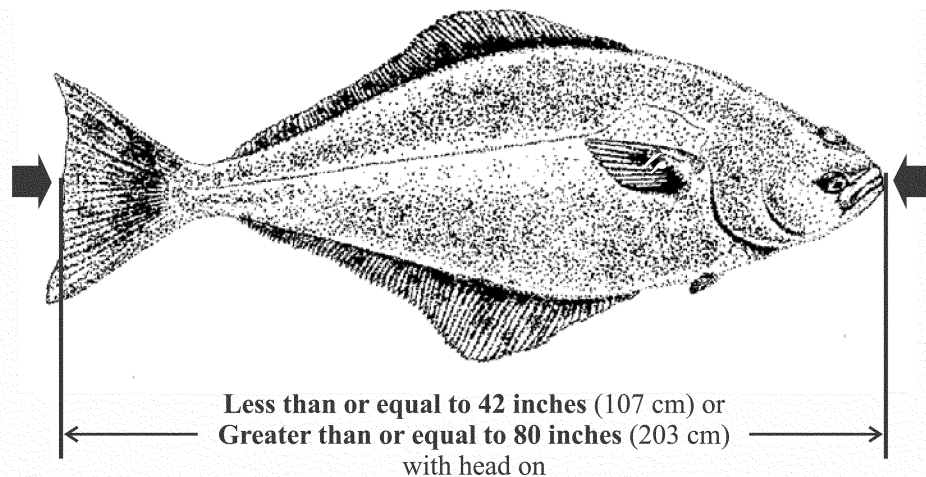


Figure 3. Recreational reverse slot limit for halibut on board a charter vessel referred to in 50 CFR 300.65 and fishing in Regulatory Area 2C (see Section 28 paragraph 2(c)).

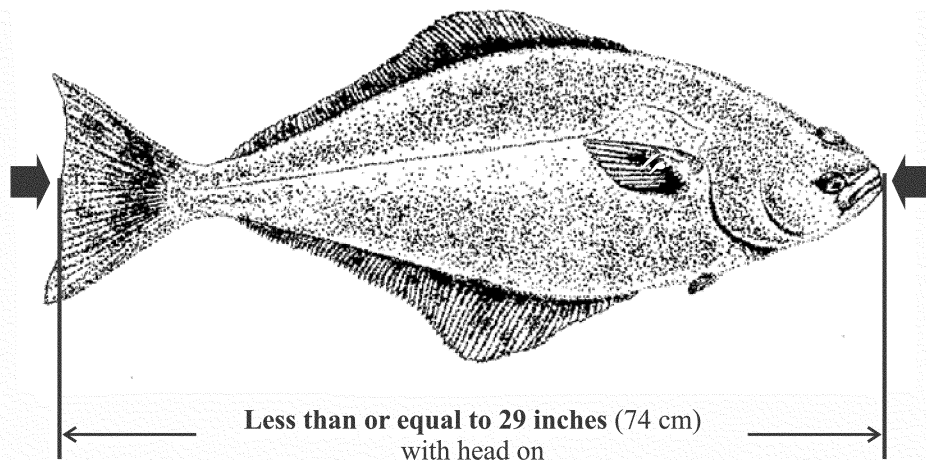


Figure 4. Recreational maximum size limit for one fish in two-fish bag limit for halibut on board a charter vessel referred to in 50 CFR 300.65 and fishing in Regulatory Area 3A (see Section 28 paragraph 3(c)). If only one halibut is retained, it may be of any size.

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Classification

IPHC Regulations

These IPHC annual management measures are a product of an agreement between the United States and Canada and are published in the **Federal Register** to provide notice of their effectiveness and content. Pursuant to section 4 of the Northern Pacific Halibut Act of 1982, 16 U.S.C. 773c, the Secretary of State, with the concurrence of the Secretary of Commerce, may “accept or reject” but not modify these recommendations of the IPHC.

The Assistant Administrator for Fisheries finds that the otherwise applicable notice-and-comment and delay-in-effectiveness date provisions of the Administrative Procedure Act (APA), 5 U.S.C. 553(c) and (d), are inapplicable to these IPHC management measures pursuant to 5 U.S.C. 553(a)(1) because this regulation involves a foreign affairs function of the United States. Once accepted, the measures are non-discretionary and the additional time necessary to comply with the notice-and-comment and delay-in-effectiveness requirements of the APA would disrupt coordinated international

conservation and management of the halibut fishery pursuant to the Convention. Furthermore, no other law requires prior notice and public comment for this rule. Because prior notice and an opportunity for public comment are not required to be provided for these portions of this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable. Accordingly, no Regulatory Flexibility Analysis is required for this portion of the rule and none has been prepared.

Authority: 16 U.S.C. 773 *et seq.*

Dated: March 11, 2015.

Samuel D. Rauch III,
*Deputy Assistant Administrator for
 Regulatory Programs, National Marine
 Fisheries Service.*

[FR Doc. 2015-06041 Filed 3-13-15; 4:15 pm]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric
 Administration**

50 CFR Part 679

[Docket No. 141021887-5172-02]

RIN 0648-XD587

**Fisheries of the Exclusive Economic
 Zone Off Alaska; Bering Sea and
 Aleutian Islands; 2015 and 2016
 Harvest Specifications for Groundfish**

Correction

In rule document 2015-05041
 beginning on page 11919 in the issue of

Thursday, March 5, 2015, make the
 following correction(s):

On page 11921, Table 1 should read:

TABLE 1—FINAL 2015 OVERFISHING LEVEL (OFL), ACCEPTABLE BIOLOGICAL CATCH (ABC), TOTAL ALLOWABLE CATCH (TAC), INITIAL TAC (ITAC), AND CDQ RESERVE ALLOCATION OF GROUNDFISH IN THE BSAI¹

[Amounts are in metric tons]

Species	Area	2015				
		OFL	ABC	TAC	ITAC ²	CDQ ³
Pollock ⁴	BS	3,330,000	1,637,000	1,310,000	1,179,000	131,000
	AI	36,005	29,659	19,000	17,100	1,900
	Bogoslof	21,200	15,900	100	100	0
Pacific cod ⁵	BS	346,000	255,000	240,000	214,320	25,680
	AI	23,400	17,600	9,422	8,414	1,008
Sablefish	BS	1,575	1,333	1,333	567	183
	AI	2,128	1,802	1,802	383	304
Yellowfin sole	BSAI	266,400	248,800	149,000	133,057	15,943
Greenland turbot	BSAI	3,903	3,172	2,648	2,251	n/a
	BS	n/a	2,448	2,448	2,081	262
	AI	n/a	724	200	170	0
Arrowtooth flounder	BSAI	93,856	80,547	22,000	18,700	2,354
Kamchatka flounder	BSAI	10,500	9,000	6,500	5,525	0
Rock sole	BSAI	187,600	181,700	69,250	61,840	7,410
Flathead sole ⁶	BSAI	79,419	66,130	24,250	21,655	2,595
Alaska plaice	BSAI	54,000	44,900	18,500	15,725	0
Other flatfish ⁷	BSAI	17,700	13,250	3,620	3,077	0
Pacific ocean perch	BSAI	42,558	34,988	32,021	28,250	n/a
	BS	n/a	8,771	8,021	6,818	0
	EAI	n/a	8,312	8,000	7,144	856
	CAI	n/a	7,723	7,000	6,251	749
	WAI	n/a	10,182	9,000	8,037	963
Northern rockfish	BSAI	15,337	12,488	3,250	2,763	0
Rougheye rockfish ⁸	BSAI	560	453	349	297	0
	BS/EAI	n/a	149	149	127	0
	CAI/WAI	n/a	304	200	170	0
Shortraker rockfish	BSAI	690	518	250	213	0
Other rockfish ⁹	BSAI	1,667	1,250	880	748	0
	BS	n/a	695	325	276	0
	AI	n/a	555	555	472	0
Atka mackerel	BSAI	125,297	106,000	54,500	48,669	5,832
	BS/EAI	n/a	38,492	27,000	24,111	2,889
	CAI	n/a	33,108	17,000	15,181	1,819
	WAI	n/a	34,400	10,500	9,377	1,124
Skates	BSAI	49,575	41,658	25,700	21,845	0
Sculpins	BSAI	52,365	39,725	4,700	3,995	0
Sharks	BSAI	1,363	1,022	125	106	0
Squids	BSAI	2,624	1,970	400	340	0
Octopuses	BSAI	3,452	2,589	400	340	0
TOTAL		4,769,174	2,848,454	2,000,000	1,789,278	197,038

¹ These amounts apply to the entire BSAI management area unless otherwise specified. With the exception of pollock, and for the purpose of these harvest specifications, the Bering Sea (BS) subarea includes the Bogoslof District.

² Except for pollock, the portion of the sablefish TAC allocated to hook-and-line and pot gear, and Amendment 80 species, 15 percent of each TAC is put into a reserve. The ITAC for these species is the remainder of the TAC after the subtraction of these reserves. For pollock and Amendment 80 species, ITAC is the non-CDQ allocation of TAC (see footnotes 3 and 5).

³For the Amendment 80 species (Atka mackerel, flathead sole, rock sole, yellowfin sole, Pacific cod, and Aleutian Islands Pacific ocean perch), 10.7 percent of the TAC is reserved for use by CDQ participants (see §§ 679.20(b)(1)(ii)(C) and 679.31). Twenty percent of the sablefish TAC allocated to hook-and-line gear or pot gear, 7.5 percent of the sablefish TAC allocated to trawl gear, and 10.7 percent of the TACs for Bering Sea Greenland turbot and arrowtooth flounder are reserved for use by CDQ participants (see § 679.20(b)(1)(ii)(B) and (D)). Aleutian Islands Greenland turbot, “other flatfish,” Alaska plaice, Bering Sea Pacific ocean perch, northern rockfish, shortraker rockfish, rougheye rockfish, “other rockfish,” skates, sculpins, sharks, squids, and octopuses are not allocated to the CDQ program.

⁴Under § 679.20(a)(5)(i)(A)(*i*), the annual BS subarea pollock TAC after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (4.0 percent), is further allocated by sector for a pollock directed fishery as follows: Inshore—50 percent; catcher/processor—40 percent; and motherships—10 percent. Under § 679.20(a)(5)(iii)(B)(2)(*i*) and (*ii*), the annual Aleutian Islands subarea pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second for the incidental catch allowance (2,400 mt) is allocated to the Aleut Corporation for a pollock directed fishery.

⁵The BS Pacific cod TAC is reduced by 3 percent from the combined BSAI ABC to account for the State of Alaska’s (State) guideline harvest level in State waters of the Bering Sea subarea. The AI Pacific cod TAC is reduced by 3 percent from the combined BSAI ABC to account for the State guideline harvest level in State waters of the Aleutian Islands subarea.

⁶“Flathead sole” includes *Hippoglossoides elassodon* (flathead sole) and *Hippoglossoides robustus* (Bering flounder).

⁷“Other flatfish” includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, arrowtooth flounder, Kamchatka flounder, and Alaska plaice.

⁸“Rougheye rockfish” includes *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

⁹“Other rockfish” includes all *Sebastes* and *Sebastolobus* species except for Pacific ocean perch, northern rockfish, dark rockfish, shortraker rockfish, and rougheye rockfish.

Note: Regulatory areas and districts are defined at § 679.2 (BS=Bering Sea subarea, AI=Aleutian Islands subarea, EAI=Eastern Aleutian district, CAI=Central Aleutian district, WAI=Western Aleutian district.)

[FR Doc. C1–2015–05041 Filed 3–16–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 141021887–5172–02 and 140918791–4999–02]

RIN 0648–XD818

Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the Individual Fishing Quota Program

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

ACTION: Temporary rule; opening.

SUMMARY: NMFS is opening directed fishing for sablefish with fixed gear managed under the Individual Fishing Quota (IFQ) Program and the Community Development Quota (CDQ) Program. The season will open 1200 hours, Alaska local time (A.l.t.), March 14, 2015, and will close 1200 hours, A.l.t., November 7, 2015. This period is the same as the 2015 commercial halibut fishery opening dates adopted by the International Pacific Halibut Commission. The IFQ and CDQ halibut season is specified by a separate publication in the **Federal Register** of annual management measures.

DATES: Effective 1200 hours, A.l.t., March 14, 2015, until 1200 hours, A.l.t., November 7, 2015.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: Beginning in 1995, fishing for Pacific halibut and sablefish with fixed gear in the IFQ

regulatory areas defined in 50 CFR 679.2 has been managed under the IFQ Program. The IFQ Program is a regulatory regime designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest IFQ species within specified limitations. Further information on the implementation of the IFQ Program, and the rationale supporting it, are contained in the preamble to the final rule implementing the IFQ Program published in the **Federal Register**, November 9, 1993 (58 FR 59375) and subsequent amendments.

This announcement is consistent with § 679.23(g)(1), which requires that the directed fishing season for sablefish managed under the IFQ Program be specified by the Administrator, Alaska Region, and announced by publication in the **Federal Register**. This method of season announcement was selected to facilitate coordination between the sablefish season, chosen by the Administrator, Alaska Region, and the halibut season, adopted by the International Pacific Halibut Commission (IPHC). The directed fishing season for sablefish with fixed gear managed under the IFQ Program will open 1200 hours, A.l.t., March 14, 2015, and will close 1200 hours, A.l.t., November 7, 2015. This period runs concurrently with the IFQ season for Pacific halibut announced by the IPHC. The IFQ halibut season will be specified by a separate publication in the **Federal Register** of annual management measures pursuant to 50 CFR 300.62.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of the sablefish fishery thereby increasing bycatch and regulatory discards between the sablefish fishery and the halibut fishery, and preventing the accomplishment of the management objective for simultaneous opening of these two fisheries. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 11, 2015.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.23 and is exempt from review under Executive Order 12866.

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

Dated: March 12, 2015.

Emily H. Menashes,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–06064 Filed 3–12–15; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 80, No. 51

Tuesday, March 17, 2015

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

2 CFR Subtitle B, Chapter IV

5 CFR Chapter LXXIII

7 CFR Subtitle A; Subtitle B, Chapters I through XI, XIV through XVIII, XX, XXV through XXXVIII, XLI, and XLII

9 CFR Chapters I through III

36 CFR Chapter II

48 CFR Chapter 4

Identifying and Reducing Regulatory Burdens

AGENCY: Office of the Secretary, USDA.
ACTION: Request for Information (RFI).

SUMMARY: In accordance with Executive Order 13563, “Improving Regulation and Regulatory Review,” and Executive Order 13610, “Identifying and Reducing Regulatory Burdens,” the U.S. Department of Agriculture (USDA) continues to review its existing regulations and information collections to evaluate the continued effectiveness in addressing the circumstances for which the regulations were implemented. USDA’s Final Plan for Retrospective Analysis, released August 18, 2011, focused on actions needed to minimize the burdens on individuals, businesses, and communities attempting to access programs that promote economic growth, create jobs, and protect the health and safety of the American people. The plan identified initiatives estimated to realize significant savings in terms of money and burden-hours. As part of this ongoing review to maximize the cost-effectiveness of its regulatory programs, USDA invites public comment to assist in analyzing its existing significant regulations to determine whether any should be modified, streamlined, expanded, or repealed. The focus of this review is to identify areas where savings

can be achieved through increased use of advanced information technology to transition from paper submissions to electronic submissions; streamlining or redesigning existing information collections to both reduce the reporting burden on the public for participation in and compliance with USDA programs; reducing duplication through increased data sharing and harmonization for programs with similar regulatory requirements; and providing increased regulatory flexibility to achieve desired program outcomes and maximize cost-effectiveness.

DATES: Comments and information are requested on or before May 18, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this notice. All submissions must refer to “Retrospective Review” to ensure proper delivery.

- *Electronic Submission of Comments.* Interested persons may submit comments electronically through the Federal eRulemaking Portal: <http://www.regulations.gov>. USDA strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, and ensures timely receipt by USDA. Commenters should follow the instructions provided on that site to submit comments electronically.

- *Submission of Comments by Mail, Hand Delivery, or Courier.* Paper, disk, or CD-ROM submissions should be submitted to Michael Poe, Office of Budget and Program Analysis, USDA, Jamie L. Whitten Building, Room 101–A, 1400 Independence Ave. SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Michael Poe, Telephone Number: (202) 720–3257.

SUPPLEMENTARY INFORMATION: USDA remains committed to minimizing the burdens on individuals businesses, and communities for participation in and compliance with USDA programs that promote economic growth, create jobs, and protect the health and safety of the American people.

USDA programs are diverse and far reaching, as are the regulations and legislation that implement their delivery. The regulations range from nutrition standards for the school lunch program, natural resources and

environmental measures governing national forest usage and soil conservation, emergency producer assistance as a result of natural disasters, to protection of American agriculture from the ravages of plant or animal pestilence. USDA regulations extend from farm to supermarket to ensure the safety, quality, and availability of the Nation’s food supply. Regulations also specify how USDA conducts its business, including access to and eligibility for USDA programs. Finally, regulations specify the responsibilities of businesses, individuals, and State and local governments that are necessary to comply with their provisions.

I. Executive Orders 13563 and 13610

Executive Order 13563, “Improving Regulation and Regulatory Review,” was issued to ensure that Federal regulations use the best available tools to promote innovation that will reduce costs and burden while allowing public participation and an open exchange of ideas. These principles will enhance and strengthen Federal regulations to allow them to achieve their regulatory objectives, most important among them protecting public health, welfare, safety, and the environment. In consideration of these principles, and as directed by the Executive Order, Federal agencies and departments need to periodically review existing regulations that may be outmoded, ineffective, insufficient, or excessively burdensome and to modify, streamline, expand, or repeal them in accordance with what has been learned.

In addition, Executive Order 13610, “Identifying and Reducing Regulatory Burdens,” directed Federal agencies to conduct retrospective analyses of existing rules to examine whether they remain justified and whether they should be modified or streamlined in light of changed circumstances, including the availability of new technologies. Executive Order 13610 directs Federal agencies to give priority, consistent with law, to those initiatives that will produce significant quantifiable monetary savings or significant quantifiable reductions in paperwork burdens while protecting public health, welfare, safety, and the environment. For the regulatory requirements imposed on small businesses, it directs Federal agencies to give special consideration to initiatives

that would simplify or harmonize the regulatory requirements.

As part of this retrospective review of regulations, USDA published an RFI on April 20, 2011 (76 FR 22058), and developed a final plan that focused on reducing costs and reporting requirements on the public. However, the overall intention of Executive Order 13563 was not to be a single exercise, but to create a continuing process of scrutiny of regulatory actions. Therefore, USDA is once again seeking public comment on how best to remove unintended regulatory obstacles to

participation in and compliance with USDA programs and ways to improve the current regulations to help USDA agencies advance the USDA mission.

II. Request for Information

All regulatory actions by all USDA agencies are open for comment. USDA is particularly interested in public comments that speak to areas in which we can reduce costs and reporting burdens on the public, through technological advances or other modernization efforts, and comments on regulatory flexibility.

USDA’s initial retrospective review under Executive Order 13563 identified eight regulations, four of which have been implemented. An additional regulation from the Forest Service on revised National Environmental Policy Act implementing procedures was also identified and implemented. USDA also identified paperwork and burden reduction initiatives under Executive Order 13610. The following table highlights USDA’s key accomplishments and on-going activities pursuant to its efforts to reduce regulatory burdens:

Agency	Program or initiative	Results
Food and Nutrition Service.	Direct Certification for School Meals	In School Year 2013–14, 87 percent of all children in households participating in the Supplemental Nutrition Assistance Program (SNAP) were directly certified for free school meals without a paper application. In addition, more than 14,000 high-poverty schools serving over 6.4 million students now offer free breakfasts and lunches to all of their enrolled students using third-party direct certification information instead of paper applications. The new Community Eligibility Provision was phased-in over a 3-year period, starting in school year 2011–12 in school districts across the country, including Florida, Georgia, Illinois, Kentucky, Maryland, Massachusetts, Michigan, New York, Ohio, Washington, DC, and West Virginia; the provision became available to eligible schools and districts nationwide beginning July 1, 2014. Will reduce the information collection burden by approximately 113,000 hours per year.
Forest Service	National Environmental Policy Act Implementing Procedures.	Revised implementing procedures and established new categorical exclusions to expedite landscape restoration activities on National Forests, Grasslands, and Prairies. Final rule published September 12, 2013.
Food Safety and Inspection Service.	Electronic Import Inspection and Certification of Imported Products and Foreign Establishments.	Will reduce the information collection burden on importers by approximately 10,000 hours. Final rule published September 19, 2014.
Food Safety and Inspection Service.	Electronic Export Application and Certification Fee.	Expected to reduce the information collection burden hours. Proposed rule published January 23, 2012; Final rulemaking underway.
Food Safety and Inspection Service.	Prior Labeling Approval System: Generic Label Approval.	Will reduce the information collection burden on industry by approximately 34,971 hours. Final rule published November 7, 2013.
Rural Development Rural Business Service.	Rural Energy for America Program	Streamlined grant application process reduced the information collection burden hours by approximately 20 to 50 percent. Final rule published December 29, 2014.
Rural Development Rural Business Service.	Business and Industry Loan Guarantee Programs.	Will reduce the information collection burden by approximately 2,000 hours. Final rule published September 15, 2014.
Rural Development Rural Housing Service.	Community Facilities Loan and Grants	Will save the public approximately \$4 million per year.
Farm Service Agency and Risk Management Agency.	Acreage Crop Reporting Streamlining Initiative.	Coordinating across the two agencies to improve, streamline, and eliminate or minimize duplicate information collection requirements.
Farm Service Agency	Streamlined Farm Loan Programs Direct Loan Making.	Eliminated 17,898 responses and 6,271 hours annually for information collection burden, saving \$162,607 for the respondents and \$647,728 in Federal costs.
Agricultural Marketing Service.	Export Certificate Forms	Amending regulations to improve oversight and ensure compliance with regulations. Changes also include removing the requirement for carriers to retain copies of inspection certificates. Rulemaking is underway.
Agricultural Marketing Service.	Inspection of Eggs; Import Request for Shell Eggs.	The inspection and clearance process will be reduced by approximately 48 hours. Access to the Customs and Border Protection maintained Automated Customs Environment will allow enhanced communication of the status of the clearance process involving the Food and Drug Administration, Food Safety and Inspection Service, Animal and Plant Health Inspection Service, and Agricultural Marketing Service. Rulemaking is underway.

Agency	Program or initiative	Results
Natural Resources Conservation Service.	Conservation Delivery Streamlining Initiative (CDSI).	CDSI Client Gateway (CG) is a secure web application that will enable NRCS clients to perform many functions online and view their data without having to travel to the USDA local service center. A client will be able to request technical assistance, view their conservation plans, apply for Farm Bill conservation program financial assistance, view their contract payments for certified contract items (practices in Farm Bill conservation program contracts) upload and download supporting documentation, and sign their plans, agreements, and contracts. CG will reduce approximately 110,000 hours of travel time for clients going to agency offices and reduce the information collection burden by approximately 40,000 hours.
Animal and Plant Health Inspection Service.	Declaration Forms for Imported Plant and Plant Products.	In cooperation with other Federal entities, implemented initiatives to reduce the burden on importers and is developing an electronic entry system and solicited public comments on regulatory options. Cost savings to industry estimated at \$1.7 million to \$5.7 million for the electronic entry system and cost savings to industry estimated at \$7.2 million to \$24 million for the de minimis exemption approximately and a reduction of approximately 120,000 hours in information collection burden.
Animal and Plant Health Inspection Service.	Participation in the International Trade Data System.	Rulemaking is underway. Amending regulations to remove any impediments to the full implementation of participation in the International Trade Data System via the Automated Commercial Environment.
Animal and Plant Health Inspection Service.	Certification, Accreditation, Registration, Permits, and Other Licenses.	Creating a new electronic system to consolidate and streamline agency certification, accreditation, registration permit, and license processes. Expects both savings in cost and information collection burden hours.

III. Regulatory Flexibility

In addition to looking back at current regulations, USDA is also looking forward to how new regulations are implemented and how existing regulations can be improved. Regulatory flexibility includes a variety of regulatory techniques that can help avoid unnecessary costs on regulated entities and avoid negative impacts. Regulatory flexibility techniques could include:

- Pilot projects, which can be used test regulatory approaches;
- Safe harbors, which are streamlined modes of regulatory compliance and can serve to reduce compliance costs;
- Sunset provisions, which terminate a rule after a certain date;
- Trigger provisions, which specify one or more threshold indicators that the rule is designed to address;
- Phase-ins, which allow the rule to be phased-in for different groups at different times;
- Streamlined requirements, which provide exemptions or other streamlined requirements if a particular entity (for example, a small business) may otherwise experience disproportionate burden from a rule;
- State flexibilities, which provide greater flexibility to States or other regulatory partners, for example, giving them freedom to implement alternative regulatory approaches; and
- Exceptions, which allow exceptions to part or all of the rule in cases where there is a potential or suspected unintended consequence.

IV. Questions for Commenters

In providing comments, the public is encouraged to respond to the below questions:

- What regulations or reporting requirements that have become outdated and, if so, how can they be modernized to accomplish the regulatory objectives better?
 - Do agencies currently collect information that they do not need or use effectively to achieve regulatory objectives?
 - Which regulations, reporting requirements, or regulatory submission or application processes are unnecessarily complicated or could be streamlined to achieve regulatory objectives in ways that are more efficient?
 - Which regulations, submission and application processes, or reporting requirements have been overtaken by technological developments? Can new technologies be used to modify, streamline, or do away with existing regulatory or reporting requirements?
 - Which regulations provide examples of how regulatory flexibility techniques have worked well? In general, who has benefitted from the regulatory flexibility? What types of regulatory flexibility have worked well?
 - What regulations would be improved through the addition of regulatory flexibility techniques? How would regulatory flexibility lower costs and burden? How would regulatory flexibility improve benefits?
- This is a non-exhaustive list that is meant to assist in the formulation of

comments and is not intended to limit the issues that commenters may choose to address. We welcome comments from the public on any of USDA's regulations and ways to improve them to help USDA agencies advance the mission of the Department consistent with the Executive Order. USDA notes that this RFI is issued solely for information and program-planning purposes. While responses to this RFI do not bind USDA to any further actions related to the response, all submissions will be made publicly available on <http://www.regulations.gov>.

Thomas J. Vilsack,
Secretary of Agriculture.

[FR Doc. 2015-05742 Filed 3-16-15; 08:45 am]

BILLING CODE 3410-90-P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE-2011-BT-NOA-0013]

Energy Conservation Program: Data Collection and Comparison With Forecasted Unit Sales of Five Lamp Types

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of data availability.

SUMMARY: The U.S. Department of Energy (DOE) is informing the public of its collection of shipment data and creation of spreadsheet models to

provide comparisons between actual and benchmark estimate unit sales of five lamp types (*i.e.*, rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps) that are currently exempt from energy conservation standards. As the actual sales do not exceed the forecasted estimate by 100 percent for any lamp type (*i.e.*, the threshold triggering a rulemaking for an energy conservation standard), DOE has determined that no regulatory action is necessary at this time. However, DOE will continue to track sales data for these exempted lamps. Relating to this activity, DOE has prepared, and is making available on its Web site, a spreadsheet showing the comparisons of anticipated versus actual sales, as well as the model used to generate the original sales estimates. The spreadsheet is available online at: http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/63.

DATES: As of March 17, 2015, DOE has determined that no regulatory action is necessary at this time.

FOR FURTHER INFORMATION CONTACT:

Ms. Lucy deButts, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1604. Email: five_lamp_types@ee.doe.gov.

Mr. Peter Cochran, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9496. Email: Peter.Cochran@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

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I. Background

The Energy Independence and Security Act of 2007 (EISA 2007; Pub. L. 110–140) was enacted on December

19, 2007. Among the requirements of subtitle B (Lighting Energy Efficiency) of title III of EISA 2007 were provisions directing DOE to collect, analyze, and monitor unit sales of five lamp types (*i.e.*, rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps). In relevant part, section 321(a)(3)(B) of EISA 2007 amended section 325(l) of the Energy Policy and Conservation Act of 1975 (EPCA) by adding paragraph (4)(B), which generally directs DOE, in consultation with the National Electrical Manufacturers Association (NEMA), to: (1) Collect unit sales data for each of the five lamp types for calendar years 1990 through 2006 in order to determine the historical growth rate for each lamp type; and (2) construct a model for each of the five lamp types based on coincident economic indicators that closely match the historical annual growth rates of each lamp type to provide a neutral comparison benchmark estimate of future unit sales. (42 U.S.C. 6295(l)(4)(B)) Section 321(a)(3)(B) of EISA 2007 also amends section 325(l) of EPCA by adding paragraph (4)(C), which, in relevant part, directs DOE to collect unit sales data for calendar years 2010 through 2025, in consultation with NEMA, for each of the five lamp types. DOE must then: (1) Compare the actual lamp sales in that year with the benchmark estimate; (2) determine if the unit sales projection has been exceeded; and (3) issue the findings within 90 days of the end of the analyzed calendar year. (42 U.S.C. 6295(l)(4)(C))

On December 18, 2008, DOE issued a notice of data availability (NODA) for the *Report on Data Collection and Estimated Future Unit Sales of Five Lamp Types* (hereafter the “2008 analysis”), which was published in the **Federal Register** on December 24, 2008. 73 FR 79072. The 2008 analysis presented the 1990 through 2006 shipment data collected in consultation with NEMA, the spreadsheet model DOE constructed for each lamp type, and the benchmark unit sales estimates for 2010 through 2025. On April 4, 2011, DOE published a NODA in the **Federal Register** announcing the availability of updated spreadsheet models presenting the benchmark estimates from the 2008 analysis and the collected sales data from 2010 for the first annual comparison. 76 FR 18425. Similarly, DOE published NODAs in the **Federal Register** in the following three years announcing the updated spreadsheet models and sales data for

the annual comparisons. 77 FR 16183 (March 20, 2012); 78 FR 15891 (March 13, 2013); 79 FR 15058 (March 18, 2014). This NODA presents the fifth annual comparison; specifically, section IV of this report compares the actual unit sales against benchmark unit sales estimates for 2014.¹

EISA 2007 also amends section 325(l) of EPCA by adding paragraphs (4)(D) through (4)(H), which state that if DOE finds that the unit sales for a given lamp type in any year between 2010 and 2025 exceed the benchmark estimate of unit sales by at least 100 percent (*i.e.*, more than double the anticipated sales), then DOE must take regulatory action to establish an energy conservation standard for such lamps. (42 U.S.C. 6295(l)(4)(D) through (H)) For 2,601–3,300 lumen general service incandescent lamps, DOE must adopt a statutorily prescribed energy conservation standard. For the other four types of lamps, the statute requires DOE to initiate an accelerated rulemaking to establish energy conservation standards. If the Secretary does not complete the accelerated rulemakings within one year of the end of the previous calendar year, there is a “backstop requirement” for each lamp type, which would establish energy conservation standard levels and related requirements by statute. *Id.*

As in the 2008 analysis and previous comparisons, DOE uses manufacturer shipments as a surrogate for unit sales in this NODA because manufacturer shipment data are tracked and aggregated by the trade organization, NEMA. DOE believes that annual shipments track closely with actual unit sales of these five lamp types, as DOE presumes that retailer inventories remain constant from year to year. DOE believes this is a reasonable assumption because the markets for these five lamp types have existed for many years, thereby enabling manufacturers and retailers to establish appropriate inventory levels that reflect market demand. In addition, increasing unit sales must eventually result in increasing manufacturer shipments. This is the same methodology presented in DOE’s 2008 analysis and subsequent annual comparisons, and the Department did not receive any comments challenging this assumption or the general approach.

¹ The notices and related documents for the 2008 analysis and successive annual comparisons, including this NODA, are available through the DOE Web site at: http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/63.

II. Definitions

A. Rough Service Lamps

Section 321(a)(1)(B) of EISA 2007 amended section 321(30) of EPCA by adding the definition of a “rough service lamp.” The statutory definition reads as follows: “The term ‘rough service lamp’ means a lamp that—(i) has a minimum of 5 supports with filament configurations that are C–7A, C–11, C–17, and C–22 as listed in Figure 6–12 of the 9th edition of the IESNA [Illuminating Engineering Society of North America] Lighting handbook, or similar configurations where lead wires are not counted as supports; and (ii) is designated and marketed specifically for ‘rough service’ applications, with—(I) the designation appearing on the lamp packaging; and (II) marketing materials that identify the lamp as being for rough service.” (42 U.S.C. 6291(30)(X))

As noted above, rough service incandescent lamps must have a minimum of five filament support wires (not counting the two connecting leads at the beginning and end of the filament), and must be designated and marketed for “rough service” applications. This type of incandescent lamp is typically used in applications where the lamp would be subject to mechanical shock or vibration while it is operating. Standard incandescent lamps have only two support wires (which also serve as conductors), one at each end of the filament coil. When operating (*i.e.*, when the tungsten filament is glowing so hot that it emits light), a standard incandescent lamp’s filament is brittle, and rough service applications could cause it to break prematurely. To address this problem, lamp manufacturers developed lamp designs that incorporate additional support wires along the length of the filament to ensure that it has support not just at each end, but at several other points as well. The additional support protects the filament during operation and enables longer operating life for incandescent lamps in rough service applications. Typical applications for these rough service lamps might include commercial hallways and stairwells, gyms, storage areas, and security areas.

B. Vibration Service Lamps

Section 321(a)(1)(B) of EISA 2007 amended section 321(30) of EPCA by adding the definition of a “vibration service lamp.” The statutory definition reads as follows: “The term ‘vibration service lamp’ means a lamp that—(i) has filament configurations that are C–5, C–7A, or C–9, as listed in Figure 6–12 of the 9th Edition of the IESNA Lighting Handbook or similar configurations; (ii)

has a maximum wattage of 60 watts; (iii) is sold at retail in packages of 2 lamps or less; and (iv) is designated and marketed specifically for vibration service or vibration-resistant applications, with—(I) the designation appearing on the lamp packaging; and (II) marketing materials that identify the lamp as being vibration service only.” (42 U.S.C. 6291(30)(AA))

The statute mentions three examples of filament configurations for vibration service lamps in Figure 6–12 of the *IESNA Lighting Handbook*, one of which (*i.e.*, C–7A) is also listed in the statutory definition of “rough service lamp.” The definition of “vibration service lamp” requires that such lamps have a maximum wattage of 60 watts and be sold at a retail level in packages of two lamps or fewer. Similar to rough service lamps, vibration service lamps must be designated and marketed for vibration service or vibration-resistant applications. As the name suggests, this type of incandescent lamp is generally used in applications where the incandescent lamp would be subject to a continuous low level of vibration, such as in a ceiling fan light kit. In such applications, standard incandescent lamps without additional filament support wires may not achieve the full rated life, because the filament wire is brittle and would be subject to breakage at typical operating temperature. To address this problem, lamp manufacturers typically use a more malleable tungsten filament to avoid damage and short circuits between coils.

C. Three-Way Incandescent Lamps

Section 321(a)(1)(B) of EISA 2007 amended section 321(30) of EPCA by adding the definition of a “3-way incandescent lamp.” The statutory definition reads as follows: “The term ‘3-way incandescent lamp’ includes an incandescent lamp that—(i) employs 2 filaments, operated separately and in combination, to provide 3 light levels; and (ii) is designated on the lamp packaging and marketing materials as being a 3-way incandescent lamp.” (42 U.S.C. 6291(30)(Y))

Three-way lamps are commonly found in wattage combinations such as 50, 100, and 150 watts or 30, 70, and 100 watts. These lamps use two filaments (*e.g.*, a 30-watt and a 70-watt filament) and can be operated separately or together to produce three different lumen outputs (*e.g.*, 305 lumens with one filament, 995 lumens with the other, or 1,300 lumens using the filaments together). When used in three-way sockets, these lamps allow users to control the light level. Three-way incandescent lamps are typically used

in residential multi-purpose areas, where consumers may adjust the light level to be appropriate for the task they are performing.

D. 2,601–3,300 Lumen General Service Incandescent Lamps

The statute does not provide a definition of “2,601–3,300 Lumen General Service Incandescent Lamps”; however, DOE is interpreting this term to be a general service incandescent lamp² that emits light between 2,601 and 3,300 lumens. Lamps on the market that emit light within this lumen range are immediately recognizable because, as required by the Energy Policy Act of 1992, Public Law 102–486, all general service incandescent lamps must be labeled with lamp lumen output.³ These lamps are used in general service applications when high light output is needed.

E. Shatter-Resistant Lamps

Section 321(a)(1)(B) of EISA 2007 amended section 321(30) of EPCA by adding the definition of a “shatter-resistant lamp, shatter-proof lamp, or shatter-protected lamp.” The statutory definition reads as follows: “The terms ‘shatter-resistant lamp,’ ‘shatter-proof lamp,’ and ‘shatter-protected lamp’ mean a lamp that—(i) has a coating or equivalent technology that is compliant with [National Sanitation Foundation/American National Standards Institute] NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken; and (ii) is designated and marketed for the intended application, with—(I) the designation on the lamp packaging; and (II) marketing materials that identify the lamp as being shatter-resistant, shatter-proof, or shatter-protected.” (42 U.S.C. 6291(30)(Z)) Although the definition provides three names commonly used to refer to these lamps, DOE simply refers to them collectively as “shatter-resistant lamps.”

Shatter-resistant lamps incorporate a special coating designed to prevent glass

² “The term ‘general service incandescent lamp’ means a standard incandescent or halogen type lamp that—(I) is intended for general service applications; (II) has a medium screw base; (III) has a lumen range of not less than 310 lumens and not more than 2,600 lumens or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens; and (IV) is capable of being operated at a voltage range at least partially within 110 and 130 volts.” (42 U.S.C. 6291(30)(D)(i)).

³ The Federal Trade Commission issued the lamp labeling requirements in 1994 (*see* 59 FR 25176 (May 13, 1994)). Further amendments were made to the lamp labeling requirements in 2007 (*see* 16 CFR 305.15(b); 72 FR 49948, 49971–72 (August 29, 2007)). The package must display the lamp’s light output (in lumens), energy use (in watts), and lamp life (in hours).

shards from being dispersed if a lamp's glass envelope breaks. Shatter-resistant lamps incorporate a coating compliant with industry standard NSF/ANSI 51,⁴ "Food Equipment Materials," and are labeled and marketed as shatter-resistant, shatter-proof, or shatter-protected. Some types of the coatings can also protect the lamp from breakage in applications subject to heat and thermal shock that may occur from water, sleet, snow, soldering, or welding.

III. Comparison Methodology

In the 2008 analysis, DOE reviewed each of the five sets of shipment data that was collected in consultation with NEMA and applied two curve fits to generate unit sales estimates for the five lamp types after calendar year 2006. One curve fit applied a linear regression to the historical data and extended that line into the future. The other curve fit applied an exponential growth function to the shipment data and projected unit sales into the future. For this calculation, linear regression treats the year as a dependent variable and shipments as the independent variable. The linear regression curve fit is modeled by minimizing the differences among the data points and the best curve-fit linear line using the least squares function.⁵ The exponential curve fit is also a regression function and uses the same least squares function to find the best fit. For some data sets, an exponential curve provides a better characterization of the historical data, and, therefore, a better projection of the future data.

For 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps, DOE found that the linear regression and exponential growth curve fits produced nearly the same estimates of unit sales (*i.e.*, the difference between the two forecasted values was less than 1 or 2 percent). However, for rough service and vibration service lamps, the linear regression curve fit projected lamp unit sales would decline to zero for both lamp types by 2018. In contrast, the exponential growth curve fit projected a more gradual decline in unit sales, such that lamps would still be sold beyond

⁴ NSF/ANSI 51 applies specifically to materials and coatings used in the manufacturing of equipment and objects destined for contact with foodstuffs.

⁵ The least squares function is an analytical tool that DOE uses to minimize the sum of the squared residual differences between the actual historical data points and the modeled value (*i.e.*, the linear curve fit). In minimizing this value, the resulting curve fit will represent the best fit possible to the data provided.

2018, and it was, therefore, considered the more realistic forecast. While DOE was satisfied that either the linear regression or exponential growth spreadsheet model generated a reasonable benchmark unit sales estimate for 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps, DOE selected the exponential growth curve fit for these lamp types for consistency with the selection made for rough service and vibration service lamps.⁶ DOE examines the benchmark unit sales estimates and actual sales for each of the five lamp types in the following section and also makes the comparisons available in a spreadsheet online: http://www1.eere.energy.gov/buildings/appliance_standards/product.aspx/productid/63.

IV. Comparison Results

A. Rough Service Lamps

For rough service lamps, the exponential growth forecast projected the benchmark unit sales estimate for 2014 to be 5,224,000 units. The NEMA-provided shipment data reported shipments of 7,267,000 units in 2014. As this finding exceeds the estimate by only 39.1 percent, DOE will continue to track rough service lamp sales data and will not initiate regulatory action for this lamp type at this time.

B. Vibration Service Lamps

For vibration service lamps, the exponential growth forecast projected the benchmark unit sales estimate for 2014 to be 2,729,000 units. The NEMA-provided shipment data reported shipments of 5,220,000 units in 2014. As this finding exceeds the estimate by only 91.3 percent, DOE will continue to track vibration service lamp sales data and will not initiate regulatory action for this lamp type at this time.

C. Three-Way Incandescent Lamps

For 3-way incandescent lamps, the exponential growth forecast projected the benchmark unit sales estimate for 2014 to be 49,107,000 units. The NEMA-provided shipment data reported shipments of 35,340,000 units in 2014. As this finding is only 72.0 percent of the estimate, DOE will continue to track 3-way incandescent lamp sales data and will not initiate regulatory action for this lamp type at this time.

⁶ This selection is consistent with the previous annual comparisons. See DOE's 2008 forecast spreadsheet models of the lamp types for greater detail on the estimates.

D. 2,601–3,300 Lumen General Service Incandescent Lamps

For 2,601–3,300 lumen general service incandescent lamps, the exponential growth forecast projected the benchmark unit sales estimate for 2014 to be 34,110,000 units. The NEMA-provided shipment data reported shipments of 5,232,000 units in 2014. As this finding is 15.3 percent of the estimate, DOE will continue to track 2,601–3,300 lumen general service incandescent lamp sales data and will not initiate regulatory action for this lamp type at this time.

E. Shatter-Resistant Lamps

For shatter-resistant lamps, the exponential growth forecast projected the benchmark unit sales estimate for 2014 to be 1,671,000 units. The NEMA-provided shipment data reported shipments of 1,042,000 units in 2014. As this finding is only 62.4 percent of the estimate, DOE will continue to track shatter-resistant lamp sales data and will not initiate regulatory action for this lamp type at this time.

V. Conclusion

None of the shipments for rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, or shatter-resistant lamps crossed the statutory threshold for a standard. DOE will continue to monitor these five currently exempted lamp types and will assess 2015 sales by March 31, 2016, in order to determine whether an energy conservation standards rulemaking is required, consistent with 42 U.S.C. 6295(l)(4)(D) through (H).

Issued in Washington, DC, on March 10, 2015.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2015-05947 Filed 3-16-15; 8:45 am]

BILLING CODE 6450-01-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, 50, 52, 60, 61, 63, 70, 71, and 72

[Docket Nos. PRM-50-107; NRC-2013-0077]

Requirement To Submit Complete and Accurate Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; consideration in the rulemaking process.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will consider in the rulemaking process the issues raised in a petition for rulemaking (PRM), PRM-50-107, submitted by James Lieberman (the petitioner). The petitioner requested that the NRC amend its regulations to require that all persons seeking NRC approvals provide the NRC with complete and accurate information. Current NRC regulations pertaining to completeness and accuracy of information apply only to NRC licensees and license applicants. The NRC has determined that the issues raised in the PRM have merit and are appropriate for consideration in the rulemaking process.

DATES: The docket for the petition for rulemaking, PRM-50-107, is closed on March 17, 2015.

ADDRESSES: Please refer to Docket ID NRC-2013-0077 when contacting the NRC about the availability of information for this petition. You can obtain publicly-available documents related to this petition by using any of the following methods:

- Federal Rulemaking Web site: Go to <http://www.regulations.gov> and search for Docket ID NRC-2013-0077. Address questions about NRC dockets to Carol Gallagher, telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- The NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to PDR.resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in Section V of this document, Availability of Documents.

- The NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, O1-F21,

One White Flint North, 11555 Rockville Pike, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Jenny Tobin, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2328; email: Jennifer.Tobin@nrc.gov.

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Requirement to Submit Complete and Accurate Information.
- III. Analysis of Public Comments.
- IV. Determination of Petition.
- V. Availability of Documents.

I. Background

On April 15, 2013, the NRC received a PRM (ADAMS Accession No. ML13113A443) requesting the NRC to revise its regulations relating to nuclear reactors at §§ 50.1, 50.9, 52.0, and 52.6 of Title 10 of the *Code of Federal Regulations* (10 CFR) to expand its "regulatory framework to make it a legal obligation for those non-licensees who seek NRC regulatory approvals be held to the same legal standards for the submittal of complete and accurate information as would a licensee or an applicant for a license." James Lieberman, a regulatory and nuclear safety consultant, submitted the petition which was filed on April 15, 2013, and later amended on September 16, 2013. The petitioner originally requested that the NRC amend its regulations in 10 CFR parts 50 and 52, to require all persons who seek NRC approvals to provide the NRC with complete and accurate information.

The NRC assigned the petition Docket Number PRM-50-107 and published a notice of receipt of the petition in the **Federal Register** (FR) on June 10, 2013 (78 FR 34604). The NRC requested public comment on the petition and received two comments, both supporting the petition. On September 16, 2013 (ADAMS Accession No. ML13113A443), the petitioner amended the rulemaking petition to expand its scope to include not only 10 CFR parts 50 and 52 for reactors, but the regulatory framework for radioactive materials, waste disposal, transportation, and spent fuel storage as well (10 CFR parts 30, 40, 60, 61, 63, 70, 71, and 72). The NRC published a notice regarding the amended petition (ADAMS Accession No. ML13261A190) in the **Federal Register** requesting comment (79 FR 3328; January 21, 2014). One additional comment in support of the amended petition was received.

The petitioner asserts that non-licensees (including vendors and other contractors) used by NRC-regulated entities to meet regulatory requirements

should be subject to the same requirements for complete and accurate submissions as NRC licensees and license applicants. When the Commission promulgated the 1987 "Completeness and Accuracy of Information" rule (52 FR 49362; December 31, 1987) (the 1987 rule), neither the rule language nor the Statement of Considerations (SOC) discussed non-licensees submitting information to the NRC for regulatory approvals. The 1987 rule included nearly identical "Completeness and Accuracy of Information" requirements in 10 CFR parts 30, 40, 50, 60, 61, 70, 71, and 72. When the Commission added 10 CFR parts 52 and 63 to its regulations, it added "Completeness and Accuracy of Information" requirements to these parts as well (72 FR 49521, August 28, 2007; and 66 FR 55732, November 2, 2001; respectively). The petitioner asserts that the intent of this petition is to close the gap that exists in NRC requirements between licensees/applicants and non-licensees regarding the submittal of complete and accurate information for NRC approval.

The NRC assigned the petition Docket Number PRM-50-107 and published a notice of receipt of the petition in the **Federal Register** (FR) on June 10, 2013 (78 FR 34604). The NRC requested public comment on the petition and received two comments, both supporting the petition. On September 16, 2013 (ADAMS Accession No. ML13113A443), the petitioner amended the rulemaking petition to expand its request to include not only 10 CFR parts 50 and 52 for reactors, but the regulatory framework for radioactive materials, waste disposal, transportation, and spent fuel storage as well (10 CFR parts 30, 40, 60, 61, 63, 70, 71, and 72). In the amended petition, the petitioner also requested that the "scope" section for each of the parts be revised to add language to highlight that any person seeking or obtaining an NRC approval for a regulated activity would be subject to enforcement action for violation of the completeness and accuracy provision of that part. The applicable sections are §§ 30.1, 40.2, 50.1, 52.0, 60.1, 61.1, 63.1, 70.2, 71.0, and 72.2.

II. Requirement To Submit Complete and Accurate Information

The NRC's regulations at 10 CFR 30.9, 40.9, 50.9, 52.6, 60.10, 61.9a, 63.10, 70.9, 71.7, and 72.11 implemented: (1) The longstanding policy that license applicants and licensees provide the Commission information that is complete and accurate in all material respects and maintain such information as required; and (2) the requirement that

license applicants and licensees notify the NRC of any information they identify as having, for the regulated activity, a significant implication for the public health and safety or common defense and security.

The 1987 rule re-emphasized the NRC's need to receive complete and accurate information and timely notification of safety significant information from its licensees and license applicants if the NRC is to fulfill its statutory responsibilities under the Atomic Energy Act of 1954, as amended (AEA). The SOC for the 1987 rule stated that "the accuracy and forthrightness in communications to the NRC by licensees and applicants for licenses are essential if the NRC is to fulfill its responsibilities to ensure that utilization of radioactive material and the operation of nuclear facilities are consistent with the health and safety of the public and the common defense and security." The SOC relied on the general authority provision in AEA Section 161b. that permits the NRC to establish by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material, source material, and byproduct material. The SOC also specifically mentioned the importance of accurate information in AEA Section 186, which authorizes the NRC to revoke any license for material false statement in an application or statement of fact required under AEA Section 182.

However, similar concerns also are raised when non-licensees seek the NRC's approval in other situations. For example, a non-licensee may submit a description of its Quality Assurance (QA) program to the NRC for approval in support of a Certificate of Compliance (CoC) for transportation and storage casks. The regulations at 10 CFR part 71 and part 72 set forth requirements for QA programs in subparts H and G, respectively. Non-licensees who intend to apply for a CoC establish, maintain, and execute programs satisfying the QA requirements for the control of quality-affecting activities such as design, procurement, special processes, inspection, and testing, among other activities. Implementing an effective QA program during transportation or storage cask design and testing pre-application phases provides adequate confidence that the systems or components will perform satisfactorily in service.

On more than one occasion the NRC has received from a non-licensee a description of a QA program for NRC approval in accordance with 10 CFR parts 71 and 72 requirements. After reviewing this information, the NRC staff approved the QA program, as

documented. However, a subsequent on-site inspection of that NRC-approved QA program resulted in a finding of inadequate implementation of certain quality-related activities. Had this QA program implementation deficiency gone unidentified and uncorrected, it could have resulted in design issues or reduced confidence that systems or components would perform satisfactorily in service. Under current regulations, the NRC can only take an enforcement action against the applicant if the cause of a QA program deficiency is attributable to an applicant providing incomplete or inaccurate information. The NRC is unable to take enforcement action against the non-licensee for not providing complete and accurate information that was submitted for NRC's approval; the NRC is limited to issuing an administrative action, such as a notice of nonconformance.

A topical report is another example of one type of information submitted to the NRC by non-licensees for regulatory approval. Once reviewed and approved, the NRC endorses the use of the topical report, and licensees implement the report accordingly. The petitioner cited reactor topical reports as an example of a single safety evaluation report, once approved by the NRC, that may be adopted by many licensees, and therefore greatly magnify the impact of any error beyond the non-licensee applicant for the topical report itself.

The petition states that non-licensees who submit information to the NRC for approval should be held accountable for providing complete and accurate information. The petitioner's proposed rule change would provide the NRC staff with additional enforcement tools to encourage non-licensees to submit complete and accurate information to the NRC.

III. Analysis of Public Comments

The NRC received a total of three comment submissions on the petition and amended petition from two private citizens. The NRC received two public comments in response to the June 10, 2013, **Federal Register** notice. Both were in support of the petition, one suggested the inclusion of additional licensees in the petition. In response to the January 21, 2014, **Federal Register** notice, the NRC received a second comment from a previous commenter reiterating his support on the amended petition.

Comment No. 1

Commenter: Hugh Thompson, Talisman International

Comment: The commenter asserted that the NRC should consider for rulemaking Mr. Lieberman's petition to require vendors and suppliers to provide complete and accurate information. The commenter also stated that the NRC should consider expanding the original petition's request to include other parts of the regulations that have the same completeness and accuracy provisions, namely 10 CFR parts 30, 40, 61, 70, 71, and 72. The commenter highlighted that it is important to have complete and accurate information in submittals by non-licensees who seek the following: (1) Exemption from NRC regulations; and (2) NRC approval that their activities do not need a license. The commenter pointed out that currently there is no legal obligation for a vendor to provide complete and accurate information either in the application for a topical report or in response to NRC questions on the topical report. The commenter noted that this oversight has been brought to light during litigation.

NRC Response: The NRC agrees with this comment, and intends to consider this issue in the rulemaking process. In addition, the petitioner amended the petition to expand the request of proposed changes in the regulations.

Comment No. 2

Commenter: Charles Haughney

Comment: The commenter stated that the NRC should consider Mr. Lieberman's petition for rulemaking.

NRC Response: The NRC agrees with the comment and intends to consider this PRM in the rulemaking process.

Comment No. 3

Commenter: Hugh Thompson, Talisman International

Comment: The commenter stated that the NRC should consider for rulemaking the revised petition that expands the original petition request.

NRC Response: The NRC agrees with the comment and intends to consider the PRM in the rulemaking process.

IV. Determination of Petition

Non-licensee applicants for NRC regulatory approvals (e.g. topical report, an exemption from licensing, or submission of a QA program) currently are not under the same regulatory obligation as licensees or license applicants to provide complete and accurate information. Non-licensees that have received an NRC approval are also

not under the same regulatory obligation as licensees to notify the NRC of any information that may have a significant implication for public health and safety or the common defense and security. As a result, the lack of similar requirements for non-licensees could adversely affect public health and safety or the common defense and security. As with licensees and license applicants, the NRC staff relies on the information submitted by non-licensees as the primary basis for approving their requests; it is fundamental for good regulation that all applicants for NRC approvals meet the same requirement to submit complete and accurate information. It is also important that both licensees and non-licensees operating under an NRC approval be required to notify the NRC of information they have identified as

having a significant implication for the public health and safety or common defense and security. In the case of reactor topical reports, as cited by the petitioner, a single safety evaluation report may be adopted by many licensees once it has been approved by the NRC, greatly magnifying the impact of any errors beyond the non-licensee applicant for the topical report itself.

The NRC agrees with the petitioner that non-licensee applicants for NRC approvals in all subject areas (e.g. reactors, materials, transportation, and waste) should be required to submit complete and accurate information. Imposing the same requirement for completeness and accuracy of information to all non-licensee applicants for NRC approvals ensures a consistent and comprehensive set of regulatory expectations.

Although not mentioned in the petition or the amended petition, the NRC staff identified other portions of the regulations that contain similar requirements for "Completeness and Accuracy of Information." As a result, the NRC also considered the applicability of the issue to 10 CFR parts 54, 76, and 110 in its evaluation.

For these reasons, the NRC will consider the issues raised in the petition in the rulemaking process.

V. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated. For information on accessing ADAMS, see the **ADDRESSES** section of this document.

Date	Document	ADAMS Accession number/ Federal Register citation
April 15, 2013	Original Petition (PRM-50-107)	ML13113A443
June 10, 2013	Original FRN	78 FR 34604
September 16, 2013	Amended Petition	ML13261A190
January 21, 2014	Amended FRN	79 FR 3328
August 29, 2013	Comment 1: Hugh Thompson	ML13241A222
August 26, 2013	Comment 2: Charles Haughney	ML13246A383
April 10, 2014	Comment 3: Hugh Thompson	ML14100A198

Dated at Rockville, Maryland, this 20th day of February, 2015.

For the Nuclear Regulatory Commission.

Mark A. Satorius,

Executive Director for Operations.

[FR Doc. 2015-06107 Filed 3-16-15; 8:45 am]

BILLING CODE 7590-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2015-0165; Directorate Identifier 2015-NE-02-AD]

RIN 2120-AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all General Electric Company (GE) GENx turbofan engine models. This proposed AD was prompted by reports of GENx-1B and GENx-2B engines experiencing

power loss in ice crystal icing (ICI) conditions. This proposed AD would preclude the use of full authority digital engine control (FADEC) software, version B175 or earlier, in GENx-1B engines, and the use of FADEC software, version C065 or earlier, in GENx-2B engines. We are proposing this AD to prevent engine failure, loss of thrust control, and damage to the airplane.

DATES: We must receive comments on this proposed AD by May 18, 2015.

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

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

For service information identified in this proposed AD, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH

45215; phone: 513-552-3272; email: gae.aoc@ge.com. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781-238-7125.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0165; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tomasz Rakowski, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781-238-7735; fax: 781-238-7199; email: tomasz.rakowski@faa.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2015–0165; Directorate Identifier 2015–NE–02–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We propose to adopt a new AD for all GE GENx turbofan engine models. This proposed AD was prompted by reports of GENx-1B and GENx-2B engines experiencing power loss in ICI conditions. Five engines experienced non-serviceable mechanical damage. One engine did not recover power due to mechanical damage. This condition, if not corrected, could result in engine failure, loss of thrust control, and damage to the airplane. This proposed AD would preclude the use of FADEC software, version B175 or earlier in GENx-1B engines, and the use of FADEC software, version C065 or earlier, in GENx-2B engines. We are proposing this AD to prevent engine failure, loss of thrust control, and damage to the airplane.

Related Service Information Under 14 CFR Part 51

We reviewed GE GENx-1B Service Bulletin (SB) No. 73–0036, dated January 6, 2015, and GE GENx-2B SB No. 73–0035, dated September 16, 2014. The SBs describe procedures for installing FADEC software on GE GENx-1B and GENx-2B engine models. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

FAA’s Determination

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

Proposed AD Requirements

This NPRM would preclude the use of FADEC software, version B175 or earlier, in GENx-1B engines, and the use of FADEC software, version C065 or earlier, in GENx-2B engines.

Costs of Compliance

We estimate that this proposed AD will affect 80 engines installed on airplanes of U.S. registry. We also estimate that it will take about 1 hour per engine to comply with this proposed AD. The average labor rate is \$85 per hour. No parts are required. Based on these figures, we estimate the total cost of the proposed AD to U.S. operators to be \$6,800.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket No. FAA–2015–0165; Directorate Identifier 2015–NE–02–AD.

(a) Comments Due Date

We must receive comments by May 18, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all General Electric Company (GE) GENx-1B model turbofan engines with full authority digital engine control (FADEC) software version B175 or earlier, installed, and GENx-2B model turbofan engines with FADEC software version C065 or earlier, installed.

(d) Unsafe Condition

This AD was prompted by reports of GENx-1B and GENx-2B engines experiencing power loss in ice crystal icing (ICI) conditions. We are issuing this AD to prevent engine failure, loss of thrust control, and damage to the airplane.

(e) Compliance

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

(1) Thirty days after the effective date of this AD, do not operate any GE GENx-1B engine with FADEC software version B175 or earlier, installed in the electronic engine control (EEC).

(2) Thirty days after the effective date of this AD, do not operate any GE GENx-2B engine with FADEC software version C065 or earlier, installed in the EEC.

(f) Alternative Methods of Compliance (AMOCs)

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

(g) Related Information

(1) For more information about this AD, contact Tomasz Rakowski, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781-238-7735; fax: 781-238-7199; email: tomasz.rakowski@faa.gov.

(2) GE GENx-1B Service Bulletin (SB) No. 73-0036, dated January 6, 2015, and GE GENx-2B SB No. 73-0035, dated September 16, 2014, which are not incorporated by reference in this proposed AD, can be obtained from GE using the contact information in paragraph (g)(3) of this proposed AD.

(3) For service information identified in this proposed AD, contact General Electric Company, GE Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215; phone: 513-552-3272; email: geae.aoc@ge.com.

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

Issued in Burlington, Massachusetts, on March 6, 2015.

Ann C. Mollica,

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

[FR Doc. 2015-05897 Filed 3-16-15; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2015-0490; Directorate Identifier 2014-NM-018-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2008-22-20, for certain Airbus Model A330-200, A330-300, and A340-300 series airplanes. AD 2008-22-20 currently requires repetitive high frequency eddy current (HFEC) inspections for cracking, repair if necessary, and modification of the upper shell structure of the fuselage. Since we issued AD 2008-22-20, we have determined from a fatigue and damage tolerance evaluation that the compliance times must be reduced. This proposed AD would shorten certain compliance times. We are proposing this AD to prevent fatigue cracking of the upper shell structure of the fuselage,

which could result in reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by May 1, 2015.

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

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

- *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; Internet <http://www.airbus.com>. You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Examining the AD Docket

You may examine the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0490; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

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-2015-0490; Directorate Identifier 2014-NM-018-AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

On October 20, 2008, we issued AD 2008-22-20, Amendment 39-15717 (73 FR 66747, November 12, 2008). AD 2008-22-20 requires actions intended to address an unsafe condition on certain Airbus Model A330-200, A330-300, and A340-300 series airplanes.

Since we issued AD 2008-22-20, Amendment 39-15717 (73 FR 66747, November 12, 2008), it has been determined from a fatigue and damage tolerance evaluation that the compliance times for certain inspections and modification must be reduced.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2014-0012R1, dated January 24, 2014 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for the specified products. The MCAI states:

During fatigue tests (EF3) on the A340-600, damage was found in the longitudinal doubler at the Vertical Tail Plane (VTP) attachment cut out between Frame (FR) 80 and FR86. This damage occurred between 58,341 and 72,891 simulated flight cycles (FC).

Due to the higher Design Service Goal and different design of the affected structural area (e.g., doubler thickness) for A330-200/-300 and A340-300 airplane series, the damage assessment concluded that these airplanes may be also potentially affected.

This condition, if not detected and corrected, could affect the structural integrity of the upper shell structure between FR80 and FR86.

Prompted by these findings, EASA issued AD 2007-0284 [(http://ad.easa.europa.eu/blob/easa_ad_2007_0284_superseded.pdf/AD_2007-0284_1)] to require implementation of an inspection programme of this structural area using a high frequency eddy current (HFEC) method and a modification to improve the upper shell structure.

Since that [EASA] AD was issued, in the frame of a new fatigue and damage tolerance evaluation, taking into account the airplane

utilisation, the inspection threshold and intervals have been reassessed and the conclusion was that the thresholds and intervals for inspection, as well as the threshold for modifying the airplane, must be reduced.

For the reason described above, this [EASA] AD retains the requirements of EASA AD 2007-0284, which is superseded and introduces redefined thresholds and intervals.

This [EASA] AD is revised to clarify that, under some conditions, accomplishment of a repair constitutes terminating action for the repetitive inspections. One of the outcome of this clarification is the deletion of paragraph (5) of this [EASA] AD.

You may examine the MCAI in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating it in Docket No. FAA-2015-0490.

Initial compliance time thresholds range from 7,300 flight cycles or 47,600 flight hours, and up to 25,400 flight cycles or 76,300 flight hours, depending on configuration and range.

Repetitive compliance time thresholds range from 1,700 flight cycles or 11,300 flight hours, and up to 4,500 flight cycles or 13,500 flight hours, depending on configuration.

Widespread Fatigue Damage

Structural fatigue damage is progressive. It begins as minute cracks, and those cracks grow under the action of repeated stresses. This can happen because of normal operational conditions and design attributes, or because of isolated situations or incidents such as material defects, poor fabrication quality, or corrosion pits, dings, or scratches. Fatigue damage can occur locally, in small areas or structural design details, or globally. Global fatigue damage is general degradation of large areas of structure with similar structural details and stress levels. Multiple-site damage is global damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Global damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site-damage and multiple-element-damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane, in a condition known as widespread fatigue damage (WFD). As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program.

Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information. 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.

- Airbus Service Bulletin A330-53-3159, Revision 02, dated March 29, 2010. The service information describes procedures for a modification of the fuselage, which includes inspections (e.g., eddy current rotating probe test of fastener holes for cracking, high frequency eddy current (HFEC) inspections for cracking of the upper shell structure of the fuselage, and checks of the fastener position for clearance) and applicable corrective actions (e.g., repair and rework).

- Airbus Service Bulletin A330-53-3160, Revision 03, dated January 6,

2012. The service information describes procedures for applicable actions, including an eddy current rotating probe test for cracking of the fastener holes and an HFEC inspection for cracks in the upper shell of the fuselage (and including checks of the fastener position for clearance and applicable corrective actions (e.g., repair and rework)), and a modification of the airplane upper shell structure of the fuselage between FR80 and FR86.

- Airbus Service Bulletin A330-53-3168, Revision 02, dated December 21, 2011. The service information describes procedures for a HFEC inspection for cracking of the upper shell structure of the fuselage between FR80 and FR86.

- Airbus Service Bulletin A340-53-4165, Revision 02, dated March 29, 2010. The service information describes procedures for a modification of the fuselage, which includes inspections (e.g., eddy current rotating probe test of fastener holes for cracking, HFEC inspections for cracking of the upper shell structure of the fuselage, and checks of the fastener position for clearance) and applicable corrective actions (e.g., repair and rework).

- Airbus Service Bulletin A340-53-4172, Revision 01, dated July 8, 2009. The service information describes procedures for inspections (e.g., rototest inspections of fastener holes for cracking, HFEC inspections for cracking of the upper shell structure of the fuselage, and checks of the fastener position for clearance) and modification of the airplane upper shell structure between FR80 and FR86 (including applicable corrective actions (e.g., repair and rework)).

- Airbus Service Bulletin A340-53-4174, Revision 02, dated December 21, 2011. The service information describes procedures for a HFEC inspection for cracking of the upper shell structure of the fuselage between FR80 and FR86.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This Proposed AD and the MCAI or Service Information

Unlike the procedures described in the service information, this proposed AD would not permit further flight if cracks are detected in the upper shell structure. We have determined that, because of the safety implications and consequences associated with that cracking, any cracked upper shell structure must be repaired before further flight. This difference has been coordinated with the EASA and Airbus.

Explanation of Compliance Time for Modification

The compliance time for the modification specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is modified before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Costs of Compliance

We estimate that this proposed AD affects 26 airplanes of U.S. registry. We also estimate that it would take about 208 work-hours per product to comply with the basic requirements (inspection and modification) of this proposed AD. The average labor rate is \$85 per work-hour. Required parts would cost about \$28,360 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be \$1,197,040, or \$46,040 per product.

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

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

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701:

General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2008–22–20, Amendment 39–15717 (73 FR 66747, November 12, 2008), and adding the following new AD:

Airbus: Docket No. FAA–2015–0490; Directorate Identifier 2014–NM–018–AD.

(a) Comments Due Date

We must receive comments by May 1, 2015.

(b) Affected ADs

This AD replaces AD 2008–22–20, Amendment 39–15717 (73 FR 66747, November 12, 2008).

(c) Applicability

This AD applies to Airbus Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, and –343; and Model A340–311, –312, and –313 airplanes; certificated in any category; all manufacturer serial numbers on which Airbus Modification 44205 has been embodied in production, except those on which Airbus Modification 52974 or 53223 has been embodied in production.

(d) Subject

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

(e) Reason

This AD was prompted by the results of a fatigue and damage tolerance evaluation that concluded existing compliance times must be reduced. We are issuing this AD to prevent fatigue cracking of the upper shell structure of the fuselage, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Inspection for Airbus Model A330–300 and A340–300 Airplanes, Except Model A340–300 Weight Variant (WV) 027 Airplanes

For Model A330–300 and A340–300 airplanes, except Model A340–300 WV 027 airplanes: At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, do a high frequency eddy current (HFEC) inspection for cracking of the upper shell structure between frame (FR) 80 and FR86, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3168, Revision 02, dated December 21, 2011; or Airbus Service Bulletin A340–53–4174, Revision 02, dated December 21, 2011; as applicable. Repeat the inspection thereafter at the applicable time specified in paragraph 1.E., "COMPLIANCE," of Airbus Service Bulletin A330–53–3168, Revision 02, dated December 21, 2011; or Airbus Service Bulletin A340–53–4174, Revision 02, dated December 21, 2011; as applicable.

(1) For airplanes that, as of the effective date of this AD, have not been inspected in accordance with Airbus Service Bulletin A330–53–3168; or Airbus Service Bulletin A340–53–4174; as applicable: Inspect at the later of the times specified in paragraphs (g)(1)(i) and (g)(1)(ii) of this AD.

(i) Before reaching the applicable threshold specified in paragraph 1.E., "COMPLIANCE," of Airbus Service Bulletin A330–53–3168, Revision 02, dated December 21, 2011; or Airbus Service Bulletin A340–53–4174, Revision 02, dated December 21, 2011; as applicable for airplane model, configuration, and utilization, since the airplane's first flight.

(ii) Within the threshold defined in paragraph 1.E., "COMPLIANCE," of Airbus

Service Bulletin A330–53–3168, Revision 01, dated February 15, 2008; or Airbus Service Bulletin A340–53–4174, Revision 01, dated February 15, 2008; as applicable for airplane model, configuration, and utilization since the airplane's first flight; or within 12 months after the effective date of this AD; whichever occurs first.

(2) For airplanes that, as of the effective date of this AD, have been inspected in accordance with Airbus Service Bulletin A330–53–3168; or Airbus Service Bulletin A340–53–4174; as applicable: Inspect at the later of the times specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD.

(i) Within the applicable interval specified in paragraph 1.E., "COMPLIANCE," of Airbus Service Bulletin A330–53–3168, Revision 02, dated December 21, 2011; or Airbus Service Bulletin A340–53–4174, Revision 02, dated December 21, 2011; as applicable; to be counted from the last inspection.

(ii) Within 12 months after the effective date of this AD without exceeding the intervals defined in paragraph 1.E., "COMPLIANCE," of Airbus Service Bulletin A330–53–3168, Revision 01, dated February 15, 2008; or Airbus Service Bulletin A340–53–4174, Revision 01, dated February 15, 2008; as applicable for airplane model, configuration, and utilization to be counted from the last inspection.

(h) Corrective Action for Airbus Model A330–300 and A340–300 Airplanes, Except Model A340–300 WV 027 Airplanes

If any crack is detected during any HFEC inspection required by the introductory text to paragraph (g) of this AD: Before further flight, repair 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). Accomplishment of a repair for a specific area, as required by this paragraph, is terminating action for the repetitive HFEC inspections required by the introductory text to paragraph (g) of this AD, as applicable, for that specific repaired area only. The need and definition of subsequent repetitive inspections (if any) for that specific repaired area will be defined in the applicable repair method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) or Airbus's EASA Design Organization Approval (DOA).

(i) Optional Terminating Action

For Airbus Model A330–300 and A340–300 airplanes, except Model A340–300 WV 027 airplanes: Modification, which includes inspections and applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3159, Revision 02, dated March 29, 2010; or Airbus Service Bulletin A340–53–4165, Revision 02, dated March 29, 2010; as applicable; terminates the repetitive HFEC inspections required by the introductory text to paragraph (g) of this AD, except where Airbus Service Bulletin A330–53–3159, Revision 02, dated March 29, 2010; or Airbus

Service Bulletin A340–53–4165, Revision 02, dated March 29, 2010; as applicable; specifies to contact the manufacturer, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA.

(j) Inspection and Modification for Airbus Model A330–200 Airplanes

(1) Within the compliance times specified in paragraph (j)(1)(i) or (j)(1)(ii) of this AD, whichever occurs later: Do all applicable actions, including an eddy current rotating probe test and an HFEC inspection for cracks, and modify the airplane upper shell structure between FR80 and FR86; in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–53–3160, Revision 03, dated January 6, 2012.

(i) Within the compliance times identified in paragraph 1.E., "COMPLIANCE," of Airbus Service Bulletin A330–53–3160, Revision 03, dated January 6, 2012, as applicable for airplane configuration and utilization since the airplane's first flight.

(ii) Within 12 months after the effective date of this AD without exceeding the threshold, defined in paragraph 1.E., "COMPLIANCE," of Airbus Service Bulletin A330–53–3160, Revision 02, dated March 29, 2010, since the airplane's first flight.

(k) Inspection and Modification for Airbus Model A340–300 Airplanes, Only WV 027

For Model A340–300 airplanes, WV 027 only: Before the accumulation of 14,200 total flight cycles from the airplane's first flight, do all applicable inspections and modify the airplane upper shell structure between FR80 and FR86; in accordance with the Accomplishment Instructions of Airbus Service Bulletin A340–53–4172, Revision 01, dated July 8, 2009.

(l) Corrective Action for Airbus Model A330–200 Airplanes; and Model A340–300 Airplanes, Only WV 027

If any crack is detected during the inspection required by paragraph (j) or (k) of this AD, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA; or Airbus's EASA DOA; concurrently with modification required by paragraph (j) or (k) of this AD.

(m) Definition of "Threshold" and "Interval"

(1) For the purposes of this AD, the term "Threshold," as used in paragraph 1.E., "COMPLIANCE," of the service information specified in paragraphs (m)(2)(i) through (m)(2)(vi) of this AD means the total flight cycles or flight hours accumulated since the airplane's first flight.

(2) For the purposes of this AD, the term "Interval" as used in paragraph 1.E., "COMPLIANCE," of the service information specified in paragraphs (m)(2)(i) through (m)(2)(vi) of this AD means the total flight cycles or flight hours accumulated since the last inspection, as applicable.

(i) Airbus Service Bulletin A330–53–3168, dated September 19, 2007.

(ii) Airbus Service Bulletin A330–53–3168, Revision 01, dated February 15, 2008.

(iii) Airbus Service Bulletin A330–53–3168, Revision 02, dated December 21, 2011.

(iv) Airbus Service Bulletin A340–53–4174, dated September 19, 2007.

(v) Airbus Service Bulletin A340–53–4174, Revision 01, dated February 15, 2008.

(vi) Airbus Service Bulletin A340–53–4174, Revision 02, dated December 21, 2011.

(n) Credit for Previous Actions

(1) For Model A330–300 and A340–300 airplanes, except Model A340–300 WV 027 airplanes: This paragraph provides credit for the modification specified in paragraph (i) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraph (n)(1)(i), (n)(1)(ii), (n)(1)(iii), or (n)(1)(iv) of this AD, as applicable. This service information is not incorporated by reference in this AD.

(i) Airbus Service Bulletin A330–53–3159, dated September 19, 2007.

(ii) Airbus Service Bulletin A330–53–3159, Revision 01, dated June 15, 2009.

(iii) Airbus Service Bulletin A340–53–4165, dated September 19, 2007.

(iv) Airbus Service Bulletin A340–53–4165, Revision 01, dated June 17, 2009.

(2) For Model A330–200 airplanes: This paragraph provides credit for the inspection and modification required by paragraph (j) of this AD, if those actions were performed before the effective date of this AD using the service information identified in paragraph (n)(2)(i), (n)(2)(ii), or (n)(2)(iii) of this AD, as applicable. This service information is not incorporated by reference in this AD.

(i) Airbus Service Bulletin A330–53–3160, dated July 9, 2007.

(ii) Airbus Service Bulletin A330–53–3160, Revision 01, dated April 28, 2009.

(iii) Airbus Service Bulletin A330–53–3160, Revision 02, dated March 29, 2010.

(3) For Model A340–300 airplanes, WV 027 only: This paragraph provides credit for the inspection and modification required by paragraph (k) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A340–53–4172, dated July 10, 2007, which is not incorporated by reference in this AD.

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

(p) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2014-0012R1, dated January 24, 2014, for related information. This MCAI may be found in the AD docket on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2015-0490.

(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; 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 March 2, 2015.

Jeffrey E. Duven,

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

[FR Doc. 2015-05720 Filed 3-16-15; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF EDUCATION

34 CFR Subtitle A

[Docket No.: ED-2015-OII-0006; (CFDA) Numbers: 84.411A (Scale-up grants), 84.411B (Validation grants), and 84.411C (Development grants)]

RIN 1855-ZA10

Proposed Priority—Investing in Innovation Fund; Catalog of Federal Domestic Assistance

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Proposed priority.

SUMMARY: The Assistant Deputy Secretary for Innovation and Improvement proposes a priority under the Investing in Innovation Fund (i3). The Assistant Deputy Secretary may use this priority for competitions in fiscal year (FY) 2015 and later years. The proposed priority would not repeal or replace currently established priorities for this program.

DATES: We must receive your comments on or before April 16, 2015.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

• *Federal eRulemaking Portal:* Go to www.regulations.gov to submit your comments electronically. Information on using [Regulations.gov](http://www.regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “Are you new to this site?”

• *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about these proposed regulations, address them to Allison Moss, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W319, Washington, DC 20202-5930.

Privacy Note: The Department of Education's (Department) policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT:

Allison Moss. Telephone: (202) 205-7726 or by email: Allison.moss@ed.gov.

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

SUPPLEMENTARY INFORMATION:

Summary of the Major Provisions of This Regulatory Action: In this document, the Department proposes a priority for the i3 program that would promote the implementation of comprehensive high school reform and redesign strategies. This proposed priority could be used in the Development, Validation, or Scale-up tier of the i3 program in future years, as appropriate.

Costs and Benefits: The Assistant Deputy Secretary believes that the proposed priority would not impose significant costs on eligible applicants seeking assistance through the i3 program.

The proposed priority is designed to be used in conjunction with several priorities that have already been established under the i3 program, and no priority, whether it is used as an

absolute or competitive preference priority, affects the overall amount of funding available to individual applicants in any given fiscal year.

In addition, we note that participation in this program is voluntary. Potential applicants need to consider carefully the effort that will be required to prepare a strong application, their capacity to implement a project successfully, and their chances of submitting a successful application. We believe that the costs imposed on applicants by the proposed priority would be limited to paperwork burden related to preparing an application and that the benefits of implementing these proposals would outweigh any costs incurred by applicants. The costs of carrying out activities would be paid for with program funds and with matching funds provided by private-sector partners. Thus, the costs of implementation would not be a burden for any eligible applicants, including small entities.

Invitation to Comment: We invite you to submit comments regarding this notice.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice by accessing [Regulations.gov](http://www.Regulations.gov). You may also inspect the comments in person in Room 4W335, 400 Maryland Avenue 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. Please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in order to schedule a time to inspect comments in person.

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 accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The i3 program addresses two related challenges. First,

there are too few practices in education supported by rigorous evidence of effectiveness, despite national attention paid to finding practices that are effective in improving education outcomes in the decade since the establishment of the Department's Institute of Education Sciences. Second, there are limited incentives to expand effective practices substantially and to use those practices to serve more students across schools, districts, and States. As a result, students do not always have access to high-quality programs.

The i3 program addresses these two challenges through its multi-tier structure that links the amount of funding that an applicant may receive to the quality of the evidence supporting the efficacy of the proposed project. Applicants proposing practices supported by limited evidence can receive small grants to support the development and initial evaluation of promising practices and help to identify new solutions to pressing challenges; applicants proposing practices supported by evidence from rigorous evaluations, such as large randomized controlled trials, can receive substantially larger grants to support expansion across the Nation. This structure provides incentives for applicants to build evidence of effectiveness of their proposed projects and to address the barriers to serving more students across schools, districts, and States so that applicants can compete for more sizeable grants.

As importantly, all i3 projects are required to generate additional evidence of effectiveness. All i3 grantees must use part of their grant award to conduct independent evaluations of their projects. This ensures that projects funded under the i3 program contribute significantly to improving the information available to practitioners and policymakers about which practices work, for which types of students, and in which contexts. More information about the i3 program, including information about eligible applicants, can be found in the notice of final priorities, requirements, definitions, and selection criteria, published in the **Federal Register** on March 27, 2013 (78 FR 18682).

Program Authority: American Recovery and Reinvestment Act of 2009 (ARRA), Division A, Section 14007, Public Law 111–5.

Proposed Priority: This notice contains one proposed priority.

Proposed Priority—Implementing Comprehensive High School Reform and Redesign

Background

The Department has conducted five competitions under the i3 program and awarded 143 i3 grants since the program was established under ARRA.

In FY 2015, Congress directed the Department, in making new awards with FY 2015 i3 funds, to establish a priority to support high school reform that will increase the number and percentage of students who graduate from high school and enroll in postsecondary education without the need for remediation and with the ability to think critically, solve complex problems, evaluate arguments on the basis of evidence, and communicate effectively. Congress further recommended that the Department use this priority to support schools where not less than 40 percent of students are from low-income families.

There is a growing body of evidence about what works in comprehensive high school reform. Interventions supported by research include: Implementing a rigorous college- and career-ready curriculum that links student work and real-world experiences;¹ providing accelerated learning opportunities that allow students to earn credit toward a postsecondary degree, including dual enrollment programs and early college high schools;² implementing early warning indicator systems to identify and target supports for struggling students;³ personalizing learning for

students;⁴ and strengthening relationships with business and post-secondary partners, linking student work to real-world expectations and experiences.⁵ There is a particular need to improve readiness for college and careers in science, technology, engineering, and mathematics (STEM) fields, both because these are high-growth fields and because too many of our high schools fall short in this area.⁶ There is also substantial evidence that demonstrates that comprehensive academic supports for high school students can improve student outcomes, increasing high school graduation and college preparation,⁷ including for at-risk students.⁸

engagement: Lessons learned from Check & Connect longitudinal studies. The California School Psychologist, 8(1), 29–42. *IES Intervention Report Available at: <http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=78>.*

⁴ Dynarski, M., Clarke, L., Cobb, B., Finn, J., Rumberger, R., and Smink, J. (2008). Dropout Prevention: A Practice Guide (NCEE 2008–4025). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Retrieved from <http://ies.ed.gov/ncee/wwc> (see Recommendation 5).

⁵ Kemple, J. J., & Snipes, J. C. (2000). Career Academies: Impacts on students' engagement and performance in high school. New York: MDRC (Manpower Demonstration Research Corporation). *IES Intervention Report Available at: <http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=70>.*

⁶ National Research Council (2011). Successful K–12 STEM Education: Identifying Effective Approaches in Science, Technology, Engineering, and Mathematics. Committee on Highly Successful Science Programs for K–12 Science Education. Board on Science Education and Board on Testing and Assessment, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press. *Available at: http://www.stemreports.com/wp-content/uploads/2011/06/NRC_STEM_2.pdf.*

⁷ Fryer, Roland G. (April 2014). Injecting Charter School Best Practices into Traditional Public Schools: Evidence from Field Experiments. *Available at: http://scholar.harvard.edu/files/fryer/files/2014_injecting_charter_school_best_practices_into_traditional_public_schools.pdf*; Sinclair, M. F., Christenson, S. L., Lehr, C. A., & Anderson, A. R. (2003). Facilitating student engagement: Lessons learned from Check & Connect longitudinal studies. The California School Psychologist, 8(1), 29–42. *IES Intervention Report Available at: <http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=78>*; and Constantine, J. M., Seftor, N. S., Martin, E. S., Silva, T., & Myers, D. (2006). A study of the effect of the Talent Search program on secondary and postsecondary outcomes in Florida, Indiana, and Texas: Final report from phase II of the national evaluation. Report prepared by Mathematica Policy Research for the U.S. Department of Education, Office of Planning, Evaluation, and Policy Development, Policy and Program Studies Service. Washington, DC: U.S. Department of Education. *IES Intervention Report Available at: <http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=508>.*

⁸ Bloom, D., Gardenhire-Crooks, A., & Mandsager, C. (2009). *Reengaging high school dropouts: Early results of the National Guard Youth Challenge Program evaluation*. New York, NY: MDRC; Cave, C., Bos, H., Doolittle, F., & Toussaint, C. (1993). *JOBSTART: Final report on a program for school*

¹ Dynarski, M., Clarke, L., Cobb, B., Finn, J., Rumberger, R., and Smink, J. (2008). Dropout Prevention: A Practice Guide (NCEE 2008–4025). Washington, DC: National Center for Education Evaluation and Regional Assistance (NCEE), Institute of Education Sciences (IES), U.S. Department of Education. Retrieved from <http://ies.ed.gov/ncee/wwc> (see Recommendation 6); Kemple, J., Herlihy, C., & Smith, T. (2005). Making progress toward graduation: Evidence from the Talent Development High School model. New York: MDRC. *IES Intervention Report Available at: <http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=506>*; and Forbes, J. (2011). A model for success: CART's Linked Learning program increases college enrollment. Clovis, CA: The Center for Advanced Research and Technology. *What Works Clearinghouse (WWC) Quick Review Available at: <http://ies.ed.gov/ncee/wwc/quickreviewsum.aspx?sid=171>.*

² U.S. Department of Education, IES, WWC (March 2014). WWC review of the report: Early college, early success: Early College High School Initiative impact study. Retrieved from <http://whatworks.ed.gov>; and An, B. P. (2012). The impact of dual enrollment on college degree attainment: Do low-SES students benefit? *Educational Evaluation and Policy Analysis*, 35, 57–75. *WWC Single Study Review Available at: <http://ies.ed.gov/ncee/wwc/singlestudyreview.aspx?sid=20004>.*

³ Sinclair, M.F., Christenson, S.L., Lehr, C.A., & Anderson, A.R. (2003). Facilitating student

The Department expects that any high school reform strategy would, at a minimum, be designed to improve outcomes for all students in a school, and these strategies may be composed from a variety of activities and interventions, including, but not limited to, those outlined above. In addition, for this proposed priority, we are also interested in projects that are designed to prepare students with the skills necessary to succeed in postsecondary programs, such as critical thinking, persistence, solving complex and non-routine problems, making arguments using evidence, and communicating effectively.

To better ensure that projects addressing this proposed priority will improve outcomes for high-need students, and to ensure that this proposed priority serves the populations intended by Congress, we seek projects that will be implemented in high schools that are eligible to operate Title I schoolwide programs under Section 1114 of the Elementary and Secondary Education Act of 1965, as amended. Through this proposed priority, we aim to expand the development, use, and evidence base of effective strategies for helping high-need students attain the skills they need to succeed in college, career, and life.

Proposed Priority—Implementing Comprehensive High School Reform and Redesign

Under this priority, we provide funding to support comprehensive high school reform and redesign strategies in high schools eligible to operate Title I schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965, as amended. These strategies must be designed to increase the number and percentage of students who graduate from high school college- and career-ready and enroll in college, other postsecondary education, or other career and technical education.

These strategies could include elements such as implementing a rigorous college- and career-ready curriculum; providing accelerated learning opportunities; supporting personalized learning; developing robust links between student work and

real-world experiences to better prepare students for their future; improving the readiness of students for post-secondary education in STEM fields; or reducing the need for remediation, among others.

Types of Priorities

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

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

Note: In the i3 competition, each application must choose to address one of the absolute priorities and projects are grouped by that absolute priority for the purposes of peer review and funding determinations. In FY 2015, Congress directed the Department to establish the priority proposed in this document as an absolute priority.

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

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

Final Priority

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

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

Executive Orders 12866 and 13563

Regulatory Impact Analysis

This proposed regulatory action, *i.e.*, the addition of the proposed priority for implementing comprehensive high school reform and redesign, is not a significant regulatory action subject to

review by OMB under section 3(f) of Executive Order 12866.

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

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

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

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

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

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

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

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

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

In accordance with both Executive orders, the Department has assessed the

dropouts. New York, NY: MDRC. *IES Intervention Report Available at: <http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=248>; and Larson, K. A., & Rumberger, R. W. (1995). ALAS: Achievement for Latinos through Academic Success. In H. Thornton (Ed.), *Staying in school. A technical report of three dropout prevention projects for junior high school students with learning and emotional disabilities*. Minneapolis, MN: University of Minnesota, Institute on Community Integration. *IES Intervention Report Available at: <http://ies.ed.gov/ncee/wwc/interventionreport.aspx?sid=22>*.*

potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

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 program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 11, 2015.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2015-05956 Filed 3-16-15; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 648

[Docket No. 141125999-5195-01]

RIN 0648-BE68

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework Adjustment 26; Endangered and Threatened Wildlife; Sea Turtle Conservation

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to approve and implement through regulations measures included in Framework Adjustment 26 to the Atlantic Sea Scallop Fishery Management Plan, which the New England Fishery Management Council adopted and submitted to NMFS for approval. The purpose of Framework 26 is to prevent overfishing, improve yield-per-recruit, and improve the overall management of the Atlantic sea scallop fishery. The Framework 26 proposed measures would also: Close a portion of the Elephant Trunk Access Area and extend the boundaries of the Nantucket Lightship Access Area to protect small scallops; adjust the State Waters Exemption Program; allow for Vessel Monitoring System declaration changes for vessels to steam home with product on board; implement a proactive accountability measure to protect windowpane flounder and yellowtail flounder; align two gear measures designed to protect sea turtles; and implement other measures to improve the management of the scallop fishery. Aligning the gear designed to protect sea turtles involves modifying existing regulations implemented under the Endangered Species Act; therefore, this action would be implemented under joint authority of the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: Comments must be received by April 1, 2015.

ADDRESSES: The Council developed an environmental assessment (EA) for this action that describes the proposed measures and other considered alternatives and provides a thorough analysis of the impacts of the proposed

measures and alternatives. Copies of the Framework, the EA, and the Initial Regulatory Flexibility Analysis (IRFA), are available upon request from Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

You may submit comments on this document, identified by NOAA-NMFS-2015-0002, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to www.regulations.gov#!/docketDetail;D=NOAA-NMFS-2015-0002, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Scallop Framework 26 Proposed Rule."

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

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to the Greater Atlantic Regional Fisheries Office and by email to OIRA_Submission@omb.eop.gov or fax to (202) 395-5806.

FOR FURTHER INFORMATION CONTACT: Emily Gilbert, Fishery Policy Analyst, 978-281-9315.

SUPPLEMENTARY INFORMATION:

Background

The scallop fishery's management unit ranges from the shorelines of Maine through North Carolina to the outer boundary of the Exclusive Economic Zone. The Scallop Fishery Management Plan (FMP), established in 1982, includes a number of amendments and framework adjustments that have revised and refined the fishery's management. The Council sets scallop

fishery specifications through framework adjustments that occur annually or biennially. This annual action includes allocations for fishing year 2015, as well as other scallop fishery management measures.

The Council adopted Framework 26 on November 20, 2014, and submitted it to NMFS on February 17, 2015, for review and approval. Framework 26 specifies measures for fishing year 2015, but includes fishing year 2016 measures that will go into place as a default, should the next specifications-setting framework be delayed beyond the start of fishing year 2016. NMFS will implement Framework 26, if approved, after the start of fishing year 2015; 2015 default measures concerning allocations have been in place as of March 1, 2015. These default measures are more conservative than the Framework 26 proposed allocations and would be replaced by the higher Framework 26 allocations if this action is approved. The Council has reviewed the Framework 26 proposed rule regulations as drafted by NMFS and deemed them to be necessary and appropriate as specified in section 303(c) of the MSA.

Specification of Scallop Overfishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Limits (ACLs), Annual Catch Targets (ACTs), and Set-Asides for the 2015 Fishing Year and Default Specifications for Fishing Year 2016

The proposed allocations incorporate new biomass reference points that resulted from the Northeast Fisheries Science Center's most recent scallop stock benchmark assessment that was completed in July 2014. The assessment reviewed and updated the data and models used to assess the scallop stock

and ultimately updated the reference points for status determinations. The scallop stock is considered overfished if the biomass is less than half of the biomass at maximum sustainable yield (B_{msy}), and overfishing is occurring if fishing mortality (F) is above the fishing mortality at maximum sustainable yield (F_{msy}). The assessment continues to find that the scallop resource is not overfished and overfishing is not occurring, but the estimates for F_{msy} and B_{msy} have changed. A comparison of the old and new reference points is outlined in Table 1.

TABLE 1—SUMMARY OF OLD AND NEW SCALLOP REFERENCE POINTS FROM THE LAST TWO BENCHMARK SCALLOP STOCK ASSESSMENTS IN 2010 AND 2014

	2010 Assessment	2014 Assessment
F_{msy}	0.38	0.48
B_{msy}	125,000 mt	96,480 mt.
1/2 B_{msy}	62,000 mt	48,240 mt.

Due to these reference point updates, the fishing mortality rates that the Council uses to set OFL, ABC, and ACL would be updated through this action. The proposed OFL was set based on an F of 0.48, equivalent to the F threshold updated through the 2014 assessment. The proposed ABC and the equivalent total ACL for each fishing year are based on an F of 0.38, which is the F associated with a 25-percent probability of exceeding the OFL. The Council's Scientific and Statistical Committee recommended scallop fishery ABCs for the 2015 and 2016 fishing years of 55.9 M lb (25,352 mt) and 70.1 M lb (31,807 mt), respectively, after accounting for

discards and incidental mortality. The Scientific and Statistical Committee will reevaluate an ABC for 2016 when the Council develops the next framework adjustment.

Table 2 outlines the proposed scallop fishery catch limits that are derived from the ABC values. After deducting the incidental target total allowable catch (TAC) and the research and observer set-asides, the remaining ACL available to the fishery is allocated according to the fleet proportions established in Amendment 11 to the Scallop FMP (72 FR 20090; April 14, 2008): 94.5 percent allocated to the limited access (LA) scallop fleet (*i.e.*, the larger "trip boat" fleet); 5 percent allocated to the limited access general category (LAGC) individual fishing quota (IFQ) fleet (*i.e.*, the smaller "day boat" fleet); and the remaining 0.5 percent allocated to LA scallop vessels that also have LAGC IFQ permits. These separate ACLs and their corresponding ACTs are referred to as sub-ACLs and sub-ACTs, respectively, throughout this action. Amendment 15 to the Scallop FMP (76 FR 43746; July 21, 2011) specified that no buffers to account for management uncertainty are necessary in setting the LAGC sub-ACLs, meaning that the LAGC sub-ACL would equal the LAGC sub-ACT. As a result, the LAGC sub-ACL values in Table 2, based on an F of 0.38, represent the amount of catch from which IFQ percentage shares will be applied to calculate each vessel's IFQ for a given fishing year. For the LA fleet, the management uncertainty buffer is based on the F associated with a 75-percent probability of remaining below the F associated with ABC/ACL, which, using the updated F s applied to the ABC/ACL, now results in an F of 0.34.

TABLE 2—SCALLOP CATCH LIMITS FOR FISHING YEARS 2015 AND 2016 FOR THE LA AND LAGC IFQ FLEETS

	2015 (mt)	2016 (mt)
Overfishing Limit	38,061	45,456
ABC/ACL w/discards removed	25,352	31,807
Incidental TAC	22.7	22.7
Research Set-Aside (RSA)	567	567
Observer Set-aside (1 percent of ABC/ACL)	254	318
LA sub-ACL (94.5 percent of total ACL, after deducting set-asides and incidental catch)	23,161	29,200
LA sub-ACT (adjusted for management uncertainty)	19,311	23,016
LAGC IFQ sub-ACL (5.0 percent of total ACL, after deducting set-asides and incidental catch)	1,225	1,545
LAGC IFQ sub-ACL for vessels with LA scallop permits (0.5 percent of total ACL, after deducting set-asides and incidental catch)	123	154

This action would deduct 567 mt of scallops annually for 2015 and 2016 from the ABC and set it aside as the Scallop RSA to fund scallop research and to compensate participating vessels through the sale of scallops harvested

under RSA projects. As of March 1, 2015, this set-aside was available for harvest by RSA-funded projects in open areas. Framework 26 would allow RSA to be harvested from the Mid-Atlantic Access Areas that is proposed to be

open for 2015, once this action is approved and implemented, but would prevent RSA harvesting from access areas under 2016 default measures. Of this 1.25 M lb (567 mt) allocation, NMFS has already allocated 397,470 lb

(180.3 mt) to previously funded multi-year projects as part of the 2014 RSA awards process. NMFS has reviewed proposals submitted for consideration of 2015 RSA awards and will be selecting projects for funding in the near future.

This action would also set aside 1 percent of the ABC for the industry-funded observer program to help defray the cost of scallop vessels that carry an observer. The observer set-asides for fishing years 2015 and 2016 are 254 mt and 318 mt, respectively. The 2016 observer set-aside may be adjusted by the Council when it develops specific, non-default measures for 2016.

Open Area Days-at-Sea (DAS) Allocations

This action would implement vessel-specific DAS allocations for each of the three LA scallop DAS permit categories (*i.e.*, full-time, part-time, and occasional) for 2015 and 2016 (Table 3). Proposed 2015 DAS allocations are almost identical to those allocated to the LA fleet in 2014 (31 DAS for full-time, 12 DAS for part-time, and 3 DAS for occasional vessels). Fishing year 2016 DAS allocations are precautionary, and are set at 75 percent of what current biomass projections indicate could be allocated to each LA scallop vessel for the entire fishing year. This is to avoid over-allocating DAS to the fleet in the event that the framework that would set those allocations, if delayed past the start of the 2016 fishing year, estimates that DAS should be less than currently projected. The proposed allocations in Table 3 exclude any DAS deductions that are required if the LA scallop fleet exceeded its 2014 sub-ACL. In addition, these DAS values take into account a slight DAS reduction necessary for the implementation of another proposed measure discussed later on in this rule (See *Adjustment to Vessel Monitoring*

System (VMS) Declaration Procedures for Some Open Area Trips). If this measure, which would allow for vessels on specific trips to end their open area trip and DAS accrual sooner than they can under current regulations, is not approved, the DAS allocations in Table 3 would increase by 0.14 DAS and 0.06 DAS for full-time and part-time vessels, respectively (there would be no change for occasional vessels, and there are currently no vessels issued the occasional permit type in the LA scallop fleet). In addition, the Council requested that DAS allocations now be specified to the hundredth decimal place, rather than rounding up or down to whole DAS. This is consistent with DAS accounting as vessels use DAS throughout the year.

TABLE 3—SCALLOP OPEN AREA DAS ALLOCATIONS FOR 2015 AND 2016

Permit category	2015	2016
Full-Time ...	30.86	26.00
Part-Time ..	12.94	10.40
Occasional	2.58	2.17

On March 1, 2015, full-time, part-time, and occasional vessels received 17, 7, and 1 DAS, respectively. These allocations would increase as soon as Framework 26 is implemented, if approved.

LA Allocations and Trip Possession Limits for Scallop Access Areas

For fishing year 2015 and the start of 2016, Framework 26 would close all three Georges Bank Access Areas (*i.e.*, Nantucket Lightship (NLS), Closed Area 1, and Closed Area 2 Access Areas) and open all three Mid-Atlantic Access Areas (*i.e.*, Elephant Trunk, Delmarva, and Hudson Canyon Access Areas). This action proposes to extend the

boundaries of the NLS Access Area that would close to the scallop fleet to include a concentration of small scallops near the existing boundary along the southeast corner, currently considered part of the open area. This proposed closure area, which would increase the NLS Access Area boundary by 158 square miles, would be reconsidered in a future framework action when the scallops are larger and ready for harvest.

As for the Mid-Atlantic Access Areas, this action proposes that all three access areas be open to both the LA and LAGC IFQ fleet, and be treated as one single area, which this rule will now refer to as the Mid-Atlantic Access Area. Scallop vessels would be able to fish across all three areas in a single access area trip. There is one exception: This action proposes six 10-minute squares (*i.e.*, 549 square nautical miles) in the northwest corner of the Elephant Trunk Access Area be closed to protect small scallops. This area constitutes roughly 35 percent of the current Elephant Trunk Access Area. The closure would allow for the small concentrations of scallops in this portion of the access area to be protected as they grow to a more harvestable size. This action proposes that no transiting be allowed across this small area due to its small size and the incentive to fish in the area is relatively high due to the high abundance of scallops.

Table 4 outlines the proposed LA allocations that can be fished from the Mid-Atlantic Access Area, which could be taken in as many trips as needed, so long as the trip possession limits (also in Table 4) are not exceeded. These proposed access area allocations for 2015 represent a 112-percent increase in access area allocations compared to 2014.

TABLE 4—SCALLOP ACCESS AREA POUNDAGE ALLOCATIONS AND TRIP POSSESSION LIMITS FOR 2015 AND 2016

Permit category	Possession limits	2015 Allocation	2016 Allocation
Full-Time	17,000 lb (7,711 kg)	51,000 lb (23,133 kg)	17,000 lb (7,711 kg).
Part-Time	10,200 lb (4,627 kg)	20,400 lb (9,253 kg)	10,200 lb (4,627 kg).
Occasional	1,420 lb (644 kg)	4,250 lb (1,928 kg)	1,420 lb (644 kg).

This action also proposes to modify access area trip reporting procedures by requiring that each LA vessel submit a pre-landing notification form through its VMS unit prior to returning to port at the end of each access area trip, including trips where no scallops were landed. These pre-landing notifications would replace the current broken trip and compensation trip procedures.

Vessels would no longer be required to submit a broken trip notification form if they are unable to land their full possession limits on an access area trip. Vessels would also no longer need to apply to NMFS to receive, or wait for NMFS to issue, a compensation trip to fish their remaining access area scallop allocation.

For example, under Framework 26 access area allocations, a full-time vessel receives 51,000 lb (23,133 kg) in the Mid-Atlantic Access Area, which can be landed on as many or as few trips as needed, so long as the 17,000-lb (7,711-kg) possession limit is not exceeded on any one trip. The vessel may choose to fish its full allocation over the course of three trips, landing

the maximum allowance of 17,000 lb (7,711 kg) on each trip, or it can choose to fish its full allocation over the course of four, five, or more trips, landing less than the trip possession limit on each trip. Regardless, the vessel must submit a pre-landing notification form prior to returning to port for each access area trip, and would not have to wait for NMFS to issue a compensation trip prior to starting its next access area trip.

This action would also modify the procedures for when scallop access area allocation can be carried over to the next fishing year. Under the current regulations, vessel may fish for a previous year's unharvested scallop access area allocation in the first 60 days of a fishing year if the vessel broke a trip in the last 60 days of the previous fishing year or open season for an access area. In many cases, vessels in the last 60 days of the fishing year simply crossed the VMS Demarcation Line, submitted a broken trip report through their VMS unit, and returned to port. This caused confusion and created a high number of cases for NMFS to review as the fishing year came to an end. Under the proposed measures, each vessel would automatically carry over unharvested access area allocation that the vessel could fish in the first 60 days of the subsequent fishing year, as long as the access area is open for scallop fishing during that time. This change would result in little change to the amount of carryover NMFS expects from year to year because most vessels took advantage of the broken trip provisions. Also, Framework 26 accounts for the uncertainty associated with carryover by setting the LA fishery's ACT lower than the fishery's ACL. This ensures that carryover would not cause an ACL to be exceeded from year to year.

Although vessel owners would ultimately be responsible for tracking their own scallop access area landings and ensuring they do not exceed their annual allocations, NMFS would match dealer-reported scallop landing records with access area trip declarations and make that information available on Fish-On-Line.

Additional Measures To Reduce Impacts on Small Scallops

1. **Crew Limit Restrictions in Access Areas.** Similar to the crew limit restrictions NMFS implemented in Delmarva in 2014, this action proposes crew limits for all access areas. Currently, LA scallop vessels have crew size limits when fishing in open areas: Vessels are limited to seven individuals when fishing on a DAS, or five individuals if the vessel is on a DAS and participating in the small dredge

program. These limits have been in place to restrict the shucking capacity of a vessel to help reduce landings per unit effort while on DAS. In an effort to protect small scallops and discourage vessels from high-grading (discarding smaller scallops in exchange for larger ones), Framework 26 would impose a crew limit of eight individuals per LA vessel, including the captain, when fishing in any scallop access area. If a vessel is participating in the small dredge program, it may not have more than six people on board, including the operator, on an access area trip. These crew limits may be reevaluated in a future framework action.

2. **Delayed Harvesting of Default 2016 Mid-Atlantic Access Area Allocations.** Although the Framework would include precautionary access area allocations for the 2016 fishing year (see 2016 allocations in Table 4), vessels would have to wait to fish these allocations until April 1, 2016. This precautionary measure is designed to protect scallops when scallop meat weights are lower than other times of the year (generally, this change in meat-weight is a physiological change in scallops due to spawning). However, if a vessel has not fully harvested its 2015 scallop access area allocation in fishing year 2015, it may still fish the remainder of its allocation in the first 60 days of 2016 (i.e., March 1, 2016, through April 29, 2016).

3. **2016 RSA Harvest Restrictions.** This action proposes that vessels participating in RSA projects would be prohibited from harvesting RSA under default 2016 measures. At the start of 2016, RSA could only be harvested from open areas. This would be re-evaluated for the remainder of 2016 in the framework action that would set final 2016 specifications.

LAGC Measures

1. **Sub-ACL for LAGC vessels with IFQ permits.** For LAGC vessels with IFQ permits, this action proposes a 1,225-mt ACL for 2015 and an initial ACL of 1,545 mt for 2016 (Table 2). We calculate IFQ allocations by applying each vessel's IFQ contribution percentage to these ACLs. These allocations assume that no LAGC IFQ AMs are triggered. If a vessel exceeds its IFQ in a given fishing year, its IFQ for the subsequent fishing year would be reduced by the amount of the overage.

Because Framework 26 would not go into effect until after the March 1 start of fishing year 2015, the default 2015 IFQ allocations were automatically triggered. These default 2015 IFQ allocations are lower than those proposed in Framework 26. If approved,

this action would increase the current vessel IFQ allocations. NMFS sent a letter to IFQ permit holders providing both March 1, 2015, IFQ allocations and Framework 26 proposed IFQ allocations so that vessel owners know what mid-year adjustments would occur if Framework 26 is approved.

2. **Sub-ACL for LA Scallop Vessels with IFQ Permits.** For LA scallop vessels with IFQ permits, this action proposes a 123 mt ACL for 2015 and an initial 154 mt ACL for 2016 (Table 2). We calculate IFQ allocations by applying each vessel's IFQ contribution percentage to these ACLs. These allocations assume that no LAGC IFQ AMs are triggered. If a vessel exceeds its IFQ in a given fishing year, its IFQ for the subsequent fishing year would be reduced by the amount of the overage.

3. **LAGC IFQ Trip Allocations and Possession Limits for Scallop Access Areas.** Framework 26 proposes that LAGC IFQ vessels would receive a fleetwide number of trips that could be taken in the Mid-Atlantic Access Area. Framework 26 would allocate 2,065 and 602 trips in 2015 and 2016, respectively, to this area. Under default 2016 measures, LAGC IFQ vessels must wait to fish these trips until April 1, 2016.

These trip allocations are equivalent to the overall proportion of total catch from access areas compared to total catch. For example, the total projected catch for the scallop fishery in 2015 is 20,865 mt, and 8,700 mt are projected to come from access areas, roughly 41.7 percent. If the same proportion is applied to total LAGC IFQ catch, the total allocation to LAGC IFQ vessels from access areas would be about 600 mt, roughly 44.5 percent of the total LAGC IFQ sub-ACL for 2015 (1,348 mt).

4. **NGOM TAC.** This action proposes a 70,000-lb (31,751-kg) annual NGOM TAC for fishing years 2015 and 2016. The allocation for 2015 assumes that there are no overages in 2014, which would trigger a pound-for-pound deduction in 2015 to account for the overage.

5. **Scallop Incidental Catch Target TAC.** This action proposes a 50,000-lb (22,680-kg) scallop incidental catch target TAC for fishing years 2015 and 2016 to account for mortality from this component of the fishery, and to ensure that F targets are not exceeded. The Council and NMFS may adjust this target TAC in a future action if vessels catch more scallops under the incidental target TAC than predicted.

Adjustments to Gear Modifications To Protect Sea Turtles

This action proposes to adjust season regulations for the sea turtle deflector

dredge (TDD) and area regulations for the sea turtle chain mat to make them consistent. Currently, turtle chain mats are required in the area south of 41°9' N. lat. from May through November, and the TDD is required west of 71° W. long. from May through October. When used together, chain mats and TDDs are thought to increase the conservation benefit to sea turtles, because chain mats help reduce the impact to turtles from interactions occurring in the water column, and the TDD helps reduce the impact to turtles from interactions with the dredge frame on the sea floor (DuPaul *et al.* 2004; Smolowitz *et al.* 2010). By making the area and season for these two gear modifications consistent, west of 71° W. long. from May through November, the conservation benefit of the current chain mat and TDD requirements is maintained, while reducing the regulatory complexity of differing seasons and areas. Any reduction in the size of the area that chain mats would be required (east of 71° W. long. and south of 41°9' N. lat.) is balanced by an extension of the season that TDDs would be required (the month of November). In addition, this action also proposes a very slight modification to the TDD gear regulations for safety purposes. When the Council first approved the TDD, it included the allowance of a flaring bar to ensure safe handling of the dredge. At the time, the Council specified that this flaring bar should only be attached to the dredge frame on one side. Since the TDD's implementation, there has been some interest to attach the flaring bar in a "u" shape, which could be attached on the inside or outside of the bale bar, but the current regulations unnecessarily prohibit this. This action proposes to adjust this regulation to allow for a bar or "u"-shaped flaring mechanism to support safety at sea. Allowing a u-shaped flaring mechanism should not have an impact on sea turtles and the effectiveness of the TDD because the flaring bar or mechanism would still be prohibited from being attached within 12 inches (30.5 cm) of the "bump out" of the TDD and not between the bale bars. This change would require that each side of the bar or mechanism be no more than 12 inches (30.5 cm) in length.

This action would not change any other regulatory requirements for the use of chain mats and TDDs.

Adjustment to Vessel Monitoring System (VMS) Declaration Procedures for Some Open Area Trips

This action would enable a vessel to declare out of a DAS trip at or south of Cape May, NJ (specifically, at or south

of 39° N. lat.), once it goes inside the VMS demarcation line, and then, with scallops on board, steam seaward of the VMS demarcation line to ports south of Cape May, NJ, without being charged DAS. This measure does not apply to vessels that intend to land scallops in ports north of Cape May, NJ. Once this change in declaration to "declare out of fishery" has been made, vessels would be required to submit a scallop pre-landing notification form through VMS, return directly to port and offload scallops immediately, and stow all gear. In addition, such vessels would be prohibited from having on board any in-shell scallops.

The purpose of this measure is to help increase incentive for vessels to land scallops in the southern part of the mid-Atlantic by reducing some of the steaming time to return to those more distant ports. Due to the location of the access areas in the mid-Atlantic, which were at one point primary traditional open area fishing grounds, vessels from Virginia and North Carolina fishing on open area DAS trips have to steam for a long period of time to reach productive open area fishing grounds. Vessels are currently allowed to start their open area DAS trip landward of the VMS Demarcation Line, but not necessarily from port, but are required to accrue DAS when harvested scallops are on board, so their return steam from an open area trip counts against their DAS allocation. Over time, as DAS have been reduced dramatically and with increased fuel costs, vessels have more incentive to land near these primary fishing grounds (*i.e.*, in New Bedford, MA, or Cape May, NJ) to avoid being charged for DAS steaming back to southern ports farther away that would most impact their DAS allocations. This decrease in landings to particular states over time has had a great impact on shoreside businesses that depend upon a stable stream of landings.

Because this change in when some vessels may "clock out" of their DAS could impact overall DAS allocations to the fleet, this action also proposes an overall DAS deduction to each LA scallop vessel. The proposed DAS adjustment (which has already been calculated into the DAS allocations proposed in Table 3) would be a decrease of 0.14 DAS for full-time vessels and 0.06 DAS for part-time vessels. This entire measure, including the appropriate DAS deductions, was supported by the Council's Advisory Panel.

Adjustments to the State Water Exemption Program To Include Northern Gulf of Maine (NGOM) Management Area Exemptions

Framework 26 proposes to modify the State Water Exemption Program to include a new exemption that would enable scallop vessels to continue to fish in state waters after the NGOM hard TAC is reached.

The current State Water Exemption Program has been in place since Framework 2 to the Scallop FMP (November 21, 1994; 59 FR 59967). At that time, the purpose of the program was to allow Federal permit holders to compete in the state waters fishery on a more equitable basis where Federal and state laws are inconsistent and to encourage vessels with general category permits (open access, at the time) to fish under the exemption program and continue to submit catch and effort data. This program specifies that a state with a scallop fishery may be eligible for state waters exemptions if it has a scallop conservation program that does not jeopardize the biomass and fishing mortality/effort limit objectives of the Scallop FMP. If a state is found to be eligible for the State Waters Exemption Program, federally permitted scallop vessels fishing in that state's waters may be exempted from a limited number of Federal scallop regulations: LA scallop vessels could fish in state waters outside of scallop DAS, and LA and LAGC scallop vessels could be exempt from Federal gear and possession limit restrictions.

This action proposes to expand the exemptions to include this new measure related to the NGOM. Specifically, states within the NGOM management area (*i.e.*, Massachusetts, New Hampshire, and Maine) could request an exemption from the regulations requiring that scallop vessels must stop fishing in the state waters portion of the NGOM once the Federal TAC has been reached. States would have to apply for this exemption and specify to which vessels this would apply (*i.e.*, vessels with NGOM permits, IFQ permits, incidental permits, and/or LA permits).

Currently, a vessel issued a NGOM or IFQ permit can declare a state-only NGOM scallop trip and fish for scallops exclusively in state waters without those landings being attributed to the Federal TAC, but must cease scallop fishing entirely for the remainder of the year, along with all other scallop vessels, once the Federal TAC is reached. To date this has not been an issue because the Federal NGOM catch has been well below the TAC. However, total catch in both Federal and state

waters in this area is increasing, and Maine permit holders are concerned about their ability to fish in state waters when the state season is open in the winter if the NGOM TAC is reached. This measure would alleviate those concerns by giving the state the ability to apply for an exemption through the State Water Exemption Program. Because the NGOM Federal TAC is set based only on the Federal portion of the resource, NMFS does not expect this measure to compromise the FMP's limits on catch and mortality.

The process for applying to the State Waters Exemption Program, as outlined in the regulations, would remain the same. In order for NMFS to make a determination of whether or not a state waters exemption is warranted for a particular state's waters, a state must submit a request for the exemption so that we can fully evaluate the scope of the potential fishery in the state's waters. Such a request would need to include the following information: A complete description of scallop fishing regulations in state waters; the number of vessels and trips that could be expected in state waters; the average landings per trip for vessels fishing in state waters; and the average per-pound value of scallops landed by vessels fishing for scallops in state waters. If the information provided supports a conclusion that a particular state's scallop fishery is consistent with the FMP relative to the State Waters Exemption Program, NMFS would then publish the requested exemptions from DAS, gear, and possession limits, and NGOM closures, in a notice in the **Federal Register**, consistent with the Administrative Procedure Act.

Proactive Accountability Measures (AMs) for Flatfish Protection

Currently, all scallop vessels (*i.e.*, LA and LAGC) fishing for scallops with dredges in open areas west of 71° W. long. are required to have their dredges configured so that no dredge has more than seven rows of rings in the apron (*i.e.*, the area between the terminus of the dredge (clubstick) and the twine top) on the topside of the dredge. The twine top helps finfish (flatfish in particular) escape from the dredge during fishing and the maximum number of rows of rings prevents fishermen from making the twine top small and ineffective in reducing bycatch. Framework 26 proposes to extend this proactive accountability measure to all areas where scallop fishing occurs (*i.e.*, all access and open areas). This increased spatial coverage may further reduce flatfish bycatch by preventing dredge configurations using more than seven

rows of rings, which is currently required east of 71° W. long. for some scallop vessels fishing in open areas. This is considered to be a proactive AM because it may help the fishery stay below the sub-ACLs for flatfish (yellowtail flounder and windowpane flounder, currently). Additionally, this measure would enable vessels to voluntarily fish with an even shorter apron (less than seven rings), to proactively reduce flatfish bycatch in any area or season.

Regulatory Corrections Under Regional Administrator Authority

This proposed rule includes several revisions to the regulatory text to address text that is unnecessary, outdated, unclear, or otherwise could be improved. NMFS proposes these changes consistent with section 305(d) of the MSA which provides that the Secretary of Commerce may promulgate regulations necessary to ensure that amendments to an FMP are carried out in accordance with the FMP and the MSA. Two revisions clarify how to apply and measure gear modifications to ensure compliance. The first revision at § 648.51 would clarify where to measure meshes to ensure twine top compliance. The second revision at § 648.53 clarifies an example on how the hanging ratio should be applied and measured if the windowpane reactive AM implemented through Framework 25 (June 26, 2014; 79 FR 34251) is triggered.

This action would also modify the VMS catch report requirements at § 648.10(f)(4)(i) to only include the information actually used by NMFS to monitor flatfish bycatch. The form currently requires that the amount of yellowtail flounder discards be reported daily. This requirement has been in place since Amendment 15 (76 FR 43746; July 21, 2011), which established the yellowtail flounder AMs in the FMP. However, since Amendment 15, the scallop fishery now has other bycatch sub-ACLs and AMs (*e.g.*, SNE/MA windowpane flounder) which are not captured in this form. In addition, current bycatch monitoring relies solely on observer reports to determine bycatch discards for these species. In order to minimize confusion and because this information is not necessary for bycatch monitoring, we propose to remove the reference to reporting yellowtail discards. Instead, the vessels will report daily scallop catch and the amount of all other species kept.

In addition, this action would adjust the regulations at § 648.53(a) to clarify that the values for ABC/ACL stated in the regulations reflect the levels from

which ACTs are set, thus they do not include estimates of discards and incidental mortality. This regulatory clarification is at the request of the Council and would more accurately reflect the process for establishing ABCs and ACLs in the scallop fishery.

Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has made a preliminary determination that this proposed rule is consistent with the FMP, other provisions of the MSA, 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 does not contain policies with Federalism or "takings" implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

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

An IRFA has been prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA consists of Framework 26 analyses, its draft IRFA, and the preamble to this action.

Statement of Objective and Need

This action proposes the management measures and specifications for the Atlantic sea scallop fishery for 2015, with 2016 default measures. A description of the action, why it is being considered, and the legal basis for this action are contained in Framework 26 and the preamble of this proposed rule and are not repeated here.

Description and Estimate of Number of Small Entities to Which the Rule Would Apply

The proposed regulations would affect all vessels with LA and LAGC scallop permits. The Framework 26 document provides extensive information on the number and size of vessels and small businesses that would be affected by the proposed regulations, by port and state (see **ADDRESSES**). There were 313 vessels that obtained full-time LA permits in 2013, including 250 dredge, 52 small-dredge, and 11 scallop trawl permits. In the same year, there were also 34 part-time LA permits in the sea scallop fishery. No vessels were issued occasional scallop permits. NMFS issued 212 LAGC IFQ permits in 2013 and 155 of these vessels actively fished for scallops that year (the remaining permits likely leased out scallop IFQ allocations with their permits in Confirmation of Permit

History). The RFA defines a small business in shellfish fishery as a firm that is independently owned and operated and not dominant in its field of operation, with receipts of up to \$5.5 M annually. Individually-permitted vessels may hold permits for several fisheries, harvesting species of fish that are regulated by several different fishery management plans, 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 this analysis, "ownership entities" are defined as those entities with common ownership as listed on the permit application. Only permits with identical ownership are categorized as an "ownership entity." For example, if five permits have the same seven persons listed as co-owners on their permit applications, those seven persons would form one "ownership entity," that holds 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 all permits for the most recent complete calendar year. The current ownership dataset is based on the calendar year 2013 permits and contains average gross sales associated with those permits for calendar years 2011 through 2013. Matching the potentially impacted 2013 fishing year permits described above (LA and LAGC IFQ) to calendar year 2013 ownership data results in 172 distinct ownership entities for the LA fleet and 115 distinct ownership entities for the LAGC IFQ fleet. Of these, and based on the Small Business Administration (SBA) guidelines, 154 of the LA distinct ownership entities and all 115 of the LAGC IFQ entities are categorized as small. The remaining 18 of the LA entities are categorized as large entities, all of which are shellfish businesses.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule

The proposed action contains collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). Two requirements will be submitted to OMB for approval under the NMFS Northeast Region Scallop

Report Family of Forms (OMB Control No. 0648-0491).

Under the proposed action, all 347 LA vessels would be required to submit a pre-landing notification form for each access area trip through their VMS units. This information collection is intended to improve access area trip monitoring, as well as streamline a vessel's ability to fish multiple access area trips. Although this is a new requirement, it would replace other reporting procedures currently required for breaking an access area trip and receiving permission to take a compensation trip to harvest remaining unharvested scallop pounds from an access area trip. The proposed action also includes a new requirement for some LA vessels to report a pre-landing notification form through their VMS unit before changing their open area trip declaration to a "declared out of fishery declaration," which is expected to add a burden to a very small portion of the fleet. This requirement would only apply to a few vessels that intend to land open area scallops at ports south of Cape May, NJ, and want to steam to those ports while not using DAS. This new pre-landing requirement is necessary to enforce a measure intended to assist shoreside businesses in southern ports by providing an incentive for vessels to steam to ports far away from popular open area fishing grounds.

Notification requires the dissemination of the following information: Operator's permit number; amount of scallop meats and/or bushels to be landed; the estimated time of arrival; the landing port and state where the scallops will be offloaded; and the vessel trip report (VTR) serial number recorded from that trip's VTR. This information would be used by the Office of Law Enforcement to monitor vessel activity and ensure compliance with the regulations.

The burden estimates for these new requirements apply to all LA vessels. In a given fishing year, NMFS estimates that for access area reporting, each of the 313 full-time LA vessels would submit a pre-landing report 5 times (1,565 responses) and each of the 34 part-time LA vessel would submit a pre-landing report up to 3 times (102 responses), for a total of 1,667 responses. Public reporting burden for submitting these pre-landing notification forms is estimated to average 5 minutes per response with an associated cost of \$1.25, that includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data

needed, and completing and reviewing the collection of information.

Therefore, 1,667 responses would impose total compliance costs of \$2,084. While this is a new requirement, it would replace current trip termination and compensation trip reporting procedures, which were estimated to cost a total of \$300 annually, so the additional burden for this new pre-landing requirement would be \$1,785 (\$2,085 - \$300), or \$5.14 per vessel. This is likely an overestimate, but would account for the potential of higher access area scallop allocations in future fishing years. For the new DAS pre-landing requirements, NMFS estimates that this would likely impact 30 vessels and result in each of those vessels reporting one time a year. Public reporting burden for submitting these pre-landing notification forms is also estimated to average 5 minutes per response with an associated cost of \$1.25. Therefore, the total cost of this would impose total compliance costs of \$38 (30 vessels × \$1.25). The total additional burden from both of these new pre-landing requirements would be \$1,823.

Public comment is sought regarding: whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to the Regional Administrator (See **ADDRESSES** above), and email to *OIRA_Submission@omb.eop.gov*, or fax to (202) 395-5806.

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 PRA, unless that collection of information displays a currently valid OMB Control Number. All currently approved NOAA collections of information may be viewed at: http://www.cio.noaa.gov/services_programs/prasubs.html.

This action contains no other compliance costs. It does not duplicate, overlap, or conflict with any other Federal law.

Federal Rules Which May Duplicate, Overlap or Conflict With This Proposed Rule

The proposed regulations do not create overlapping regulations with any state regulations or other federal laws.

Description of Significant Alternatives to the Proposed Action

The preferred alternative for LA allocations, which would allocate includes 30.86 DAS and 23,133 kg of scallops to be harvested in access areas to full-time vessels, as well as close a portion of the Elephant Trunk Access Area and extend the NLS closure, is expected to positively impact profitability of small entities regulated

by this action. The estimated revenues and net revenue for scallop vessels and small business entities under all considered allocations alternatives, including the preferred alternative, are expected to be higher than both the No Action alternative (i.e., 2015 default measures conservatively set through Framework 25) and status quo levels (i.e., assuming same level of access as 2014). There are four different LA allocation alternative in Framework 26. Alternative 1 is the no action alternative which would allocate scallops based on the conservative default measures in Framework 25. Alternative 2 is the basic run alternative and it would have allocated the fleet access area trips similar to past years (one access area per

trip; split trips for the fleet). Alternative 3 (preferred alternative) combines all three Mid-Atlantic Access Areas and allows vessels to fish their trips in the combined area. Under Alternative 3 there are multiple options for closures to protect small scallops. The preferred alternative includes the options for a closure inside the combine Mid-Atlantic Access Area and an extension of the NLS. Finally, Alternative 4 would have set allocations similar to the basic run alternative, but reduced the overall F. The preferred alternative would have the largest revenue compared to all other alternatives in the 2015 fishing year, which would translate to higher profits (Table 5).

TABLE 5—ESTIMATED FLEET REVENUE AND REVENUE PER LIMITED ACCESS VESSEL IN 2014 DOLLARS

Fishing year	Alternative	Fleet scallop revenue (*) (\$ million)	Revenue per FT vessel	Change from no action (%)	% Ch. from SQ levels
2015	ALT1. No Action	263.0	748,731	0	-45
	ALT2. Basic Run	557.8	1,592,242	113	17
	ALT3. NL + ETA (Preferred alt.)	578.1	1,650,451	120	21
	ALT3. 3 new closures	567.1	1,618,858	116	19
	ALT3. CA2 + NL	570.3	1,627,986	117	20
	ALT4. Reduced F	557.6	1,591,748	113	17
	SQ. Status quo	477.2	1,361,611	82	0

Overall LAGC IFQ allocations for the preferred alternative will be 5.8 percent higher than the No Action (i.e., 2015 default allocations) and is 23 percent higher than the 2014 fishing year allocations. As a result, the preferred alternative is expected to have positive economic impacts on LAGC IFQ fishery. There are no other alternatives that would generate higher economic benefits for the scallop fishery as a whole, including the small business entities in the LAGC IFQ fishery. As for LAGC IFQ access area allocations, the preferred alternative would provide proportional access for LA and LAGC IFQ within the Mid-Atlantic Access Area (i.e., the LAGC fishery is projected to catch roughly 6.5 percent of the total 2015 projected catch of the fishery, so roughly 6.5 percent of the total access area catch available to the entire fishery could be landed on IFQ fleetwide trips), which should have positive impacts on the small business entities of the LAGC IFQ fishery by increasing flexibility and lowering costs. The preferred alternative would have higher economic benefits than No Action and compared to the 2014 access area fleetwide IFQ trip allocations, but would have lower allocations than the alternative that would have increased the number of

fleetwide trips to 10.4 percent of the total access area catch.

Because the NGOM and incidental TACs are unchanged from previous years, those proposed allocations are not expected to directly impact small business entities.

Literature Cited

DuPaul, W. D., D. B. Rudders, and R. J. Smolowitz. 2004. Industry trials of a modified sea scallop dredge to minimize the catch of sea turtles. Final Report. November 2004. VIMS Marine Resources Report, No. 2004-12. 35 pp.
 Smolowitz, R., H. Haas, H. O. Milliken, M. Weeks and E. Matzen. 2010. Using Sea Turtle Carcasses to Assess the Conservation Potential of a Turtle Deflector Dredge. North American Journal of Fisheries Management 30: 993-1000.

List of Subjects

50 CFR Part 223

Endangered and threatened species, Exports, Imports, Transportation.

50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: March 6, 2015.

Samuel D. Rauch III,
Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 223 and 648 are proposed to be amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531 1543; subpart B, § 223.201-202 also issued under 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 5503(d) for § 223.206(d)(9).2.

■ 2. In § 223.206 paragraph (d)(11) is revised to read as follows:

§ 223.206 Exceptions to prohibitions relating to sea turtles.

* * * * *

(d) * * *
 (11) *Restrictions applicable to sea scallop dredges in the mid-Atlantic—(i) Gear Modification.* During the time period of May 1 through November 30, any vessel with a sea scallop dredge and required to have a Federal Atlantic sea scallop fishery permit, regardless of dredge size or vessel permit category, that enters waters west of 71° W. long., from the shoreline to the outer boundary

of the Exclusive Economic Zone must have on each dredge a chain mat described as follows. The chain mat must be composed of horizontal (“tickler”) chains and vertical (“up-and-down”) chains that are configured such that the openings formed by the intersecting chains have no more than four sides. The vertical and horizontal chains must be hung to cover the opening of the dredge bag such that the vertical chains extend from the back of the cutting bar to the sweep. The horizontal chains must intersect the vertical chains such that the length of each side of the openings formed by the intersecting chains is less than or equal to 14 inches (35.5 cm) with the exception of the side of any individual opening created by the sweep. The chains must be connected to each other with a shackle or link at each intersection point. The measurement must be taken along the chain, with the chain held taut, and include one shackle or link at the intersection point and all links in the chain up to, but excluding, the shackle or link at the other intersection point.

(ii) Any vessel that enters the waters described in paragraph (d)(11)(i) of this section and that is required to have a Federal Atlantic sea scallop fishery permit must have the chain mat configuration installed on all dredges for the duration of the trip.

(iii) Vessels subject to the requirements in paragraphs (d)(11)(i) and (d)(11)(ii) of this section transiting waters west of 71° W. long., from the shoreline to the outer boundary of the Exclusive Economic Zone, will be exempted from the chain-mat requirements provided the dredge gear is stowed in accordance with § 648.2 and there are no scallops on-board.

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

■ 4. In § 648.10, paragraphs (e)(5)(iii) and (f)(4) are revised, and (f)(6) is added to read as follows:

§ 648.10 VMS and DAS requirements for vessel owners/operators.

* * * * *

(e) * * *

(5) * * *

(iii) DAS counting for a vessel that is under the VMS notification requirements of paragraph (b) of this section, with the exception of vessels that have elected to fish exclusively in the Eastern U.S./Canada Area on a particular trip, as described in

paragraph (e)(5) of this section, begins with the first location signal received showing that the vessel crossed the VMS Demarcation Line after leaving port. DAS counting ends with the first location signal received showing that the vessel crossed the VMS Demarcation Line upon its return to port, unless the vessel is declared into a limited access scallop DAS trip and, upon its return to port, declares out of the scallop fishery shoreward of the VMS Demarcation Line at or south of 39° N. lat., as specified in paragraph (f)(6) of this section, and lands in a port south of 39° N. lat.

* * * * *

(f) * * *

(4) *Catch reports.* (i) The owner or operator of a limited access or LAGC IFQ vessel that fishes for, possesses, or retains scallops, and is not fishing under a NE Multispecies DAS or sector allocation, must submit reports through the VMS, in accordance with instructions to be provided by the Regional Administrator, for each day fished, including open area trips, access area trips as described in § 648.60(a)(9), and trips accompanied by a NMFS-approved observer. The reports must be submitted for each day (beginning at 0000 hr and ending at 2400 hr) and not later than 0900 hr of the following day. Such reports must include the following information:

- (A) VTR serial number;
- (B) Date fish were caught;
- (C) Total pounds of scallop meats kept;
- (D) Total pounds of all fish kept.

(ii) *Scallop Pre-Landing Notification Form for IFQ and NGOM vessels.* A vessel issued an IFQ or NGOM scallop permit must report through VMS, using the Scallop Pre-Landing Notification Form, the amount of any scallops kept on each trip declared as a scallop trip, including declared scallop trips where no scallops were landed. In addition, vessels with an IFQ or NGOM permit must submit a Scallop Pre-Landing Notification Form on trips that are not declared as scallop trips, but on which scallops are kept incidentally. A limited access vessel that also holds an IFQ or NGOM permit must submit the Scallop Pre-Landing Notification Form only when fishing under the provisions of the vessel’s IFQ or NGOM permit. VMS Scallop Pre-Landing Notification forms must be submitted no less than 6 hours prior to arrival, or, if fishing ends less than 6 hours before arrival, immediately after fishing ends. If scallops will be landed, the report must include the vessel operator’s permit number, the amount of scallop meats in pounds to be

landed, the number of bushels of in-shell scallops to be landed, the estimated time of arrival in port, the landing port and state where the scallops will be offloaded, the VTR serial number recorded from that trip’s VTR (the same VTR serial number as reported to the dealer), and whether any scallops were caught in the NGOM. If no scallops will be landed, a vessel issued an IFQ or NGOM scallop permit must provide only the vessel’s captain/operator’s permit number, the VTR serial number recorded from that trip’s VTR (the same VTR serial number as reported to the dealer), and confirmation that no scallops will be landed. A vessel issued an IFQ or NGOM scallop permit may provide a corrected report. If the report is being submitted as a correction of a prior report, the information entered into the notification form will replace the data previously submitted in the prior report. Submitting a correction does not prevent NMFS from pursuing an enforcement action for any false reporting.

(iii) *Scallop Pre-Landing Notification Form for Limited Access Vessels fishing on Scallop Access Area Trips.* A limited access vessel on a declared Sea Scallop Access Area trip must report through VMS, using the Scallop Pre-Landing Notification Form, the amount of any scallops kept on each access area trip, including declared access area trips where no scallops were landed. The report must be submitted no less than 6 hours before arrival, or, if fishing ends less than 6 hours before arrival, immediately after fishing ends. If scallops will be landed, the report must include the vessel operator’s permit number, the amount of scallop meats in pounds to be landed, the number of bushels of in-shell scallops to be landed, the estimated time of arrival, the landing port and state where the scallops will be offloaded, and the VTR serial number recorded from that trip’s VTR (the same VTR serial number as reported to the dealer). If no scallops will be landed, a limited access vessel on a declared Sea Scallop Access Area trip must provide only the vessel’s captain/operator’s permit number, the VTR serial number recorded from that trip’s VTR (the same VTR serial number as reported to the dealer), and confirmation that no scallops will be landed. A limited access scallop vessel may provide a corrected report. If the report is being submitted as a correction of a prior report, the information entered into the notification form will replace the data previously submitted in the prior report. Submitting a correction

does not prevent NMFS from pursuing an enforcement action for any false reporting. A vessel may not offload its catch from a Sea Scallop Access Area trip at more than one location per trip.

(iv) *Scallop Pre-Landing Notification Form for Limited Access Vessels on a Declared DAS Trip Landing Scallops at Ports Located at or South of 39° N. Lat.* In order to end a declared Sea Scallop DAS trip and steam south of 39° N. lat., a limited access vessel must first report through VMS, using the Scallop Pre-Landing Notification Form, the amount of any scallops kept on its DAS trip. Upon crossing shoreward of the VMS Demarcation Line at or south of 39° N. lat., the Scallop Pre-Landing Notification form must be submitted. The report must include the vessel operator's permit number, the amount of scallop meats in pounds to be landed, the estimated time of arrival in port, the landing port and state where the scallops will be offloaded, and the VTR serial number recorded from that trip's VTR (the same VTR serial number as reported to the dealer). Prior to crossing seaward of the VMS Demarcation Line for the transit to a southern port at or south of 39° N. lat., the vessel must declare out of the scallop fishery. A limited access scallop vessel may provide a corrected report. If the report is being submitted as a correction of a prior report, the information entered into the notification form will replace the data previously submitted in the prior report. Submitting a correction does not prevent NMFS from pursuing an enforcement action for any false reporting.

* * * * *

(6) *Limited access scallop vessels fishing under the DAS Program and landing scallops at ports south of 39° N. Lat.* If landing scallops at a port located at or south of 39° N. lat., a limited access vessel participating in the scallop DAS program may end its DAS trip once it has crossed shoreward of the VMS Demarcation Line at or south of 39° N. lat. by declaring out of the scallop fishery and submitting the Scallop Pre-Landing Notification Form, as specified at paragraph (f)(4)(iv) of this section. Once declared out of the scallop fishery, and the vessel has submitted the Scallop Pre-Landing Notification Form, the vessel may cross seaward of the VMS Demarcation Line and steam to a port at or south of 39° N. lat., to land scallops while not on a DAS. Such vessels that elect to change their declaration to steam to ports with scallops onboard and not accrue DAS must comply with all the requirements at § 648.53(f)(3).

* * * * *

■ 5. In § 648.14, paragraphs (i)(2)(ii)(B), (i)(2)(iii)(C), (i)(2)(v)(D), (i)(3)(iii)(C), (i)(3)(iii)(D), (i)(4)(i)(C), (i)(5)(iii) are revised and paragraphs (i)(2)(iv)(F) and (i)(2)(v)(E) are added to read as follows:

§ 648.14 Prohibitions.

* * * * *

(i) * * *

(2) * * *

(ii) * * *

(B) While under or subject to the DAS allocation program, in possession of more than 40 lb (18.1 kg) of shucked scallops or 5 bu (1.76 hL) of in-shell scallops, or fishing for scallops in the EEZ:

(1) Fish with, or have available for immediate use, trawl nets of mesh smaller than the minimum size specified in § 648.51(a)(2).

(2) Fail to comply with any chafing gear or other gear obstruction restrictions specified in § 648.51(a)(3).

(3) Fail to comply with the turtle deflector dredge vessel gear restrictions specified in § 648.51(b)(5), and turtle dredge chain mat requirements in § 223.206(d)(11) of this title.

(4) Fish under the small dredge program specified in § 648.51(e), with, or while in possession of, a dredge that exceeds 10.5 ft (3.2 m) in overall width, as measured at the widest point in the bail of the dredge.

(5) Fish under the small dredge program specified in § 648.51(e) with more persons on board the vessel, including the operator, than specified in § 648.51(e)(3), unless otherwise authorized by the Regional Administrator.

(6) Participate in the DAS allocation program with more persons on board the vessel than the number specified in § 648.51(c), including the operator, when the vessel is not docked or moored in port, unless otherwise authorized by the Regional Administrator.

(7) Fish in the Mid-Atlantic Access Area, as described in § 648.59(a), with more persons on board the vessel than the number specified in § 648.51(c) or § 648.51(e)(3)(i), unless otherwise authorized by the Regional Administrator.

(8) Have a shucking or sorting machine on board a vessel that shucks scallops at sea while fishing under the DAS allocation program, unless otherwise authorized by the Regional Administrator.

(9) Fish with, possess on board, or land scallops while in possession of trawl nets, when fishing for scallops under the DAS allocation program, unless exempted as provided for in § 648.51(f).

(10) Fail to comply with the gear restrictions described in § 648.51.

* * * * *

(iii) * * *

(C) Fish for or land per trip, or possess at any time, scallops in the NGOM scallop management area after notification in the **Federal Register** that the NGOM scallop management area TAC has been harvested, as specified in § 648.62, unless the vessel possesses or lands scallops that were harvested south of 42°20' N. lat. and the vessel only transits the NGOM scallop management area with the vessel's fishing gear properly stowed and unavailable for immediate use in accordance with § 648.2 or unless the vessel is fishing exclusively in state waters and is participating in an approved state waters exemption program as specified in § 648.54.

* * * * *

(iv) * * *

(D) Fail to comply with any requirements for declaring out of the DAS allocation program and steaming to land scallops at ports located at or south of 39° N. lat., as specified in § 648.53(f)(3).

(E) Possess on board or land in-shell scallops if declaring out of the DAS allocation program and steaming to land scallops at ports located at or south of 39° N. lat.

(v) * * *

(D) Once declared into the scallop fishery in accordance with § 648.10(f), change its VMS declaration until the trip has ended and scallop catch has been offloaded, except as specified at § 648.53(f)(3).

(E) Fail to submit a scallop access area pre-landing notification form through VMS as specified at § 648.10(f)(4)(iii).

* * * * *

(3) * * *

(iii) * * *

(C) Declare into the NGOM scallop management area after the effective date of a notification published in the **Federal Register** stating that the NGOM scallop management area TAC has been harvested as specified in § 648.62, unless the vessel is fishing exclusively in state waters, declared a state-waters only NGOM trip, and is participating in an approved state waters exemption program as specified in § 648.54.

(D) Fish for, possess, or land scallops in or from the NGOM scallop management area after the effective date of a notification published in the **Federal Register** that the NGOM scallop management area TAC has been harvested, as specified in § 648.62, unless the vessel possesses or lands scallops that were harvested south of

42°20' N. lat., the vessel is transiting the NGOM scallop management area, and the vessel's fishing gear is properly stowed and unavailable for immediate use in accordance with § 648.2 or unless the vessel is fishing exclusively in state waters, declared a state-waters only NGOM trip, and is participating in an approved state waters exemption program as specified in § 648.54.

* * * * *

(4) * * *

(i) * * *

(C) Declare into the NGOM scallop management area after the effective date of a notification published in the Federal Register stating that the NGOM scallop management area TAC has been harvested as specified in § 648.62, unless the vessel is fishing exclusively in state waters, declared a state-waters only NGOM trip, and is participating in an approved state waters exemption program as specified in § 648.54.

* * * * *

(5) * * *

(iii) Fish for, possess, or land scallops in state or Federal waters of the NGOM management area after the effective date of notification in the Federal Register that the NGOM scallop management area TAC has been harvested as specified in § 648.62, unless the vessel is fishing exclusively in state waters, declared a state-waters only NGOM trip, and is participating in an approved state waters exemption program as specified in § 648.54.

* * * * *

■ 4. In § 648.51:

■ a. Paragraphs (b)(4)(iv) and (v), (b)(5)(ii)(A) introductory text, (b)(5)(ii)(A)(3), and (c) introductory text are revised;

■ b. Paragraph (c)(1) is removed and reserved; and

■ c. Paragraph (e)(3)(i) is revised.

The revisions read as follows:

§ 648.51 Gear and crew restrictions.

* * * * *

(b) * * *

(4) * * *

(iv) Twine top restrictions as a proactive accountability measure for bycatch. In addition to the minimum twine top mesh size specified in paragraph (b)(2) of this section, limited access and limited access general category IFQ vessels may not fish for scallops with a dredge having more than seven rows of non-overlapping steel rings unobstructed by netting or any other material between the terminus of the dredge (club stick) and the net material on the top of the dredge (twine top) (a copy of a diagram showing a schematic of a legal dredge with twine

top is available from the Regional Administrator upon request).

(v) Measurement of twine top mesh size. Twine top mesh size is measured by using a wedge-shaped gauge having a taper of 0.79 inches (2 cm) in 3.15 inches (8 cm) and a thickness of 0.09 inches (2.3 mm), inserted into the meshes under a pressure or pull of 17.64 lb (8 kg). The mesh size is the average of the measurements of any series of 20 consecutive meshes for twine tops having 75 or more meshes, and 10 consecutive meshes for twine tops having fewer than 75 meshes. The mesh in the twine top must be measured along the length of the twine top, running parallel to a longitudinal axis, and be at least five meshes away from where the twine top mesh meets the rings, running parallel to the long axis of the twine top.

(5) * * *

(ii) * * *

(A) From May 1 through November 30, any limited access scallop vessel using a dredge, regardless of dredge size or vessel permit category, or any LAGC IFQ scallop vessel fishing with a dredge with a width of 10.5 ft (3.2 m) or greater, that is fishing for scallops in waters west of 71° W long., from the shoreline to the outer boundary of the EEZ, must use a TDD. The TDD requires five modifications to the rigid dredge frame, as specified in paragraphs (b)(5)(ii)(A)(1) through (b)(5)(ii)(A)(5) of this section. See paragraph (b)(5)(ii)(D) of this section for more specific descriptions of the dredge elements mentioned below.

* * * * *

(3) All bale bars must be removed, except the outer bale (single or double) bars and the center support beam, leaving an otherwise unobstructed space between the cutting bar and forward bale wheels, if present. The center support beam must be less than 6 inches (15.24 cm) wide. For the purpose of flaring and safe handling of the dredge, a minor appendage not to exceed 12 inches (30.5 cm) in length may be attached to each of the outer bale bars. If the flaring bar is attached in a u-shape, none of the three sides of the flaring bar shall exceed 12 inches (30.5 cm) in length. The appendage shall at no point be closer than 12 inches (30.5 cm) to the cutting bar.

* * * * *

(c) Crew restrictions. A limited access vessel participating in or subject to the scallop DAS allocation program may have no more than seven people aboard, including the operator, and a limited access vessel participating in the Sea Scallop Area Access Program as specified in § 648.60 may have no more

than eight people aboard, including the operator, when not docked or moored in port, except as follows:

* * * * *

(e) * * *

(3) * * *

(i) A vessel participating in the Sea Scallop Area Access Program as specified in § 648.60 may have no more than six people, including the operator, on board.

* * * * *

■ 5. In § 648.53, paragraphs (a), (b)(1), and (b)(4) are revised, paragraph (f)(3) is added, and paragraph (g)(1) is revised to read as follows:

§ 648.53 Acceptable biological catch (ABC), annual catch limits (ACL), annual catch targets (ACT), DAS allocations, and individual fishing quotas (IFQ).

(a) Scallop fishery ABC. The ABC for the scallop fishery shall be established through the framework adjustment process specified in § 648.55 and is equal to the overall scallop fishery ACL minus discards. The ABC/ACL, after discards are removed, shall be divided as sub-ACLs between limited access vessels, limited access vessels that are fishing under a LAGC permit, and LAGC vessels as specified in paragraphs (a)(3) and (a)(4) of this section, after deducting the scallop incidental catch target TAC specified in paragraph (a)(2) of this section, observer set-aside specified in paragraph (g)(1) of this section, and research set-aside specified in § 648.56(d). The ABC/ACL for the 2016 fishing year is subject to change through a future framework adjustment.

(1) ABC/ACL for fishing years 2015 through 2016, excluding discards, shall be:

(i) 2015: 25,352 mt.

(ii) 2016: 31,807 mt.

(2) Scallop incidental catch target TAC. The annual incidental catch target TAC for vessels with incidental catch scallop permits is 22.7 mt.

(3) Limited access fleet sub-ACL and ACT. The limited access scallop fishery shall be allocated 94.5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a)(3). ACT for the limited access scallop fishery shall be established through the framework adjustment process described in § 648.55. DAS specified in paragraph (b) of this section shall be based on the ACTs specified in paragraph (a)(3)(ii) of this section. The limited access fleet sub-ACL and ACT for the 2016 fishing year are subject to change through a future framework adjustment.

(j) The limited access fishery sub-ACLs for fishing years 2015 and 2016 are:

- (A) 2015: 23,161 mt.
- (B) 2016: 29,200 mt.

(ii) The limited access fishery ACTs for fishing years 2015 and 2016 are:

- (A) 2015: 19,311 mt.
- (B) 2016: 23,016 mt.

(4) *LAGC fleet sub-ACL.* The sub-ACL for the LAGC IFQ fishery shall be equal to 5.5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a)(4). The LAGC IFQ fishery ACT shall be equal to the LAGC IFQ fishery's ACL. The ACL for the LAGC IFQ fishery for vessels issued only a LAGC IFQ scallop permit shall be equal to 5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a)(4). The ACL for the LAGC IFQ fishery for vessels issued only both a LAGC IFQ scallop permit and a limited access scallop permit shall be 0.5 percent of the ACL specified in paragraph (a)(1) of this section, after deducting incidental catch, observer set-aside, and research set-aside, as specified in this paragraph (a)(4).

(i) The ACLs for fishing years 2015 and 2016 for LAGC IFQ vessels without a limited access scallop permit are:

- (A) 2015: 1,225 mt.
- (B) 2016: 1,545 mt.

(ii) The ACLs for fishing years 2015 and 2016 for vessels issued both a LAGC and a limited access scallop permits are:

- (A) 2015: 123 mt.
- (B) 2016: 154 mt.
- (b) * * *

(1) *Landings per unit effort (LPUE).*

LPUE is an estimate of the average amount of scallops, in pounds, that the limited access scallop fleet lands per DAS fished. The estimated LPUE is the average LPUE for all limited access scallop vessels fishing under DAS, and shall be used to calculate DAS specified in paragraph (b)(4) of this section, the DAS reduction for the AM specified in paragraph (b)(4)(ii) of this section, and the observer set-aside DAS allocation specified in paragraph (g)(1) of this section. LPUE shall be:

- (i) 2015 fishing year: 2,594 lb/DAS (1,171 kg/DAS).
- (ii) 2016 fishing year: 2,715 lb/DAS (1,175 kg/DAS).
- (iii) [Reserved]

* * * * *

(4) Each vessel qualifying for one of the three DAS categories specified in the table in this paragraph (b)(4) (full-time,

part-time, or occasional) shall be allocated the maximum number of DAS for each fishing year it may participate in the open area limited access scallop fishery, according to its category, excluding carryover DAS in accordance with paragraph (d) of this section. DAS allocations shall be determined by distributing the portion of ACT specified in paragraph (a)(3)(ii) of this section, as reduced by access area allocations specified in § 648.59, and dividing that amount among vessels in the form of DAS calculated by applying estimates of open area LPUE specified in paragraph (b)(1) of this section.

Allocation for part-time and occasional scallop vessels shall be 40 percent and 8.33 percent of the full-time DAS allocations, respectively. The annual open area DAS allocations for each category of vessel for the fishing years indicated are as follows:

SCALLOP OPEN AREA DAS ALLOCATIONS

Permit category	2015	2016
Full-Time	30.86	26
Part-Time	12.94	10.40
Occasional	2.58	2.17

(i) [Reserved]

(ii) *Accountability measures (AM).*

Unless the limited access AM exception is implemented in accordance with the provision specified in paragraph (b)(4)(iii) of this section, if the ACL specified in paragraph (a)(3)(i) of this section is exceeded for the applicable fishing year, the DAS specified in paragraph (b)(4) of this section for each limited access vessel shall be reduced by an amount equal to the amount of landings in excess of the ACL divided by the applicable LPUE for the fishing year in which the AM will apply as specified in paragraph (b)(1) of this section, then divided by the number of scallop vessels eligible to be issued a full-time limited access scallop permit. For example, assuming a 300,000-lb (136-mt) overage of the ACL in 2011, an open area LPUE of 2,500 lb (1.13 mt) per DAS in 2012, and 313 full-time vessels, each full-time vessel's DAS would be reduced by 0.38 DAS (300,000 lb (136 mt)/2,500 lb (1.13 mt) per DAS = 120 lb (0.05 mt) per DAS/313 vessels = 0.38 DAS per vessel). Deductions in DAS for part-time and occasional scallop vessels shall be 40 percent and 8.33 percent of the full-time DAS deduction, respectively, as calculated pursuant to this paragraph (b)(4)(ii). The AM shall take effect in the fishing year following the fishing year in which the overage occurred. For example, landings in

excess of the ACL in fishing year 2011 would result in the DAS reduction AM in fishing year 2012. If the AM takes effect, and a limited access vessel uses more open area DAS in the fishing year in which the AM is applied, the vessel shall have the DAS used in excess of the allocation after applying the AM deducted from its open area DAS allocation in the subsequent fishing year. For example, a vessel initially allocated 32 DAS in 2011 uses all 32 DAS prior to application of the AM. If, after application of the AM, the vessel's DAS allocation is reduced to 31 DAS, the vessel's DAS in 2012 would be reduced by 1 DAS.

(iii) *Limited access AM exception.* If NMFS determines, in accordance with paragraph (b)(4)(ii) of this section, that the fishing mortality rate associated with the limited access fleet's landings in a fishing year is less than 0.34, the AM specified in paragraph (b)(4)(ii) of this section shall not take effect. The fishing mortality rate of 0.34 is the fishing mortality rate that is one standard deviation below the fishing mortality rate for the scallop fishery ACL, currently estimated at 0.38.

(iv) *Limited access fleet AM and exception provision timing.* The Regional Administrator shall determine whether the limited access fleet exceeded its ACL specified in paragraph (a)(3)(i) of this section by July of the fishing year following the year for which landings are being evaluated. On or about July 1, the Regional Administrator shall notify the New England Fishery Management Council of the determination of whether or not the ACL for the limited access fleet was exceeded, and the amount of landings in excess of the ACL. Upon this notification, the Scallop Plan Development Team (PDT) shall evaluate the overage and determine if the fishing mortality rate associated with total landings by the limited access scallop fleet is less than 0.34. On or about September 1 of each year, the Scallop PDT shall notify the Council of its determination, and the Council, on or about September 30, shall make a recommendation, based on the Scallop PDT findings, concerning whether to invoke the limited access AM exception. If NMFS concurs with the Scallop PDT's recommendation to invoke the limited access AM exception, in accordance with the APA, the limited access AM shall not be implemented. If NMFS does not concur, in accordance with the APA, the limited access AM shall be implemented as soon as possible after September 30 each year.

* * * * *

(f) * * *

(3) Limited access scallop vessels fishing under the DAS Program and landing scallops at a port located at or south of 39° N. Lat. If landing scallops at a port located at or south of 39° N. lat., a limited access vessel participating in the scallop DAS program may end its DAS trip once shoreward of the VMS Demarcation Line at or south of 39° N. lat. by declaring out of the scallop fishery. Once declared out of the scallop fishery, the vessel may cross seaward of the VMS Demarcation Line and steam to ports at or south of 39° N. lat., to land scallops while not on a DAS, provided that the vessel complies with the following requirements:

- (i) The vessel must submit a Scallop Pre-landing Notification Form, as specified at § 648.10(f)(4)(iv);
- (ii) The vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2;
- (iii) The vessel must return directly to port and offload scallops;
- (iv) The vessel must land scallops at a port located at or south of 39° N. lat.; and
- (v) The vessel may not possess in-shell scallops.

(g) Set-asides for observer coverage. (1) To help defray the cost of carrying an observer, 1 percent of the ABC/ACL specified in paragraph (a)(1) of this section shall be set aside to be used by vessels that are assigned to take an at-sea observer on a trip. The total TAC for observer set aside is 254 mt in fishing year 2015, and 318 mt in fishing year 2016.

* * * * *

■ 6. In § 648.54, paragraphs (a)(4) and (b) through (g) are revised and paragraph (h) is added to read as follows:

§ 648.54 State waters exemption.

* * * * *

(a) * * *

(4) The Regional Administrator has determined that the State of Maine has

a scallop fishery conservation program for its scallop fishery that does not jeopardize the biomass and fishing mortality/effort limit objectives of the Scallop FMP. A vessel fishing in State of Maine waters may fish under the State of Maine state waters exemption, subject to the exemptions specified in paragraphs (b) and (c) of this section, provided the vessel is in compliance with paragraphs (e) through (g) of this section.

(b) Limited access scallop vessel exemption. Any vessel issued a limited access scallop permit is exempt from the DAS requirements specified in § 648.53(b) while fishing exclusively landward of the outer boundary of the waters of a state that has been issued a state waters exemption under paragraph (a)(4) of this section, provided the vessel complies with paragraphs (f) through (h) of this section.

(c) Gear and possession limit restrictions. Any vessel issued a limited access scallop permit, an LAGC NGOM, or an LAGC IFQ scallop permit is exempt from the minimum twine top mesh size for scallop dredge gear specified in §§ 648.51(b)(2) and (b)(4)(iv) while fishing exclusively landward of the outer boundary of the waters of the State of Maine under the state waters exemption specified in paragraph (a)(4) of this section, provided the vessel is in compliance with paragraphs (d) through (g) of this section.

(d) NGOM closure exemption. Any vessel issued a Federal scallop permit may be exempt from the regulations specified in § 648.52(b)(2) requiring that once the NGOM Federal hard TAC is reached, no vessel issued a scallop permit may fish in the NGOM area. This exemption, which a state must apply for through the process specified in paragraph (a) of this section, would allow vessels to continue to fish for scallops within a state's waters inside the NGOM. A state applying for this

exemption must clarify to which scallop permit types this exemption would apply.

(e) Notification requirements. Vessels fishing under the exemptions specified in paragraph (b) and/or (c) of this section must notify the Regional Administrator in accordance with the provisions of § 648.10(e).

(f) Restriction on fishing in the EEZ. A vessel fishing under a state waters exemption may not fish in the EEZ during the time in which it is fishing under the state waters exemption, as declared under the notification requirements of this section.

(g) Duration of exemption. An exemption expires upon a change in the vessel's name or ownership, or upon notification through VMS by the participating vessel's owner.

(h) Applicability of other provisions of this part. A vessel fishing under the exemptions provided by paragraphs (b) and/or (c) of this section remains subject to all other requirements of this part.

■ 7. Section 648.58 is revised to read as follows:

§ 648.58 Rotational Closed Areas.

(a) Closed Area I Closed Area— No vessel may fish for scallops in, or possess or land scallops from, the area known as the Closed Area I Closed Area. No vessel may possess scallops in the Closed Area I Closed Area, unless such vessel is only transiting the area as provided in paragraph (e) of this section. The Closed Area I Closed Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request), and so that the line connecting points CAIA3 and CAIA4 is the same as the portion of the western boundary line of Closed Area I, defined in § 648.81(a)(1), that lies between points CAIA3 and CAIA4:

Point	Latitude	Longitude	Note
CAIA1	41°26' N.	68°30' W.	.....
CAIA2	40°58' N.	68°30' W.	.....
CAIA3	40°54.95' N.	68°53.37' W.	(1)
CAIA4	41°04.32' N.	69°01.27' W.	(1)
CAIA1	41°26' N.	68°30' W.	.....

¹ From Point CAIA3 to Point CAIA4 along the western boundary of Closed Area I, defined in § 648.81(a)(1).

(b) Closed Area II Closed Area— No vessel may fish for scallops in, or possess or land scallops from, the area known as the Closed Area II Closed

Area. No vessel may possess scallops in the Closed Area II Closed Area. The Closed Area II Closed Area is defined by straight lines, except where noted,

connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude	Note
CAIIA1	41°00' N.	67°20' W.	.....
CAIIA2	41°00' N.	66°35.8' W.	.....
CAIIA3	41°18.6' N.	(1)	(2)
CAIIA4	41°30' N.	(3)	(2)
CAIIA5	41°30' N.	67°20' W.	.....
CAIIA1	41°00' N.	67°20' W.	.....

¹ The intersection of 41°18.6' N. lat. and the U.S.-Canada Maritime Boundary, approximately 41°18.6' N. lat. and 66°25.01' W. long.

² From Point CAIIA3 connected to Point CAIIA4 along the U.S.-Canada Maritime Boundary.

³ The intersection of 41°30' N. lat. and the U.S.-Canada Maritime Boundary, approximately 41°30' N. lat., 66°34.73' W. long.

(c) *Nantucket Lightship Closed Area*— No vessel may fish for scallops in, or possess or land scallops from, the area known as the Nantucket Lightship Closed Area. No vessel may possess scallops in the Nantucket Lightship Closed Area, unless such vessel is only transiting the area as provided in paragraph (e) of this section. The Nantucket Lightship Closed Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request),

Point	Latitude	Longitude
NLAA1	40°50' N.	69°30' W.
NLAA2	40°50' N.	69°00' W.
NLAA3	40°33' N.	69°00' W.
NLAA4	40°33' N.	68°48' W.
NLAA5	40°20' N.	68°48' W.
NLAA6	40°20' N.	69°30' W.
NLAA1	40°50' N.	69°30' W.

(d) *Elephant Trunk Closed Area*— No vessel may fish for scallops in, or possess or land scallops from, the area known as the Elephant Trunk Closed Area. No vessel may possess scallops in Elephant Trunk Closed Area. The Elephant Trunk Closed Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request).

Point	Latitude	Longitude
ETCA 1	38°50' N.	74°20' W.
ETCA 2	38°50' N.	73°40' W.
ETCA 3	38°40' N.	73°40' W.
ETCA 4	38°40' N.	73°50' W.
ETCA 5	38°30' N.	73°50' W.
ETCA 6	38°30' N.	74°20' W.
ETCA 1	38°50' N.	74°20' W.

(e) *Transiting*. No vessel possessing scallops may enter or be in the area(s) specified in paragraphs (a) and (c) of this section unless the vessel is transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2, or there is a compelling safety reason to be in such areas without such gear being

stowed. A vessel may only transit the Closed Area II Closed Area, as described in paragraph (b) of this section, or the Elephant Trunk Closed Area, as described in paragraph (d) of this section, if there is a compelling safety reason for transiting the area and the vessel's fishing gear is stowed and not available for immediate use as defined in § 648.2.

(f) *Vessels fishing for species other than scallops*. A vessel may fish for species other than scallops within the closed areas specified in paragraphs (a) through (d) of this section as allowed in this part, provided the vessel does not fish for, catch, or retain scallops or intend to fish for, catch, or retain scallops. Declaration through VMS that the vessel is fishing in the LAGC scallop fishery is deemed to be an intent to fish for, catch, or retain scallops.

- 8. In § 648.59:
- a. Paragraphs (a), (b) introductory text, (b)(1), (c) introductory text, and (c)(1) are revised;
- b. Paragraph (c)(2) is removed and reserved;
- c. Paragraphs (d) introductory text and (d)(1) are revised; and
- d. Paragraphs (d)(2) and (e) are removed and reserved.

The revisions read as follows:

§ 648.59 Sea Scallop Access Areas.

(a) *Mid-Atlantic Scallop Access Area*—(1) Beginning March 1, 2015, through February 28, 2017 (*i.e.*, fishing years 2015 and 2016), a vessel issued a scallop permit may not fish for, possess, or land scallops in or from the area known as the Mid-Atlantic Access Area unless the vessel is participating in, and complies with the requirements of, the area access program described in § 648.60. The Mid-Atlantic Access Area is comprised of the following scallop access areas: The Delmarva Scallop Access Area, as described in paragraph (a)(2) of this section; the Elephant Trunk Scallop Access Area, as described in paragraph (a)(3) of this section; and the Hudson Canyon Scallop Access Area, as described in paragraph (a)(4) of this section.

(2) *Delmarva Scallop Access Area*. The Delmarva Scallop Access Area is

defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
DMV1	38°10' N.	74°50' W.
DMV2	38°10' N.	74°00' W.
DMV3	37°15' N.	74°00' W.
DMV4	37°15' N.	74°50' W.
DMV1	38°10' N.	74°50' W.

(i) *Season*. A vessel issued a scallop permit may not fish for, possess, or land scallops in or from the area known as the Delmarva Sea Scallop Access Area, described in paragraph (a)(2) of this section, during the period of March 1, 2016, through March 31, 2016.

(3) *Elephant Trunk Scallop Access Area*. The Elephant Trunk Scallop Access Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
ETAA1	38°30' N.	74°20' W.
ETAA2	38°30' N.	73°50' W.
ETAA3	38°40' N.	73°50' W.
ETAA4	38°40' N.	73°40' W.
ETAA5	38°50' N.	73°40' W.
ETAA6	38°50' N.	73°30' W.
ETAA7	38°10' N.	73°30' W.
ETAA8	38°10' N.	74°20' W.
ETAA1	38°30' N.	74°20' W.

(4) *Hudson Canyon Scallop Access Area*. The Hudson Canyon Scallop Access Area is defined by straight lines connecting the following points in the order stated (copies of a chart depicting this area are available from the Regional Administrator upon request):

Point	Latitude	Longitude
H1	39°30' N.	73°10' W.
H2	39°30' N.	72°30' W.
H3	38°30' N.	73°30' W.
H4	38°50' N.	73°30' W.
H5	38°50' N.	73°42' W.
H1	39°30' N.	73°10' W.

(b) *Closed Area I Scallop Access Area*—(1) From March 1, 2015, through February 28, 2017 (*i.e.*, fishing years 2015 and 2016), a vessel issued a scallop permit may not fish for, possess, or land scallops in or from, the area known as the Closed Area I Scallop Access Area, described in paragraph (b)(3) of this section, unless transiting in accordance with paragraph (f) of this section. A vessel issued both a NE multispecies permit and an LAGC scallop permit may not fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, unless it complies with restrictions in paragraph (b)(5)(ii)(C) of this section.

* * * * *

(c) *Closed Area II Scallop Access Area*—(1) From March 1, 2015, through February 28, 2017 (*i.e.*, fishing years 2015 and 2016), a vessel issued a scallop permit may not fish for, possess, or land scallops in or from, the area known as the Closed Area II Access Area, described in paragraph (c)(3) of this section, unless transiting in accordance with paragraph (f) of this section. A vessel issued both a NE multispecies permit and an LAGC scallop permit may not fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, unless it complies with restrictions in paragraph (c)(5)(ii)(C) of this section.

* * * * *

(d) *Nantucket Lightship Scallop Access Area*—(1) From March 1, 2015, through February 28, 2017 (*i.e.*, fishing years 2015 and 2016), a vessel issued a scallop permit may not fish for, possess, or land scallops in or from the area known as the Nantucket Lightship Access Area, described in paragraph (d)(3) of this section, unless transiting pursuant to paragraph (f) of this section. A vessel issued both a NE multispecies permit and an LAGC scallop permit may not fish in an approved SAP under § 648.85 and under multispecies DAS in the scallop access area, unless it complies with restrictions in paragraph (d)(5)(ii)(C) of this section.

* * * * *

■ 9. In § 648.60, paragraphs (a)(1), (a)(3), (a)(5)(i), (a)(9), (c), (e)(1), (g)(3)(i) are revised to read as follows:

§ 648.60 Sea scallop access area program requirements.

(a) * * *

(1) *VMS*. Each vessel participating in the Sea Scallop Access Area Program must have installed on board an operational VMS unit that meets the minimum performance criteria specified

in §§ 648.9 and 648.10, and paragraphs (a)(9) and (f) of this section.

* * * * *

(3) *Sea Scallop Access Area Allocations*—(i) Limited access vessel allocations.

(A) Except as provided in paragraph (c) of this section, paragraphs (a)(3)(i)(B) through (E) of this section specify the total amount of scallops, in weight, that a limited access scallop vessel may harvest from Sea Scallop Access Areas during applicable seasons specified in § 648.59. A vessel may not possess or land in excess of its scallop allocation assigned to specific Sea Scallop Access Areas, unless authorized by the Regional Administrator, as specified in paragraph (d) of this section, unless the vessel owner has exchanged an area-specific scallop allocation with another vessel owner for additional scallop allocation in that area, as specified in paragraph (a)(3)(ii) of this section. A vessel may harvest its scallop allocation, as specified in paragraph (a)(3)(B) of this section, on any number of trips in a given fishing year, provided that no single trip exceeds the possession limits specified in paragraph (a)(5) of this section, unless authorized by the Regional Administrator, as specified in paragraphs (c) and (d) of this section.

(B) *Full-time scallop vessels*. (1) In fishing year 2015, each full-time vessel shall have a total of 51,000 lb (23,133 kg) of scallops that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a).

(2) For the 2016 fishing year, each full-time vessel shall have a total of 17,000 lb (7,711 kg) of scallops that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a), starting on April 1, 2016.

(C) *Part-time scallop vessels*. (1) For the 2015 fishing year, each part-time scallop vessel shall have a total of 20,400 lb (9,253 kg) of scallop that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a).

(2) For the 2015 fishing year, each part-time scallop vessel shall have a total of 10,200 lb (4,627 kg) of scallop that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a), starting on April 1, 2016.

(D) *Occasional scallop vessels*. (1) For the 2015 fishing year, each occasional scallop vessel shall have a total of 4,250 lb (1,928 kg) of scallop that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a).

(2) For the 2016 fishing year, each occasional scallop vessel shall have a total of 1,420 lb (644 kg) of scallop that may be harvested from the Mid-Atlantic Access Area, as defined in § 648.59(a), starting on April 1, 2016.

(ii) *One-for-one area access allocation exchanges*. The owner of a vessel issued a limited access scallop permit may exchange unharvested scallop pounds allocated into one access area for another vessel's unharvested scallop pounds allocated into another Sea Scallop Access Area. These exchanges may only be made for the amount of the current trip possession limit, as specified in paragraph (a)(5) of this section. For example, if the access area trip possession limit for full-time vessels is 17,000 lb (7,711 kg), a full-time vessel may exchange no less than 17,000 lb (7,711 kg), from one access area for no more or less than 17,000 lb (7,711 kg) allocated to another vessel for another access area. In addition, these exchanges may be made only between vessels with the same permit category: A full-time vessel may not exchange allocations with a part-time vessel, and vice versa. Vessel owners must request these exchanges by submitting a completed Access Area Allocation Exchange Form at least 15 days before the date on which the applicant desires the exchange to be effective. Exchange forms are available from the Regional Administrator upon request. Each vessel owner involved in an exchange is required to submit a completed Access Area Allocation Form. The Regional Administrator shall review the records for each vessel to confirm that each vessel has enough unharvested allocation remaining in a given access area to exchange. The exchange is not effective until the vessel owner(s) receive a confirmation in writing from the Regional Administrator that the allocation exchange has been made effective. A vessel owner may exchange equal allocations up to the current possession limit between two or more vessels under his/her ownership. A vessel owner holding a Confirmation of Permit History is not eligible to exchange allocations between another vessel and the vessel for which a Confirmation of Permit History has been issued.

* * * * *

(5) *Possession and landing limits*—(i) *Scallop possession limits*. Unless authorized by the Regional Administrator, as specified in paragraph (d) of this section, after declaring a trip into a Sea Scallop Access Area, a vessel owner or operator of a limited access scallop vessel may fish for, possess, and land, per trip, scallops, up to the maximum amounts specified in the table in this paragraph (a)(5). No vessel declared into the Access Areas as described in § 648.59(a) through (e) may possess more than 50 bu (17.62 hL) of

in-shell scallops outside of the Access Areas described in § 648.59(a) through (e).

Fishing year	Permit category possession limit		
	Full-time	Part-time	Occasional
2015	17,000 lb (57,711 kg)	10,200 lb (4,627 kg)	1,420 lb (644kg).
2016	17,000 lb (57,711 kg)	10,200 lb (4,627 kg)	1,420 lb (644kg).

* * * * *

(9) *Reporting.* The owner or operator must submit scallop catch reports through the VMS, as specified in § 648.10(f)(4)(i), and limited access scallop access area pre-landing notification forms, as specified in § 648.10(f)(4)(iii).

* * * * *

(c) *Access area scallop allocation carryover.* Unless otherwise specified in § 648.59, a limited access scallop vessel operator may fish any unharvested Scallop Access Area allocation from a given fishing year within the first 60 days of the subsequent fishing year if the Access Area is open. For example, if a full-time vessel has 7,000 lb (3,175 kg) remaining in the Hudson Canyon Access Area at the end of fishing year 2013, that vessel may harvest 7,000 lb (3,175 kg) from its 2014 fishing year scallop access area allocation during the first 60 days that the Hudson Canyon Access Area is open in fishing year 2014

(March 1, 2014, through April 29, 2014). Unless otherwise specified in § 648.59, if an Access Area is not open in the subsequent fishing year, then the unharvested scallop allocation would expire at the end of the fishing year that the scallops were allocated. For example, if a full-time vessel has 7,000 lb (3,175 kg) remaining in Closed Area II Access Area at the end of a given fishing year, and that access area would not open the subsequent fishing year, the 7,000 lb (3,175 kg) of scallops would expire on the last day of the fishing year.

* * * * *

(e) *Sea Scallop Research Set-Aside Harvest in Access Areas—(1) Access Areas available for harvest of research set-aside (RSA).* Unless otherwise specified, RSA may be harvested in any access area that is open in a given fishing year, as specified through a framework adjustment and pursuant to § 648.56. The amount of scallops that

can be harvested in each access area by vessels participating in approved RSA projects shall be determined through the RSA application review and approval process. The access areas open for RSA harvest for fishing years 2015 and 2016 are:

- (i) 2015: The Mid-Atlantic Scallop Access Area, as specified in § 648.59(a)
- (ii) 2016: None.

* * * * *

(g) * * *

(3) *LAGC IFQ Access Area Trips.* (i) An LAGC scallop vessel authorized to fish in the Access Areas specified in § 648.59(a) through (e) may land scallops, subject to the possession limit specified in § 648.52(a), unless the Regional Administrator has issued a notice that the number of LAGC IFQ access area trips have been or are projected to be taken. The total number of LAGC IFQ trips in a specified Access Area for fishing year 2015 and 2016 are:

Access area	2015	2016
Mid-Atlantic Access Area	2,065	602
Closed Area 1	0	0
Closed Area 2	0	0
Nantucket Lightship	0	0

* * * * *

■ 10. In § 648.64, paragraph (a) is revised to read as follows:

§ 648.64 Yellowtail flounder sub-ACLs and AMs for the scallop fishery.

(a) As specified in § 648.55(d), and pursuant to the biennial framework adjustment process specified in § 648.90, the scallop fishery shall be allocated a sub-ACL for the Georges Bank and Southern New England/Mid-Atlantic stocks of yellowtail flounder. The sub-ACLs are specified in § 648.90(a)(4)(iii)(C) of the NE multispecies regulations.

■ 10. In § 648.65, paragraph (b)(3)(ii) is revised to read as follows:

§ 648.64 Windowpane flounder sub-ACLs and AMs for the scallop fishery.

- (b) * * *
- (3) * * *

(ii) The maximum hanging ratio for a net, net material, or any other material on the top of a scallop dredge (twine top) possessed or used by vessels fishing with scallop dredge gear does not exceed 1.5:1 overall. An overall hanging ratio of 1.5:1 means that the twine top is attached to the rings in a pattern of alternating 2 meshes per ring and 1

mesh per ring (counted at the bottom where the twine top connects to the apron), for an overall average of 1.5 meshes per ring for the entire width of the twine top. For example, an apron that is 40 rings wide subtracting 5 rings one each side of the side pieces, yielding 30 rings, would only be able to use a twine top with 45 or fewer meshes so that the overall ratio of meshes to rings did not exceed 1.5 (45 meshes/30 rings = 1.5).

* * * * *

[FR Doc. 2015-05650 Filed 3-16-15; 8:45 am]

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Notices

Federal Register

Vol. 80, No. 51

Tuesday, March 17, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Grazing Permit Administration Forms

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension with no revision of a currently approved information collection, Grazing Permit Administration Forms.

DATES: Comments must be received in writing on or before May 18, 2015 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to the Attention: Director, Rangeland Management, USDA Forest Service, Washington Office, 1400 Independence Avenue SW., Mailstop 1153, Washington, DC 20250-1153. To ensure timely delivery, review, and consideration, it may be preferable to submit comments via email to ajoseph@fs.fed.us; or by facsimile to 703-235-0428. If comments are sent by electronic means or by facsimile, the public is requested not to send duplicate comments via regular mail.

All comments, including names and addresses when provided, are placed in the record and available for public inspection and copying. The agency cannot confirm receipt of comments.

The public may inspect comments received at the USDA Forest Service Washington Office, between the hours of 8:30 a.m. and 4 p.m. Those wishing to inspect comments are encouraged to call ahead to 202-205-1460 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Annette Joseph, Rangeland Management

at 202-205-1454. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title: Grazing Permit Administration Forms.

OMB Number: 0596-0003.

Expiration Date of Approval: August 2015.

Type of Request: Extension with no Revision.

Abstract: This information collection extension is necessary to continue allowing proper administration of livestock grazing programs on National Forest System (NFS) lands. Domestic livestock grazing occurs on approximately 90 million acres of NFS lands. Grazing on NFS lands is subject to authorization and administrative oversight by the Forest Service. The information collected by the Forest Service is the minimum required for issuance and administration of grazing permits, including fee collections, as authorized by the Federal Land Policy and Management Act (FLPMA) of 1976, as amended (43 U.S.C. 1700 *et seq.*) and United States Department of Agriculture regulations at 36 CFR part 222, subparts A and C. Similar information is not available from any other source.

Forest Service officials currently use the following forms to collect the information necessary to administer this program.

FS-2200-1; Refund, Credit, or Transfer Application collects the following information:

- Name and mailing address;
- Permit number;
- National Forest or Grassland and Ranger District;
- Purpose of application: Credit on next year's fees, refund of fees, or transfer of credit to another account;
 - Information on the allotment; number of cattle, horses, or sheep;
 - Period range not used;
 - Reason for less use than permitted;
- and
- Signature of Permittee.

Information collected on this form enables the Forest Service to evaluate a grazing permittee's request for refund, credit, or transfer of the unused portion of the preceding season's grazing fees paid to the Forest Service for the

occupancy of the National Forest System lands by permitted livestock.

FS-2200-2; Application for Temporary Grazing or Livestock Use Permit collects the following information:

- Name and address of applicant;
- Type, amount, and location of requested grazing;
- Period of use; and
- Grazing allotment.

Information collected on this form enables the Forest Service to determine whether individuals qualify for a temporary grazing or livestock use permit, which authorizes grazing on certain NFS lands for a period not to exceed one year. The Forest Service uses the information on this form to determine whether the applicant is likely to comply with grazing permit terms and conditions.

FS-2200-12; Waiver of Term Grazing Permit enables the Forest Service to terminate an individual's grazing privileges on certain NFS lands based upon that individual's sale or transfer of base property, permitted livestock, or both to another individual who desires to acquire a new grazing permit. The waiver enables the Forest Service to cancel the grazing permit held by the individual who sold or transferred the base property, permitted livestock, or both; and to identify the individual who acquired the base property, permitted livestock, or both as the preferred applicant for a new grazing permit.

FS-2200-13; Escrow Waiver of Term Grazing Permit Privileges collects information on loans made to permittees. The Forest Service uses the information to record the name and address of a permittee's lender, the amount of the loan, and the due date for repayment. The information assists Agency officials in determining whether to hold in escrow, on behalf of the lender, all of the privileges associated with the grazing permit except the privilege to graze. The Forest Service uses the collected information to (1) notify the lender of important issues associated with the administration of the grazing permit and (2) facilitate the transfer of a grazing permit to a lender if the permittee defaults on a loan.

FS-2200-16; Application for Term Grazing Permit collects the following information:

- Name and address of applicant;
- Type, amount, and location of requested grazing;

- Period of use; and
- Grazing allotment.

The information collected on this form enables the Forest Service to evaluate an applicant's eligibility and qualification to hold a term grazing permit authorizing the use of National Forest System lands for livestock grazing purposes, to determine the applicant's ability to comply with grazing permit terms and conditions, and to notify the applicant in writing of matters associated with the administration of permitted grazing including, but not limited to, bills for the fees associated with the permitted grazing.

FS-2200-17; Application for Term Private Land Grazing Permit collects the following:

- Name and address of applicant;
- Type, amount, and location of requested grazing;
- Period of use; and
- Grazing allotment.

The information collected on this form enables the Forest Service to evaluate an applicant's eligibility and qualification to hold a term private land-grazing permit, which authorizes the use of National Forest System lands and private lands controlled by the applicant for livestock grazing purposes. The information also enables the Forest Service to determine the applicant's ability to comply with grazing permit terms and conditions, and to notify the applicant in writing of matters associated with the administration of permitted grazing.

FS-2200-25; Ownership Statement by Corporation, Partnership or Other Legal Entity collects the following:

- Name of corporation, partnership, or other legal entity; and
- The title, signing authority, mailing address, shares owned, or ownership of each stockholder or partner.

The information on this form enables the Forest Service to evaluate whether a corporation or partnership is eligible and qualified to hold a term grazing permit authorizing grazing on certain National Forest System lands, whether the corporation is authorized to conduct business in the state in which the National Forest System lands to be grazed are located, and which shareholders or partners are authorized to sign official documents on behalf of the corporation or partnership.

Estimate of Annual Burden: 25 minutes.

Type of Respondents: Individuals, Businesses, and Farms.

Estimated Annual Number of Respondents: 3900.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1950 hours.

Comment is Invited

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the 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 the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: March 4, 2015.

Mary Beth Borst,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2015-06150 Filed 3-16-15; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 11, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. 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.

Comments regarding this information collection received by April 16, 2015 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725-17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8958.

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.

Animal and Plant Health Inspection Service

Title: Importation of Gypsy Moth Host Materials from Canada.

OMB Control Number: 0579-0142.

Summary of Collection: The United States Department of Agriculture (USDA) is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests not widely distributed in the United States, and eradicating those imported pests when eradication is feasible. Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to regulate the importation of plants, plant products, and other articles to prevent the introduction of injurious plant pests. The Plant Protection and Quarantine program within USDA's Animal and Plant Health Inspection Service (APHIS) is responsible for ensuring that these regulations are enforced.

Need and Use of the Information: APHIS will collect information from individuals both within and outside the United States using phytosanitary certificates, certificates of origin, a written statement and a compliance agreement. Information collected will ensure that importing foreign logs, trees, shrubs, and other articles do not harbor plant or insect pests such as the gypsy moth. Failing to collect this information would cripple APHIS' ability to ensure that trees, shrubs, logs, and a variety of other items imported from Canada do not harbor gypsy moths.

Description of Respondents: Business or other for-profit; Individuals or households; Federal Government.

Number of Respondents: 2,131.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 128.

Animal and Plant Health Inspection Service

Title: Infectious Salmon Anemia (ISA)—Payment of Indemnity.

OMB Control Number: 0579-0192.

Summary of Collection: The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pest or diseases of livestock or poultry. Infectious Salmon Anemia (ISA) is a clinical disease resulting from infection with the ISA virus; signs include hemorrhaging, anemia, and lethargy. ISA poses a substantial threat to the economic viability and sustainability of salmon aquaculture in the United States and abroad. The Animal and Plant Health Inspection Service (APHIS) will collect information using VS Form 1-22 ISA Program Enrollment Form and VS Form 1-23 All Species Appraisal & Indemnity Claim Form.

Need and Use of the Information: APHIS uses the following information activities to reimburse aquaculture industry businesses; conduct biosecurity, protocols and audits; develop site-specific ISA action plans; compile fish inventories and mortality reports (and keep records of the inventories and reports); and conduct disease surveillance. Each program participant must sign an ISA Program Enrollment Form in which they agree to participate fully in USDA's and the State of Maine's ISA Program. APHIS will collect the owner's name and address, the number of fish for which the owner is seeking payment, and the appraised value of each fish. The owner must also certify as to whether the fish are subject to a mortgage. Without the information it would be impossible for APHIS to launch its program to contain and prevent ISA outbreaks in the United States.

Description of Respondents: Business or other for-profit.

Number of Respondents: 12.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 484.

Animal and Plant Health Inspection Service

Title: Importation of Clementines from Spain.

Omb Control Number: 0579-0203.

Summary of Collection: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to regulate the importation of plants, plant products, and other articles to prevent the introduction of injurious plant pests. The regulations in "Subpart—Fruits and Vegetables," 7 CFR 319.56 through 319.56-67, prohibits or restrict the importation of certain fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pest, including fruit flies. Under the regulations, clementines from Spain are subject to certain conditions before entering the United States to ensure that exotic plant pest, such as the Mediterranean fruit fly, are not introduced into the United States.

Need and Use of the Information: APHIS uses the following information collection activities to allow the importation of clementines from Spain when the requirements include: Provisions that the clementines be grown in accordance with a Mediterranean fruit fly management program established by the Government of Spain; Trapping and Control Records; Phytosanitary Certificate; Labeling and Traceback; Cold Treatment Data for Consignments; Trust Fund; and Grower Registration and Agreement.

Failure to collect this information would cripple APHIS' ability to ensure that clementines from Spain are not carrying fruit flies.

Description of Respondents: Business or other for-profit; Federal Government.

Number of Respondents: 4,508.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 6,507.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015-05992 Filed 3-16-15; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 11, 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 20250. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@omb.eop.gov or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OClO, Mail Stop 7602, Washington, DC 20250-7602.

Comments regarding these information collections are best assured of having their full effect if received by April 16, 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 Governing the Inspection and Grading of Manufactured or Processed Dairy Products—Recordkeeping.

OMB Control Number: 0581-0110.

Summary of Collection: The Agricultural Marketing Act of 1946 directs the Department to develop programs that will provide and enable the marketing of agricultural products. One of these programs is the USDA voluntary inspection and grading program for dairy products where these dairy products are graded according to U.S. grade standards by an USDA grader. The dairy products so graded may be identified with the USDA grade mark. Dairy processors, buyers, retailers, institutional users, and consumers have requested that such a program be developed to assure the uniform quality of dairy products purchased. In order for any service program to perform

satisfactorily, there must be written guides and rules, which in this case are regulations for the provider and user.

Need and Use of the Information: The Agricultural Marketing Service will collect information to ensure that the dairy inspection program products are produced under sanitary conditions and buyers are purchasing a quality product. The information collected through recordkeeping are routinely reviewed and evaluated during the inspection of the dairy plant facilities for USDA approval. Without laboratory testing results required by recordkeeping, the inspectors would not be able to evaluate the quality of dairy products.

Description of Respondents: Business or other for-profit.

Number of Respondents: 487.

Frequency of Responses:

Recordkeeping.

Total Burden Hours: 1,388.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015-05998 Filed 3-16-15; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-929]

Small Diameter Graphite Electrodes From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2013-2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On November 19, 2014, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on small diameter graphite electrodes from the People's Republic of China (PRC), covering the period February 1, 2013, through January 31, 2014.¹ We invited parties to comment on the *Preliminary Results*. We received no comments from interested parties. Accordingly, for the final results, we continue to find that during the period of review (POR) Henan Sanli Carbon Products Co., Ltd. (Henan Sanli) made sales of subject merchandise at less than normal value.

DATES: *Effective Date:* March 17, 2015.

¹ See *Small Diameter Graphite Electrodes From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review: 2013-2014*, 79 FR 68856 (November 19, 2014) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum (*Preliminary Decision Memorandum*).

FOR FURTHER INFORMATION CONTACT:

Michael A. Romani, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington DC 20230; telephone: (202) 482-0198.

Background

On November 19, 2014, the Department published the *Preliminary Results* of this review. The Department gave interested parties an opportunity to comment on the *Preliminary Results*.² We received no comments from interested parties.

We conducted this review in accordance with sections 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise covered by the order includes all small diameter graphite electrodes of any length, whether or not finished, of a kind used in furnaces, with a nominal or actual diameter of 400 millimeters (16 inches) or less, and whether or not attached to a graphite pin joining system or any other type of joining system or hardware. The merchandise covered by the order also includes graphite pin joining systems for small diameter graphite electrodes, of any length, whether or not finished, of a kind used in furnaces, and whether or not the graphite pin joining system is attached to, sold with, or sold separately from, the small diameter graphite electrode. Small diameter graphite electrodes and graphite pin joining systems for small diameter graphite electrodes are most commonly used in primary melting, ladle metallurgy, and specialty furnace applications in industries including foundries, smelters, and steel refining operations. Small diameter graphite electrodes and graphite pin joining systems for small diameter graphite electrodes that are subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 8545.11.0010,³ 3801.10,⁴

² *Id.* at 68857.

³ The scope described in the order refers to the HTSUS subheading 8545.11.0000. We note that, starting in 2010, imports of small diameter graphite electrodes are classified in the HTSUS under subheading 8545.11.0010 and imports of large diameter graphite electrodes are classified under subheading 8545.11.0020.

⁴ HTSUS subheading 3801.10 was added to the scope of the *SDGE Order* based on a determination in *Small Diameter Graphite Electrodes From the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 77 FR 47596 (August 9, 2012) (first circumvention determination). The products covered by the first circumvention

and 8545.11.0020.⁵ The HTSUS numbers are provided for convenience and customs purposes, but the written description of the scope is dispositive.

Final Results of Review

The Department made no changes to its *Preliminary Results*. As a result, the Department determines that Henan Sanli is not entitled to a separate rate and should remain part of the PRC-wide entity.⁶ The rate previously established for the PRC-wide entity in this proceeding is 159.64 percent.⁷

Assessment

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.⁸ Consistent with our determination that Henan Sanli is part of the PRC-wide entity, we will instruct CBP to apply an *ad valorem* assessment rate of 159.64 percent to all entries of subject merchandise during the POR which were exported by Henan Sanli.

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review.

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 the PRC entered, or withdrawn from warehouse,

determination are SDGE (or graphite pin joining system) that were 1) produced by UK Carbon and Graphite Co., Ltd. (UKCG) from PRC-manufactured artificial/synthetic graphite forms, of a size and shape (e.g., blanks, rods, cylinders, billets, blocks, etc.); 2) which required additional machining processes (i.e., tooling and shaping) that UKCG performed in the United Kingdom (UK), and 3) were re-exported to the United States as UK-origin merchandise.

⁵ HTSUS subheading 8545.11.0020 was added to the scope of the *SDGE Order* based on a determination in *Small Diameter Graphite Electrodes from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order and Rescission of Later-Developed Merchandise Anticircumvention Inquiry*, 78 FR 56864 (September 16, 2013) (second circumvention determination). The products covered by the second circumvention determination are SDGE produced and/or exported by Jilin Carbon Import and Export Company with an actual or nominal diameter of 17 inches.

⁶ Pursuant to the Department's change in practice, the Department no longer considers the non-market economy entity as an exporter conditionally subject to administrative reviews. See *Preliminary Results* at note 3 and *Preliminary Decision Memorandum* at 4.

⁷ See *Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People's Republic of China*, 74 FR 2049, 2053-54 (January 14, 2009).

⁸ See 19 CFR 351.212(b)(1).

for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, including Henan Sanli, the cash deposit rate will be that for the PRC-wide entity; and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

These final results of review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: March 10, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015-06105 Filed 3-16-15; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-924]

Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review Pursuant to Court Decision

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On February 27, 2015 the United States Court of International Trade ("CIT") sustained the Department of Commerce's ("the Department") final results of remand redetermination, pursuant to the CIT's remand order, in *DuPont Teijin Films China Limited, et al. v. United States*, Slip Op. 15-19 (CIT February 27, 2015).¹

Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) ("*Diamond Sawblades*"), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *PET Film Final Results*² and is amending the final results with respect to DuPont Teijin Film China Limited Co., Ltd. ("DuPont") and Tianjin Wanhua Co., Ltd. ("Wanhua") for the period of review from November 1, 2010, through October 31, 2011.

DATES: *Effective Date:* March 9, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas Martin, Office IV, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3936.

SUPPLEMENTARY INFORMATION:

Background

On June 12, 2013, the Department published the *PET Film Final Results*.

¹ See Final Results of Redetermination Pursuant to Court Remand, Court No. 13-00229, dated January 9, 2015, available at: <http://enforcement.trade.gov/remands/index.html> ("*PET Film Final Remand*"); see also *DuPont Teijin Films China Limited, et al. v. United States*, Consol. Court No. 13-00229, Slip Op. 15-19 (CIT 2015) ("*Remand Opinion and Order*").

² See *Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010-2011*, 78 FR 35245 (June 12, 2013) ("*PET Film Final Results*").

Interested parties DuPont, DuPont Hongji Films Foshan Co., Ltd., DuPont Teijin Hongji Films Ningbo Co., Ltd., DuPont Teijin Films U.S. Limited Partnership, and Wanhua, appealed the *PET Film Final Results* to the CIT. On September 11, 2014, the CIT remanded several issues with respect to the *PET Film Final Results*.³ Specifically, the CIT held that: (1) The Department's approach of valuing DuPont's recycled Polyethylene Terephthalate ("PET") chips factor of production, while denying its by-product offset for recyclable PET waste, was unreasonable because it resulted in double-counting, and the Department must "reconsider its approach, and adopt a methodology that does not result in double-counting costs, insofar as reasonably avoidable;" and (2) the Department's brokerage and handling calculation for DuPont "incorrectly assumes that a shipment weighing less will incur lower document preparation and customs clearance costs, while a shipment weighing more will incur higher preparation costs," and that the brokerage and handling figure therefore required "recalculation."⁴ The CIT also held that because Wanhua's separate rate was based on DuPont's rate, "any change to DuPont's margin following remand shall be applied to Wanhua's rate as well."⁵

Pursuant to the CIT's remand instructions, the Department re-examined record evidence and made the following changes. The Department revised its calculation of DuPont's margin in two ways. First, the Department reopened the record to allow DuPont an opportunity to substantiate its by-product offset, and granted that offset. Second, the Department adjusted DuPont's brokerage and handling surrogate value calculation by dividing the surrogate value for document preparation and customs clearance costs by the weight of DuPont's shipments. In addition, the Department revised its calculation of Wanhua's separate rate by adjusting it for any changes to DuPont's margin, given that its margin was solely based on DuPont's margin.

Timken Notice

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended ("Act"), the Department must publish a notice of a court decision that

³ See *DuPont Teijin Films China Ltd. v. United States*, 7 F. Supp. 3d 1338 (CIT 2014).

⁴ *Id.* at 1347-51.

⁵ *Id.* at 1359.

is not “in harmony” with a Department determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s February 27, 2015, judgment sustaining the *PET Film Final Remand* constitutes a final decision of that court that is not in harmony with the *PET Film Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. Since the *PET Film Final Results*, the Department established a new cash deposit rate for DuPont and Wanhua.⁶ Therefore, DuPont’s and Wanhua’s cash deposit rates do not need to be updated as a result of these amended final results. The cash deposit rates for DuPont and Wanhua will remain the rates established for the subsequent and most recent period during which each respondent was reviewed.

Amended Final Results

Because there is now a final court decision with respect to the *PET Film Final Results*, the revised weighted-average dumping margins are as follows:

Exporter	Weighted-average margin (percent)
DuPont Teijin Films China Limited	4.42
Tianjin Wanhua Co., Ltd	4.42

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: March 11, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015-06127 Filed 3-16-15; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-837, A-533-828, A-588-068, A-580-852, A-201-831, A-549-820]

Prestressed Concrete Steel Wire Strand From Brazil, India, Japan, the Republic of Korea, Mexico, and Thailand: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Finding/Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) finds that revocation of the antidumping duty finding/orders on prestressed concrete steel wire strand (PC strand) from Brazil, India, Japan, the Republic of Korea, Mexico, and Thailand would be likely to lead to continuation or recurrence of dumping as indicated in the “Final Results of Sunset Review” section of this notice.

DATES: *Effective Date:* March 17, 2015.

FOR FURTHER INFORMATION CONTACT: Michael Romani or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0198 or (202) 482-1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2014, the Department published the notice of initiation of the sunset reviews of the antidumping duty finding¹ orders on PC strand from Brazil, India, Japan, the Republic of Korea (Korea), Mexico, and Thailand pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).²

In accordance with 19 CFR 351.218(d)(1)(i), the Department received notices of intent to participate in these sunset reviews from Insteel Wire Products Company and Sumiden Wire Products Corp. (collectively, the domestic interested parties) within 15 days after the date of publication of the *Initiation Notice* and the effective date of the initiation of this sunset review.³

¹ On December 8, 1978, the Department of the Treasury published the antidumping duty finding, which is equivalent to an antidumping duty order published after 1980, on PC strand from Japan. See *Steel Wire Strand for Prestressed Concrete from Japan: Finding of Dumping*, 43 FR 57599 (December 8, 1978).

² See *Initiation of Five-year (“Sunset”) Review*, 79 FR 65186 (November 3, 2014) (*Initiation Notice*).

³ See Notices of Intent to Participate in Brazil, India, Japan, Korea, Mexico, and Thailand Sunset Reviews (November 17, 2014).

The domestic interested parties claimed interested party status under section 771(9)(C), of the Act.

The Department received complete substantive responses to the *Initiation Notice* from the domestic interested parties within the 30-day period specified in 19 CFR 351.218(d)(3)(i). The Department received no substantive responses from any respondent interested parties. In accordance with section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted expedited (120-day) sunset reviews of the antidumping duty finding/orders on PC strand from Brazil, India, Japan, Korea, Mexico, and Thailand.

Scope of the Finding/Orders

The product covered in the sunset reviews of the antidumping duty orders on PC strand from Brazil, India, Korea, Mexico, and Thailand is steel strand produced from wire of non-stainless, non-galvanized steel, which is suitable for use in prestressed concrete (both pre-tensioned and post-tensioned) applications. The product definition encompasses covered and uncovered strand and all types, grades, and diameters of PC strand.

The product covered in the sunset review of the antidumping duty finding on PC strand from Japan is steel wire strand, other than alloy steel, not galvanized, which is stress-relieved and suitable for use in prestressed concrete.

The merchandise subject to the finding/orders is currently classifiable under subheadings 7312.10.3010 and 7312.10.3012 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the finding/orders is dispositive. A full description of the scope of the order is contained in the Issues and Decision Memorandum.⁴

Analysis of Comments Received

A complete discussion of all issues raised in these reviews are addressed in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of dumping margins likely to prevail if the finding/orders

⁴ See memorandum to Paul Piquado entitled “Issues and Decision Memorandum for the Expedited Sunset Reviews of the Antidumping Duty Finding/Orders on Prestressed Concrete Steel Wire Strand from Brazil, India, Japan, the Republic of Korea, Mexico, and Thailand,” dated concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

⁶ See *Polyethylene Terephthalate Film, Sheet, and Strip From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012*, 79 FR 37715 (July 2, 2014).

were revoked. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).⁵ ACCESS is available to registered users at <http://access.trade.gov> and to all parties in the Central Records Unit in Room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/index.html>.

Final Results of Reviews

Pursuant to sections 751(c)(1) and 752(c)(1) and (2) of the Act, we determine that revocation of the antidumping duty finding/orders on PC strand from Brazil, India, Japan, Mexico, Korea, and Thailand would be likely to lead to continuation or recurrence of dumping up to the following weighted-average margin percentages:

Country	Weighted-average margin (percent)
Brazil	118.75
India	102.07
Japan	13.30
Korea	54.19
Mexico	77.20
Thailand	12.91

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the 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.

The Department is issuing and publishing these final results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

⁵ 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).

Dated: March 3, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015-05815 Filed 3-16-15; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-804]

Ball Bearings and Parts Thereof From Japan: Notice of Court Decision Not in Harmony With the Final Results of Antidumping Duty Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review; 2004-2005

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On February 25, 2015, the United States Court of International Trade (CIT or Court) issued final judgment in *JTEKT Corp. v. United States*, Consol. Court No. 06-00250 (*JTEKT Corp.*), affirming the Department of Commerce's (the Department) final results of redetermination pursuant to remand.¹

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Japan, covering the period May 1, 2004 through April 30, 2005, and is amending the final results with respect to Nachi-Fujikoshi Corporation and NTN Corporation.

DATES: *Effective Date:* March 7, 2015.

FOR FURTHER INFORMATION CONTACT: Thomas Schauer, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0410.

SUPPLEMENTARY INFORMATION:

¹ See Final Second Remand Redetermination, Consol. Court No. 06-250, available at: <http://enforcement.trade.gov/remands/14-13.pdf> (*Final Second Remand*).

Background

On July 14, 2006, the Department published *AFBs 16*.² Nachi-Fujikoshi Corporation (Nachi), NTN Corporation (NTN), and other parties appealed *AFBs 16* to the CIT. On December 18, 2009, the CIT remanded *AFBs 16* for the Department to, *inter alia*, (1) redetermine NTN's freight expenses using a method that is consistent with the Department's treatment of the freight expense of other respondents in the administrative review and (2) to redetermine the application of facts otherwise available for information that Nachi submitted on physical bearing characteristics.³ On May 17, 2010, the Department filed its results of redetermination pursuant to remand in accordance with the CIT's order.⁴

On July 29, 2011, the CIT affirmed, in part, the Department's first remand, which resulted in a weighted-average dumping margin of 13.91 percent for Nachi and a weighted-average dumping margin of 8.02 percent for NTN.⁵ The Court remanded issues regarding Nachi, NTN, and other respondent companies, relating to the Department's use of zeroing and model match methodology.⁶ On June 4, 2012, the Court stayed the proceedings pending the appeal of *Union Steel v. United States*, which concerned zeroing.⁷ After the Federal Circuit issued its opinion in *Union Steel*, the Court lifted the stay and "relieve[d] Commerce of the directive concerning zeroing" in *JTEKT III* but "maintain[ed] the directive . . . as to the claim brought by NTN" pertaining to the model match methodology.⁸ In *Final Second Remand*, the Department further explained its analysis of this issue but did not further recalculate the weighted-average dumping margins for any respondents in the litigation.⁹ The Court affirmed the Department's second

² See *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews*, 71 FR 40064 (July 14, 2006) (*AFBs 16*).

³ See *JTEKT Corporation v. United States*, 675 F. Supp. 2d (CIT 2009).

⁴ See Final Results of Redetermination, *JTEKT Corporation v. United States*, Consol. Court No. 06-00250 (CIT December 18, 2009), dated May 17, 2010 (*Final First Remand*), available at: <http://enforcement.trade.gov/remands/09-147.pdf>.

⁵ See *JTEKT Corp. v. United States*, 780 F. Supp. 2d 1357 (CIT 2011).

⁶ *Id.*

⁷ *Union Steel v. United States*, 713 F.3d 1101 (Fed. Cir. 2013).

⁸ See *JTEKT Corp. v. United States*, Consol. Court No. 06-00250, slip op. 14-13 at 7 (CIT February 10, 2014) (*JTEKT III*).

⁹ See Redetermination Pursuant to Remand, *JTEKT Corporation v. United States*, Consol. Court No. 06-00250 (CIT January 29, 2010 and February 10, 2014), dated May 17, 2010 (*Final Second Remand*).

remand in its entirety on February 25, 2015, and entered judgment.¹⁰

Timken Notice

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not “in harmony” with a Department determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s February 25, 2015, judgment affirming the *Final Second Remand* constitutes a final decision of that court that is not in harmony with *AFBs 16*. This notice is published in fulfillment of the publication requirements of *Timken*.

Amended Final Results

Because there is now a final court decision, the Department is amending *AFBs 16* with respect to Nachi’s and NTN’s weighted-average dumping margins as redetermined in the *Final First Remand*. The revised weighted-average dumping margin for the period May 1, 2004, to April 30, 2005, for Nachi is 13.91 percent. The revised weighted-average dumping margin for the period May 1, 2004, to April 30, 2005, for NTN is 8.02 percent.

Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the Court’s ruling is not appealed, or if appealed and upheld by the Federal Circuit, the Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on appropriate entries of the subject merchandise from NTN or Nachi using the revised assessment rates calculated by the Department in the *Final First Remand*.

Cash Deposit Requirements

Because we revoked the antidumping duty order on ball bearings and parts thereof from Japan effective September 15, 2011, no cash deposits for estimated antidumping duties on future entries of subject merchandise will be required.¹¹

¹⁰ See *JTEKT Corp. v. United States*, Consol. Court No. 06–00250, slip op. 15–18 (CIT February 25, 2015).

¹¹ See *Ball Bearings and Parts Thereof From Japan and the United Kingdom: Final Results of Sunset Reviews and Revocation of Antidumping Duty Orders*, 79 FR 16771 (March 26, 2014).

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: March 11, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–06137 Filed 3–16–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–602–808]

Silicomanganese From Australia: Initiation of Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* March 17, 2015.

FOR FURTHER INFORMATION CONTACT:

Magd Zalok at (202) 482–4162 or Thomas Martin at (202) 482–3936, Office IV, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On February 19, 2015, the Department of Commerce (“Department”) received an antidumping duty (“AD”) petition concerning imports of silicomanganese from Australia filed in proper form on behalf of Felman Production, LLC (“Petitioner”).¹ Petitioner is a domestic producer of silicomanganese.²

On February 20, 2015, the Department requested additional information and clarification with respect to the industry support section of the Petition.³ Petitioner filed a response to this request on February 23, 2015.⁴ On February 24, 2015, the Department requested additional information and clarification on certain portions of the Petition.⁵ Petitioner filed a response to

¹ See Petitioner’s submission entitled “Petition for the Imposition of Antidumping Duties on Silicomanganese from Australia,” dated February 19, 2015 (“Petition”).

² See Petition, at 2–3.

³ See Letter from the Department to Petitioner entitled “Petition for the Imposition of Antidumping Duties on Imports of Silicomanganese from Australia: Supplemental Question Regarding Industry Support,” dated February 20, 2015.

⁴ See Industry Support Supplement to the Petition, dated February 23, 2015 (“First Petition Supplement”).

⁵ See Letter from the Department to Petitioner entitled “Petition for the Imposition of

this request on February 27, 2015.⁶ On March 3 and 4, 2015, Department personnel spoke with Petitioner’s counsel via telephone, requesting additional information and clarification.⁷ Petitioner filed a response to these requests on March 5, 2015.⁸

In accordance with section 732(b) of the Tariff Act of 1930, as amended (“the Act”), Petitioner alleges that silicomanganese from Australia is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to Petitioner supporting its allegations.

The Department finds that Petitioner filed the Petition on behalf of the domestic industry because Petitioner is an interested party as defined in section 771(9)(C) of the Act. The Department also finds that Petitioner demonstrated sufficient industry support with respect to the initiation of the AD investigation that Petitioner is requesting.⁹

Period of Investigation

Because the Petition was filed on February 19, 2015, pursuant to 19 CFR 351.204(b)(1) the period of investigation (“POI”) is January 1, 2014 through December 31, 2014.

Scope of the Investigation

The product covered by this investigation is silicomanganese from Australia. For a full description of the scope of this investigation, see “Scope of the Investigation” in Appendix I of this notice.

Comments on Scope of the Investigation

During our review of the Petition, the Department issued questions to, and received responses from, Petitioner pertaining to the proposed scope to ensure that the scope language in the Petition would be an accurate reflection

Antidumping Duties on Imports of Silicomanganese from Australia: Supplemental Questions,” dated February 24, 2015.

⁶ See Supplement to the Petition, dated February 27, 2015 (“Second Petition Supplement”).

⁷ See Memorandum from Thomas Martin to the File entitled “Less-Than-Fair-Value Investigation of Silicomanganese from Australia: Telephone Conference with Petitioner’s Counsel,” dated March 3, 2015; Memorandum from Thomas Martin to the File entitled “Less-Than-Fair-Value Investigation of Silicomanganese from Australia: Telephone Conference with Petitioner’s Counsel,” dated March 4, 2015.

⁸ See Supplement to the Petition, dated March 5, 2015 (“Third Petition Supplement”).

⁹ See the “Determination of Industry Support for the Petition” section below.

of the products for which the domestic industry is seeking relief.¹⁰

As discussed in the preamble to the Department's regulations,¹¹ we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The period for scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determination. If scope comments include factual information (see 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. All such comments must be filed by 5:00 p.m. Eastern Time ("ET") on March 31, 2015, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed no later than 10 calendar days after the initial comments deadline, which in this instance, is April 10, 2015.

The Department requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the record of this investigation.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System ("ACCESS").¹² An electronically-filed document must be received successfully in its entirety by the time and date it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.*, in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue

¹⁰ See Second Petition Supplement at 1–3; Third Petition Supplement at 2.

¹¹ See *Antidumping Duties; Countervailing Duties; Final rule*, 62 FR 27296, 27323 (May 19, 1997).

¹² On November 24, 2014, Enforcement and Compliance changed the name of Import Administration's AD and CVD Centralized Electronic Service System ("IA ACCESS") to AD and CVD Centralized Electronic Service System ("ACCESS"). The Web site location has 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).

NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaire

The Department requests comments from interested parties regarding the appropriate physical characteristics of silicomanganese to be reported in response to the Department's AD questionnaire. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant cost of production accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics; and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe silicomanganese, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaire, all comments must be filed by 5:00 p.m. ET on March 31, 2015, which is 20 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. ET on April 10, 2015. All comments and submissions to the Department must be filed electronically using ACCESS, as explained above, on the record of this investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25

percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the "industry."

Section 771(4)(A) of the Act defines the "industry" as the producers as a whole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission ("ITC"), which is responsible for determining whether "the domestic industry" has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,¹³ they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.¹⁴

Section 771(10) of the Act defines the domestic like product as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Thus, the reference point from which the domestic like product analysis begins is "the article subject to an investigation" (*i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petition).

¹³ See section 771(10) of the Act.

¹⁴ See *USEC, Inc. v. United States*, 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd. v. United States*, 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

With regard to the domestic like product, Petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we have determined that silicomanganese constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.¹⁵

In determining whether Petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the "Scope of the Investigation," in Appendix I of this notice. Petitioner provided its own 2014 production data for the domestic like product.¹⁶ In addition, Petitioner provided the 2014 domestic like product production data of Eramet Marietta, Inc., which was identified as the only other producer of silicomanganese in the United States.¹⁷ To establish industry support, Petitioner compared its own production data to data for the total production of the domestic like product for the entire domestic industry.¹⁸

Our review of the data provided in the Petition, supplemental submissions, and other information readily available to the Department indicates that Petitioner has established industry support.¹⁹ First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.*, polling).²⁰ Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the

total production of the domestic like product.²¹ Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.²² Accordingly, the Department determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that Petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the AD investigation that it is requesting the Department to initiate.²³

Allegations and Evidence of Material Injury and Causation

Petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value ("NV"). In addition, Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.²⁴

Petitioner contends that the industry's injured condition is illustrated by reduced market share; underselling and price depression or suppression; lost sales and revenue; a plant shutdown and the inability to restart a third furnace for production; reduced employment levels; and decline in financial performance.²⁵ We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.²⁶

²¹ See Initiation Checklist, at Attachment II.

²² *Id.*

²³ *Id.*

²⁴ See Petition, at 23–24; *see also* Second Petition Supplement, at 5.

²⁵ See Petition, at 1–2, 16–40 and Exhibits 5 and 20–28; *see also* Second Petition Supplement, at 1, 5 and Exhibit A.

²⁶ See Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping Duty Petition Covering Silicomanganese from Australia.

Allegation of Sales at Less Than Fair Value

The following is a description of the allegation of sales at less than fair value upon which the Department based its decision to initiate an investigation of imports of silicomanganese from Australia. The sources of data relating to U.S. price and NV are discussed in greater detail in the initiation checklist.

Export Price

Petitioner based export price ("EP") on the POI average unit value ("AUV") of silicomanganese imports from Australia under Harmonized Tariff Schedule of the United States ("HTSUS") subheading 7202.30.0000 (which covers the subject merchandise), calculated using U.S. import statistics obtained from the ITC's Dataweb. The AUV represents FOB Australia port terms. To be conservative, Petitioner made no adjustments to EP for foreign inland freight or other expenses at the port of exportation.²⁷

Normal Value

Petitioner alleged that the sales of silicomanganese in Australia were made at prices substantially below the fully-loaded cost of production ("COP"). Accordingly, Petitioner based NV on the constructed value ("CV") of the imported merchandise.²⁸

Sales-Below-Cost Allegation

Petitioner provided information demonstrating reasonable grounds to believe or suspect that sales of silicomanganese in the Australian market were made at prices below the COP, within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation.²⁹ The Statement of Administrative Action ("SAA"), submitted to Congress in connection with the interpretation and application of the Uruguay Round Agreements Act, states that an allegation of sales below COP need not be specific to individual exporters or producers.³⁰ The SAA states that "Commerce will consider allegations of below-cost sales in the aggregate for a foreign country, just as Commerce currently considers allegations of sales at less than fair value on a country-wide basis for purposes of initiating an antidumping investigation."³¹

Further, section 773(b)(2)(A) of the Act requires that the Department have

²⁷ See Petition, at 14 and Exhibit 5.

²⁸ See Petition, at 14–16.

²⁹ See Petition, at 15.

³⁰ See SAA, H.R. Doc. No. 103–316 at 833 (1994).

³¹ *Id.*

¹⁵ For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: Silicomanganese from Australia ("Initiation Checklist") at Attachment II, Analysis of Industry Support for the Antidumping Petition Covering Silicomanganese from Australia ("Attachment II"). This checklist is dated concurrently with this notice and can be accessed electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room 7046 of the main Department of Commerce building.

¹⁶ See Petition, at 4 (fn. 4).

¹⁷ See First Petition Supplement, at 2 and Exhibit 1; *see also* Petition, at 3.

¹⁸ See First Petition Supplement, at 2. For further discussion, *see* Initiation Checklist, at Attachment II.

¹⁹ See Initiation Checklist, at Attachment II.

²⁰ See section 732(c)(4)(D) of the Act; *see also* Initiation Checklist, at Attachment II.

“reasonable grounds to believe or suspect” that below-cost sales have occurred before initiating such an investigation. Reasonable grounds exist when an interested party provides specific factual information on costs and prices, observed or constructed, indicating that sales in the foreign market in question are at below-cost prices.³² As explained in the “Cost of Production” section below, we find reasonable grounds exist that indicate sales in Australia were made at below-cost prices.

Cost of Production

Pursuant to section 773(b)(3) of the Act, COP consists of the cost of manufacturing (“COM”); selling, general and administrative (“SG&A”) expenses; financial expenses; and packing expenses. Petitioner calculated COM based on its experience adjusted for known differences between the United States and Australia during the proposed POI.³³ Petitioner used 2014 global market prices for manganese ore as published in the Metal Bulletin,³⁴ Bureau of Labor Statistics wage data,³⁵ and electricity rates from an Australian electricity supplier³⁶ to account for cost differences between the United States and Australia in the manufacture of silicomanganese. Petitioner calculated the cost of other materials based on its own experience.³⁷

Petitioner relied on the 2013 financial statements of Grange Resources Limited, an Australian producer of comparable merchandise (*i.e.*, magnetite pellets), to determine the SG&A and profit ratios, which is consistent with the Department’s practice. Petitioner calculated the factory overhead ratio based on its own production experience.³⁸

Petitioner obtained a price quote from Tasmanian Electro Metallurgical Company for silicomanganese, meeting ASTM A-483 grade B specifications, for sale in the Australian market. Based upon a comparison of the net price of the foreign like product in the home market to the COP of the product, we find reasonable grounds to believe or suspect that sales of the foreign like product in the comparison market were made below the COP, within the

meaning of section 773(b)(2)(A)(i) of the Act.³⁹ Accordingly, the Department is initiating a country-wide cost investigation relating to sales of silicomanganese in Australia.

Normal Value Based on Constructed Value

Because home market sales prices fell below COP, pursuant to sections 773(a)(4), 773(b) and 773(e) of the Act, Petitioner based NV on CV.⁴⁰ Petitioner calculated CV using the same COM, SG&A, and financial expense used to calculate the COP, as discussed above. Petitioner relied on Grange Resources Limited’s FY 2013 financial statements to determine the profit rate used in the calculation of CV.⁴¹

Fair Value Comparisons

Based on the data provided by Petitioner, there is reason to believe that imports of silicomanganese from Australia are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of export price to CV in accordance with section 773(a) of the Act, the estimated AD margin is 77.97 percent.⁴²

Initiation of Less-Than-Fair-Value Investigation

Based upon the examination of the Petition on silicomanganese from Australia, we find that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of silicomanganese from Australia are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Respondent Selection

The Petition names only one company as a producer/exporter of silicomanganese in Australia: Tasmanian Electro Metallurgical Company, and Petitioner provided information from an independent third-party source as support of this claim.⁴³ Furthermore, we currently know of no additional producers/exporters of subject merchandise from Australia. Accordingly, the Department intends to examine all known producers/exporters in this investigation (*i.e.*, the company named above). We invite interested

parties to comment on this issue. Parties wishing to comment must do so within five days of the publication of this notice in the **Federal Register**.

Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by the Department’s electronic records system, ACCESS, by 5 p.m. ET by the deadline noted above.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petition have been provided to the government of Australia. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of silicomanganese from Australia are materially injuring or threatening material injury to a U.S. industry.⁴⁴ A negative ITC determination will result in the investigation being terminated;⁴⁵ otherwise, the investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule*, 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and countervailing duty (“CVD”) proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v)

³² *Id.*

³³ See Initiation Checklist.

³⁴ See Petition, at Exhibit 11 and Second Petition Supplement, at 8.

³⁵ See Petition, at Exhibit 14 and Second Petition Supplement, at 9.

³⁶ See Petition, at Exhibits 16 and 17.

³⁷ See Petition, at Exhibit 10 and Second Petition Supplement, at Exhibit D.

³⁸ See Second Petition Supplement, at 10 and Exhibit G.

³⁹ See Second Petition Supplement, at 11.

⁴⁰ See Initiation Checklist.

⁴¹ See Petition, at Exhibits 18 and 19.

⁴² See Initiation Checklist.

⁴³ See Second Petition Supplement, at Exhibit B.

⁴⁴ See section 733(a) of the Act.

⁴⁵ *Id.*

evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to this investigation. Interested parties should review the final rule, available at <http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt> prior to submitting factual information in this investigation.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings.⁴⁶ The modification clarifies that parties may request an extension of time limits before a time limit established under 19 CFR part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2) filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction information filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be

considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in a letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013, and thus are applicable to this investigation. Interested parties should review *Extension of Time Limits; Final Rule*, available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting requests to extend time limits in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.⁴⁷ Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.⁴⁸ The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under administrative protective orders (“APO”) in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (e.g., the filing of letters of

⁴⁷ See section 782(b) of the Act.

⁴⁸ See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also frequently asked questions regarding the *Final Rule*, available at http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

appearance as discussed in 19 CFR 351.103(d)).

This notice is issued and published pursuant to section 777(i) of the Act and 19 CFR 351.203(c).

Dated: March 11, 2015.

Christian Marsh

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix I

Scope of the Investigation

The scope of this investigation covers all forms, sizes and compositions of silicomanganese, except low-carbon silicomanganese, including silicomanganese briquettes, fines, and slag. Silicomanganese is a ferroalloy composed principally of manganese, silicon, and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorus, and sulfur. Silicomanganese is sometimes referred to as ferrosilicon manganese.

Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon and not more than 0.2 percent phosphorus. Silicomanganese is properly classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (“HTSUS”).

Low-carbon silicomanganese is excluded from the scope of this investigation. It is sometimes referred to as ferromanganese-silicon. The low-carbon silicomanganese excluded from this investigation is a ferroalloy with the following chemical specifications by weight: minimum 55 percent manganese, minimum 27 percent silicon, minimum 4 percent iron, maximum 0.10 percent phosphorus, maximum 0.10 percent carbon, and maximum 0.05 percent sulfur. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.30.0000.

The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope is dispositive.

[FR Doc. 2015–06142 Filed 3–16–15; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–822]

Helical Spring Lock Washers From the People’s Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On November 7, 2014, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain helical spring lock washers (HSLW)

⁴⁶ See *Extension of Time Limits; Final Rule*, 78 FR 57790 (September 20, 2013).

from the People's Republic of China (PRC).¹ The period of review (POR) is October 1, 2012, through September 30, 2013. For the final results, we continue to find that Jiangsu RC Import & Export Co., Ltd. (Jiangsu RC) made sales of subject merchandise at less than normal value. We also continue to find that Suzhou Guoxin Group Wang Shun Imp. and Exp. Co., Ltd. (Guoxin) is not eligible for a separate rate and remains part of the PRC-wide entity. Finally, we are not rescinding the review with respect to Winnsen Industry Co., Ltd. (Winnsen).

DATES: *Effective Date:* March 17, 2015.

FOR FURTHER INFORMATION CONTACT: Mary Kolberg or Sergio Balbontin, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1785, (202) 482-6478, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 2014, the Department published the *Preliminary Results*. We received case and rebuttal briefs with respect to the *Preliminary Results*. We conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the order are HSLWs. The product is currently classified under subheading 7318.21.0000, 7318.21.0030, and 7318.21.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description is dispositive. A full description of the scope of the order is contained in the Issues and Decision Memorandum, dated concurrently with and hereby adopted by this notice.²

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to

¹ See *Helical Spring Lock Washers From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2012-2013*, 79 FR 66356 (November 7, 2014) (*Preliminary Results*).

² See Memorandum "Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review: Helical Spring Lock Washers From the People's Republic of China; 2012-2013" dated concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).³ ACCESS is available to registered users at <http://access.trade.gov>. The Issues and Decision Memorandum is also available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Enforcement and Compliance Web site at <http://enforcement.trade.gov/frn>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we made revisions that have changed the results for Jiangsu RC. These changes include changes to the valuation of certain factors of production and calculation programming changes. For further details on the changes we made for these final results, see the Issues and Decision Memorandum.

PRC-Wide Rate and PRC-Wide Entity

For the *Preliminary Results*, the Department assigned to the PRC-wide entity the rate of 128.63 percent, the rate determined for the PRC-wide entity in this proceeding.⁴ Based on comments from interested parties in this administrative review, as discussed in the Issues and Decision Memorandum, we have calculated a final margin for Jiangsu RC of 192.88 percent, which is also the new rate for the PRC-wide entity.⁵

In the *Preliminary Results*, the Department determined that Guoxin, which ceased participating in this review, did not demonstrate its eligibility for a separate rate and, therefore, Guoxin is part of the PRC-

wide entity. No party commented on this finding. For the final results, we have continued to treat Guoxin as part of the PRC-wide entity.

In the *Preliminary Results* we also determined that, while the request for review had been timely withdrawn for Winnsen, Winnsen did not have a separate rate prior to the *Preliminary Results*. Accordingly, the Department did not rescind the review with respect to Winnsen and it remained part of the PRC-wide entity, which remained under review.⁶ No party commented on this finding. For the final results, we continue to treat Winnsen as part of the PRC-wide entity.

Final Results of the Review

As a result of this administrative review, we determine that the following weighted-average dumping margins exist:

Exporter	Weighted-average dumping margin (percent)
Jiangsu RC Import & Export Co., Ltd.	192.88
PRC-wide Rate	192.88

Assessment

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b), the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. For customers or importers of Jiangsu RC for which we do not have entered value, we calculated customer-/importer-specific antidumping duty assessment amounts based on the ratio of the total amount of dumping duties calculated for the examined sales of subject merchandise to the total sales quantity of those same sales.⁷ For customers or importers of Jiangsu RC for which we received entered-value

⁶ See, e.g., *Narrow Woven Ribbons With Woven Selvage From the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review*, 77 FR 47363, 47365 (August 8, 2012), unchanged in *Narrow Woven Ribbons With Woven Selvage From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010-2011*, 78 FR 10130 (February 13, 2013). As noted in the *Preliminary Results*, a change in practice with respect to the conditional review of the PRC-wide entity is not applicable to this administrative review. See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65964, 65969-70 (November 4, 2013).

⁷ See 19 CFR 351.212(b)(1).

³ 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).

⁴ See *Antidumping Duty Order: Certain Helical Spring Lock Washers From the People's Republic of China*, 58 FR 53914 (October 19, 1993) and *Amended Final Determination and Amended Antidumping Duty Order: Certain Helical Spring Lock Washers From the People's Republic of China*, 58 FR 61859 (November 23, 1993).

⁵ See Issues and Decision Memorandum.

information, we have calculated customer/importer-specific antidumping duty assessment rates based on customer/importer-specific *ad valorem* rates in accordance with 19 CFR 351.212(b)(1).

The Department announced a refinement to its assessment practice in NME cases.⁸ 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, including, in this case, Guoxin and Winnsen, the Department will instruct CBP to liquidate such entries at the revised PRC-wide rate of 192.88 percent. In addition, for companies for which the Department determined that the exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's rate) will be liquidated at the PRC-wide rate.

We intend to issue assessment instructions to CBP 15 days after the date of publication of the final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of review for all shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the companies listed above that have separate rates, the cash deposit rate will be the rate established in these final results of review for each exporter as listed above; (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements shall remain in effect until further notice.

⁸ For a full discussion of this practice, see *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011).

Notification

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

These final results of review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: March 9, 2015.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Separate Rate/PRC-Wide Entity
5. Surrogate Country
6. Discussion of the Issues

Surrogate Values

Comment 1: Whether the Department Used the Correct Surrogate Value and/or Time Period for Hot-Rolled Circular Silico-Manganese Steel Bar

Comment 2: Whether the Department's SAS Program Included a Value for Plywood

Comment 3: Whether the Department's SAS Program Properly Calculated TOTCOM

Financial Statements/Ratios

Comment 4: Whether the Department Should Use the Financial Statements of System 3

Comment 5: Whether the Department Should Use the Financial Statements of Mahajak Autoparts, and Hitech Fasteners

Comment 6: Whether the Department Should Adjust the Financial Ratio Calculations Based on the Financial Statements of Siam Anchor, System 3, and Bangkok

Fastenings
Value-Added Taxes

Comment 7: Whether the Department Should Continue to Deduct from U.S. Price Irrecoverable Value-Added Tax

7. Recommendation

[FR Doc. 2015-05957 Filed 3-16-15; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

Economic Development Administration

Proposed Information Collection; Comment Request; Comprehensive Economic Development Strategy

AGENCY: Economic Development Administration (EDA), Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 18, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at Jjessup@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to David Ives, Senior Program Analyst, Performance and National Programs Division, Room 71030, Economic Development Administration, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at dives@eda.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

The mission of the Economic Development Administration (EDA) is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. In order to effectively administer and monitor its economic development assistance programs, EDA collects certain information from applications for, and recipients of, EDA investment assistance. This 60-day **Federal Register** Notice covers: Comprehensive Economic Development Strategy (CEDs). The collection of this

information is required to ensure the recipient is complying with EDA's CEDS requirements. A CEDS is required for an eligible applicant to qualify for an EDA investment assistance under its Public Works, Economic Adjustment, and certain planning programs, and is a prerequisite for a region's designation by EDA as an Economic Development District (see 13 CFR 303, 305.2, and 307.2 of EDA's regulations).

II. Method of Collection

Paper and electronic submissions.

III. Data

OMB Control Number: 0610-0093.

Form Number(s): None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions; Federal government; State, local or tribal government; Business or other for-profit organizations.

Estimated Number of Respondents: 527.

Estimated Time per Response: 480 hours for the initial CEDS for a District organization or other planning organization funded by EDA; 160 hours for the CEDS revision required at least every 5 years from and EDA-funded District or other planning organization; 40 hours per applicant for EDA Public Works or Economic Adjustment Assistance with a project deemed by EDA to merit further consideration that is not located in an EDA-funded District.

Estimated Total Annual Burden Hours: 31,640.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 13, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015-06194 Filed 3-17-15; 8:45 am]

BILLING CODE 3510-24-P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA-2015-0010]

Proposed Collection; Comment Request

AGENCY: Network Enterprise Technology Command, Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Network Enterprise Technology Command announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 18, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350-3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information. Any associated form(s) for this collection may be located within this same electronic docket and

downloaded for review/testing. Follow the instructions at <http://www.regulations.gov> for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Headquarters, Network Enterprise Technology Command, Military Auxiliary Radio System, Salado, TX 76571, ATTN: Paul English, or call 254-947-3141.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Application to Operate a Military Auxiliary Radio System (MARS) Station; Army MARS Form AM-1; OMB Control Number 0702-XXXX.

Needs and Uses: The MARS program is a civilian auxiliary organization consisting primarily of licensed amateur radio operators who are interested in assisting the military with communications on a local, national, and international basis as an adjunct to licensed and published national (civilian and military) communications and providing worldwide auxiliary emergency or contingency communications during times of need in support of the Department of Defense. The information collection requirement, use and storage is necessary to determine an applicant's eligibility for the program and initiate a background investigation (should a security clearance be required), and to maintain a current and accurate roster of program enrollees as well as to keep a historical data base on completed/adjudicated (accepted, not accepted, no longer affiliated) applications. Secondary use of the collected information is used to show the geographic dispersion of the members who participate in the global High Frequency radio network program and to ensure our radio spectrum authorizations cover the geographic areas from which our members would operate. Tertiary, the information is used to send periodic email informational updates and status/news about the MARS program.

Affected Public: Individual members of the general public and Federal Communications Commission licensed Amateur Radio operators who are interested in providing emergency and contingency communications.

Annual Burden Hours: 660.

Number of Respondents: 660.

Responses per Respondent: 1.

Average Burden per Response: 1 hr.

Frequency: On occasion.

Individuals and FCC licensed Amateur Radio operators voluntarily indicate a desire to join the Army MARS program. These interested individuals are required to submit the "Application to Operate a MARS Station form" for verification of applicants qualifications and certifications required for acceptance into the program. Once accepted into the MARS program, the information provided is entered into the MARS membership database so that the Program Manager has accurate roster of all current and former members of Army MARS. Member information, specifically the email address, is used by the Program Manager disseminate general program information, upcoming training events, and other related activities. Member phone numbers are also used (on occasion) as a secondary means to contact members as well as to solicit information, ideas and observations directly. Postal address are used to validate current mailing information and to categorize members physical locations, thereby generating an accurate overview of members locations throughout the world to aggregate radio network coverage. Concurrently, the postal address is used to mail certificates of achievement and appreciation to those members who excel in their participation supporting the MARS program. The date of birth is used to verify that minimum age restrictions for acceptance into the MARS program and initiate a security clearance background check (if required).

Dated: March 12, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015-06046 Filed 3-16-15; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Vivinostics LLC

AGENCY: Department of the Navy, DOD.

ACTION: Special notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant an exclusive license to Vivinostics LLC of Gainesville, FL. The proposed license is a revocable, nonassignable, exclusive license to practice the inventions embodied in U.S. Pat. No. 7,128,714: **NON-CONTACT WAVEFORM MONITOR**; U.S. Pat. No. 8,177,721: **REMOTE BLOOD PRESSURE**

WAVEFORM SENSING METHOD; and, U.S. Pat. No. 8,444,568 **REMOTE BLOOD PRESSURE WAVEFORM SENSING METHOD** throughout the United States, the District of Columbia, the Commonwealth of Puerto Rico, and all other United States territories and possessions. The Secretary of the Navy has an ownership interest in these inventions.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than April 1, 2015.

ADDRESSES: Written objections are to be filed with the Naval Undersea Warfare Center Division, Newport, 1176 Howell St., Bldg 102T, Code 00T2, Newport, RI 02841.

FOR FURTHER INFORMATION CONTACT: Dr. Theresa A. Baus, Head, Technology Partnerships Office, Naval Undersea Warfare Center Division, Newport, 1176 Howell St., Bldg 102T, Code 00T2, Newport, RI 02841, telephone 401-832-8728, or E-Mail Theresa.baus@navy.mil.

Authority: 35 U.S.C. 207, 37 CFR part 404.

Dated: March 11, 2015.

N.A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2015-06101 Filed 3-16-15; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records—Impact Evaluation of Support for Principals

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (Department) publishes this notice of a new system of records entitled "Impact Evaluation of Support for Principals" (18-13-37). The National Center for Education Evaluation and Regional Assistance at the Department's Institute of Education Sciences (IES) awarded a contract in June 2014 to Mathematica Policy Research to provide evidence on principal professional development effectiveness.

DATES: Submit your comments on this proposed new system of records on or before April 16, 2015.

The Department filed a report describing the new system of records

covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on March 6, 2015. This system of records will become effective on the later date of: (1) The expiration of the 40-day period for OMB review on April 15, 2015, unless OMB waives 10 days of the 40-day review period for compelling reasons shown by the Department, or (2) April 16, 2015, unless the system of records needs to be changed as a result of public comment or OMB review. The Department will publish any changes to the system of records or routine uses that result from public comment or OMB review.

ADDRESSES: Address all comments about the new system of records to Dr. Audrey Pendleton, Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208-0001. Telephone: (202) 208-7078. If you prefer to send your comments through the Internet, use the following address: comments@ed.gov.

You must include the phrase "Impact Evaluation of Support for Principals" in the subject line of the electronic message.

During and after the comment period, you may inspect all public comments about this notice at the Department in Room 502D, 555 New Jersey Avenue NW., Washington, DC, between the hours of 8:00 a.m. and 4:30 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 accommodation or aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Dr. Audrey Pendleton, Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S.

Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208-0001. Telephone: (202) 208-7078. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you may call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

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 in this section.

SUPPLEMENTARY INFORMATION:

Introduction

The Privacy Act (5 U.S.C. 552a(e)(4) and (e)(11)) requires the Department to publish in the **Federal Register** this notice of a new system of records maintained by the Department. The Department's regulations implementing the Privacy Act are contained in part 5b of title 34 of the Code of Federal Regulations (CFR).

The Privacy Act applies to any record about an individual that is maintained in a system of records from which individually identifying information is retrieved by a unique identifier associated with each individual, such as a name or Social Security number (SSN). The information about each individual is called a "record," and the system, whether manual or computer-based, is called a "system of records."

The Privacy Act requires each agency to publish a notice of a system of records in the **Federal Register** and to prepare and send a report to OMB whenever the agency publishes a new system of records or makes a significant change to an established system of records. Each agency is also required to send copies of the report to the Chair of the Senate Committee on Homeland Security and Governmental Affairs and the Chair of the House Committee on Oversight and Government Reform. These reports are intended to permit an evaluation of the probable effect of the proposal on the privacy rights of individuals.

The system will contain personally identifying information on approximately 37,500 students, 1,200 teachers, and 100 principals from 10 school districts and will include, but will not necessarily be limited to, data on: (1) For students, standardized math and English/Language Arts test scores, age, sex, race/ethnicity, grade, eligibility for free/reduced-price lunches, English Learner status, individualized education plan status, school enrollment dates, attendance, and discipline records, and (2) for principals and teachers,

individual district identifiers, school assignments, grades and subjects taught, and any available principal and teacher background characteristics, including age, sex, race/ethnicity, certifications, degrees, years of teaching experience, scores on licensure or certification tests, and teacher and principal performance ratings from district evaluation systems.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 12, 2015.

Sue Betka,

Acting Director, Institute of Education Sciences.

For the reasons discussed in the preamble, the Director of the Institute of Education Sciences, U.S. Department of Education (Department) publishes a notice of a new system of records to read as follows:

SYSTEM NUMBER:
18-13-37

SYSTEM NAME:

Impact Evaluation of Support for Principals.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

(1) Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences (IES), U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208-0001.

(2) Mathematica Policy Research, P.O. Box 2393, Princeton, NJ 08543-2393 (contractor).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system of records will include personally identifying information

about the students, teachers, and principals who participate in the study. The system will contain records on approximately 1,200 teachers, 100 principals, and 37,500 students from 10 school districts.

CATEGORIES OF RECORDS IN THE SYSTEM:

For students, this information will include, but will not necessarily be limited to, standardized math and English/Language Arts test scores, age, sex, race/ethnicity, grade, eligibility for free/reduced-price lunches, English Learner status, individualized education plan status, school enrollment dates, attendance, and discipline records. For principals and teachers, this information will include, but will not necessarily be limited to, individual district identifiers, school assignments, grades and subjects taught, and any available principal and teacher background characteristics, including age, sex, race/ethnicity, certifications, degrees, years of teaching experience, scores on licensure or certification tests, and teacher and principal performance ratings from district evaluation systems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The study is authorized under sections 171(b) and 173 of the Education Sciences Reform Act of 2002 (ESRA) (20 U.S.C. 9561(b) and 9563) and section 9601 of the Elementary and Secondary Education Act of 1965, as amended (ESEA) (20 U.S.C. 7941).

PURPOSE(S):

The information contained in the records maintained in this system will be used to conduct a rigorous study of the effectiveness of providing principals with professional development.

The study will address the following central research question: What are the impacts of principals' professional development on teacher retention, teacher effectiveness, and student achievement? Secondary research questions for the study are: What are principals' professional development experiences? What are the impacts of principals' professional development on school climate and principals' and teachers' practices?

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. The Department may make these disclosures on a case-by-case basis

or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act), under a computer matching agreement. Any disclosure of individually identifiable information from a record in this system must also comply with the requirements of section 183 of the ESRA (20 U.S.C. 9573) providing for confidentiality standards that apply to all collection, reporting and publication of data by the Institute of Education Sciences. Any disclosure of personally identifiable information from student education records that were obtained from school districts must also comply with the requirements of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g; 34 CFR part 99), which protects the privacy of student education records.

Contract Disclosure. If the Department contracts with an entity to perform any function that requires disclosing records in this system to the contractor's employees, the Department may disclose the records to those employees who have received the appropriate level of security clearance from the Department. Before entering into such a contract, the Department will require the contractor to establish and maintain the safeguards required under the Privacy Act (5 U.S.C. 552a(m)) with respect to the records in the system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Department will maintain records on CD-ROM, and the contractor (Mathematica Policy Research) will maintain data for this system on computers and in hard copy.

RETRIEVABILITY:

Records in this system will be indexed and retrieved by a unique number assigned to each individual that will be cross-referenced by the individual's name on a separate list.

SAFEGUARDS:

All physical access to the Department's site and to the site of the Department's contractor, where this system of records will be maintained, controlled and monitored by security personnel. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a need-to-know

basis and controls individual users' ability to access and alter records within the system.

The contractor will establish a similar set of procedures at its site to ensure confidentiality of data. The contractor is required to ensure that information identifying individuals is in files physically separated from other research data and electronic files identifying individuals are separated from other electronic research data files. The contractor will maintain security of the complete set of all master data files and documentation. Access to individually identifiable data will be strictly controlled. All information will be kept in locked file cabinets during nonworking hours, and work on hardcopy data will take place in a single room, except for data entry.

Physical security of electronic data will be also maintained. Security features that protect project data will include: Password-protected accounts that authorize users to use the contractor's system but to access only specific network directories and network software; user rights and directory and file attributes that limit those who can use particular directories and files and determine how they can use them; and additional security features that the network administrators will establish for projects as needed. The Department's and the contractor's employees who "maintain" (collect, maintain, use, or disseminate) data in this system must comply with the requirements of the Privacy Act and the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with the Department's Records Disposition Schedules (GRS 23, Item 8).

SYSTEM MANAGER AND ADDRESS:

Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208-0001.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the system manager. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURE:

If you wish to gain access to a record about you in this system of records,

contact the system manager. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURE:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.7, including proof of identity.

RECORD SOURCE CATEGORIES:

This system will contain records on principals, teachers, and students participating in an impact evaluation of support for principals. Data will be obtained through human resource and student administrative records maintained by the school districts and surveys of principals and teachers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2015-06102 Filed 3-16-15; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15-104-000]

DBM Pipeline, LLC; Notice of Application

Take notice that on March 3, 2015, DBM Pipeline, LLC (DBM Pipeline), 1201 Lake Robbins Drive, The Woodlands, Texas 77380, filed in Docket No. CP15-104-000 an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting: (i) Authorization to own, operate and maintain its existing 9-mile, 16-inch diameter Ramsey Residue Line located in Reeves County, Texas; (ii) a blanket certificate, pursuant to Part 157, Subpart F of the Commission's regulations; (iii) a blanket certificate pursuant to Part 284, Subpart G of the Commission's regulation; and (iv) waivers of certain regulatory requirements. DBM Pipeline estimates the cost of the Project to be approximately \$9.7 million, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For

assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (886) 208-3676 or TYY, (202) 502-8659.

Any questions regarding this application should be directed to Philip H. Peacock, Vice President, General Counsel and Corporate Secretary, DBM Pipeline, LLC, 1201 Lake Robbins Drive, The Woodlands, Texas 77380, by telephone at (832) 636-600 or by email at philip.peacock@anadarko.com.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit seven copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition

to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: March 31, 2015.

Dated: March 10, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015-06026 Filed 3-16-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

DOE/NSF Nuclear Science Advisory Committee (NSAC)

AGENCY: Office of Science. Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the DOE/NSF Nuclear Science Advisory Committee (NSAC). The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Friday, April 3, 2015; 8:30 a.m.–5:30 p.m.

ADDRESSES: Gaithersburg Marriott Washingtonian Center, 9750 Washingtonian Boulevard, Gaithersburg, Maryland 20878, 301-590-0044.

FOR FURTHER INFORMATION CONTACT: Brenda L. May, U.S. Department of Energy; SC-26/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585-1290; Telephone: 301-903-0536 or email: brenda.may@science.doe.gov.

The most current information concerning this meeting can be found on the Web site: <http://science.gov/np/nsac/meetings/>.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of basic nuclear science research.

Tentative Agenda: Agenda will include discussions of the following:

Friday, April 3, 2015

- Perspectives from Department of Energy and National Science Foundation
- Update from the Department of Energy and National Science Foundation's Nuclear Physics Office's
- Presentation of New Charge on Molybdenum-99
- Report of the NSAC Isotopes Subcommittee
- Discussion of the NSAC Isotopes Subcommittee Report
- Report of the EIC Cost Subcommittee
- Discussion of the EIC Cost Report
- Status of the Long Range Plan

Note: The NSAC Meeting will be broadcast live on the Internet. You may find out how to access this broadcast by going to the following site prior to the start of the meeting. A video record of the meeting including the presentations that are made will be archived at this site after the meeting ends: <http://www.tvworldwide.com/events/DOE/150403>.

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Brenda L. May, 301-903-0536 or Brenda.May@science.doe.gov (email). You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to

facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available on the U.S. Department of Energy's Office of Nuclear Physics Web site for viewing at: <http://science.energy.gov/np/nsac/>.

Issued in Washington, DC, on March 10, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015-05953 Filed 3-16-15; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL15-52-000, QF13-403-002]

Winding Creek Solar LLC; Notice of Petition for Enforcement

Take notice that on March 9, 2015, Winding Creek Solar LLC (Winding Creek) filed a Petition for Enforcement, pursuant to section 210(h)(2)(B) of the Public Utility Regulatory Policies Act of 1978 (PURPA), requesting that the Federal Energy Regulatory Commission (Commission) exercise its authority and initiate enforcement action against the California Public Utilities Commission (CPUC), to remedy the CPUC's implementation of PURPA. Winding Creek asserts that CPUC's implementation is improper and contrary to the requirements of PURPA and the Commission's regulations, as more fully explained in its petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission,

888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern Time on March 30, 2015.

Dated: March 10, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015-06027 Filed 3-16-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

[FE Docket No. 15-13-LNG]

Eni Gas Marketing LLC; Application for Blanket Authorization To Export Previously Imported Liquefied Natural Gas on a Short-Term Basis

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on January 21, 2015, by Eni USA Gas Marketing LLC (Eni USA Gas Marketing), requesting blanket authorization to export liquefied natural gas (LNG) previously imported into the United States from foreign sources in an amount up to the equivalent of 100 billion cubic feet (Bcf) of natural gas on a short-term or spot market basis for a two-year period commencing on April 21, 2015.¹ Eni USA Gas Marketing seeks authorization to export the LNG from the Cameron LNG Terminal—owned by Cameron LNG, LLC, and located in Cameron Parish, Louisiana—to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy. Eni USA Gas Marketing states that it does not seek authorization to export any domestically produced natural gas or LNG. DOE/FE notes that Eni USA Gas Marketing currently holds

¹Eni USA Gas Marketing's current blanket authorization to export previously imported LNG, granted in DOE/FE Order No. 3247 on March 5, 2013, extends through March 2, 2015. Eni USA Gas Marketing requests that the new blanket authorization take effect on April 21, 2015, as noted above.

a blanket authorization to import LNG from various international sources by vessel in an amount up to the equivalent of 400 Bcf of natural gas.² Eni USA Gas Marketing is requesting this authorization both on its own behalf and as agent for other parties who hold title to the LNG at the time of export. The Application was filed under section 3 of the Natural Gas Act (NGA). Additional details can be found in Eni USA Gas Marketing's Application, posted on the DOE/FE Web site at: <http://energy.gov/fe/downloads/eni-usa-gas-marketing-llc-fe-dkt-no-15-13-lng>. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, April 16, 2015.

ADDRESSES:

Electronic Filing by Email

fergas@hq.doe.gov.

Regular Mail

U.S. Department of Energy (FE-34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026-4375.

Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.)

U.S. Department of Energy (FE-34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Beverly Howard, or Larine Moore, U.S. Department of Energy (FE-34), Office of Oil and Gas Global Security and Supply, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9387; (202) 586-9478.
Cassandra Bernstein, U.S. Department of Energy, Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9793.

SUPPLEMENTARY INFORMATION:

²Eni USA Gas Marketing LLC, DOE/FE Order No. 3574, FE Docket No. 14-201-LNG, Order Granting Blanket Authorization to Import Liquefied Natural Gas from Various International Sources by Vessel (Jan. 16, 2015).

DOE/FE Evaluation

The Application will be reviewed pursuant to section 3 of the NGA, as amended, and the authority contained in DOE Delegation Order No. 00-002.00N (July 11, 2013) and DOE Redefinition Order No. 00-006.02 (Nov. 17, 2014). In reviewing this LNG export application, DOE will consider domestic need for the gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this application should comment in their responses on these issues.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to fergas@hq.doe.gov, with FE Docket No. 15-13-LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Oil and Gas Global Security and Supply at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Oil and Gas Global Supply at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 15-13-LNG. PLEASE NOTE: If submitting a filing via email, please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please

do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Division of Natural Gas Regulatory Activities docket room, Room 3E-042, 1000 Independence Avenue SW., Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: <http://www.fe.doe.gov/programs/gasregulation/index.html>.

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

John A. Anderson,

Director, Office of Oil and Gas Global Security and Supply, Office of Oil and Natural Gas.

[FR Doc. 2015-05950 Filed 3-16-15; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project No. 14514-001]

Community of Elfin Cove, dba Elfin Cove Utility Commission; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 14514-001.

c. *Date Filed:* February 2, 2015.

d. *Submitted By:* Community of Elfin Cove, dba Elfin Cove Utility Commission.

e. *Name of Project:* Crooked Creek and Jim's Lake Hydroelectric Project.

f. *Location:* On Crooked Creek and Jim's Lake, approximately 70 miles west of Juneau, Alaska. The project occupies 60 acres of land within the Tongass National Forest, administered by the United States Forest Service.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Joel Groves, PE, Polarconsult Alaska, Inc., 1503 West 33rd Avenue, Suite 310, Anchorage, Alaska 99503; (907) 258-2420 x204.

i. *FERC Contact:* Sean O'Neill at (202) 502-6462; or email at sean.oneill@ferc.gov.

j. Elfin Cove Utility Commission filed its request to use the Traditional Licensing Process on February 2, 2015. Elfin Cove Utility Commission provided public notice of its request on February 3, 2015. In a letter dated March 11, 2015, the Director of the Division of Hydropower Licensing approved Elfin Cove Utility Commission's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Alaska State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. Elfin Cove Utility Commission filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

m. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCONlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). A copy is also available for

inspection and reproduction at the address in paragraph h.

n. Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: March 11, 2015.

Kimberly D. Bose,
Secretary.

[FR Doc. 2015-06080 Filed 3-16-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14649-000]

Mid-Atlantic Hydro, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On December 1, 2014, Mid-Atlantic Hydro, LLC filed an application for a preliminary permit under section 4(f) of the Federal Power Act proposing to study the feasibility of the proposed Ellis Hydroelectric Project No. 14649-000, to be located at the existing Ellis Lock and Dam on the Muskingum River, near the township of Ellis, in Muskingum County, Ohio. The Ellis Lock and Dam is owned and operated by the state of Ohio. There are no federal lands associated with the project. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of: (1) The existing 340-foot-long by 15.3-foot-high Ellis Dam spillway and 352-acre reservoir with a normal elevation of 690 feet mean sea level; (2) five new 500-kilowatt Very Low Head 4000 submersible turbine-generator units with a combined capacity of 2.5 megawatts; (3) a new 40-foot-long by 20-foot-wide switchyard containing a three phase step-up transformer, protective equipment, and metering equipment; (4) a new 150-foot-long, 12.5 to 34.5 kilovolt, overhead transmission line that would connect to an existing local utility distribution system; and (5) appurtenant facilities. The project

would have an estimated annual generation of 9,500 megawatt-hours.

Applicant Contact: Mr. John Collins, 5425 Wisconsin Avenue, Suite 600, Chevy Chase, MD 20815, (301) 718-4431.

FERC Contact: Tyrone A. Williams, (202) 502-6331.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P-14649-000.

More information about this project, including a copy of the application, can be viewed or printed on the "eLibrary" link of Commission's Web site at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number (P-14649) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: March 11, 2015.

Kimberly D. Bose,
Secretary.

[FR Doc. 2015-06082 Filed 3-16-15; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The EIA, pursuant to the Paperwork Reduction Act of 1995,

intends to extend for three years the Form EIA-886, *Annual Survey of Alternative Fueled Vehicles*, an information collection request with the Office of Management and Budget (OMB). Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before May 18, 2015. If you anticipate difficulty in submitting comments within that period, contact the person listed in the **ADDRESSES** section below as soon as possible.

ADDRESSES: Written comments may be sent to Cynthia Amezcua, EI-22, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, or by fax at (202) 586-9753 or by email at cynthia.amezcua@eia.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Cynthia Amezcua by phone at (202) 586-1658 or by email at the address listed above. Access to the proposed form, instructions, and internet data collection screens can be found at: <http://www.eia.gov/survey/#eia-886>.

SUPPLEMENTARY INFORMATION: This information collection request contains:

- (1) *OMB No.:* 1905-0191;
- (2) *Information Collection Request Title:* Annual Survey of Alternative Fueled Vehicles;
- (3) *Type of Request:* Extension of a currently approved collection;
- (4) *Purpose:* Form EIA-886 is an annual survey that collects information on the number and type of alternative fueled vehicles (AFVs) and other advanced technology vehicles that vehicle suppliers made available in the previous calendar year and plan to make available in the following calendar year; the number, type and geographic distribution of AFVs in use in the previous calendar year; and the amount and distribution of each type of

alternative transportation fuel (ATF) consumed in the previous calendar year. Form EIA-886 data are collected from suppliers and users of AFVs. EIA uses data from these groups as a basis for estimating total AFV and ATF use in the U.S. These data are needed by Federal and State agencies, fuel suppliers, transit agencies and other fleets to determine if sufficient quantities of AFVs are available for purchase and to provide Congress with a measure of the extent to which the objectives of the Energy Policy Act of 1992 are being achieved. These data serve as market analysis tools for Congress, Federal/State agencies, AFV suppliers, vehicle fleet managers, and other interested organizations and persons. These data are also needed to satisfy numerous public requests for detailed information on AFVs and ATFs (in particular, the number of AFVs distributed by State, as well as the amount and location of the ATFs being consumed).

EIA publishes summary information from the Form EIA-886 database in an annual report on EIA's Web site (www.eia.gov). This report covers historical and projected supplies of AFVs, AFV usage by selected user groups, and estimates of total U.S. AFV counts and U.S. consumption of ATFs. These data provide baseline inputs for DOE's transportation sector energy models. They also provide the energy consumption measures for alternative transportation fuels in EIA's State Energy Data System. For example, EIA's National Energy Modeling System (NEMS) has a component model that forecasts transportation sector energy consumption and provides a framework for AFV policy and technology analysis. The data obtained from Form EIA-886 are used to improve the explanatory power of the NEMS Transportation Demand Model by allowing for greater detail in representing AFV types and characteristics;

(5) *Annual Estimated Number of Total Responses*: 2,050;

(6) *Annual Estimated Number of Burden Hours*: 7,815;

AFV Suppliers (30 Original Equipment Manufacturers): 2.5 hours;

AFV Suppliers (20 Aftermarket Vehicle Converters): 2 hours;

AFV Users (100 complex fleets): 20 hours;

AFV Users (1,900 simple fleets): 3 hours;

(7) *Annual Estimated Reporting and Recordkeeping Cost Burden*: EIA estimates that there are no capital and start-up costs associated with this data collection. The information is maintained in the normal course of business. The cost of burden hours to

the respondents is estimated to be \$562,446 (7,815 burden hours times \$71.97 per hour). Therefore, other than the cost of burden hours, EIA estimates that there are no additional costs for generating, maintaining and providing the information.

Statutory Authority: The legal authority for this data collection effort is provided by the following provisions: Section 13(b) of the Federal Energy Administration Act of 1974, Public Law 93-275, (FEA Act), and codified at 15 U.S.C. 772 (b), and Section 503(b)(2) of the Energy Policy Act of 1992, Public Law 102-486 (EPACT92) codified at 42 U.S.C. 13253.

Issued in Washington, DC, on March 11, 2015.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2015-06095 Filed 3-16-15; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, April 2, 2015, 6:00 p.m.

ADDRESSES: Ohio State University, Endeavor Center, 1862 Shyville Road, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Alternate Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897-3737, Greg.Simonton@lex.doe.gov.

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

- Call to Order, Introductions, Review of Agenda
- Approval of January Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments

- Liaison's Comments
- Presentation
- Administrative Issues
- Subcommittee Updates
- Public Comments
- Final Comments from the Board
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Portsmouth, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Greg Simonton at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Greg Simonton at the address and phone number listed above. Minutes will also be available at the following Web site: <http://www.ports-sab.energy.gov/>.

Issued at Washington, DC, on March 12, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015-06088 Filed 3-16-15; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

March 12, 2015

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94-409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission, DOE.

DATE AND TIME: March 19, 2015, 10 a.m.

PLACE: Room 2C, 888 First Street NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.
* NOTE—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:
Kimberly D. Bose, Secretary, Telephone (202) 502-8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502-8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All

public documents, however, may be viewed on line at the Commission's Web site at <http://www.ferc.gov> using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1014TH—MEETING

Item No	Docket No.	Company
Administrative		
A-1	AD02-1-000	Agency Business Matters.
A-2	AD02-7-000	Customer Matters, Reliability, Security and Market Operations.
A-3	AD06-3-000	Market Update.
A-4	AD15-8-000	OAL Contributions to the Work of the Commission.
Electric		
E-1	RM14-11-000	Open Access and Priority Rights on Interconnection Customer's Interconnection Facilities.
E-2	NP15-1-000	North American Electric Reliability Corporation.
E-3	RR15-4-000	North American Electric Reliability Corporation.
E-4	ER13-193-001	ISO New England Inc.
	ER13-193-003	
	ER13-196-001	
	ER13-196-002	
E-5	ER13-1939-000	Southwest Power Pool, Inc.
	ER13-1928-000	Duke Energy Carolinas, LLC.
	ER13-1930-000	Duke Energy Progress, Inc.
	ER13-1940-000	Louisville Gas and Electric Company.
	ER13-1941-000	Ohio Valley Electric Corporation.
	(not consolidated)	Alabama Power Company.
E-6	EL13-62-000	Independent Power Producers of New York, Inc. v. New York Independent System Operator, Inc.
E-7	ER14-543-000	New York Independent System Operator, Inc.
E-8	ER14-543-001	Niagara Mohawk Power Corporation.
E-9	ER14-2869-000	New York Independent System Operator, Inc.
	EL14-71-000	Niagara Mohawk Power Corporation.
E-10	ER14-2875-000	Black Hills Power, Inc.
	EL14-72-000	UNs Electric, Inc.
E-11	ER14-2882-000	The Empire District Electric Company.
	EL14-73-000	
E-12	ER14-2884-000	Kansas City Power and Light Company and KCP&L Greater Missouri Operations Company.
	EL14-74-000	Kansas City Power and Light Company.
	EL14-75-000	KCP&L Greater Missouri Operations Company.
E-13	ER14-2866-000	Louisville Gas and Electric Company and Kentucky Utilities Company.
	EL14-76-000	
E-14	ER14-2852-000	Westar Energy, Inc.
	EL14-77-000	
E-15	RM15-5-000	Revised Exhibit Submission Requirements for Commission Hearings.
E-16	OMITTED	
E-17	OMITTED	
E-18	OMITTED	
E-19	OMITTED	
E-20	EL07-39-006	New York Independent System Operator, Inc.
	ER08-695-004	
	ER10-2371-000	
E-21	OMITTED	
E-22	OMITTED	
Hydro		
H-1	P-12588-011	Hydraco Power, Inc. and Warren David Long.
H-2	P-12429-013	Clark Canyon Hydro, LLC.
Certificates		
C-1	CP14-504-000	Transcontinental Gas Pipe Line Company, LLC.
C-2	CP15-30-000	Southern Natural Gas Company, L.L.C.
	CP15-34-000	AMP Gathering I, LP.
C-3	CP14-27-000	Tres Palacios Gas Storage LLC.

Kimberly D. Bose,
Secretary.

A free webcast of this event is available through www.ferc.gov. Anyone with Internet access who desires to view this event can do so by navigating to www.ferc.gov's Calendar of Events and locating this event in the Calendar.

The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit www.CapitolConnection.org or contact Danelle Springer or David Reininger at 703-993-3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2015-06157 Filed 3-13-15; 11:15 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR15-21-000]

Monarch Oil Pipeline Company, LLC; Notice of Petition for Declaratory Order

Take notice that on March 4, 2015, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2014), Monarch Oil Pipeline Company, LLC filed a petition for a declaratory order seeking a declaratory order for a crude oil pipeline project, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion

to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern time on March 24, 2015.

Dated: March 10, 2015.

Kimberly D. Bose,
Secretary.

[FR Doc. 2015-06028 Filed 3-16-15; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2014-0440; FRL-9923-29]

Product Cancellation Order for Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 of Unit II., pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows an August 15, 2014 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 2 of Unit II. to voluntarily cancel these product registrations. In the August 15, 2014 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 180-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency received comments on the notice but none merited its further

review of the requests. Further, the Agency received notice from registrants to withdraw certain cancellation requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations are effective March 17, 2015.

FOR FURTHER INFORMATION CONTACT: Michael Yanchulis, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 347-0237; email address: yanchulis.michael@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2014-0440, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

II. What action is the agency taking?

This notice announces the cancellation, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by

registration number in Table 1 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Chemical name
000100-01135	100	ZPP 1560 AS Herbicide	Glyphosate diammonium salt.
000100-01293	100	Traxion GT	Glyphosate.
000100-01325	100	Flexstar GT Herbicide	Glyphosate; Sodium salt of fomesafen.
000100-01518	100	Naviva LF	Pasteuria spp.—Pr3.
000264-00567	264	Balance Herbicide	Isoxaflutole.
000264-00843	264	Iodosulfuron 10 WDG Herbicide	Iodosulfuron-methyl-sodium.
000264-00846	264	AE 1283742	Clothianidin, Imidacloprid.
000264-00942	264	Gustafson Thiram 50WP Dyed	Thiram.
000264-00951	264	Kodiak Concentrate Biological Fungicide	Bacillus subtilis GB03.
000264-00969	264	Gustafson Allegiance 50WP	Metalaxyl.
000264-00970	264	Kodiak Flowable Biological Fungicide	Bacillus subtilis GB03.
000264-01076	264	Vortex 2000	Ipconazole; Metalaxyl.
000352-00702	352	Griffin Early Harvest PGR	Cytokinin; Gibberellic acid; Indole-3-butyric acid.
000464-00694	464	Ucarcide 150 Antimicrobial	Glutaraldehyde.
000464-00696	464	Ucarsan Sanitizer 4128	Glutaraldehyde.
000464-00712	464	Piror 842 Slimicide	Quaternary ammonium compounds; Glutaraldehyde.
000961-00283	961	Greenview Preen 'n Green	Trifluralin.
000961-00390	961	Lebanon Lawn Fertilizer contains Confront and Team.	Benfluralin; Clopyralid, triethanolamine; Triclopyr, triethylamine salt; Trifluralin.
000961-00411	961	Lebanon Permethrin 0.5 Lawn Insect Control with Fertilizer.	Permethrin.
001381-00230	1381	IMID-TEBU-META	Imidacloprid; Metalaxyl; Tebuconazole.
001529-00032	1529	Nuosept 101 Preservative	4,4-Dimethyloxazolidine.
001529-00037	1529	Nuosept 166 Preservative	4,4-Dimethyloxazolidine.
001839-00047	1839	CD 4.5 Detergent/Disinfectant	Quaternary ammonium compounds.
001839-00064	1839	BTC 776-80%	Quaternary ammonium compounds.
001839-00066	1839	BTC 2565 Concentrate for the Manufacture of Algaecides.	Quaternary ammonium compounds.
001839-00106	1839	10% BTC 2125M Powder Fabric Softener/Sanitizer..	Quaternary ammonium compounds.
001839-00110	1839	20% Active Powder Commercial Fabric Softener/Sanitizer.	Quaternary ammonium compounds.
001839-00111	1839	5% Powdered Fabric Softener/Sanitizer	Quaternary ammonium compounds.
001839-00129	1839	BTC 99 Industrial Water Cooling Tower	Quaternary ammonium compounds.
001839-00132	1839	5% BTC 99 Swimming Pool Algaecide	Quaternary ammonium compounds.
001839-00133	1839	10% BTC 99 Swimming Pool Algaecide	Quaternary ammonium compounds.
001839-00134	1839	50% BTC 99 Swimming Pool Algaecide	Quaternary ammonium compounds.
001839-00139	1839	20% BTC 99 Industrial And/Or Commercial Recirculating Cooling Water.	Quaternary ammonium compounds.
001839-00144	1839	NP 5.5 HW (D&F) Detergent/Disinfectant	Quaternary ammonium compounds.
001839-00154	1839	Scented 10% BTC 2125M Disinfectant	Quaternary ammonium compounds.
001839-00177	1839	NonHard Water Neutral Disinfectant Cleaner	Quaternary ammonium compounds.
001839-00180	1839	25% BTC 99 Swimming Pool Algaecide	Quaternary ammonium compounds.
001839-00192	1839	BQ451-5 Biocide	Quaternary ammonium compounds.
001839-00193	1839	BQ1416-5 Biocide	Quaternary ammonium compounds.
001839-00194	1839	BQ361-5 Biocide	Quaternary ammonium compounds.
001839-00195	1839	BQ1416-8 Biocide	Quaternary ammonium compounds.
001839-00196	1839	BQ621-5 Biocide	Quaternary ammonium compounds.
001839-00197	1839	BEQ442-8 Biocide	Quaternary ammonium compounds.
001839-00198	1839	BEQ442-5 Biocide	Quaternary ammonium compounds.
001839-00199	1839	DAQ1010-5 Biocide	Quaternary ammonium compounds.
001839-00200	1839	Albamarle DAQ1010-8 Biocide	Quaternary ammonium compounds.
001839-00201	1839	Albamarle AC76-5 Biocide	Quaternary ammonium compounds.
001839-00202	1839	BQ451-8 Biocide	Quaternary ammonium compounds.
001839-00203	1839	Albamarle DAQ1010-5-W	Quaternary ammonium compounds.
001839-00204	1839	BQ451-5-WW Biocide	Quaternary ammonium compounds.
001839-00205	1839	AC76-5-PW Biocide	Quaternary ammonium compounds.
002693-00214	2693	Micron Extra P-Blue	Cuprous oxide; Tolyfluanid.
002693-00215	2693	Ultra P-Blue	Cuprous oxide; Tolyfluanid.
002792-00069	2792	Decco 270 Aerosol	Chlorpropham.
003008-00072	3008	Osmose Arsenic Acid 75%	Arsenic acid.
003862-00075	3862	Mint 7	Quaternary ammonium compounds.
003862-00185	3862	Spur-Tex Disinfectant Cleaner-Deodorant	Quaternary ammonium compounds.
005813-00081	5813	CGW	Isopropyl alcohol.
007969-00248	7969	BAS 516 ST Seed Treatment Fungicide	Boscalid; Pyraclostrobin.
034704-01026	34704	First Choice Milsana Bioprotectant	Reynoutria sachalinensis.
035935-00030	35935	Glyphosate Technical	Glyphosate.
035935-00033	35935	Glyphosate Technical	Glyphosate.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Chemical name
035935-00034	35935	Glyphosate Technical (NUP-05068)	Glyphosate.
035935-00037	35935	Imazapyr Technical	Imazapyr.
039967-00026	39967	Preventol WB Plus	o-Phenylphenol, sodium salt; Sodium p-chloro- m-cresolate; Sodium pyriithione.
039967-00036	39967	Metasol CB 225-AD	1-Bromo-1-(bromomethyl)-1,3- propanedicarbonitrile.
039967-00037	39967	Metasol CB 225-LC	1-Bromo-1-(bromomethyl)-1,3- propanedicarbonitrile.
039967-00040	39967	Metasol CB-220	1-Bromo-1-(bromomethyl)-1,3- propanedicarbonitrile.
039967-00049	39967	Preventol A5-S	Tolylfluamid.
057787-00029	57787	Proteam Power Magic Superoxidizer	Boron sodium oxide (B4Na2O7), pentahydrate; Calcium hypochlorite.
062719-00470	62719	Halofenozide Technical Insecticide	Halofenozide.
062719-00471	62719	Mach 2 2SC	Halofenozide.
062719-00472	62719	Mach 2 2.5% Granular Turf Insecticide	Halofenozide.
062719-00473	62719	Mach 2 1.5G Specialty Insecticide	Halofenozide.
062719-00474	62719	Mach 2 Plus Fertilizer 0.86% A.I.	Halofenozide.
062719-00475	62719	Mach 2* Plus Fertilizer 0.57% A.I.	Halofenozide.
062719-00476	62719	Mach 2 Manufacturing Use Concentrate	Halofenozide.
062719-00489	62719	Mach 2 Plus Fertilizer (1% A.I.)	Halofenozide.
062719-00490	62719	Mach 2 Plus Fertilizer (1.33% A.I.)	Halofenozide.
071368-00070	71368	Bromoxynil Technical 94%	Bromoxynil.
071368-00071	71368	Bromox Octanoic Acid Technical	Bromoxynil octanoate.
AL-98-0004	59639	Select Herbicide	Clethodim.
AR-08-0003	279	Brigade 2EC Insecticide/Miticide	Bifenthrin.
AR-08-0017	100	Dual Magnum	S-Metolachlor.
AR-13-0001	241	Raptor Herbicide	Imazamox.
AR-96-0005	59639	Cobra Herbicide	Lactofen.
AZ-07-0012	279	Brigade 2EC Insecticide/Miticide	Bifenthrin.
AZ-08-0004	71512	Beleaf 50SG Insecticide	Flonicamid.
CA-00-0013	264	Rovral 4 Flowable Fungicide	Iprodione.
CA-01-0029	59639	Esteem Ant Bait	Pyriproxyfen.
CA-02-0014	264	Rovral 4 Flowable Fungicide	Iprodione.
CA-03-0010	50534	Daconil Weather Stik Flowable Fungicide	Chlorothalonil.
CA-06-0028	352	DuPont Vydate C-LV Insecticide/Nematicide	Oxamyl.
CA-94-0023	59639	Danitol 2.4 EC Spray (Insecticide-Miticide)	Fenpropathrin.
CA-96-0025	34704	Prometryne 4L Herbicide	Prometryn.
CO-01-0007	59639	Distance Insect Growth Regulator	Pyriproxyfen.
CO-11-0001	81880	GWN-3061	Halosulfuron-methyl.
CT-03-0002	59639	Valor Herbicide	Flumioxazin.
FL-00-0002	59639	Knack Insect Growth Regulator	Pyriproxyfen.
FL-12-0003	100	Actigard 50WG	Acibenzolar-s-methyl.
FL-89-0032	59639	Cobra Herbicide	Lactofen.
FL-94-0011	59639	Tame 2.4 EC Spray	Fenpropathrin.
GA-03-0001	352	Avaunt Insecticide	Indoxacarb.
GA-98-0006	59639	Select Herbicide	Clethodim.
HI-97-0003	34704	Clean Crop Carbaryl 4L	Carbaryl.
ID-00-0018	100	Wakil XL	Cymoxanil; Fludioxonil; Metalaxyl-M.
ID-06-0019	5481	Orthene 97	Acephate.
ID-09-0017	100	Scholar SC	Fludioxonil.
ID-93-0015	264	Rovral 4 Flowable Fungicide	Iprodione.
ID-94-0001	264	Rovral 4 Flowable Fungicide	Iprodione.
ID-96-0015	5481	Assert Herbicide	Imazamethabenz.
IL-07-0004	59639	Safari 20 SG Insecticide	Dinotefuran.
IN-07-0002	59639	Safari 20 SG Insecticide	Dinotefuran.
KY-11-0034	400	Terrazole 4EC	Etridiazole.
LA-03-0003	352	Velpar L Herbicide	Hexazinone.
LA-03-0004	352	Velpar DF Herbicide	Hexazinone.
LA-05-0009	66222	White Guard 90 SP Cotton Insecticide	Acephate.
LA-06-0001	34704	Permethrin	Permethrin.
LA-08-0002	7969	Termidor SC Termicicide/Insecticide	Fipronil.
LA-08-0003	7969	Termidor 80 WG Termicicide/Insecticide	Fipronil.
LA-12-0011	100	Gramoxone Inteon	Paraquat dichloride.
LA-12-0017	10163	Savey Technical	Hexythiazox.
LA-12-0018	7969	Termidor SC Termicicide/Insecticide	Fipronil.
MI-07-0005	59639	Safari 20 SG Insecticide	Dinotefuran.
MI-07-0006	100	Cannonball	Fludioxonil.
MI-10-0003	100	Scholar SC	Fludioxonil.
MN-09-0004	100	Dual Magnum	S-Metolachlor.
MN-09-0006	100	Reglone Dessicant	Diquat dibromide.
MN-11-0003	81880	GWN-3061	Halosulfuron-methyl.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Chemical name
MO-05-0008	59639	Valor SX Herbicide	Flumioxazin.
MO-05-0009	59639	Valor SX Herbicide	Flumioxazin.
MO-05-0010	59639	Valor SX Herbicide	Flumioxazin.
MO-98-0001	59639	Resource Herbicide	Flumiclorac.
MS-02-0023	241	Phantom Termiticide-Insecticide	Chlorfenapyr.
MS-05-0010	66222	Acephate 90 SP Cotton Insecticide	Acephate.
MS-08-0005	100	Dual Magnum	S-Metolachlor.
MS-81-0014	264	Monitor 4	Methamidophos.
MS-81-0055	264	Monitor 4	Methamidophos.
MS-96-0001	59639	Cobra Herbicide	Lactofen.
NC-00-0002	59639	Select Herbicide	Clethodim.
NC-03-0002	352	DuPont Staple Herbicide	Pyrithiobac-sodium.
NC-03-0007	59639	Velocity Herbicide	Bispyribac-sodium.
NC-06-0002	100	Dual Magnum Herbicide	S-Metolachlor.
NC-87-0005	100	Reflex 2LC Herbicide	Sodium salt of fomesafen.
ND-03-0012	352	DuPont Asana XL Insecticide	Esfenvalerate.
ND-07-0004	34704	Makaze Herbicide	Glyphosate-isopropylammonium.
ND-11-0001	81880	GWN-3061	Halosulfuron-methyl.
NE-11-0002	81880	GWN-3061	Halosulfuron-methyl.
NJ-05-0002	100	Abound Flowable Fungicide	Azoxystrobin.
NJ-08-0003	59639	Safari 20 SG Insecticide	Dinotefuran.
NV-09-0002	5481	Zeal Miticide 1	Etoxazole.
OH-01-0003	59639	Valor WDG Herbicide	Flumioxazin.
OH-02-0003	59639	Valor WDG Herbicide	Flumioxazin.
OH-07-0002	59639	Safari 20 SG Insecticide	Dinotefuran.
OH-11-0006	400	Terrazole 4EC	Etridiazole.
OK-97-0001	352	DuPont Staple Herbicide	Pyrithiobac-sodium.
OR-01-0028	66222	Galigan 2E	Oxyfluorfen.
OR-03-0034	66222	Galigan 2E	Oxyfluorfen.
OR-06-0010	264	Mocap EC Nematicide—Insecticide	Ethoprop.
OR-06-0024	264	Mocap EC Nematicide—Insecticide	Ethoprop.
OR-06-0027	59639	Select Max Herbicide with Inside Technology	Clethodim.
OR-07-0027	34704	Stealth Herbicide	Pendimethalin.
OR-08-0027	264	Axiom DF Herbicide	Flufenacet; Metribuzin.
OR-09-0003	264	Mocap EC Nematicide—Insecticide	Ethoprop.
OR-09-0021	100	Scholar SC	Fludioxonil.
PA-07-0001	352	DuPont Avaunt Insecticide	Indoxacarb.
SC-88-0001	59639	Orthene 75 S Soluble Powder	Acephate.
SC-98-0002	59639	Select Herbicide	Clethodim.
TN-05-0005	352	DuPont Staple Herbicide	Pyrithiobac-sodium.
TN-08-0013	59639	Safari 20 SG Insecticide	Dinotefuran.
TN-11-0003	400	Terrazole 4EC	Etridiazole.
TX-00-0009	59639	Distance Insect Growth Regulator	Pyriproxyfen.
TX-95-0003	5481	Payload 15 Granular	Acephate.
TX-96-0001	5481	Cobra Herbicide	Lactofen.
TX-96-0016	352	Harmony Extra Herbicide	Thifensulfuron; Tribenuron-methyl.
TX-99-0010	241	Arsenal Herbicide	Imazapyr, isopropylamine salt.
UT-98-0003	5481	Orthene Turf, Tree & Ornamental Spray WSP	Acephate.
VA-08-0002	279	Brigade 2EC Insecticide/Miticide	Bifenthrin.
WA-00-0037	100	Wakil XL	Cymoxanil; Fludioxonil; Metalaxyl-M.
WA-06-0016	59639	Select Max Herbicide with Inside Technology	Clethodim.
WA-08-0011	66330	Evito 480 SC Fungicide	Fluoxastrobin.
WA-10-0007	100	Graduate SC	Fludioxonil.
WA-98-0005	34704	Prometryne 4L Herbicide	Prometryn.
WI-02-0012	59639	Valor WDG Herbicide	Flumioxazin.
WI-07-0001	100	Dual Magnum	S-Metolachlor.
WI-07-0006	50534	Bravo Ultrex	Chlorothalonil.
WI-07-0007	50534	Bravo Weather Stik	Chlorothalonil.
WI-07-0008	50534	Bravo ZN	Chlorothalonil.
WI-08-0001	59639	Safari 20 SG Insecticide	Dinotefuran.
WI-10-0004	50534	Bravo Weather Stik	Chlorothalonil.
WI-12-0001	100	Dual Magnum Herbicide	S-Metolachlor.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of

this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration

numbers of the products listed in Table 1 of this unit.

TABLE 2—REGISTRANTS OF CANCELLED PRODUCTS

EPA Company No.	Company name and address
100	Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419–8300.
241	BASF Corp., P.O. Box 13528, Research Triangle Park, NC 27709–3528.
264	Bayer CropScience, LP, P.O. Box 12014, Research Triangle Park, NC 27709.
279	FMC Corp. Agricultural Products Group, 1735 Market Street, Room 1978, Philadelphia, PA 19103.
352	E.I. Du Pont de Nemours & Co., 1007 Market Street, Wilmington, DE 19898–0001.
400	MacDermid Agricultural Solutions, Inc., 245 Freight Street, Waterbury, CT 06702–1818.
464	The Dow Chemical Company, 100 Larkin Center, 1650 Joseph Drive, Midland, MI 48674.
961	Lebanon Seaboard Corporation, 1600 East Cumberland Street, Lebanon, PA 17042.
1381	Winfield Solutions, LLC, P.O. Box 64589, St. Paul, MN 55164–0589.
1529	International Specialty Products, An Ashland, Inc. Business, 1005 U.S. 202/206, Bridgewater, NJ 08807.
1839	Stepan Company, 22 W. Frontage Road, Northfield, IL 60093.
2693	International Paint, LLC, 2270 Morris Avenue, Union, NJ 07083.
2792	Decco US Post-Harvest, Inc., 1713 South California Avenue, Monrovia, CA 91016–0120.
3008	Koppers Performance Chemicals, Inc., 1016 Everee Inn Road, Griffin, GA 30224–0249.
3862	ABC Compounding Co., Inc., P.O. Box 16247, Atlanta, GA 30321–0247.
5481	Amvac Chemical Corporation, 4695 MacArthur Court, Suite 1200, Newport Beach, CA 92660–1706.
5813	The Clorox Co., c/o PS&RC, P.O. Box 493, Pleasanton, CA 94566–0803.
7969	BASF Corp., Agricultural Products, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
10163	Gowan Co., P.O. Box 5569, Yuma, AZ 85366–8844.
34704	Loveland Products, Inc., P.O. Box 1286, Greeley, CO 80632–1286.
35935	Nufarm Limited, 4020 Aerial Center Pkwy., Suite 101, Morrisville, NC 27560.
39967	LANXESS Corporation, 111 RIDC Park West Drive, Pittsburgh, PA 15275–1112.
50534	GB Biosciences Corp., P.O. Box 18300, Greensboro, NC 27419–5458.
57787	Haviland Consumer Products, Inc., d/b/a Haviland Consumer Products, 421 Ann Street, NW., Grand Rapids, MI 49504–2075.
59639	Valent U.S.A. Corporation, 1600 Riviera Avenue, Suite 200, Walnut Creek, CA 94596.
62719	Dow Agrosciences, LLC, 9330 Zionsville Road, Indianapolis, IN 46268–1054.
66222	Makhteshim Agan of North America, Inc., d/b/a ADAMA, 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604.
66330	Arysta Lifescience North America, LLC, 15401 Weston Parkway, Suite 150, Cary, NC 27513.
71368	NuFarm, Inc., 4020 Aerial Center Pkwy., Suite 101, Morrisville, NC 27560.
71512	ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077.
81880	Canyon Group, LLC, c/o Gowan Company, 370 S. Main Street, Yuma, AZ 85364.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period, EPA received four comments. The first two comments were from Stepan Company first requesting a change and then rescinding their request. The next comment was from Syngenta Crop Protection requesting that EPA Reg. No. OR13009 be retained because the voluntary cancellation request was made in error. The last comment was from a citizen voicing concerns about bee-killing neonic pesticides which was not relevant to this **Federal Register** notice. As a result of the third comment, the Agency is retaining the registration of EPA Reg. No. OR130009.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)), EPA hereby approves the requested cancellations of the registrations identified in Table 1 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 of Unit II. are canceled. The effective date of the cancellations that are the subject of this notice is March 17, 2015. Any distribution, sale, or use of existing

stocks of the products identified in Table 1 of Unit II. in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI. will be a violation of FIFRA.

V. What is the agency’s authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of August 15, 2014 (79 FR 48141) (FRL–9911–69). The comment period closed on February 11, 2015.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and

which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

The registrants may not continue to sell and distribute existing stocks of products listed in Table 1 of Unit II. after the date of publication of the Cancellation Order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with FIFRA, section 17 (7 U.S.C. 136o), or proper disposal. Persons other than the registrants may sell, distribute, or use existing stocks of products listed in Table 1 of Unit II. until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 9, 2015.

Jack Housenger,

Director, Office of Pesticide Programs.

[FR Doc. 2015–06139 Filed 3–16–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9924-42-Region-8]

Bona Fide Prospective Purchaser Proposed Agreement and Covenant Not To Sue: Murray Laundry Superfund Site, Salt Lake City, Salt Lake County, Utah**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of proposed agreement; request for public comment.

SUMMARY: In accordance with the requirements of sections 104, 106(a), 107, and 122 of the Comprehensive Environmental Response Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. 9604, 9606(a), 9607 and 9622, notice is hereby given of the proposed administrative settlement under section 107 and 122 of CERCLA, between the U.S. Environmental Protection Agency (“EPA”) and bona fide prospective purchaser Parley’s Partners, LC (“Settling Party”). The proposed Settlement Agreement requires the Settling Party to conduct work under EPA oversight in exchange for a covenant not to sue pursuant to sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a) for existing contamination at the Murray Laundry Superfund Site. The Settling Party consents to and will not contest the authority of the United States to enter into this Agreement or to implement or enforce its terms.

The Settling Parties recognize that this Agreement has been negotiated in good faith and that this Agreement is entered into without the admission or adjudication of any issue of fact or law.

DATES: Comments must be submitted on or before April 16, 2015. For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the agreement. The Agency will consider all comments received and may modify or withdraw its consent to the agreement if comments received disclose facts or considerations that indicate that the agreement is inappropriate, improper, or inadequate.

ADDRESSES: The Agency’s response to any comments, the proposed agreement and additional background information relating to the agreement is available for public inspection at the EPA Superfund Record Center, 1595 Wynkoop Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Amelia Piggott, Enforcement Attorney, Legal Enforcement Program, Environmental Protection Agency—

Region 8, Mail Code 8ENF-L, 1595 Wynkoop Street, Denver, Colorado 80202, (303) 312-6908. Comments and requests for a copy of the proposed agreement should be addressed to Sharon Abendschan, Enforcement Specialist, Environmental Protection Agency—Region 8, Mail Code 8ENF-RC, 1595 Wynkoop Street, Denver, Colorado 80202 and should reference the Murray Laundry Superfund Site, Salt Lake City, Utah.

Dated: March 3, 2015.

Suzanne Bohan,

Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, U.S. Environmental Protection Agency, Region VIII.

[FR Doc. 2015-05960 Filed 3-16-15; 8:45 am]

BILLING CODE 6560-50-P**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2014-0805; FRL-9924-52]

EPA Proposal To Improve Corn Rootworm Resistance Management; Extension of Comment Period**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice; extension of comment period.

SUMMARY: EPA issued a notice in the **Federal Register** of January 28, 2015, concerning a proposal to improve the corn rootworm insect resistance management program currently in place for registrations of plant-incorporated protectants (PIP) derived from *Bacillus thuringiensis* (Bt) in corn. This document extends the comment period for an additional 30 days, from March 16, 2015 to April 15, 2015. A number of stakeholders have expressed a desire to comment on EPA’s proposal and have requested additional time to review the proposal and respond.

DATES: Comments, identified by docket identification (ID) number EPA-HQ-OPP-2014-0805, must be received on or before April 15, 2015.

ADDRESSES: Follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of January 28, 2015 (80 FR 4564) (FRL-9920-16).

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: BPPDFRNotices@epa.gov.

SUPPLEMENTARY INFORMATION: This document extends the public comment period established in the **Federal Register** document of January 28, 2015. In that document, EPA made available for public comment a proposal to improve the corn rootworm insect resistance management program currently in place for registrations of plant-incorporated protectants (PIP) derived from *Bacillus thuringiensis* (Bt) in corn. The Agency is seeking input on the proposal from potentially affected entities and other stakeholders, including (but not limited to) registrants of pesticides and PIPs for corn, corn growers, crop consultants/agronomists, commodity groups, extension entomologists, independent researchers, and the general public. EPA has received several requests from stakeholders asking to extend the comment period. Requests from crop consultants, grower representatives, and academic researchers indicate that additional time is needed to develop and submit detailed information addressing various aspects of EPA’s proposal. Therefore, the Agency has decided to extend the comment period to ensure that all interested stakeholders have an opportunity to comment. EPA is hereby extending the comment period, which was set to end on March 16, 2015, to April 15, 2015.

To submit comments, or access the docket, please follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of January 28, 2015. If you have questions, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 11, 2015.

Robert McNally,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2015-06104 Filed 3-12-15; 4:15 pm]

BILLING CODE 6560-50-P**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9924-53-Region-5]

Proposed CERCLA Administrative Cost Recovery Settlement; Shaw Road Drum Site, Clyde, Ohio**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response,

Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Shaw Road Drum Site in Clyde, Ohio with the settling party: Lamar M. Durst Sr. Estate. The settlement requires the settling party to pay \$50,000 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling party pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is an appropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the U.S. EPA Record Center, Room 714 U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois.

DATES: Comments must be submitted on or before April 16, 2015.

FOR FURTHER INFORMATION CONTACT: Cathleen R. Martwick, Associate Regional Counsel, EPA Region 5, Office of Regional Counsel, C-14], Environmental Protection Agency, 77 W. Jackson Blvd., Chicago, Illinois 60604-3590; telephone number (312) 886-7166; fax number (312) 697-2060; email address: martwick.cathleen@epa.gov.

Dated: March 9, 2015.

Doug Ballotti,

Acting Director, Superfund Division, Region 5.

[FR Doc. 2015-06113 Filed 3-16-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-9924-58-Region-6]

Notice of Availability of Preliminary Designation of Certain Stormwater Discharges in the State of New Mexico Under the National Pollutant Discharge Elimination System of the Clean Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: The Regional Administrator of the Environmental Protection Agency Region 6 (EPA) is providing notice of

the availability of a preliminary determination that certain storm water discharges in Los Alamos County, New Mexico will be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage under the Clean Water Act. This action is a result of "A Petition by Amigos Bravos for a Determination that Storm Water Discharges in Los Alamos County Contribute to Water Quality Standards Violations and Require a Clean Water Act Permit," dated June 30, 2014. EPA is seeking public comment on the nature and scope of this preliminary designation. It is EPA's intention to make a final decision following the close of the comment period after consideration of all comments submitted.

DATES: Comments must be submitted in writing to EPA on or before April 16, 2015.

ADDRESSES: Comments should be submitted to Ms. Evelyn Rosborough via email: rosborough.evelyn@epa.gov, or may be mailed to Ms. Evelyn Rosborough, Environmental Protection Agency, Water Quality Protection Division (6WQ-NP), 1445 Ross Ave., Suite 1200, Dallas, TX 75202.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Evelyn Rosborough, (214) 665-7515 or at rosborough.evelyn@epa.gov.

SUPPLEMENTARY INFORMATION:

Summary and Availability of Petition and Preliminary Designation Documents

The Regional Administrator EPA Region 6 has made a preliminary determination pursuant to Section 402(p) of the Clean Water Act, 40 CFR 122.26(f)(2) and (4), 40 CFR 122.26 (9)(i)(A) and (D), and 40 CFR 122.32(a)(2) that NPDES permits are required for discharges to waters of the United States from small municipal separate storm sewer systems (MS4s) in the Los Alamos and White Rock Urban Clusters (as defined by the latest Decennial Census) and serving the Los Alamos National Laboratory (LANL) in Los Alamos County, New Mexico. This action would affect MS4s owned or operated by Los Alamos County, LANL including the Department of Energy (DOE) and Los Alamos National Security, LLC (LANS), and the New Mexico Department of Transportation. Details of the preliminary determination are available in the Los Alamos County Designation Document. The Designation Document and supplementary information are available on the EPA Region 6 Web page at [http://](http://www.epa.gov/region6/water/npdes/publicnotices/nm/nmdraft.htm)

www.epa.gov/region6/water/npdes/publicnotices/nm/nmdraft.htm

Dated: March 6, 2015.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2015-06114 Filed 3-16-15; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10067, Southern Community Bank Fayetteville, GA

Notice is hereby given that the Federal Deposit Insurance Corporation ("FDIC") as Receiver for Southern Community Bank, ("the Receiver") intends to terminate its receivership for said institution. The FDIC was appointed receiver of Southern Community Bank on June 19, 2009. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated: March 12, 2015.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2015-06058 Filed 3-16-15; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE & TIME: Thursday, March 19, 2015 at 10 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor)

STATUS: This Meeting Will Be Open To The Public.

ITEMS TO BE DISCUSSED: Correction and Approval of Minutes for March 10, 2015

Draft Advisory Opinion 2014–20: Make Your Laws PÁC, Inc.

Rulemaking Petition REG 2014–09: Federal Contractors, Draft Notice of Availability

Rulemaking Petition REG 2015–01: Administrative Fines and Forms, Draft Notice of Availability

Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION:

Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2015–06147 Filed 3–13–15; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S. C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S. C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 31, 2015.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *The Bradford Powers Leopold 2014 Trust, with Johnson Bank as trustee, both of Racine, Wisconsin;* to join the existing Johnson Family Control Group through the retention of shares of

Johnson Financial Group, Inc., Racine, Wisconsin, and the indirect retention of shares of Johnson Bank, Racine, Wisconsin.

Board of Governors of the Federal Reserve System, March 12, 2015.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2015–06049 Filed 3–16–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Administration on Intellectual and Developmental Disabilities, President's Committee for People With Intellectual Disabilities

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The President's Committee for People with Intellectual Disabilities (PCPID) will host a webinar/conference call for its members to discuss the preparation of the 2015 Report to the President (RTP). The topic of the PCPID 2015 RTP will be on the roles of technology in the lives of individuals with intellectual and developmental disabilities and their families.

All the PCPID meetings, in any format, are open to the public. This webinar/conference call will be conducted in a discussion format.

The public can register to attend this webinar/conference call at <https://aoa-events.webex.com/aoa-events/onstage/g.php?MTID=e88689392224a29b0b0110cff660d3e26>.

DATES: *Webinar:* Tuesday, April 7, 2015 from 1:30 p.m. to approximately 3:30 p.m.

Registration for Webinar: March 16, 2015 through April 3, 2015.

ADDRESSES: *Webinar Web page:* <https://aoa-events.webex.com/aoa-events/onstage/g.php?MTID=e88689392224a29b0b0110cff660d3e26>.

FOR FURTHER INFORMATION CONTACT: *For Reasonable Accommodations Contact:* Dr. MJ Karimi, PCPID Team Lead, One Massachusetts Avenue NW., Room 4206, Washington, DC 20201. Email: MJ.Karimie@acl.hhs.gov; telephone: 202–357–3588; fax: 202–205–8037.

SUPPLEMENTARY INFORMATION:

Background: The PCPID members participated in a face-to-face meeting on February 19–20, 2015 and streamlined the process of preparing the 2015 RTP. As the Phase I of the process, they decided to research four focus areas

through the lens of technology. These focus areas included:

1. Education;
2. Community Living;
3. Health and Wellness;
4. Economic Well-Being.

The members also agreed to reconvene in April, through a webinar/conference call, to report their findings to the full Committee and discuss the development of potential recommendations for inclusion to the PCPID 2015 RTP.

The general purpose of the PCPID webinar/conference call is, thus, to present a forum for the members to complete Phase I and discuss the next phase of preparing the PCPID 2015 RTP.

Webinar and Registration: The webinar is scheduled for April 7, 2015, 1:30 p.m. to 3:30 p.m. (EST) and may end early if discussions are finished. Registration for the webinar is required and is open from March 16, 2015 to April 3, 2015.

Instructions to Register in the Webinar/Conference Call on Tuesday April 7, 2015:

1. WebEx Link: <https://aoa-events.webex.com/aoa-events/onstage/g.php?MTID=e88689392224a29b0b0110cff660d3e26>.

2. Click on the “Register” button on the page.

3. Enter the required information and click “Submit.”

Instructions to Participate in the Webinar/Conference Call on Tuesday April 7, 2015:

4. WebEx Link: <https://aoa-events.webex.com/aoa-events/onstage/g.php?MTID=e88689392224a29b0b0110cff660d3e26>.

5. Click on the “join” button on the page.

6. Enter your name and email address.

7. Follow additional instructions as provided by WebEx. If a password is needed for the WebEx link, please enter 123456.

Call-in number: (888) 469–0957; Pass Code: 8955387 (please put your phone on mute during the meeting).

Background information on PCPID: The PCPID acts in an advisory capacity to the President and the Secretary of Health and Human Services, through the Administration on Intellectual and Developmental Disabilities, on a broad range of topics relating to programs, services and supports for persons with intellectual disabilities. The PCPID Executive Order stipulates that the Committee shall: (1) Provide such advice concerning intellectual disabilities as the President or the Secretary of Health and Human Services may request; and (2) provide advice to the President concerning the following

for people with intellectual disabilities: (A) Expansion of educational opportunities; (B) promotion of homeownership; (C) assurance of workplace integration; (D) improvement of transportation options; (E) expansion of full access to community living; and (F) increasing access to assistive and universally designed technologies.

Dated: March 11, 2015.

Aaron Bishop,

Commissioner, Administration on Intellectual and Developmental Disabilities.

[FR Doc. 2015-06085 Filed 3-16-15; 8:45 am]

BILLING CODE 4154-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 Neurological Disorders and Stroke Special Emphasis Panel; NINDS Center Core (P30) and Research Resource (R24) Review.

Date: April 17, 2015.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle NW., Washington, DC 20005.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-402-0288, natalia.strunnikova@nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 11, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-05968 Filed 3-16-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2014-N-1206]

Authorization of Emergency Use of an In Vitro Diagnostic Device for Detection of Ebola Zaire Virus; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of an Emergency Use Authorization (EUA) (the Authorization) for an in vitro diagnostic device for detection of the Ebola Zaire virus in response to the 2014 Ebola virus outbreak in West Africa. FDA is issuing this Authorization under the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as requested by Roche Molecular Systems, Inc. (Roche). The Authorization contains, among other things, conditions on the emergency use of the authorized in vitro diagnostic device. The Authorization follows the September 22, 2006, determination by then-Secretary of the Department of Homeland Security (DHS), Michael Chertoff, that the Ebola virus presents a material threat against the U.S. population sufficient to affect national security. On the basis of such determination, the Secretary of Health and Human Services (HHS) declared on August 5, 2014, that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection of Ebola virus subject to the terms of any authorization issued under the FD&C Act. The Authorization, which includes an explanation of the reasons for issuance, is reprinted in this document.

DATES: The Authorization is effective as of December 23, 2014.

ADDRESSES: Submit written requests for single copies of the EUA to the Office of Counterterrorism and Emerging Threats, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, rm. 4338, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the Authorization may be sent.

See the **SUPPLEMENTARY INFORMATION** section for electronic access to the Authorization.

FOR FURTHER INFORMATION CONTACT:

Luciana Borio, Assistant Commissioner for Counterterrorism Policy, Office of Counterterrorism and Emerging Threats, and Acting Deputy Chief Scientist, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, rm. 4340, Silver Spring, MD 20993-0002, 301-796-8510 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

Section 564 of the FD&C Act (21 U.S.C. 360bbb-3) as amended by the Project BioShield Act of 2004 (Pub. L. 108-276) and the Pandemic and All-Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113-5) allows FDA to strengthen the public health protections against biological, chemical, nuclear, and radiological agents. Among other things, section 564 of the FD&C Act allows FDA to authorize the use of an unapproved medical product or an unapproved use of an approved medical product in certain situations. With this EUA authority, FDA can help assure that medical countermeasures may be used in emergencies to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by biological, chemical, nuclear, or radiological agents when there are no adequate, approved, and available alternatives.

Section 564(b)(1) of the FD&C Act provides that, before an EUA may be issued, the Secretary of HHS must declare that circumstances exist justifying the authorization based on one of the following grounds: (1) A determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a biological, chemical, radiological, or nuclear agent or agents; (2) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to U.S. military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; (3) a determination by the Secretary of HHS that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of U.S. citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be

attributable to such agent or agents; or (4) the identification of a material threat by the Secretary of Homeland Security under section 319F-2 of the Public Health Service (PHS) Act (42 U.S.C. 247d-6b) sufficient to affect national security or the health and security of U.S. citizens living abroad.

Once the Secretary of HHS has declared that circumstances exist justifying an authorization under section 564 of the FD&C Act, FDA may authorize the emergency use of a drug, device, or biological product if the Agency concludes that the statutory criteria are satisfied. Under section 564(h)(1) of the FD&C Act, FDA is required to publish in the **Federal Register** a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons for the action. Section 564 of the FD&C Act permits FDA to authorize the introduction into interstate commerce of a drug, device, or biological product intended for use when the Secretary of HHS has declared that circumstances exist justifying the authorization of emergency use. Products appropriate for emergency use may include products and uses that are not approved, cleared, or licensed under sections 505, 510(k), or 515 of the FD&C Act (21 U.S.C. 355, 360(k), and 360e) or section 351 of the PHS Act (42 U.S.C. 262). FDA may issue an EUA only if, after consultation with the HHS Assistant Secretary for Preparedness and Response, the Director of the National Institutes of Health, and the Director of the CDC (to the extent feasible and appropriate given the applicable circumstances), FDA¹ concludes: (1) That an agent referred to in a declaration of emergency or threat can cause a serious or life-threatening disease or condition; (2) that, based on the totality of scientific

evidence available to FDA, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that: (A) The product may be effective in diagnosing, treating, or preventing (i) such disease or condition; or (ii) a serious or life-threatening disease or condition caused by a product authorized under section 564, approved or cleared under the FD&C Act, or licensed under section 351 of the PHS Act, for diagnosing, treating, or preventing such a disease or condition caused by such an agent; and (B) the known and potential benefits of the product, when used to diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product, taking into consideration the material threat posed by the agent or agents identified in a declaration under section 564(b)(1)(D) of the FD&C Act, if applicable; (3) that there is no adequate, approved, and available alternative to the product for diagnosing, preventing, or treating such disease or condition; and (4) that such other criteria as may be prescribed by regulation are satisfied.

No other criteria for issuance have been prescribed by regulation under section 564(c)(4) of the FD&C Act. Because the statute is self-executing, regulations or guidance are not required for FDA to implement the EUA authority.

II. EUA Request for an In Vitro Diagnostic Device for Detection of the Ebola Zaire Virus

On September 22, 2006, then-Secretary of Homeland Security, Michael Chertoff, determined that the Ebola virus presents a material threat against the U.S. population sufficient to affect national security.² On August 5,

2014, under section 564(b)(1) of the FD&C Act, and on the basis of such determination, the Secretary of HHS declared that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection of Ebola virus, subject to the terms of any authorization issued under section 564 of the FD&C Act. Notice of the declaration of the Secretary was published in the **Federal Register** on August 12, 2014 (79 FR 47141). On December 19, 2014, Roche submitted a complete request for, and on December 23, 2014, FDA issued, an EUA for the LightMix® Ebola Zaire rRT-PCR Test, subject to the terms of this authorization.

III. Electronic Access

An electronic version of this document and the full text of the Authorizations are available on the Internet at <http://www.regulations.gov>.

IV. The Authorizations

Having concluded that the criteria for issuance of the Authorizations under section 564(c) of the FD&C Act are met, FDA has authorized the emergency use of an in vitro diagnostic device for detection of the Ebola Zaire virus (detected in the West Africa outbreak in 2014) subject to the terms of the Authorization. The Authorization in its entirety (not including the authorized versions of the fact sheets and other written materials) follows and provides an explanation of the reasons for its issuance, as required by section 564(h)(1) of the FD&C Act.

Dated: March 11, 2015.

Leslie Kux,

Associate Commissioner for Policy.

¹ The Secretary of HHS has delegated the authority to issue an EUA under section 564 of the FD&C Act to the Commissioner of Food and Drugs.

² Under section 564(b)(1) of the FD&C Act, the HHS Secretary's declaration that supports EUA issuance must be based on one of four determinations, including the identification by the

DHS Secretary of a material threat under section 319F-2 of the PHS Act sufficient to affect national security or the health and security of U.S. citizens living abroad (section 564(b)(1)(D) of the FD&C Act).



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Silver Spring, MD 20993

December 23, 2014

Jintao Chen, Ph.D.
Director, Regulatory Affairs
Roche Molecular Systems, Inc.
4300 Hacienda Drive
Pleasanton, CA 94588

Dear Dr. Chen:

This letter is in response to your request¹ that the Food and Drug Administration (FDA) issue an Emergency Use Authorization (EUA) for emergency use of the LightMix® Ebola Zaire rRT-PCR Test for the presumptive detection of RNA from Ebola Zaire virus (detected in the West Africa outbreak of 2014) on specified instruments in EDTA whole blood or whole blood inactivated with TriPure from individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk factors, by laboratories certified under the Clinical Laboratory Improvement Amendments of 1988 (CLIA), 42 U.S.C. §263a, to perform high complexity tests,² or similarly qualified non-U.S. laboratories, pursuant to section 564 of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. § 360bbb-3).

On September 22, 2006, then-Secretary of the Department of Homeland Security (DHS), Michael Chertoff, determined, pursuant to section 319F-2 of the Public Health Service (PHS) Act (42 U.S.C. § 247d-6b), that the Ebola virus presents a material threat against the United States population sufficient to affect national security.³ Pursuant to section 564(b)(1) of the Act (21 U.S.C. § 360bbb-3(b)(1)), and on the basis of such determination, the Secretary of HHS declared on August 5, 2014, that circumstances exist justifying the authorization of emergency use of *in vitro* diagnostics for detection of Ebola virus, subject to the terms of any authorization issued under 21 U.S.C. § 360bbb-3(a).⁴

Having concluded that the criteria for issuance of this authorization under section 564(c) of the Act (21 U.S.C. § 360bbb-3(c)) are met, I am authorizing the emergency use of the LightMix® Ebola Zaire rRT-PCR Test (as described in the Scope of Authorization section of this letter (Section II)) in

¹ Roche Diagnostics is the exclusive distributor of the LightMix® Ebola Zaire rRT-PCR Test, manufactured by TIB MOLBIOL. The Conditions of Authorization (Section IV), unless otherwise specified, apply to Roche Diagnostics or Roche Molecular Systems, Inc. as the responsible parties for satisfying the Conditions of Authorization.

² For ease of reference, this letter will refer to this type of laboratory as "CLIA High Complexity Laboratories."

³ Pursuant to section 564(b)(1) of the Act (21 U.S.C. § 360bbb-3(b)(1)), the HHS Secretary's declaration that supports EUA issuance must be based on one of four determinations, including the identification by the DHS Secretary of a material threat pursuant to section 319F-2 of the PHS Act sufficient to affect national security or the health and security of United States citizens living abroad (section 564(b)(1)(D) of the Act).

⁴ U.S. Department of Health and Human Services. *Declaration Regarding Emergency Use of In Vitro Diagnostics for Detection of Ebola Virus*. 79 Fed. Reg. 47141 (August 12, 2014).

Page 2 – Dr. Jintao Chen, Roche Molecular Systems, Inc.

individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk factors (as described in the Scope of Authorization section of this letter (Section II)) for the presumptive detection of RNA from Ebola Zaire virus (detected in the West Africa outbreak of 2014) by CLIA High Complexity Laboratories, or similarly qualified non-U.S. laboratories, subject to the terms of this authorization.

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of the LightMix® Ebola Zaire rRT-PCR Test for the presumptive detection of RNA from Ebola Zaire virus (detected in the West Africa outbreak of 2014) in the specified population meets the criteria for issuance of an authorization under section 564(c) of the Act, because I have concluded that:

1. Ebola Zaire virus (detected in the West Africa outbreak of 2014) can cause Ebola virus disease, a serious or life-threatening disease or condition to humans infected with this virus;
2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that the LightMix® Ebola Zaire rRT-PCR Test, when used with the specified instruments, may be effective in diagnosing Ebola virus (detected in the West Africa outbreak of 2014) infection, and that the known and potential benefits of the LightMix® Ebola Zaire rRT-PCR Test, when used with the specified instruments for diagnosing Ebola virus (detected in the West Africa outbreak of 2014) infection, outweigh the known and potential risks of such product; and
3. There is no adequate, approved, and available alternative to the emergency use of the LightMix® Ebola Zaire rRT-PCR Test for diagnosing Ebola virus (detected in the West Africa outbreak of 2014) infection.⁵

II. Scope of Authorization

I have concluded, pursuant to section 564(d)(1) of the Act, that the scope of this authorization is limited to the use of the authorized LightMix® Ebola Zaire rRT-PCR Test by CLIA High Complexity Laboratories, or similarly qualified non-U.S. laboratories, for the presumptive detection of RNA from Ebola Zaire virus (detected in the West Africa outbreak of 2014) in individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk factors.

The Authorized LightMix® Ebola Zaire rRT-PCR Test:

The LightMix® Ebola Zaire rRT-PCR Test is a real-time reverse transcription polymerase chain reaction (rRT-PCR) intended for the qualitative detection of Ebola Zaire virus (detected in the West Africa outbreak in 2014) from whole blood (EDTA anticoagulant) or whole blood (EDTA anticoagulant) inactivated with TriPure. The assay is performed on nucleic acid extracted either with the MagNA Pure 96 DNA and Viral Nucleic Acid Kit using the automated MagNA Pure 96

⁵ No other criteria of issuance have been prescribed by regulation under section 564(c)(4) of the Act.

Page 3 – Dr. Jintao Chen, Roche Molecular Systems, Inc.

System or with the manual High Pure Viral Nucleic Acid Kit using the LightCycler® 480 Instrument or cobas z 480 Analyzer with LightCycler® Multiplex RNA Virus Master reagents for amplification and detection.

The LightMix® Ebola Zaire rRT-PCR Test kit includes the following components:

- 1 Vial Ebola Zaire Mix (96 reactions), containing: 1) lyophilized primer and FAM-labeled probe sequences that specifically detect Ebola Zaire virus in whole blood; and 2) lyophilized primer and R6G-labeled probe sequences that specifically detect an endogenous human house-keeping gene, RNase P, used as an internal process control with each clinical specimen to indicate that adequate isolation of nucleic acid resulted from the clinical specimen and PCR has worked properly from the extracted nucleic acid.
- 1 Vial Ebola Positive Control (RNA) (32 reactions), containing lyophilized synthetic RNA, designed to react with the Ebola Zaire Mix to indicate whether the Ebola Zaire RT-PCR has worked properly.

The above described LightMix® Ebola Zaire rRT-PCR Test, when labeled consistently with the labeling authorized by FDA entitled “LightMix® Ebola Zaire rRT-PCR Test Instructions for Use” (available at <http://www.fda.gov/MedicalDevices/Safety/EmergencySituations/ucm161496.htm#ebola>), which may be revised only by Roche Molecular Systems, Inc. in consultation with FDA, is authorized to be distributed to and used by CLIA High Complexity Laboratories, or similarly qualified non-U.S. laboratories, under this EUA, despite the fact that it does not meet certain requirements otherwise required by federal law.

The above described LightMix® Ebola Zaire rRT-PCR Test is authorized to be accompanied by the following information pertaining to the emergency use, which is authorized to be made available to health care professionals and patients:

- **Fact Sheet for Health Care Providers: Interpreting LightMix® Ebola Zaire rRT-PCR Test Results**
- **Fact Sheet for Patients: Understanding Results from the LightMix® Ebola Zaire rRT-PCR Test**

As described in Section IV below, Roche Diagnostics and Roche Molecular Systems, Inc. are also authorized to make available additional information relating to the emergency use of the authorized LightMix® Ebola Zaire rRT-PCR Test that is consistent with, and does not exceed, the terms of this letter of authorization.

I have concluded, pursuant to section 564(d)(2) of the Act, that it is reasonable to believe that the known and potential benefits of the authorized LightMix® Ebola Zaire rRT-PCR Test in the specified population, when used for presumptive detection of RNA from Ebola Zaire virus (detected in the West Africa outbreak of 2014) outweigh the known and potential risks of such a product.

Page 4 – Dr. Jintao Chen, Roche Molecular Systems, Inc.

I have concluded, pursuant to section 564(d)(3) of the Act, based on the totality of scientific evidence available to FDA, that it is reasonable to believe that the authorized LightMix® Ebola Zaire rRT-PCR Test may be effective in the diagnosis of infection with Ebola Zaire virus (detected in the West Africa outbreak of 2014) pursuant to section 564(c)(2)(A) of the Act. FDA has reviewed the scientific information available to FDA including the information supporting the conclusions described in Section I above, and concludes that the authorized LightMix® Ebola Zaire rRT-PCR Test, when used to diagnose infection with Ebola Zaire virus (detected in the West Africa outbreak of 2014) in the specified population, meets the criteria set forth in section 564(c) of the Act concerning safety and potential effectiveness.

The emergency use of the authorized LightMix® Ebola Zaire rRT-PCR Test under this EUA must be consistent with, and may not exceed, the terms of this letter, including the Scope of Authorization (Section II) and the Conditions of Authorization (Section IV). Subject to the terms of this EUA and under the circumstances set forth in the Secretary of DHS's determination described above and the Secretary of HHS's corresponding declaration under section 564(b)(1), the LightMix® Ebola Zaire rRT-PCR Test described above is authorized to diagnose infection with in individuals with signs and symptoms of Ebola virus infection in conjunction with epidemiological risk factors.

This EUA will cease to be effective when the HHS declaration that circumstances exist to justify the EUA is terminated under section 564(b)(2) of the Act or when the EUA is revoked under section 564(g) of the Act.

III. Waiver of Certain Requirements

I am waiving the following requirements for the LightMix® Ebola Zaire rRT-PCR Test during the duration of this EUA:

- Current good manufacturing practice requirements, including the quality system requirements under 21 CFR Part 820 with respect to the design, manufacture, packaging, labeling, storage, and distribution of the LightMix® Ebola Zaire rRT-PCR Test.
- Labeling requirements for cleared, approved, or investigational devices, including labeling requirements under 21 CFR 809.10 and 21 CFR 809.30, except for the intended use statement (21 CFR 809.10(a)(2), (b)(2)), adequate directions for use (21 U.S.C. 352(f)), (21 CFR 809.10(b)(5), (7), and (8)), any appropriate limitations on the use of the device including information required under 21 CFR 809.10(a)(4), and any available information regarding performance of the device, including requirements under 21 CFR 809.10(b)(12).

IV. Conditions of Authorization

Pursuant to section 564 of the Act, I am establishing the following conditions on this authorization:

Roche Diagnostics or Roche Molecular Systems, Inc.

Page 5 – Dr. Jintao Chen, Roche Molecular Systems, Inc.

- A. Roche Diagnostics will distribute the authorized LightMix® Ebola Zaire rRT-PCR Test with the authorized labeling, as may be revised only by Roche Molecular Systems, Inc. in consultation with FDA, only to CLIA High Complexity Laboratories or similarly qualified non-U.S. laboratories.
- B. Roche Diagnostics will provide to CLIA High Complexity Laboratories or similarly qualified non-U.S. laboratories the authorized LightMix® Ebola Zaire rRT-PCR Test Fact Sheet for Health Care Providers and the authorized LightMix® Ebola Zaire rRT-PCR Test Fact Sheet for Patients.
- C. Roche Diagnostics will make available on its website the LightMix® Ebola Zaire rRT-PCR Test Fact Sheet for Health Care Providers and the authorized LightMix® Ebola Zaire rRT-PCR Test Fact Sheet for Patients.
- D. Roche Diagnostics will inform CLIA High Complexity Laboratories or similarly qualified non-U.S. laboratories and relevant public health authority(ies) of this EUA, including the terms and conditions herein.
- E. Roche Diagnostics will ensure that CLIA High Complexity Laboratories or similarly qualified non-U.S. laboratories using the authorized LightMix® Ebola Zaire rRT-PCR Test have a process in place for reporting test results to health care professionals and relevant public health authorities, as appropriate.
- F. Through a process of inventory control, Roche Diagnostics will maintain records of device usage.
- G. Roche Diagnostics will collect information on the performance of the assay, and report to FDA any suspected occurrence of false positive or false negative results of which Roche Molecular Systems, Inc. becomes aware.
- H. Roche Diagnostics is authorized to make available additional information relating to the emergency use of the authorized LightMix® Ebola Zaire rRT-PCR Test that is consistent with, and does not exceed, the terms of this letter of authorization.
- I. Roche Molecular Systems, Inc. will provide TIB MOLBIOL with a copy of this EUA, and communicate to TIB MOLBIOL any subsequent amendments that might be made to this EUA and its authorized accompanying materials (e.g., Fact Sheets, Instructions For Use).
- J. Roche Molecular Systems, Inc. only may request changes to the authorized LightMix® Ebola Zaire rRT-PCR Test Fact Sheet for Health Care Providers or the authorized LightMix® Ebola Zaire rRT-PCR Test Fact Sheet for Patients. Such requests will be made only by Roche Molecular Systems, Inc. in consultation with FDA.
- K. Roche Diagnostics, assuming the medical device reporting responsibilities of the manufacturer of the LightMix® Ebola Zaire rRT-PCR Test, will track adverse events and report to FDA as described in 21 CFR Part 803.

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- L. Roche Molecular Systems, Inc. will comply with the applicable labeling requirements specified in the Waiver of Certain Requirements (Section III).
- M. Roche Molecular Systems, Inc. will notify FDA of any proposed change in its status as exclusive distributor of the LightMix® Ebola Zaire rRT-PCR Test, including any proposed authorization of additional distributors.

CLIA High Complexity Laboratories and Similarly Qualified Non-U.S. Laboratories

- N. CLIA High Complexity Laboratories and similarly qualified non-U.S. laboratories will include with reports of the results of the LightMix® Ebola Zaire rRT-PCR Test the authorized Fact Sheet for Health Care Providers and the authorized Fact Sheet for Patients. Under exigent circumstances, other appropriate methods for disseminating these Fact Sheets may be used, which may include mass media.
- O. CLIA High Complexity Laboratories and similarly qualified non-U.S. laboratories will perform the LightMix® Ebola Zaire rRT-PCR Test on only the LightCycler® 480 Instrument and cobas z 480 Analyzer.
- P. CLIA High Complexity Laboratories and similarly qualified non-U.S. laboratories will have a process in place for reporting test results to health care professionals and relevant public health authorities, as appropriate.
- Q. CLIA High Complexity Laboratories and similarly qualified non-U.S. laboratories will collect information on the performance of the assay, and report to Roche Diagnostics any suspected occurrence of false positive or false negative results of which they become aware.
- R. All laboratory personnel using the assay should be appropriately trained in LightMix® Ebola Zaire rRT-PCR Test on the specified instruments and use appropriate laboratory and personal protective equipment when handling this kit.

Roche Diagnostics, Roche Molecular Systems, Inc., CLIA High Complexity Laboratories, and Similarly Qualified Non-U.S. Laboratories

- S. Roche Diagnostics, Roche Molecular Systems, Inc., CLIA High Complexity Laboratories, and similarly qualified non-U.S. laboratories will ensure that any records associated with this EUA are maintained until notified by FDA. Such records will be made available to FDA for inspection upon request.

Conditions Related to Advertising and Promotion

- T. All advertising and promotional descriptive printed matter relating to the use of the authorized LightMix® Ebola Zaire rRT-PCR Test shall be consistent with the Fact Sheets and authorized labeling, as well as the terms set forth in this EUA and the applicable requirements set forth in the Act and FDA regulations.

Page 7 – Dr. Jintao Chen, Roche Molecular Systems, Inc.

U. All advertising and promotional descriptive printed matter relating to the use of the authorized LightMix® Ebola Zaire rRT-PCR Test shall clearly and conspicuously state that:

- This test has not been FDA cleared or approved;
- This test has been authorized by FDA under an Emergency Use Authorization for use by CLIA High Complexity Laboratories and similarly qualified non-U.S. laboratories;
- This test has been authorized only for the detection of RNA from Ebola Zaire virus (detected in the West Africa outbreak of 2014) and not for any other viruses or pathogens; and
- This test is only authorized for the duration of the declaration that circumstances exist justifying the authorization of the emergency use of *in vitro* diagnostics for detection of Ebola Zaire virus under section 564(b)(1) of the Act, 21 U.S.C. § 360bbb-3(b)(1), unless the authorization is terminated or revoked sooner.

No advertising or promotional descriptive printed matter relating to the use of the authorized LightMix® Ebola Zaire rRT-PCR Test may represent or suggest that this test is safe or effective for the diagnosis of infection with Ebola virus.

The emergency use of the authorized LightMix® Ebola Zaire rRT-PCR Test described in this letter of authorization must comply with the conditions and all other terms of this authorization.

V. Duration of Authorization

This EUA will be effective until the declaration that circumstances exist justifying the authorization of the emergency use of *in vitro* diagnostics for detection of Ebola virus is terminated under section 564(b)(2) of the Act or the EUA is revoked under section 564(g) of the Act.

Sincerely,



Margaret A. Hamburg, M.D.
Commissioner of Food and Drugs

Enclosures

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Heart, Lung, and Blood; Institute Notice of Meeting**

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Sickle Cell Disease Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Sickle Cell Disease Advisory Committee.

Date: April 22, 2015.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: Discussion of Programs.

Place: National Institutes of Health, 6701 Rockledge Drive, 9th Floor, Room 9100/9104, Bethesda, MD 20892.

Contact Person: W. Keith Hoots, MD, Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Suite 9030, Bethesda, MD 20892, 301-435-0080 hootswk@nhlbi.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 11, 2015.

Michelle Trout, Program Analyst,

Office of Federal Advisory Committee Policy.

[FR Doc. 2015-05970 Filed 3-16-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Biomedical Imaging and Bioengineering; Notice of Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Advisory Council for Biomedical Imaging and Bioengineering.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should

notify the Contact Person listed below in advance of the meeting.

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/or contract proposals 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 and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Biomedical Imaging and Bioengineering.

Date: May 18, 2015.

Open: 9:00 a.m. to 12:30 p.m.

Agenda: Report from the Institute Director, other Institute Staff, scientific presentations, and presentations of task force reports.

Place: The William F. Bolger Center, Franklin Building, Classroom 1, 9600 Newbridge Drive, Potomac, MD 20854.

Closed: 1:30 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: The William F. Bolger Center, Franklin Building, Classroom 1, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Jill Heemskerck, Ph.D., Executive Secretary, Office of Research Administration, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Room 239, Bethesda, MD 20892.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: <http://www.nibib1.nih.gov/about/NACBIB/NACBIB.htm>, where an agenda and any additional information for the meeting will be posted when available.

Dated: March 11, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-05974 Filed 3-16-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Heart, Lung, and Blood Institute; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; Technologies to Assess Sleep Health Status in Populations.

Date: April 10, 2015.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Suite 7182, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Susan Wohler Sunnarborg, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA National, Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892, sunnarborgsw@nhlbi.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: March 11, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-05971 Filed 3-16-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Center for Scientific Review; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; AIDS and AIDS Related Research.

Date: March 18, 2015.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jose H Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301-435-1137, guerrierj@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business; Respiratory Sciences Special Panel.

Date: March 19–20, 2015.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Lawrence E Boerboom, Ph.D., Chief, CVRS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435-8367, boerboom@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict; Respiratory Sciences Special Panel.

Date: March 24–25, 2015.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Lawrence E Boerboom, Ph.D., Chief, CVRS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435-8367, boerboom@nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 11, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-06036 Filed 3-16-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2011-D-0293]

Reprocessing Medical Devices in Health Care Settings: Validation Methods and Labeling; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled “Reprocessing Medical Devices in Health Care Settings: Validation Methods and Labeling.” This guidance provides recommendations for the formulation and scientific validation of reprocessing instructions for reusable medical devices. This guidance document also provides recommendations for the content and review procedures for premarket notification (510(k)) submissions, premarket approval (PMA) applications, humanitarian device exemption (HDE) applications, de novo requests, and investigational device exemption (IDE) applications, concerning the labeling instructions for reprocessing reusable medical devices. This guidance reflects the scientific advances in knowledge and technology involved in reprocessing reusable medical devices, especially more complex, reusable medical device designs that are more difficult to reprocess.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

ADDRESSES: An electronic copy of the guidance document is available for download from the Internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled “Reprocessing Medical Devices in Health Care Settings: Validation Methods and Labeling” to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 66, Rm. 5431, Silver Spring, MD 20993-0002; or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration,

10903 New Hampshire Ave. Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your request.

Submit electronic comments on the 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. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Angela C. Krueger, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1666, Silver Spring, MD 20993-0002, 301-796-6380; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 71, Rm. 7301, Silver Spring, MD 20993, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, there has been a significant advance in knowledge and technology involved in reprocessing reusable medical devices. Additionally, there has been an evolution towards more complex medical device designs that are more difficult to clean, disinfect, and sterilize. This guidance reflects the scientific advances in these areas. Under section 502(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(f)), a device must have adequate directions for use, which include instructions on preparing a device for use. Instructions on how to reprocess (*i.e.*, clean, disinfect, and sterilize) a reusable device are critical to ensure that the device is appropriately prepared for its next use.

In the **Federal Register** of May 2, 2011 (76 FR 24494), FDA announced the availability of the draft guidance. Interested persons were invited to comment by August 1, 2011. FDA reviewed and considered all the public comments we received and revised several sections of the guidance, where applicable. On June 8 and 9, 2011, FDA held a public workshop entitled “Reprocessing of Reusable Medical Devices Workshop.” The purpose of the workshop was to discuss factors affecting the reprocessing of reusable medical devices and FDA’s plans to address the identified issues. The discussion during this workshop and the comments received were considered before revising the guidance. This final guidance supersedes “Labeling Reusable

Medical Devices for Reprocessing in Health Care Facilities: FDA Reviewer Guidance" dated April 1996.

This final guidance contains the addition of "Appendix E: Devices for which a 510(k) Should Contain Data to Validate Reprocessing Instructions," which includes a subset of medical devices that FDA has identified that pose a greater likelihood of microbial transmission and represent a high risk of infection if they are not adequately reprocessed. Because of this greater public health risk, 510(k) submissions for these devices should include protocols and complete test reports of the validation of the reprocessing instructions so that FDA has the information it needs to evaluate substantial equivalence.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on reprocessing validation methods and labeling for medical devices. 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 statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by using the Internet. A search capability for all CDRH guidance documents is available at <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm>. Guidance documents are also available at <http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <http://www.regulations.gov>. Persons unable to download an electronic copy of "Reprocessing Medical Devices in Health Care Settings: Validation Methods and Labeling" may send an email request to CDRH-Guidance@fda.hhs.gov to receive an electronic copy of the document. Please use the document number 1748 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This 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 parts 801 and 809 have been approved under OMB control number 0910–0485 (medical device labeling); the collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120 (premarket notification); the collections of information in 21 CFR part 812 have been approved under OMB control number 0910–0078 (investigational device exemption); the collections of information in 21 CFR part 814, subparts A through E have been approved under OMB control number 0910–0231 (premarket approval); the collections of information in 21 CFR part 814, subpart H have been approved under OMB control number 0910–0332 (humanitarian use devices); and the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073 (quality system regulation).

V. 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>.

Dated: March 11, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–06029 Filed 3–16–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request Surveys To Support an Evaluation of the National Human Genome Research Institute (NHGRI) Summer Workshop in Genomics (Short Course)

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Human Genome Research Institute (NHGRI), National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management

and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments And For Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Carla L. Easter, Ph.D., Chief, Education and Community Involvement Branch, NHGRI, Building 31, Room B1B55, 31 Center Drive, MSC 2070, Bethesda, MD 20892 or call non-toll-free number (301) 594–1364 or Email your request, including your address to: easterc@mail.nih.gov. Formal requests for additional plans and instruments must be requested in writing.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: Surveys to Support an Evaluation of the NHGRI Summer Workshop in Genomics (Short Course), 0925–NEW, National Human Genome Research Institute (NHGRI), National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose of the proposed data collection activity is to complete a full-scale outcome evaluation of NHGRI's Summer Workshop in Genomics (a.k.a., the "Short Course") focusing on program participants between 2004 and 2012. This training program is an intensive multi-day course that updates instructors and researchers of biology and nursing (and other related disciplines) on the latest research trends and topics in genomic science. The course focuses on the continuing effort to find the genetic basis of various diseases and disorders, and current topics on the ethical, legal and social implications of genomics.

The Education and Community Involvement Branch (ECIB) designed the program to accomplish the following goals, which align with elements of both the NIH and NHGRI missions:

- Expand NIH and NHGRI’s professional network to reach out to diverse communities, and to create new partnership opportunities.
- Prepare the next generation of genomics professionals for an era of genomic medicine.
- Train and diversify the pipeline of genome professionals in alignment with the NIH and US Department of Health and Human Services diversity efforts.

The ECIB has systematically collected feedback annually after the program from participants since inception of the

Short Course in 2003, and then used the data to tweak the program, but it has not conducted a long-term, cumulative and substantive outcome evaluation. NHGRI and the ECIB propose to conduct such an outcome evaluation, focusing on three main objectives:

- (1) To understand the degree of genetic and genomic curriculum integration by faculty participants;
- (2) To explore the barriers and supports faculty experience and changes when integrating curriculum; and
- (3) To investigate the influence of the program on the participants’ career path.

Survey findings will provide valuable information about the various methods and pathways instructors use to

disseminate new knowledge (and the associated timelines), the barriers and supports experienced by faculty as they integrate new knowledge into their teaching, and insights about additional avenues of support that NHGRI could provide teaching faculty from the types of institutions identified. Key indicators will also provide evidence about the degree to which the Short Course is meeting its goals. Collectively, the outcome evaluation will inform future program design and budget allocations.

OMB approval is requested for 2 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 155.

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 hours
Short Course Survey—Students	Students	110	1	30/60	55
Short Course Survey—Faculty	Faculty	200	1	30/60	100
Totals .....	.....	310	.....	.....	155

Dated: March 11, 2015.

Gloria Butler,

NHGRI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2015-06086 Filed 3-16-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2015-N-0001]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Vaccines and Related Biological Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA’s regulatory issues.

Date and Time: The meeting will be held on May 12, 2015, from 8:30 a.m. to 5 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>. For those unable to attend in person, the meeting will also be Web cast and will be available at the following link: <https://collaboration.fda.gov/vrbpac0515/>.

Contact Person: Sujata Vijh, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6128, Silver Spring, MD 20993-0002, 240-402-7107; or Denise Royster, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6134, Silver Spring, MD 20993-0002, 240-402-8158; or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency’s Web site at <http://www.fda.gov/AdvisoryCommittees/>

default.htm and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On May 12, 2015, from 8:30 a.m. to 5 p.m., the committee will meet in open session to discuss the development and licensure of Ebola vaccines.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA’s Web site after the meeting. Background material is available at <http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before May 5, 2015. Oral presentations from the public will be scheduled between 1:15 p.m. and 2:15 p.m. Those individuals interested in making formal oral presentations should

notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before April 27, 2015. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by April 28, 2015.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Sujata Vijh (see *Contact Person*) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 13, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015-06116 Filed 3-16-15; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed project or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276-1243.

Comments are invited on: (a) Whether the proposed collection of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project Behavioral Health Information Technologies Survey—NEW

The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Treatment (CSAT) and Center for Behavioral Health Statistics and Quality (CBHSQ) are proposing a survey to assess health information technology (HIT) adoption among SAMHSA grantees. As part of its Strategic Initiative to advance the use of health information technologies to support integrated behavioral health care, SAMHSA has been working to develop a survey instrument that will examine

the status of and plans for HIT adoption by behavioral health service providers who are implementing SAMHSA grant programs. The selected programs are funded by the by the Center for Mental Health Services (CMHS), the Center for Substance Abuse Prevention (CSAP), and (CSAT).

This project seeks to acquire baseline data necessary to inform the Agency's strategic initiative that focuses on fostering the adoption of HIT in community behavioral health services. The survey of SAMHSA grantees regarding their access to and use of health information technology will provide valuable information that will inform the behavioral HIT literature.

Approval of this data collection by the Office of Management and Budget (OMB) will allow SAMHSA to identify the current status of HIT adoption and use among a diverse group of grantees. Data from the survey will allow SAMHSA to enhance the HIT-related programmatic activities among its grantees by providing data on how HIT facilitates the implementation of different types of SAMHSA grants, thereby fostering the appropriate adoption of HIT within SAMSHA-funded programs.

The survey will collect data once, providing a snapshot view of the current state of HIT adoption. The proposed participant pool is comprised of SAMHSA grantee program leadership who are willing to provide the assistance needed to ensure a high rate of response. Awardees from nine different SAMHSA programs drawn from CMHS, CSAT, and CSAP comprise the pool of survey participants.

The survey mode for data collection will be web-based with embedded skip logic for respondents to avoid questions that are not applicable to them. The minimum amount of time for a respondent to complete the survey is 20 minutes, with respondents who do not skip items taking a maximum of 30 minutes for completion. The total estimated respondent burden is 149.6 hours.

The following table summarizes the estimated response burden.

Type of grantee or respondent	Number of respondents	Number of responses annually per respondent	Total responses	Average hours per response	Total burden hours
Screening, Brief Intervention, and Referral to Treatment (SBIRT)	18	1	18	.4	7.2
Targeted Capacity Expansion-Targeted Assisted Care	17	1	17	.4	6.8
Offender Re-entry Program	13	1	13	.4	5.2
Primary Behavioral Health Care Integration (PBHCI)	89	1	89	.4	35.6
National Child Traumatic Stress Initiative (NCTSI)	56	1	56	.4	22.4
Suicide Lifeline Crisis Center Follow-up	12	1	12	.4	4.8

Type of grantee or respondent	Number of respondents	Number of responses annually per respondent	Total responses	Average hours per response	Total burden hours
Garret Lee Smith Youth Suicide Prevention Program	56	1	56	.4	22.4
Minority AIDS Initiative	113	1	113	.4	45.2
Total	374	.....	374	.....	149.6

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2-1057, One Choke Cherry Road, Rockville, MD 20857 or email her a copy at summer.king@samhsa.hhs.gov. Written comments should be received by May 18, 2015.

Summer King,
Statistician.

[FR Doc. 2015-06038 Filed 3-16-15; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-15-0222; Docket No. CDC-2015-0007]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing efforts to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the Questionnaire Design Research Laboratory (QDRL) generic clearance request, which encompasses general questionnaire development and pre-testing activities to be carried out in 2014-2017.

DATES: Written comments must be received on or before May 18, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2015-0007 by any of the following methods:

- *Federal eRulemaking Portal:* [Regulation.gov](http://www.regulation.gov). Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and

Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to [Regulations.gov](http://www.Regulations.gov), including any personal information provided. For access to the docket to read background documents or comments received, go to [Regulations.gov](http://www.Regulations.gov).

Please note: All public comment should be submitted through the Federal eRulemaking portal ([Regulations.gov](http://www.Regulations.gov)) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the

use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Proposed Project

Questionnaire Design Research Laboratory (QDRL) (OMB No. 0920-0222, expires 6/30/2015)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall undertake and support (by grant or contract) research, demonstrations, and evaluations respecting new or improved methods for obtaining current data to support statistical and epidemiological activities for the purpose of improving the effectiveness, efficiency, and quality of health services in the United States.

The Questionnaire Design Research Laboratory (QDRL) is the focal point within NCHS for questionnaire development, pre-testing, and evaluation activities for CDC surveys (such as the NCHS National Health Interview Survey, OMB No. 0920-0214) and other federally sponsored surveys; however, question development and evaluation activities are conducted throughout NCHS. NCHS is requesting 3

years of OMB Clearance for this generic submission.

The QDRL and other NCHS programs conduct cognitive interviews, focus groups, in-depth or ethnographic interviews, usability tests, field tests/pilot interviews, and experimental research in laboratory and field settings, both for applied questionnaire development and evaluation as well as more basic research on response errors in surveys.

Various techniques to evaluate interviewer administered, self-administered, telephone, Computer Assisted Personal Interviewing (CAPI), Computer Assisted Self-Interviewing (CASI), Audio Computer-Assisted Self-Interviewing (ACASI), and web-based questionnaires are used.

The most common questionnaire evaluation method is the cognitive interview. These evaluations are conducted by the QDRL. The interview structure consists of respondents first answering a draft survey question and then providing textual information to reveal the processes involved in answering the test question. Specifically, cognitive interview respondents are asked to describe how and why they answered the question as they did. Through the interviewing process, various types of question-response problems that would not normally be identified in a traditional survey interview, such as interpretive errors and recall accuracy, are uncovered. By conducting a comparative analysis of cognitive interviews, it is also possible to determine whether particular interpretive patterns occur within particular sub-groups of the population. Interviews are generally conducted in small rounds of 20–30 interviews;

ideally, the questionnaire is re-worked between rounds, and revisions are tested iteratively until interviews yield relatively few new insights.

Cognitive interviewing is inexpensive and provides useful data on questionnaire performance while minimizing respondent burden. Cognitive interviewing offers a detailed depiction of meanings and processes used by respondents to answer questions—processes that ultimately produce the survey data. As such, the method offers an insight that can transform understanding of question validity and response error. Documented findings from these studies represent tangible evidence of how the question performs. Such documentation also serves CDC data users, allowing them to be critical users in their approach and application of the data.

In addition to cognitive interviewing, a number of other qualitative and quantitative methods are used to investigate and research survey response errors and the survey response process. These methods include conducting focus groups, usability tests, in-depth or ethnographic interviews, and the administration and analysis of questions in both representative and non-representative field tests. Focus groups are conducted by the QDRL. They are group interviews whose primary purpose is to elicit the basic sociocultural understandings and terminology that form the basis of questionnaire design. Each group typically consists of one moderator and 4 to 10 participants, depending on the research question. In-depth or ethnographic interviews are one-on-one interviews designed to elicit the understandings or terminology that are

necessary for question design, as well as to gather detailed information that can contribute to the analysis of both qualitative and quantitative data. Usability tests are typically one-on-one interviews that are used to determine how a given survey or information collection tool functions in the field, and how the mode and layout of the instrument itself may contribute to survey response error and the survey response process.

In addition to these qualitative methods, NCHS also uses various tools to obtain quantitative data, which can be analyzed alone or analyzed alongside qualitative data to give a much fuller accounting of the survey response process. For instance, phone, internet, mail, and in-person follow-up interviews of previous NCHS survey respondents may be used to test the validity of survey questions and questionnaires and to obtain more detailed information that cannot be gathered on the original survey. Additionally, field or pilot tests may be conducted on both representative and non-representative samples, including those obtained from commercial survey and web panel vendors. Beyond looking at traditional measures of survey errors (such as missing rates, item non-response, and don't know rates), these pilot tests can be used to run experimental designs in order to capture how different questions function in a field setting.

Similar methodology has been adopted by other federal agencies, as well as by academic and commercial survey organizations. There are no costs to respondents other than their time. The total estimated annual burden hours are 13,150.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Individuals or households	Eligibility Screening	12,000	1	5/60	1,000
Individuals or households	Questionnaire Development Studies	11,700	1	1	11,700
Individuals or households	Focus groups	300	1	90/60	450
Total .....	.....	.....	.....	.....	13,150

Leroy A. Richardson,
 Chief, Information Collection Review Office,
 Office of Scientific Integrity, Office of the
 Associate Director for Science, Office of the
 Director, Centers for Disease Control and
 Prevention.

[FR Doc. 2015-06050 Filed 3-16-15; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request: Application for Collaboration With the Therapeutic Development Branch (TDB), Division of Preclinical Innovation (DPI), National Center for Advancing Translational Sciences (NCATS)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Center for Advancing Translational Sciences (NCATS), the National Institutes of Health, 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 November 21, 2014, page 69499 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 Center for Advancing Translational Sciences (NCATS), 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: Dr. Nora Yang, Therapeutic Development Branch, DPI, NCATS, NIH, 9800 Medical Center Drive, Building B, Rockville, MD 20850, or call non-toll-free number (301) 217-1077 or Email your request, including your address to: *TRND@mail.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: Application for Collaboration with the Therapeutic Development Branch (TDB), Division of Preclinical Innovation (DPI), National Center for Advancing Translational Sciences (NCATS), 0925-0658,

Expiration Date 06/30/2015—EXTENSION, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health (NIH).

Need and Use of Information Collection: The Therapeutic Development Branch (TDB) provides opportunities to partner with and gain access to a variety of programs delivering assay development, screening, hit-to-lead chemistry, lead optimization, chemical biology studies, drug development capabilities, expertise, and clinical/regulatory resources in a collaborative environment, with the goal of moving promising therapeutics into human clinical trials for both common and specifically rare and/or neglected diseases. The TDB uses an application and evaluation process to select collaborators. Selected investigators provide the drug project starting points and ongoing biological/disease expertise throughout the project. The application and evaluation process is necessary to determine amount and quality of current data, select meritorious projects for adoption, and serve as a basis for determining specific scientific gaps to be filled. OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 510.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hours
TDB Project Information Template	170	1	1	170
Online Collaborator Solicitation (TRND)	100	1	1	100
Online Collaborator Solicitation (BrIDGs)	70	1	1	70
Solicitation Instructions (TRND)	100	1	1	100
Solicitation Instructions (BrIDGs)	70	1	1	70

Dated: March 4, 2015.

M. Janis Mullaney,

Associate Director for Administration, NCATS, NIH.

[FR Doc. 2015-06084 Filed 3-16-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Applications for New Awards; National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR)—Research Fellowships Program

AGENCY: Administration for Community Living, Department of Health and Human Services.

ACTION: Notice.

Overview Information: National Institute on Disability and

Rehabilitation Research (NIDILRR)—Research Fellowships Program.

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133F-2.

DATES: *Applications Available:* March 17, 2015.

Note: On July 22, 2014, President Obama signed the Workforce Innovation Opportunity Act (WIOA). WIOA was effective immediately. One provision of WIOA transferred the National Institute on Disability and Rehabilitation Research (NIDRR) from the Department of Education to the Administration for Community Living (ACL) in the Department of Health and Human

Services. In addition, NIDRR's name was changed to the Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR). For FY 2015, all NIDILRR priority notices will be published as ACL notices, and ACL will make all NIDILRR awards. During this transition period, however, NIDILRR will continue to review grant applications using Department of Education tools. NIDILRR will post previously-approved application kits to grants.gov, and NIDILRR applications submitted to grants.gov will be forwarded to the Department of Education's G-5 system for peer review. We are using Department of Education application kits and peer review systems during this transition year in order to provide for a smooth and orderly process for our applicants.

Date of Pre-Application Meeting: April 7, 2015.

Deadline for Transmittal of Applications: May 18, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Research Fellowships Program is to build research capacity by providing support to highly qualified individuals, including those who are individuals with disabilities, to conduct research on the rehabilitation of individuals with disabilities.

Fellows must conduct original research in an area authorized by section 204 of the Rehabilitation Act of 1973, as amended (Act). Section 204 of the Act authorizes research, demonstration projects, training, and related activities, the purposes of which are to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most significant disabilities, and to improve the effectiveness of services authorized under the Act.

Note: An applicant should consult NIDRR's Long-Range Plan for Fiscal Years 2013–2017 (78 FR 20299) (the Plan) when preparing its application. The Plan is organized around the following outcome domains: (1) Community living and participation; (2) health and function; and (3) employment and can be accessed on the Internet at the following site: www.ed.gov/about/offices/list/osers/nidrr/policy.html.

Priority: NIDILRR has established one absolute priority for the competition announced in this notice. The Research Fellowships Program permits two types of fellowships, Distinguished and Merit. At this time, NIDILRR is choosing to fund a

Distinguished Residential Disability and Rehabilitation Policy Fellowship.

Absolute Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, the priority is an absolute priority. Under 34 CFR 75.105(c)(3), we consider only applications that meet this priority.

The priority is:
Distinguished Residential Disability and Rehabilitation Policy Fellowship as part of NIDILRR's Research Fellowships Program.

Note 1: An applicant for a Distinguished Residential Disability and Rehabilitation Policy Fellowship must arrange for a disability-relevant policy fellowship placement within a federal Executive branch agency or organization. (Please see the application kit for a list of potential agencies.)

Note 2: The full text of the priority is included in the notice of final priority for the Distinguished Residential Disability and Rehabilitation Policy Fellowship published in the **Federal Register** on July 28, 2014 (79 FR 43653) and in the application package for this competition.

Program Authority: 29 U.S.C. 762(e).

Applicable Regulations: (a) The Department of Health and Human Services General Administrative Regulations in 45 CFR part 75(b) 45 CFR part 75 Non-procurement Debarment and Suspension; (c) 45 CFR part 75 Requirement for Drug-Free Workplace (Financial Assistance); (d) The regulations for this program in 34 CFR part 356, 350.51 and 350.52.(a)

II. Award Information

Type of Award: Discretionary grants.
Estimated Available Funds: \$125,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2015 and any subsequent year from the list of unfunded applicants from these competitions.

Maximum Award: \$125,000.

We will reject any application that proposes a budget exceeding \$125,000 for a Distinguished Residential Disability and Rehabilitation Policy Fellowship for a single year. The Administrator of the Administration for Community Living may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: 12 months.

We will reject any application that proposes a project period other than 12 months. The Administrator of the

Administration for Community Living may change the maximum project period through a notice published in the **Federal Register**.

III. Eligibility Information

1. *Eligible Applicants:* Eligible individuals must: (1) satisfy the requirements of 45 CFR part 75 and (2) have training and experience that indicate a potential for engaging in scientific research related to the solution of rehabilitation problems of individuals with disabilities.

To be eligible for a Distinguished Residential Disability and Rehabilitation Policy Fellowship, an individual must have seven or more years of research experience in subject areas, methods, or techniques relevant to rehabilitation research and must have a doctorate, other terminal degree, or comparable academic qualifications.

Note: Institutions are not eligible to be recipients of research fellowships.

Applicants must submit an eligibility statement describing how they meet the requirements for the Distinguished Residential Disability and Policy Fellowship allowed under this program.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address To Request Application Package:* You can obtain an application package via grants.gov, or by contacting Patricia Barrett: U.S. Department of Health and Human Services, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202–2700. Telephone: (202) 245–6211 or by email: patricia.barrett@ed.gov.

If you request an application from Patricia Barrett, be sure to identify this competition as follows: CFDA number 84.133F–2.

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 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 24 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. You are not required to double space titles,

headings, footnotes, references, and captions, or 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.

The page limit for the application narrative does not apply to the documents you upload to the Grants.gov Apply site under the other two headings: ED Project Abstract and Other Attachments. The ED Project Abstract Form should contain only your one-page abstract. The Other Attachments Form should contain all other attachments, including your bibliography, eligibility statement, resume/curriculum vitae, and letters of recommendation/support. Information regarding the protection of human subjects, if applicable, should be included under the Other Attachments Form or in the place provided on the SF-424 Supplemental Form. You do not need to upload a table of contents for your application, as this will be automatically generated by Grants.gov.

We will reject your application if you exceed the page limit.

In concert with the balance principle described in NIDRR's Long-Range Plan, for Fiscal Years 2013–2017 (78 FR 20299), applicants for this Fellowship should specify in their abstract and application narrative which of NIDRR's major domains of individual well-being their research will focus on: (a) Community living and participation, (b) employment, or (c) health and function.

Note: Please submit an appendix that lists every collaborating organization and individual named in the application, including the mentor, staff, consultants, contractors, and advisory board members. We will use this information to help us screen for conflicts of interest with our reviewers.

3. Submission Dates and Times:

Applications Available: March 17, 2015.

Date of Pre-Application Meeting: Interested parties are invited to participate in a pre-application meeting and to receive information and technical assistance through individual consultation with NIDILRR staff. The pre-application meeting will be held on April 7, 2015. Interested parties may participate in this meeting by conference call with NIDILRR staff from the Administration for Community Living between 1:00 p.m. and 3:00 p.m., Washington, DC time. NIDILRR staff also will be available from 3:30 p.m. to 4:30 p.m., Washington, DC time, on the same day, by telephone, to provide information and technical assistance

through individual consultation. For further information or to make arrangements to participate in the meeting via conference call or to arrange for an individual consultation, contact Carolyn Baron at Carolyn.Baron@ed.gov, or by telephone at 202–245–7244.

Deadline for Transmittal of Applications: May 18, 2015. Deadline for Transmittal of Applications: April 27, 2015.

Applications for a grant under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV.7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This program is not subject to Executive Order 12372.

5. *Funding Restrictions:* Applicants are not required to submit a budget with their proposal.

Fellowship awards are a one full-time equivalent (FTE) award. Fellows must work principally on the fellowship during the term of the fellowship award. No fellow is allowed to be a direct recipient of Federal government grant funds in addition to those provided by the Fellowship grant (during the duration of the fellowship award performance period). Fellows may, subject to compliance with their institution's policy on additional employment, be the principal investigator of or otherwise work on a Federal grant that has been awarded to the fellow's institution. Fellows may be allowed to dedicate additional time beyond their one FTE requirement for the fellowship to other work during their fellowship grant performance period, if this is in keeping with the guidelines offered by their home institutions. In other words, NIDILRR

defers to the guidelines of the fellows' home institutions regarding the admissibility of work in excess of the one FTE dedicated to the fellowship. NIDILRR strongly recommends that any additional time be limited to .25 FTE, but requires that additional time not exceed .5 FTE.

Applicants should submit a plan for how they will be able to meet the one FTE requirement. We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. Requirements for Registering for Grants.gov and Submitting Your Application:

All individuals applying for a research fellowship must register at www.Grants.gov prior to submitting their application. To register with Grants.gov you must know the Funding Opportunity Number (FON) of the grant opportunity you are applying for. You can obtain this number by searching Grants.gov using the CFDA number, 84.133. This search will lead you to available NIDILRR solicitations and identify the FON for each. You will use the FON to register in Grants.gov. Once you register with Grants.gov, to facilitate the safe and secure transfer of your application to the Department, you will be asked to create a profile with your username and password, which will be used to identify you within the system, and create an electronic signature. Details on registering with Grants.gov as an individual are outlined in the following Grants.gov tutorial: www.grants.gov/assets/IndividualRegistrationOverview.html.

To register with Grants.gov, you do not have to provide a Data Universal Numbering System Number, a Taxpayer Identification Number, or your Social Security Number (SSN). You also do not have to complete a Central Contractor Registry or System for Award Management registration in order to access Grants.gov or submit your application.

However, your SSN is required to complete your application for a research fellowship.

7. *Other Submission Requirements:* Applications for a grant 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 a grant under the Research Fellowships Program, CFDA Number 84.133F-2, must be submitted electronically using the Governmentwide Grants.gov Apply site

at www.Grants.gov. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement*.

You may access the electronic grant application for the Research Fellowships Program competition at www.Grants.gov. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133F).

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 program [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 <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, 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. Additional, detailed information on how to attach files is in the application instructions.

- 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. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under *For Further Information Contact* in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that the problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or

- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception 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: Patricia Barrett, U.S. Department of Health and Human Services, 400 Maryland Avenue SW., Room 5142, Potomac Center Plaza (PCP), Washington, DC 20202–2700. FAX: (202) 245–7323.

Your paper application must be submitted in accordance with the mail 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 84.133F–2), 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 Administrator of the Administration for Community Living of the U.S. Department of Health and Human Services.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

Note for Mail of Paper Applications: If you mail 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 program 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 356.30 through 356.32 and are listed in the application package.

2. *Review and Selection Process:* Final award decisions will be made by the Administrator, ACL. In making these decisions, the Administrator will take into consideration: Ranking of the review panel; reviews for programmatic and grants management compliance; the reasonableness of the estimated cost to the government considering the available funding and anticipated results; and the likelihood that the proposed project will result in the benefits expected. Under Section 75.205, item (3) history of performance is an item that is reviewed.

In addition, in making a competitive grant award, the Administrator of the Administration for Community Living requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Health and Human Services.

3. *Special Conditions:* Under 45 CFR part 75 the Administrator of the Administration for Community Living may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 45 CFR part 75, as applicable; 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 send you a Notice of Award (NOA); or we may send you an email containing a link to access an electronic version of your NOA. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in

the *Applicable Regulations* section of this notice and include these and other specific conditions in the NOA. The NOA also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 45 CFR part 75 should you receive funding under the competition. This does not apply if you have an exception under 45 CFR part 75.

(b) At the end of your project period, you must submit a final performance report, including summary financial information, as directed by the Administrator of the Administration for Community Living in 45 CFR part 75. The Administrator of the Administration for Community Living may also require more frequent performance reports under 45 CFR part 75. For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

4. *Performance Measures:* To evaluate the overall success of its research program, NIDILRR assesses the quality of its funded projects through a review of grantee performance and accomplishments. Each year, NIDILRR examines a portion of its grantees to determine the extent to which grantees are conducting high-quality research and related activities that lead to high-quality products. Performance measures for the Research Fellowships Program include:

- The number of NIDILRR-supported fellows, post-doctoral trainees, and doctoral students who publish results of NIDILRR-sponsored research in refereed journals;

- The percentage of grantee research and development that has appropriate study design, meets rigorous standards of scientific and/or engineering methods, and builds on and contributes to knowledge in the field; and

- The average number of publications per award based on NIDILRR-funded research and development activities in refereed journals.

NIDILRR evaluates the overall success of individual research and development grants through a review of grantee performance and products. For these reviews, NIDILRR uses information submitted by grantees as part of their final performance report. Approved final performance report guidelines require grantees to submit information regarding research methods, results, outputs, and outcomes. Because grants made under the Research Fellowships

Program are limited to a maximum of 12 months, they are not eligible for continuation awards.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT:

Patricia Barrett, U.S. Department of Health and Human Services, 400 Maryland Avenue SW., Room 5142, PCP, Washington, DC 20202-2700. Telephone: (202) 245-6211 or by email: patricia.barrett@ed.gov.

If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

VIII. Other Information

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 11, 2015.

John Tschida,

Director, National Institute on Disability, Independent Living, and Rehabilitation Research.

[FR Doc. 2015-05961 Filed 3-16-15; 8:45 am]

BILLING CODE 4154-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of an Interagency Pain Research Coordinating Committee (IPRCC) meeting.

The meeting will feature invited speakers and discussions of committee business items including pain research updates from federal agencies and discussion of a federal pain research strategy.

The meeting will be open to the public and accessible by live webcast and conference call.

Name of Committee: Interagency Pain Research Coordinating Committee.

Type of meeting: Open Meeting.

Date: April 17, 2015.

Time: 8:30 a.m. to 5:00 p.m. *Eastern Time*—Approximate end time.

Agenda: The meeting will feature invited speakers and discussions of Committee business items including pain research updates from federal agencies and discussion of a federal pain research strategy.

Place: National Institutes of Health, Building 1, Wilson Hall, 3rd Floor, 1 Center Drive, Bethesda, MD 20892.

Call in Teleconference Line (Listen Only): Dial: 888-469-1373, Participant Passcode: 7171892.

Cost: The meeting is free and open to the public.

Webcast Live: <http://videocast.nih.gov/>

Deadlines: Notification of intent to present oral comments: Friday, April 3, 2015, by 5:00 p.m. ET.

Submission of written/electronic statement for oral comments: Friday, April 10, 2015, by 5:00 p.m. ET.

Submission of written comments: Monday, April 13, 2015, by 5:00 p.m. ET.

Access: Medical Center Metro (Red Line), Visitor Information: <http://www.nih.gov/about/visitor/index.htm>.

Contact Person: Linda L. Porter, Ph.D., Pain Policy Advisor, Office of Pain Policy, Officer of the Director, National Institute of Neurological Disorders and Stroke, NIH, 31 Center Drive, Room 8A31, Bethesda, MD 20892, Phone: (301) 451-4460, Email: Linda.Porter@nih.gov.

Please Note

Any member of the public interested in presenting oral comments to the Committee must notify the Contact Person listed on this notice by 5:00 p.m. ET on Friday, April 3, 2015, with their request to present oral comments at the meeting. Interested individuals and representatives of organizations must submit a written/electronic copy of the oral statement/comments including a brief description of the organization represented by 5:00 p.m. ET on Friday, April 10, 2015.

Statements submitted will become a part of the public record. Only one representative of an organization will be allowed to present oral comments on behalf of that organization, and presentations will be limited to three to five minutes per speaker, depending on number of speakers to be accommodated within the allotted time. Speakers will

be assigned a time to speak in the order of the date and time when their request to speak is received, along with the required submission of the written/electronic statement by the specified deadline. If special accommodations are needed, please email the Contact Person listed above.

In addition, any interested person may submit written comments to the IPRCC prior to the meeting by sending the comments to the Contact Person listed on this notice by 5:00 p.m. ET, Monday, April 13, 2015. The comments should include the name and, when applicable, the business or professional affiliation of the interested person. All written comments received by the deadlines for both oral and written public comments will be provided to the IPRCC for their consideration and will become part of the public record.

The meeting will be open to the public through a conference call phone number and webcast live on the Internet. Members of the public who participate using the conference call phone number will be able to listen to the meeting but will not be heard. If you experience any technical problems with the conference call or webcast, please call Operator Service on (301) 496-4517 for conference call issues and the NIH IT Service Desk at (301) 496-4357, toll free (866) 319-4357, for webcast issues.

Individuals who participate in person or by using these electronic services and who need special assistance, such as captioning of the conference call or other reasonable accommodations, should submit a request to the Contact Person listed on this notice at least seven days prior to the meeting.

As a part of security procedures, attendees should be prepared to present a photo ID during the security process to get on the NIH campus. For a full description, please see: <http://www.nih.gov/about/visitorssecurity.htm>.

Information about the IPRCC is available on the Web site: <http://iprcc.nih.gov/>.

Dated: March 11, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-05969 Filed 3-16-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute on Minority Health and Health Disparities; 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 materials, 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 on Minority Health and Health Disparities Special Emphasis Panel; NIMHD Academic Research Enhancement Award: Enhancing Health Disparities Research at Undergraduate Institutions (R15).

Date: April 13–14, 2015.

Time: 4:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Rockville Hilton, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Maryline Laude-Sharp, Ph.D., Scientific Review Officer, National Institute on Minority Health and Health Disparities, National Institutes of Health, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892, (301) 451-9536, mlaudesharp@mail.nih.gov.

Dated: March 11, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-06037 Filed 3-16-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Health Resources and Services Administration****Renewal of Charter for the Advisory Council on Blood Stem Cell Transplantation**

AGENCY: Healthcare Systems Bureau, Health Resources and Services Administration, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services is hereby giving notice

that the Advisory Council on Blood Stem Cell Transplantation (ACBSCT) is being rechartered. The effective date of the current charter was February 19, 2013.

FOR FURTHER INFORMATION CONTACT:

Patricia Stroup, MBA, MPA, Executive Secretary, Advisory Council on Blood Stem Cell Transplantation, Health Resources and Services Administration, Department of Health and Human Services, Room 17W65 Fishers Lane, Rockville, MD 20857. Phone: (301) 443-1127; fax: (301) 594-6095; email: PStroup@hrsa.gov.

SUPPLEMENTARY INFORMATION: 42 U.S.C. 274k; section 379 of the Public Health Service Act. The Council is governed by the provisions of Public Law 92-463, as amended (5 U.S.C. appendix 2), which sets forth standards for the formation and use of advisory committees.

ACBSCT advises and makes recommendations to the Secretary on matters related to the activities of the C.W. Bill Young Cell Transplantation Program and the National Cord Blood Inventory Program.

Its principal functions shall be to provide unbiased analyses and recommendations to the Secretary on the latest advances in the science of blood stem cell transplantation.

On February 13, 2013, the Secretary approved the ACBSCT charter to be renewed. The filing date of the renewed charter was February 19, 2013. There was one amendment to the previous charter, which was approved by the Secretary on May 14, 2014, with an amended filing date of May 15, 2014. Renewal of the ACBSCT charter gives authorization for the Council to operate until February 19, 2017.

A copy of the ACBSCT charter is available on the Web site for the blood cell transplant program, at <http://bloodcell.transplant.hrsa.gov/>. A copy of the charter also can be obtained by accessing the FACA database that is maintained by the Committee Management Secretariat under the General Services Administration. The Web site address for the FACA database is <http://www.facadatabase.gov/>.

Dated: March 4, 2015.

Mary K. Wakefield,

Administrator.

[FR Doc. 2015-06007 Filed 3-16-15; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Center for Scientific Review; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Non-HIV Anti-Infective Therapeutics.

Date: March 26–27, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Kenneth M Izumi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3204, MSC 7808, Bethesda, MD 20892, 301-496-6980, izumikm@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: April 1, 2015.

Time: 10:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Jose H Guerrier, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301-435-1137, guerriej@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Implementation Science in HIV/AIDS Interventions.

Date: April 2, 2015.

Time: 11:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Jose H Guerrier, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301-435-1137, guerriej@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: April 8–9, 2015.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kenneth A Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435-1166, roebuckk@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: AIDS and AIDS Related Research.

Date: April 10, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301-435-1050, freundr@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

March 11, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015-06035 Filed 3-16-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–15GD]

Proposed Data Collections Submitted for Public Comment and Recommendations; Withdrawal

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS). In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Subject: Emergency Self Escape for Coal Miners.

ACTION: Notice withdrawal.

SUMMARY: The Centers for Disease Control and Prevention requests withdrawal from publication the 30-Day **Federal Register** Notice (FRN) 15–15GD concerning the *Emergency Self Escape for Coal Miners* ([FR Doc. 2015–05512 Filed 3–9–15; 8:45 a.m.]), which was submitted on March 5, 2015 for public inspection in the **Federal Register**.

CDC discovered errors with the published information collection burden estimates and has since corrected these estimates.

DATES: The 30-day FRN published on [03/10/15] at [Vol. 80, No. 46 Page 12638–12640] is withdrawn as of [03/11/15].

FOR FURTHER INFORMATION CONTACT:

(404) 639–7570 or send comments to CDC Leroy Richardson, 1600 Clifton Road, MS D–74, Atlanta, GA 30333 or send an email to omb@cdc.gov.

SUPPLEMENTARY INFORMATION: N/A

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–05942 Filed 3–16–15; 8:45 am]

BILLING CODE 4163–18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: April 7–8, 2015.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301-435-1050, freundr@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Structural Studies.

Date: April 7, 2015.

Time: 2:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Eduardo A. Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435-1168, montalve@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA Panel: HIV–HCV–HBV Special Emphasis Panel.

Date: April 8, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Eduardo A. Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435-1168, montalve@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Biology and Progression.

Date: April 8, 2015.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rolf Jakobi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7806, Bethesda, MD 20892, 301-495-1718, jakobir@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 11, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–05972 Filed 3–16–15; 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; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NIDA)

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** Volume 79, No. 250, on December 31, 2014, page 78875, 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 Institute on Drug Abuse (NIDA), 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, submit comments in writing, or request more information on the proposed project, contact: Genevieve deAlmeida, Project Clearance Liaison, National Institute on Drug Abuse, NIH, 6001 Executive Boulevard, Bethesda, MD 20892-9557, or call non-toll-free number (301) 594-6802, or Email your request, including your address to: *dealmeig@nida.nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service

Delivery (NIDA), 0925-0655, Expiration Date 3/31/2015, EXTENSION, National Institute on Drug Abuse (NIDA).

Need and Use of Information Collection: The information collected under this clearance will be qualitative customer and stakeholder feedback information—their perceptions, experiences and expectations of services, issues with service, to focus attention on areas where communication, training or changes in operations might improve delivery of products or services. The information will be useful and will allow for collaborative and actionable communications between the Agency and its customers and stakeholders, and will contribute directly to improving the programs and management of them.

The information will not yield data that can be generalized to the overall population. The information may also be formative for the purpose of developing a concept for a new service program or dissemination program. The collections may still be eligible for submission for other generic mechanisms designed to yield quantitative results. The primary objectives are to obtain feedback on programs from customers and stakeholders, that would help make positive changes to the programs, or to assist in developing a new program or dissemination initiative, or to test medical tools and devices for usability, feasibility, and pilot testing of survey questionnaires for understandability. Data collection methods to be used in these studies include web-based and mailed surveys, focus groups, interviews with small groups, ad hoc collections at Conferences. The findings will provide valuable information to assist in improving programs that serve the public, and in developing good tools and devices to serve the public. OMB approval is requested for 3 years.

NIDA will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;

- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does 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 to 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.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

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.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 1,560.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of collection	Number of respondents	Annual frequency per response	Hours per response	Total hours
Customer outcomes and usability testing	900	1	40/60	600
Customer Satisfaction and needs assessment survey	600	1	40/60	400
Focus Groups	130	1	1	130
Small Discussion Groups	130	1	1	130
Pilot Testing of instruments for applicability among diverse populations	450	1	40/60	300

Dated: March 11, 2015.

Genevieve deAlmeida,

Project Clearance Liaison, NIDA, NIH.

[FR Doc. 2015-06087 Filed 3-16-15; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

“Low-Income Levels” Used for Various Health Professions and Nursing Programs Authorized in Titles III, VII, and VIII of the Public Health Service Act

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is updating income levels used to identify a “low-income family” for the purpose of determining eligibility for programs that provide health professions and nursing training to individuals from disadvantaged backgrounds. These various programs are authorized in Titles III, VII, and VIII of the Public Health Service Act.

The Department periodically publishes in the **Federal Register** low-income levels to be used by institutions receiving grants and cooperative agreements in order to determine individual eligibility for programs providing training for (1) disadvantaged individuals, (2) individuals from disadvantaged backgrounds, or (3) individuals from low-income families.

SUPPLEMENTARY INFORMATION: Many health professions and nursing grant and cooperative agreement awardees use the low-income levels to determine whether potential program participants are from an economically disadvantaged background and would be eligible to participate in the program, as well as to determine the amount of funding the individual receives. Federal agencies generally make awards to: Accredited schools of medicine, osteopathic medicine, public health, dentistry,

veterinary medicine, optometry, pharmacy, allied health, podiatric medicine, nursing, and chiropractic; public or private nonprofit schools which offer graduate programs in behavioral health and mental health practice; and other public or private nonprofit health or education entities to assist the disadvantaged to enter and graduate from health professions and nursing schools. Some programs provide for the repayment of health professions or nursing education loans for disadvantaged students.

The Secretary defines a “low-income family/household” for programs included in Titles III, VII, and VIII of the Public Health Service Act as having an annual income that does not exceed 200 percent of the Department’s poverty guidelines. A family is a group of two or more individuals related by birth, marriage, or adoption who live together. On June 26, 2013, in *U.S. v. Windsor*, 133 S. Ct. 2675 (2013), the Supreme Court held that section 3 of the Defense of Marriage Act, which prohibited federal recognition of same-sex spouses and same-sex marriages, was unconstitutional. In light of this decision, please note that in determining eligibility for these programs, same-sex marriages and same-sex spouses will be recognized on equal terms with opposite-sex marriages and opposite-sex spouses, regardless of where the couple resides. This approach is consistent with a post-Windsor policy of treating same-sex marriages on the same terms as opposite sex marriages to the greatest extent reasonably possible. Thus, a “family or household” includes same-sex spouses that are legally married in a jurisdiction that recognizes same-sex marriage regardless of whether the same-sex spouses live in a jurisdiction that recognizes same-sex marriage or a jurisdiction that does not recognize same-sex marriage as well as the family members that result from such same sex-marriage.

Most HRSA programs use the income of a student’s parents to compute low-income status. However, a “household” may potentially be only one person. Other HRSA programs, depending upon

the legislative intent of the program, the programmatic purpose related to income level, as well as the age and circumstances of the participant, will apply these low-income standards to the individual student to determine eligibility, as long as he or she is not listed as a dependent on the tax form of his or her parent(s). Each program announces the rationale and choice of methodology for determining low-income levels in program guidance.

The Secretary annually adjusts the low-income levels based on the Department’s poverty guidelines and makes them available to persons responsible for administering the applicable programs. The Department’s poverty guidelines are based on poverty thresholds published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index. The income figures that follow have been updated to reflect the Department’s 2015 poverty guidelines as published in 80 FR 3236 (January 22, 2015).

LOW-INCOME LEVELS BASED ON THE 2015 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

Persons in family/household *	Income level **
1	23,540
2	31,860
3	40,180
4	48,500
5	56,820
6	65,140
7	73,460
8	81,780

For families with more than 8 persons, add \$8,320 for each additional person.

LOW-INCOME LEVELS BASED ON THE 2015 POVERTY GUIDELINES FOR ALASKA

Persons in family/household *	Income level **
1	29,440
2	39,840
3	50,240
4	60,640
5	71,040
6	81,440

LOW-INCOME LEVELS BASED ON THE 2015 POVERTY GUIDELINES FOR ALASKA—Continued

Persons in family/household *	Income level **
7	91,840
8	102,240

For families with more than 8 persons, add \$10,400 for each additional person.

LOW-INCOME LEVELS BASED ON THE 2015 POVERTY GUIDELINES FOR HAWAII

Persons in family/household *	Income level **
1	27,100
2	36,660
3	46,220
4	55,780
5	65,340
6	74,900
7	84,460
8	94,020

For families with more than 8 persons, add \$9,560 for each additional person.

* Includes only dependents listed on federal income tax forms.

** Adjusted gross income for calendar year 2014.

Separate poverty guideline figures for Alaska and Hawaii reflect Office of Economic Opportunity administrative practice beginning in the 1966–1970 period. (Note that the Census Bureau poverty thresholds—the version of the poverty measure used for statistical purposes—have never had separate figures for Alaska and Hawaii.) The poverty guidelines are not defined for Puerto Rico or other outlying jurisdictions. Puerto Rico and other outlying jurisdictions shall use income guidelines for the 48 Contiguous States and the District of Columbia.

Dated: March 6, 2015.

Mary K. Wakefield,
Administrator.

[FR Doc. 2015–06008 Filed 3–16–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

[OMB Control Number 1615–0116]

Agency Information Collection Activities: Application for Fee Waivers and Exemption, Form I–912; Revision of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and

Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until May 18, 2015.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0116 in the subject box, the agency name and Docket ID USCIS–2010–0008. To avoid duplicate submissions, please use only one of the following methods to submit comments:

- (1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at www.regulations.gov under e-Docket ID number USCIS–2010–0008;
- (2) *Email.* Submit comments to USCISFRComment@uscis.dhs.gov;
- (3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at <http://www.regulations.gov>. We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Laura Dawkins, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact

the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check “My Case Status” online at: <https://egov.uscis.gov/cris/Dashboard.do>, or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Fee Waivers and Exemption.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–912; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The collection of information on Form I–912 is necessary in order for U.S. Citizenship and Immigration Services (USCIS) to make a determination that the applicant is unable to pay the application fee for certain immigration benefits.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of

respondents for the information collection I-912 is 505,000 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 590,850 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$1,893,750.

Dated: March 11, 2015.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2015-06032 Filed 3-16-15; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of NMC Global Corporation, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of NMC Global Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that NMC Global Corporation has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of October 28, 2014.

DATES: Effective Dates: The accreditation and approval of NMC Global Corporation, as commercial gauger and laboratory became effective on October 28, 2014. The next triennial inspection date will be scheduled for October 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that NMC Global Corporation, 3139 Federal Rd., Pasadena, TX 77504, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum

products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. NMC Global Corporation is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement

NMC Global Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	ASTM D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-04	ASTM D 95	Standard test method for water in petroleum products and bituminous materials by distillation.
27-06	ASTM D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-13	ASTM D 4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27-48	ASTM D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and

accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: March 9, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015-06076 Filed 3-16-15; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of November 17, 2014.

DATES: The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on November 17, 2014. The next triennial inspection date will be scheduled for November 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S.

Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 1301 West Blancke St., Linden, NJ 07036, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum

products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title
1	Vocabulary.
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	ASTM D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-04	ASTM D 95	Standard test method for water in petroleum products and bituminous materials by distillation.
27-06	ASTM D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-07	ASTM D 4807	Standard Test Method for Sediment in Crude Oil by Membrane Filtration.
27-08	ASTM D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11	ASTM D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Velocity).
27-13	ASTM D 4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27-14	ASTM D 2622	Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry.
27-20	ASTM D 4057	Standard Practice for Manual Sampling of Petroleum and Petroleum Products.
27-48	ASTM D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50	ASTM D 93	Standard test methods for flash point by Pensky-Martens Closed Cup Tester.
27-53	ASTM D 2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27-54	ASTM D 1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27-58	ASTM D 5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).
N/A	ASTM D 1319	Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption.
N/A	ASTM D 4815	Standard Test Method for Determination of MTBE, ETBE, TAME, DIPE, tertiary-Amyl Alcohol and C1 to C4 Alcohols in Gasoline by Gas Chromatography.
N/A	ASTM D 5599	Standard Test Method for Determination of Oxygenates in Gasoline by Gas Chromatography and Oxygen Selective Flame Ionization Detection.
N/A	ASTM D 3606	Standard Test Method for Determination of Benzene and Toluene in Finished Motor and Aviation Gasoline by Gas Chromatography.
N/A	ASTM D 5769	Standard Test Method for Determination of Benzene, Toluene, and Total Aromatics in Finished Gasolines by Gas Chromatography/Mass Spectrometry.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited

or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: March 9, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015-06083 Filed 3-16-15; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of NMC Global Corporation, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of NMC Global Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that NMC Global Corporation has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 20, 2014.

DATES: *Effective Dates:* The accreditation and approval of NMC

Global Corporation, as commercial gauger and laboratory became effective on August 20, 2014. The next triennial inspection date will be scheduled for August 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that NMC Global Corporation, 326 23rd St., Kenner, LA 70062, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. NMC

Global Corporation is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
11	Physical property.
12	Calculations.
17	Maritime measurement.

NMC Global Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	ASTM D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-04	ASTM D 95	Standard test method for water in petroleum products and bituminous materials by distillation.
27-06	ASTM D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-11	ASTM D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Velocity).
27-13	ASTM D 4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27-48	ASTM D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50	ASTM D 93	Standard test methods for flash point by Pensky-Martens Closed Cup Tester.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>

Dated: March 9, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015-06221 Filed 3-16-15; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

Accreditation and Approval of Intertek USA, Inc., as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Intertek USA, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of August 20, 2014.

DATES: *Effective Dates:* The accreditation and approval of Intertek USA, Inc., as commercial gauger and laboratory became effective on August

20, 2014. The next triennial inspection date will be scheduled for August 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA, Inc., 4398 Highway 77N, Marion, AR 72364, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title	API chapters	Title
3	Tank gauging.	17	Maritime measurement.
7	Temperature determination.		
8	Sampling.		
12	Calculations.		

Intertek USA, Inc., is accredited for the following laboratory analysis

procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-04	ASTM D 95	Standard test method for water in petroleum products and bituminous materials by distillation.
27-06	ASTM D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08	ASTM D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11	ASTM D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Velocity).
27-13	ASTM D 4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27-14	ASTM D 2622	Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry.
27-46	ASTM D 5002	Standard test method for density and relative density of crude oils by digital density analyzer.
27-48	ASTM D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50	ASTM D 93	Standard test methods for flash point by Pensky-Martens Closed Cup Tester.
27-53	ASTM D 2709	Standard Test Method for Water and Sediment in Middle Distillate Fuels by Centrifuge.
27-57	ASTM D 7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-58	ASTM D 5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>

Dated: March 9, 2015.

Ira S. Reese,
Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015-06218 Filed 3-16-15; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NRNL-17712;PPWOCRADIO, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before February 14, 2015. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by April 1, 2015. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal

identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 25, 2015.

J. Paul Loether,
Chief, National Register of Historic Places, National Historic Landmarks Program.

COLORADO

Las Animas County

Foster House Stage Station and Hotel Site, Address Restricted, Aguilar, 15000110

CONNECTICUT

Fairfield County

Sturges—Wright House, 93 Cross Hwy., Westport, 15000111

Hartford County

Parkville Historic District, Roughly bounded by I-84, Park Hwy., Francis Ct., New Park & Sisson Aves., Hartford, 15000112

New Haven County

Crawford, George W., House, 84-96 Park St., New Haven, 15000113

DISTRICT OF COLUMBIA

District of Columbia

Bruce, Blanche Kelso, Elementary School, (Public School Buildings of Washington, DC MPS) 770 Kenyon St. NW., Washington, 15000114

Wilson, James Ormand, Normal School,
(Public School Buildings of Washington,
DC MPS) 1100 Harvard St. NW.,
Washington, 15000115

TENNESSEE

Franklin County

Sewanee Fire Lookout Tower, (Tennessee
Division of Forestry Fire Lookout Towers
MPS) 310 Fire Tower Rd., Sewanee,
15000116

Knox County

Winstead Cottage and Bethel Confederate
Cemetery, 1917 Bethel Ave., Knoxville,
15000117

Tipton County

Price, Dr. Thomas H., House, 620 N. Main St.,
Covington, 15000118

A request for removal has been received for
the following resources:

LOUISIANA

Avoyelles Parish

Lacour's Fish and Ice Company Building, LA
1, Simmesport, 83000488

Orleans Parish

Canal Station, 2819 Canal St., New Orleans,
92001873

Ouachita Parish

St. James United Methodist Church, 916
Adams St., Monroe, 92001519

Rapides Parish

Rapides Lumber Company Sawmill
Manager's House, Jct. of US 165 and Castor
Plunge Rd., Woodworth, 90001753

Tangipahoa Parish

Loranger Methodist Church, Allman Ave.
and Magnolia Blvd., Loranger, 82000464

Terrebonne Parish

St. Matthew's Episcopal Church, 243 Barrow
St., Houma, 89000331

West Baton Rouge Parish

Cohn High School, 805 N 14th St., Port
Allen, 04000638

[FR Doc. 2015-06030 Filed 3-16-15; 8:45 am]

BILLING CODE 4312-51-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO956000 L14400000.BJ0000]

Notice of Filing of Plats of Survey; Colorado

AGENCY: Bureau of Land Management,
Interior.

ACTION: Notice of Filing of Plats of
Survey; Colorado

SUMMARY: The Bureau of Land
Management (BLM) Colorado State
Office is publishing this notice to
inform the public of the official filing of
the survey plat listed below. The plat

will be available for viewing at <http://www.glorerecords.blm.gov>.

DATES: The plat described in this notice
was filed on February 27, 2015.

ADDRESSES: BLM Colorado State Office,
Cadastral Survey, 2850 Youngfield
Street, Lakewood, CO 80215-7093.

FOR FURTHER INFORMATION CONTACT:
Randy Bloom, Chief Cadastral Surveyor
for Colorado, (303) 239-3856.

Persons who use a
telecommunications device for the deaf
(TDD) may call the Federal Information
Relay Service (FIRS) at 1-800-877-8339
to contact the above individual during
normal business hours. The FIRS is
available 24 hours a day, seven days a
week, to leave a message or question
with the above individual. You will
receive a reply during normal business
hours.

SUPPLEMENTARY INFORMATION: The
supplemental plat in Township 42
North, Range 9 West, New Mexico
Principal Meridian, Colorado, was
accepted on February 27, 2015, and
filed on February 27, 2015.

Randy Bloom,

Chief Cadastral Surveyor for Colorado.

[FR Doc. 2015-06100 Filed 3-16-15; 8:45 am]

BILLING CODE 4310-JB-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F
134S180110; S2D2S SS08011000 SX066A00
33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029-0025

AGENCY: Office of Surface Mining
Reclamation and Enforcement, Interior.

ACTION: Notice and request for
comments.

SUMMARY: In compliance with the
Paperwork Reduction Act of 1995, the
Office of Surface Mining Reclamation
and Enforcement (OSMRE) is
announcing its intention to request
renewed approval for the collection of
information regarding the maintenance
of State programs, and procedures for
substituting Federal enforcement of
State programs and withdrawing
approval of State programs.

DATES: Comments on the proposed
information collection activity must be
received by May 18, 2015, to be assured
of consideration.

ADDRESSES: Submit comments to John
Trelease, Office of Surface Mining

Reclamation and Enforcement, 1951
Constitution Ave. NW., Room 203-SIB,
Washington, DC 20240. Comments may
also be submitted electronically to
jtrelease@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To
receive a copy of the information
collection request contact John Trelease,
at (202) 208-2783 or via email at
jtrelease@osmre.gov.

SUPPLEMENTARY INFORMATION: The Office
of Management and Budget (OMB)
regulations at 5 CFR part 1320, which
implement provisions of the Paperwork
Reduction Act of 1995 (Pub. L. 104-13),
require that interested members of the
public and affected agencies have an
opportunity to comment on information
collection and recordkeeping activities
[see 5 CFR 1320.8 (d)]. This notice
identifies an information collection that
OSMRE will be submitting to OMB for
approval. This collection is contained in
30 CFR part 733—Maintenance of State
Programs and Procedures for
Substituting Federal Enforcement of
State Programs and Withdrawing
Approval of State Programs. OSMRE
will request a 3-year term of approval
for each information collection activity.
Responses are required to obtain a
benefit.

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 are invited on: (1) The
need for the collection of information
for the performance of the functions of
the agency; (2) the accuracy of the
agency's burden estimates; (3) ways to
enhance the quality, utility and clarity
of the information collection; and (4)
ways to minimize the information
collection burden on respondents, such
as use of automated means of collection
of the information. A summary of the
public comments will accompany
OSMRE's submission of the information
collection request to OMB.

This notice provides the public with
60 days in which to comment on the
following information collection
activity:

Title: 30 CFR part 733—Maintenance
of State Programs and Procedures for
Substituting Federal Enforcement of
State Programs and Withdrawing
Approval of State Programs.

OMB Control Number: 1029-0025.

Summary: This Part allows any interested person to request the Director of OSMRE evaluate a State program by setting forth in the request a concise statement of facts that the person believes establishes the need for the evaluation.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents: Any interested person (individuals, businesses, institutions, organizations).

Total Annual Responses: 1.

Total Annual Burden Hours: 60.

Dated: March 10, 2015.

Harry J. Payne,

Chief, Division of Regulatory Support.

[FR Doc. 2015-06096 Filed 3-16-15; 8:45 am]

BILLING CODE 4310-05-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-HQ-FAC-2015-N005;
FXFR1336090000-FF09F14000-156]

National Control and Management Plan for Members of the Snakehead Family (Channidae)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service (USFWS), announces the availability of a draft document for public review: *National Control and Management Plan for Members of the Snakehead Family* (Channidae) (Plan). The goal of the Plan is to use the best available science and management practices to prevent the introduction of snakehead into new areas, contain and where possible eradicate newly established and localized populations, and minimize impacts in areas where they are established and eradication is not feasible.

DATES: To ensure consideration, please send your written comments by April 16, 2015.

ADDRESSES: *Obtaining Documents:* The draft document may be obtained online, by mail, or by email:

• <http://anstf.force.gov/documents.php>;

• **U.S. mail:** U.S. Fish and Wildlife Service, Branch of Aquatic Invasive Species, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: FAC, Falls Church, VA 22041; or

• **Email:** Laura_Norcutt@fws.gov.

Submitting Comments: Please submit your comments in writing by one of the following methods:

• **U.S. mail:** U.S. Fish and Wildlife Service, Branch of Aquatic Invasive Species, 5275 Leesburg Pike, MS: FAC, Falls Church, VA 22041; or

• **Email:** Laura_Norcutt@fws.gov.

FOR FURTHER INFORMATION CONTACT:

Laura Norcutt, 703-358-2398.

SUPPLEMENTARY INFORMATION:

Background

Through provisions in title 50, part 16 of the Code of Federal Regulations (CFR), the USFWS regulates the importation and interstate transport of certain aquatic species that have been determined to be injurious (50 CFR 16.13). The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 *et seq.*) established the Aquatic Nuisance Species Task Force (ANSTF), an intergovernmental organization co-chaired by the USFWS and the National Oceanic and Atmospheric Administration and dedicated to prevent and control the spread of aquatic nuisance species.

The 108th Congress requested that the USFWS address concerns about the introduction of northern snakehead. In response, the USFWS assembled a Northern Snakehead Working Group (NSWG) to provide input on the development of a *Northern Snakehead Control and Management Plan*. This Plan to guide the USFWS and other interested parties in managing and controlling existing populations, and preventing the spread and introduction of this species into additional areas of the United States, was completed in 2005 with the input of the NSWG and other northern snakehead experts. In 2011, the Mississippi River Basin Panel on Aquatic Nuisance Species requested that the ANSTF update the 2005 Plan to include additional snakehead species that are, or have the potential to become, invasive in U.S. waters.

Development of the Draft Plan

In 2011 the ANSTF established a committee to revise the *Northern Snakehead Control and Management Plan* to include all snakehead species to correspond with the Lacey Act. The committee was made up of 29 committee members representing Federal and State agencies, nongovernmental organizations, and university experts. The ANSTF was provided an opportunity to review the draft document and comment in November 2013 and March 2014. ANSTF comments were addressed in this new version of the draft Plan.

The goal of the revised Plan is to use the best available science and management practices to prevent the

future introduction of snakehead into new areas; contain and, where possible, eradicate newly established and localized populations; and minimize impacts in areas where they are established and eradication is not feasible. The following is a list of objectives set forth by this plan:

1. Prevent importation into the United States by refining regulations and improving compliance and enforcement.

2. Contain the expansion of snakehead within the United States by assessing the risk of establishment and developing an effective snakehead surveillance program that can detect new introductions at a stage where populations are able to be eradicated.

3. Develop long-term adaptive management options to mitigate potential impacts of Snakehead in U.S. waters where eradication is not possible.

4. Conduct research to better understand the pathways of spread and potential impacts of snakehead on aquatic ecosystems, as well as to develop more effective surveillance, control, and eradication methods.

5. Develop effective outreach materials to help prevent new introductions of snakehead within the United States and control the anthropogenic spread of established populations.

6. Review and assess progress of the Plan.

Request for Public Comments

The draft Plan is available on the ANSTF Web site (see **ADDRESSES**) for public review and comment.

We request review and comment on our Plan from local, State, and Federal agencies and the public. All comments received by the date specified in **DATES** will be considered in preparing final documents. Methods of submitting comments are in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. You can ask the USFWS in your comment to withhold your personal identifying information from public review; however, we cannot guarantee that we will be able to do so.

Responses to individual commenters will not be provided, but we will provide the comments we receive and a summary of how we addressed substantive comments in a document on the ANSTF Web site listed above in

ADDRESSES. Individuals without internet access may request an appointment to inspect the comments during normal business hours at our office (see **ADDRESSES**).

Dated: February 5, 2015.

David Hoskins,

Co-Chair, Aquatic Nuisance Species Task Force, Assistant Director for Fish and Aquatic Conservation.

[FR Doc. 2015-06024 Filed 3-16-15; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F
134S180110; S2D2S SS08011000 SX066A00
33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029-0111

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing its intention to request renewed approval for the collection of information for Areas Designated by Act of Congress. The information collection request describes the nature of the information collection and the expected burden and costs. This information collection activity was previously approved by the Office of Management and Budget (OMB), and assigned clearance number 1029-0111.

DATES: Comments on the proposed information collection activities must be received by May 18, 2015, to be assured of consideration.

ADDRESSES: Submit comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203—SIB, Washington, DC 20240. Comments may also be submitted electronically to jtrelease@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease at (202) 208-2783 or by email at jtrelease@osmre.gov.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an

opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8 (d)]. This notice identifies an information collection that OSMRE will be submitting to OMB for approval. This collection is contained in 30 CFR 761—Areas Designated by Act of Congress. OSMRE will request a 3-year term of approval for each information collection activity. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for Part 761 is 1029-0111. Responses are required to obtain a benefit for this collection.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSMRE's submission of the information collection request to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: 30 CFR 761—Areas Designated by Act of Congress.

OMB Control Number: 1029-0111.

Summary: OSMRE and state regulatory authorities use the information collected for 30 CFR 761 to ensure that persons planning to conduct surface coal mining operations on the lands protected by § 522(e) of the Surface Mining Control and Reclamation Act of 1977 have the right to do so under one of the exemptions or waivers provided by this section of the Act.

Bureau Form Number: None.

Frequency of Collection: Once.

Description of Respondents:

Applicants for certain surface coal mine permits and state regulatory authorities.

Total Annual Respondents: 23 coal mining applicants and 24 state regulatory authorities.

Total Annual Burden Hours: 267.

Total Annual Non-Wage Costs: \$1,020.

Dated: March 10, 2015.

Harry J. Payne,

Chief, Division of Regulatory Support.

[FR Doc. 2015-06047 Filed 3-16-15; 8:45 am]

BILLING CODE 4310-05-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX066A000 67F
134S180110; S2D2S SS08011000 SX066A00
33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029-0061

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSMRE) is announcing its intention to request approval to continue the collection of information for the Permanent Regulatory Program—Small Operator Assistance Program (SOAP). This information collection activity was previously approved by the Office of Management and Budget (OMB), and assigned clearance number 1029-0061. **DATES:** Comments on the proposed information collection activity must be received by May 18, 2015, to be assured of consideration.

ADDRESSES: Submit comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., Room 203—SIB, Washington, DC 20240. Comments may also be submitted electronically to jtrelease@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease, at (202) 208-2783 or via email at jtrelease@osmre.gov.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8 (d)]. This notice identifies an information collection that OSMRE will be submitting to OMB for renewed approval. This collection is

contained in 30 CFR part 795—Permanent Regulatory Program—Small Operator Assistance Program. OSMRE will request a 3-year term of approval for this information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSMRE's submission of the information collection request to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: 30 CFR part 795—Permanent Regulatory Program—Small Operator Assistance Program.

OMB Control Number: 1029-0061.

Summary: This information collection requirement is needed to provide assistance to qualified small mine operators under section 507(c) of P.L. 95-87. The information requested will provide the regulatory authority with data to determine the eligibility of the applicant and the capability and expertise of laboratories to perform required tasks.

Bureau Form Number: FS-6.

Frequency of Collection: Once per application.

Description of Respondents: Small operators, laboratories, and State regulatory authorities.

Total Annual Responses: 4.

Total Annual Burden Hours: 93 hours.

Dated: March 10, 2015.

Harry J. Payne,

Chief, Division of Regulatory Support.

[FR Doc. 2015-06051 Filed 3-16-15; 8:45 am]

BILLING CODE 4310-05-P

DEPARTMENT OF THE INTERIOR

National Park Service

**[NPS-WASO-NRNL-17784;
PPWOCRADIO, PCU00RP14.R50000]**

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before February 21, 2015. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202-371-6447. Written or faxed comments should be submitted by April 1, 2015. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 27, 2015.

James Gabbert,

Acting Chief, National Register of Historic Places, National Historic Landmarks Program.

CALIFORNIA

Contra Costa County

Borland Home, (Martinez, California MPS)
1005 Escobar St., Martinez, 15000120

Los Angeles County

Intercultural Council Houses, (Latinos in
20th Century California MPS) Bounded by
Blanchard Pl., Claremont Blvd., E. 1st &
Brooks Sts., Claremont, 15000121

Napa County

Juarez, Cayetano, Adobe, 376 Soscol Ave.,
Napa, 15000122

Weinberger, J.C., Winery, 2849 St. Helena
Hwy., St. Helena, 15000124

Orange County

Killefer, Lydia D., School, (Latinos in 20th
Century California MPS), 541 N. Lemon
St., Orange, 15000123

COLORADO

Denver County

Macedonia Baptist Church, 3240 Adams St.,
Denver, 15000125

Eagle County

Upper Brush Creek School, (Rural School
Buildings in Colorado MPS), Between
Coulter Meadow & W. Brush Cr. Rds.,
Eagle, 15000126

FLORIDA

Leon County

Taylor House, 442 W. Georgia St.,
Tallahassee, 15000127

HAWAII

Honolulu County

Moili'iili Japanese Cemetery, 2624 Kapiolani
Blvd., Honolulu, 15000128

MISSISSIPPI

Adams County

Natchez On-Top-of-the-Hill Historic District
(Boundary Increase), 1 & 3 E. Franklin St.,
Natchez, 15000129

RHODE ISLAND

Providence County

Cutler, Susan S. & Edward J., House, 12
Woodbine St., Providence, 15000138

UTAH

Davis County

Hill, Joseph, Family Cabin, 2133 W. 1000
South, Layton, 15000130

Salt Lake County

Amundsen, Dyre & Maria, House, 307 W.
Winchester St., Murray City, 15000131
Twenty-Ninth Ward LDS Meetinghouse, 1102
W. 400 North, Salt Lake City, 15000132
Western Macaroni Manufacturing Company
Factory, 244 S. 500 West, Salt Lake City,
15000133

Weber County

Weber River Railroad Bridge, 1/2 mi. W. of
Union Station along Exchange Rd., Ogden,
15000134

VIRGINIA

Bath County

Camp Alkulana Historic District, 111
Alkulana Camp Rd., Millboro Springs,
15000135

Camp Mont Shenandoah Historic District,
218 Mont Shenandoah Ln., Millboro
Springs, 15000136

WISCONSIN

Fond Du Lac County

Independent Order of Odd Fellows Lodge
No. 89, 203 W. Division St., Rosendale,
15000137

A request for removal has been made for the following resources:

ARIZONA**Maricopa County**

Arizona Citrus Growers Association
Warehouse, (Phoenix Commercial MRA)
601 E. Jackson, Phoenix, 85002043
Campbell, Clinton, House, (Nineteenth-
Century Residential Buildings in Phoenix
MPS), 361 N. 4th Ave., Phoenix, 94001526
Cisney, George E., House, (Nineteenth-
Century Residential Buildings in Phoenix
MPS), 916 E. McKinley St., Phoenix,
94001528

Concrete Block House, (Roosevelt
Neighborhood MRA) 618-620 N. 4th Ave.,
Phoenix, 83003457

Higuera Grocery, (Phoenix Commercial MRA)
923 S. Second Ave., Phoenix, 85002893

Hotel St. James, (Phoenix Commercial MRA)
21 E. Madison, Phoenix, 85002061

Lightning Delivery Co. Warehouse, (Phoenix
Commercial MRA) 425 E. Jackson,
Phoenix, 85002064

Overland Arizona Co., (Phoenix Commercial
MRA) 12 N. Fourth Ave., Phoenix,
85002896

Stillwell, Judge W. H., House, (Nineteenth-
Century Residential Buildings in Phoenix
MPS) 2039 W. Monroe St., Phoenix,
94001537

[FR Doc. 2015-06025 Filed 3-16-15; 8:45 am]

BILLING CODE 4312-51-P

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement**

[S1D1S SS08011000 SX066A000 67F
134S180110; S2D2S SS08011000 SX066A00
33F 13xs501520]

Notice of Proposed Information Collection; Request for Comments for 1029-0103

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.
ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining (OSMRE) is announcing its intention to renew its authority for the collection of information for Noncoal Reclamation. The information collection request describes the nature of the information collection and the expected burden and costs. This information collection activity was previously approved by the Office of Management and Budget (OMB) and assigned control number 1029-0103.

DATES: Comments on the proposed information collection must be received by May 18, 2015, to be assured of consideration.

ADDRESSES: Submit comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1951

Constitution Ave. NW., Room 203-SIB, Washington, DC 20240. Comments may also be submitted electronically to jtrelease@osmre.gov.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request contact John Trelease, at (202) 208-2783 or via email at jtrelease@osmre.gov.

SUPPLEMENTARY INFORMATION: OMB regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities [see 5 CFR 1320.8 (d)]. This notice identifies an information collection activity that OSMRE will submit to OMB for extension. This collection is contained in 30 CFR part 875-Noncoal Reclamation. OSMRE will request a 3-year term of approval for each information collection activity. Responses are required to obtain a benefit.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSMRE's submission of the information collection request to OMB.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: 30 CFR part 875-Noncoal Reclamation.

OMB Control Number: 1029-0103.

Summary: This Part establishes procedures and requirements for States and Indian tribes to conduct noncoal reclamation under abandoned mine land funding. The information is needed to assure compliance with the Surface Mining Control and Reclamation Act of 1977.

Frequency of Collection: Once.
Description of Respondents: State governments and Indian Tribes.
Total Annual Responses: 1.
Total Annual Burden Hours: 84.

Dated: March 10, 2015.

Harry J. Payne,

Chief, Division of Regulatory Support.

[FR Doc. 2015-06048 Filed 3-16-15; 8:45 am]

BILLING CODE 4310-05-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-531-533 and 731-TA-1270-1273 (Preliminary)]

Certain Polyethylene Terephthalate Resin From Canada, China, India, and Oman; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution and commencement of preliminary phase antidumping and countervailing duty investigations Nos. 701-TA-531-533 and 731-TA-1270-1273 (Preliminary) under sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada, China, India, and Oman of Certain polyethylene terephthalate resin, provided for in subheading 3907.60.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be subsidized by the Governments of China, India, and Oman are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to sections 702(c)(1)(B) or 732(c)(1)(B) of the Act (19 U.S.C. 1671a(c)(1)(B) or 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by Friday, April 24, 2015. The Commission's views must be transmitted to Commerce within five business days thereafter, or by Friday, May 1, 2015.

For further information concerning the conduct of these investigations and

rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

DATES: *Effective Date:* Tuesday, March 10, 2015.

FOR FURTHER INFORMATION CONTACT:

Michael Haberstroh (202) 205-3390), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Background. These investigations are being instituted in response to a petition filed on Tuesday, March 10, 2015, by DAK Americas, LLC (Charlotte, NC); M&G Chemicals (Houston, TX); and Nan Ya Plastics Corporation, America (Lake City, SC).

Participation in the investigations and public service list. Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list. Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in

the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference. The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Tuesday, March 31, 2015, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to William.bishop@usitc.gov and Sharon.bellamy@usitc.gov (do not file on EDIS) on or before Friday, March 27, 2015. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions. As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before Friday, April 3, 2015, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please consult the Commission's rules, as amended, 76 FR 61937 (Oct. 6, 2011) and the Commission's Handbook on Filing Procedures, 76 FR 62092 (Oct. 6, 2011), available on the Commission's Web site at <http://edis.usitc.gov>.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: March 11, 2015.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015-05963 Filed 3-16-15; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-528-529 and 731-TA-1264-1268 (Preliminary)]

Certain Uncoated Paper from Australia, Brazil, China, Indonesia, and Portugal

Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission ("Commission") determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) ("the Act"), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Australia, Brazil, China, Indonesia, and Portugal of certain uncoated paper, provided for in subheadings 4802.56 and 4802.57 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value ("LTFV"), and that are allegedly subsidized by the governments of China and Indonesia.

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce ("Commerce") of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations, have the right to appear as parties in

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On January 21, 2015, a petition was filed with the Commission and Commerce by United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Pittsburg, PA; Domtar Corporation, Ft. Mill, SC; Finch Paper LLC, Glen Falls, NY; P.H. Glatfelter Company, York, PA; and Packaging Corporation of America, Lake Forest, IL, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV and subsidized imports of certain uncoated paper from China and Indonesia and LTFV imports of certain uncoated paper from Australia, Brazil, and Portugal. Accordingly, effective January 21, 2015, the Commission instituted countervailing duty investigation Nos. 701-TA-528-529 and antidumping duty investigation Nos. 731-TA-1264-1268 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 27, 2015 (80 FR 4311). The conference was held in Washington, DC, on February 11, 2015, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on March 11, 2015. The views of the Commission are contained in USITC Publication 4522 (March 2015), entitled *Certain Uncoated Paper from Australia, Brazil, China, Indonesia, and Portugal (Investigation Nos. 701-TA-528-529 and 731-TA-1264-1268 (Preliminary))*.

By order of the Commission.
Issued: March 12, 2015.

Lisa R. Barton,
Secretary to the Commission.

[FR Doc. 2015-06043 Filed 3-16-15; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Protective Cases for Electronic Devices and Components Thereof, DN 3064*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,¹ and 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 United States International Trade Commission (USITC) at USITC.² The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.³ 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 has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Otter Products, LLC on March 11, 2015. The complaint alleges violations of section 337 of the Tariff Act of 1930 (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

¹ Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

² United States International Trade Commission (USITC): <http://edis.usitc.gov>.

³ Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

certain protective cases for electronic devices and components thereof. The complaint names as respondents Speculative Product Design, LLC of San Mateo, CA; and Tech21 UK Limited of the United Kingdom. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper

copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR § 210.4(f)). Submissions should refer to the docket number ("Docket No. 3064") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures⁴). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR § 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS⁵.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR §§ 201.10, 210.8(c)).

Issued: March 12, 2015.

By order of the Commission.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015-06042 Filed 3-16-15; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

[OMB Number 1140-0062]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Identification of Imported Explosive Materials

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-day Notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

⁴ Handbook for Electronic Filing Procedures: http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.

⁵ Electronic Document Information System (EDIS): <http://edis.usitc.gov>.

DATES: Comments are encouraged and will be accepted for 60 days until May 18, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Anita Scheddel, Explosives Industry Programs Branch, at eipb-informationcollection@atf.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection 1140-0062

1. *Type of Information Collection:* Extension without change of an existing collection.

2. *The Title of the Form/Collection:* Identification of Imported Explosive Materials.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.
Other: None.

Abstract: The information is necessary to ensure that explosive materials can be

effectively traced. All licensed importers are required to identify by marking all explosive materials they import for sale or distribution. The process provides valuable information in explosion and bombing investigations.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 15 respondents will spend 1 hour placing marks of identification on imported explosives 3 times annually.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E-405B, Washington, DC 20530.

Dated: March 12, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015-06054 Filed 3-16-15; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On March 11, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Illinois in the lawsuit entitled *United States v. Pharmacia LLC and Solutia Inc.*, Civil Action No. 13-0138.

The United States filed this lawsuit under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). The United States' complaint names Pharmacia LLC and Solutia Inc. as defendants. The complaint requests recovery of oversight and other response costs that the United States incurred in connection with an Administrative Order for Remedial Design and Interim Remedial Action, Docket No. V-W-02-C-716, issued by EPA on September 30, 2002 (the "2002 Order"), to prevent groundwater contamination releasing to the Mississippi River adjacent to Sauget Area 2 disposal Site R and the resulting impact area located in Sauget, St. Clair County, Illinois. Both defendants signed the Consent Decree, agreeing to pay a total of \$1.7 million in response costs. In return, the United States agrees not to sue the defendants under sections

106 and 107 of CERCLA related to these past response costs.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Pharmacia, LLC and Solutia Inc.*, D.J. Ref. No. 90–11–2–06089/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email	<i>pubcomment-ees.enrd@usdoj.gov</i>
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: http://www.usdoj.gov/enrd/Consent_Decrees.html. We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$63.50 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without Appendix A (the 2002 Order), the cost is only \$5.25.

Randall M. Stone,
Acting Assistant Section Chief,
Environmental Enforcement Section,
Environment and Natural Resources Division.

[FR Doc. 2015–06033 Filed 3–16–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Agency Information Collection Activities: Announcement of the Office of Management and Budget (OMB) Control Numbers Under the Paperwork Reduction Act

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice; announcement of OMB approval of information collection requirements.

SUMMARY: The Occupational Safety and Health Administration announces that OMB extended its approval for a number of information collection requirements found in sections of 29 CFR parts 1910, 1915, and 1926. OSHA sought approval of these requirements under the Paperwork Reduction Act of 1995 (PRA–95), and, as required by that Act, is announcing the approval numbers and expiration dates for these requirements. In addition, OSHA announces that OMB approved a revision to the Recordkeeping and Reporting Occupational Injuries and Illnesses (29 CFR part 1904) Information Collection Request (ICR) (paperwork package) and the collection of information requirements contained in the Electric Power Generation, Transmission and Distribution Standard for Construction and General Industry and Electrical Protective Equipment for Construction and General Industry final rule.

DATES: This notice is effective March 17, 2015.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3609, 200 Constitution

Avenue NW., Washington, DC 20210, telephone: (202) 693–2222.

SUPPLEMENTARY INFORMATION: In a series of **Federal Register** notices, the Agency announced its requests to OMB to renew its current extensions of approvals for various information collection (paperwork) requirements in its safety and health standards pertaining to, general industry, shipyard employment, and the construction industry (*i.e.*, 29 CFR parts 1910, 1915, and 1926), Notice of Alleged Safety and Health Hazards (Form OSHA–7), Occupational Safety and Health Administration Grantee Quarterly Progress Report, and Voluntary Protection Program Information. In these **Federal Register** announcements, the Agency provided 60-day comment periods for the public to respond to OSHA’s burden hour and cost estimates.

Also, OSHA submitted two ICRs to OMB in conjunction with two final rulemakings: Electric Power Generation, Transmission and Distribution Standard for Construction and General Industry and Electrical Protective Equipment for Construction and General Industry; and the Occupational Injury and Illness Recording and Reporting Requirements—NAICS Update and Reporting Revisions final rule.

In accordance with PRA–95 (44 U.S.C. 3501–3520), OMB approved these information collection requirements. The table below provides the following information for each of these information collection requirements approved by OMB: The title of the **Federal Register** notice; the **Federal Register** reference (date, volume, and leading page); OMB’s Control Number; and the new expiration date.

Title of the information collection request	Date of Federal Register publication, Federal Register reference, and OSHA Docket No.	OMB Control No.	Expiration date
Anhydrous Ammonia Storage and Handling Standard (29 CFR 1910.111).	December 26, 2013, 78 FR 78393, Docket No. 2010–0050.	1218–0208	07/31/2017
Concrete and Masonry Construction Standard (29 CFR part 1926, subpart Q).	January 31, 2014, 79 FR 5461, Docket No. 2010–0040	1218–0095	06/30/2017
Construction Standards on Posting Emergency Telephone Numbers and Floor Load Limits (29 CFR 1926.50 and 1926.250).	June 10, 2014, 79 FR 33216, Docket No. 2011–0032 ...	1218–0093	12/31/2017
Electric Power Generation, Transmission and Distribution Standard for Construction and General Industry and Electrical Protective Equipment for Construction and General Industry.	April 11, 2014, 79 FR 20316, Docket No. S215–2006–0063.	1218–0253	07/31/2017
Ethylene Oxide (EtO) Standard (29 CFR 1910.1047)	January 24, 2014, 79 FR 4178, Docket No. 2009–0035	1218–0108	06/30/2017
Excavations (Design of Cave-in Protection Systems) (29 CFR part 1926, subpart P).	July 30, 2014, 79 FR 44199, Docket No. 2011–0057	1218–0137	02/28/2018
Fire Brigades (29 CFR 1910.156)	May 23, 2014, 79 FR 29803, Docket No. 2011–0009	1218–0075	10/31/2017
Fire Protection in Shipyard Employment Standard (29 CFR part 1915, subpart P).	May 2, 2014, 79 FR 25153, Docket No. 2010–0010	1218–0248	10/31/2017

Title of the information collection request	Date of Federal Register publication, Federal Register reference, and OSHA Docket No.	OMB Control No.	Expiration date
Gear Certification Standard (29 CFR part 1919)	January 24, 2014, 79 FR 4182, Docket No. 2010-0042	1218-0003	07/31/2017
General Working Conditions in Shipyard Employment Standard (29 CFR part 1915, subpart F).	August 22, 2014, 79 FR 49819, Docket No. 2014-0021	1218-0259	02/28/2018
Grain Handling Facilities Standard (29 CFR 1910.272) ...	February 7, 2014, 79 FR 7479, Docket No. 2011-0028	1218-0206	10/31/2017
Hazardous Energy Control Standard (Lockout/Tagout) (29 CFR 1910.147).	April 2, 2014, 79 FR 18583, Docket No. 2011-0033	1218-0150	01/31/2018
Hydrostatic Testing Provision of the Standard on Portable Fire Extinguishers (29 CFR 1910.157(f)(16)).	November 25, 2013, 78 FR 70324, Docket No. 2010-0025.	1218-0218	07/31/2017
Ionizing Radiation Standard (29 CFR 1910.1096)	April 1, 2014, 79 FR 18318, Docket No. 2010-0030	1218-0103	10/31/2017
Logging Operations Standard	December 5, 2013, 78 FR 73206, Docket No. 2010-0041.	1218-0198	06/30/2017
Manlifts Standard (29 CFR 1910.68(e))	December 26, 2013, 78 FR 78396, Docket No. 2010-0051.	1218-0226	07/31/2017
Material Hoists, Personnel Hoists, and Elevators (29 CFR 1926.552).	June 19, 2014, 79 FR 35187, Docket No. 2010-0052 ...	1218-0231	10/31/2017
Notice of Alleged Safety and Health Hazards (Form OSHA-7).	January 24, 2014, 79 FR 4180, Docket No. 2010-0064	1218-0064	08/31/2017
Occupational Safety and Health Administration Grantee Quarterly Progress Report.	January 9, 2014, 79 FR 1658, Docket No. 2010-0021 ..	1218-0100	08/31/2017
Overhead and Gantry Cranes Standard (29 CFR 1910.179).	November 14, 2013, 78 FR 68477, Docket No. 2010-0023.	1218-0224	07/31/2017
Portable Fire Extinguishers Standard (Annual Maintenance Certification Record) (29 CFR 1910.157(e)(3)).	December 10, 2013, 78 FR 74167, Docket No. 2010-0039.	1218-0238	7/31/2017
Powered Industrial Trucks Standard (29 CFR 1910.178)	May 9, 2014, 79 FR 26776, Docket No. 2011-0062	1218-0242	01/31/2018
Powered Platforms for Building Maintenance Standard (29 CFR 1910.66).	February 18, 2014, 79 FR 9282, Docket No. 2010-0048	1218-0121	09/30/2017
Recordkeeping and Reporting Occupational Injuries and Illnesses (29 CFR Part 1904) Final Rule—Occupational Injury and Illness Recording and Reporting Requirements—NAICS Update and Reporting Revisions.	September 18, 2014, 79 FR 56130, Docket No. 2010-0019.	1218-0176	01/31/2018
Rigging Equipment for Material Handling (29 CFR 1926.251).	November 25, 2013, 78 FR 70326, Docket No. 2010-0038.	1218-0233	07/31/2017
Steel Erection Standard (29 CFR part 1926, subpart R)	June 19, 2014, 79 FR 35189, Docket No. 2011-0055 ...	1218-0241	12/31/2017
Underground Construction Standard (29 CFR 1926.800)	April 7, 2014, 79 FR 19125, Docket No. 2011-0029	1218-0067	08/31/2017
Voluntary Protection Program Information	June 30, 2014, 79 FR 36834, Docket No. 2011-0056 ...	1218-0239	01/31/2018

In accordance with 5 CFR 1320.5(b), an agency cannot conduct, sponsor, or require a response to a collection of information unless the collection displays a valid OMB control number and the agency informs respondents that they need not respond to the collection of information unless it displays a valid OMB control number.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is 44 U.S.C. 3506 *et seq.* and Secretary of Labor's Order No. 1-2012 (77 FR 3912).

Signed at Washington, DC, on March 11, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2015-06001 Filed 3-16-15; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket Number: OSHA-2015-0001]

Whistleblower Protection Advisory Committee

AGENCY: Occupational Safety and Health Administration (OSHA), DOL.

ACTION: Request for nominations to serve on the Whistleblower Protection Advisory Committee.

SUMMARY: The Assistant Secretary of Labor for Occupational Safety and Health requests nominations for membership on the Whistleblower Protection Advisory Committee (WPAC).

DATES: Nominations for WPAC must be submitted (postmarked, sent, transmitted, or received) by May 18, 2015.

ADDRESSES: You may submit nominations for WPAC, identified by the OSHA Docket No. OSHA-2015-0001, by any of the following methods:

Electronically: Nominations, including attachments, may be

submitted electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

Facsimile: If your nomination and supporting materials, including attachments, do not exceed 10 pages, you may fax them to the OSHA Docket Office at (202) 693-1648.

Mail, hand delivery, express mail, messenger or courier service: Submit your nominations and supporting materials to the OSHA Docket Office, Docket No. OSHA-2015-0001, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-2350 (OSHA's TTY number is (877) 889-5627). Deliveries (hand, express mail, messenger and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m.-4:45 p.m., e.t.

Instructions: All nominations and supporting materials for WPAC must include the Agency name and docket number for this **Federal Register** notice (Docket No. OSHA-2015-0001). Because of security-related procedures, submitting nominations by regular mail may result in a significant delay in their

receipt. Please contact the OSHA Docket Office for information about security procedures for submitting nominations by hand delivery, express delivery, and messenger or courier service. For additional information on submitting nominations see the "Public Participation—Submission of Nominations and Access to Docket" heading in the **SUPPLEMENTARY INFORMATION** section below.

Submissions in response to this **Federal Register** notice, including personal information provided, are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and dates of birth.

Docket: To read or download submissions or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through that Web site. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT: Anthony Rosa, OSHA, Directorate of Whistleblower Protection Programs, U.S. Department of Labor, Room N-4618, 200 Constitution Avenue NW., Washington, DC., 20210; telephone (202) 693-2199; email address osha.dwpp@dol.gov.

SUPPLEMENTARY INFORMATION: The Assistant Secretary of Labor for Occupational Safety and Health invites interested individuals to submit nominations for membership on WPAC.

Background

The WPAC advises the Secretary of Labor (the Secretary) and the Assistant Secretary of Labor for Occupational Safety and Health (the Assistant Secretary) on ways to improve the fairness, efficiency, and transparency of OSHA's whistleblower investigations. WPAC is a continuing advisory body and operates in compliance with the Federal Advisory Committee Act (5 U.S.C. App. 2) and its implementing regulations (see "Authority and Signature" section).

WPAC Membership

WPAC is comprised of 12 members, whom the Secretary appoints to staggered terms, not to exceed 2 years. OSHA is seeking to fill six positions on WPAC that will become vacant on

December 1, 2015. The composition of WPAC and categories of new members to be appointed to new two-year terms are as follows:

- Two management representatives who are or represent employers or employer associations in industries covered by one or more of the whistleblower laws;
- Two labor representatives who are or represent workers or worker advocacy organizations in industries covered by one or more of the whistleblower laws;
- One member who represents the State OSH Plan states; and
- One public representative from a college, university, non-partisan think tank, or other entity who has extensive knowledge and expertise on whistleblower statutes and issues.

If a vacancy occurs before a term expires, the Secretary may appoint a new member who represents the same interest as the predecessor to serve for the remainder of the unexpired term. The committee meets at least two times a year.

Nomination Requirements

Any individual or organization may nominate one or more qualified persons for membership. If an individual or organization nominates more than one person, each person must be named. Submissions of nominations must include the following information for each nominee:

1. The nominee's name, contact information and current occupation or position (required);
2. The nominee's resume or curriculum vitae, including prior membership on WPAC and other relevant organizations, associations and committees (required);
3. Category of membership (management, labor, state plan, or academic/extensive whistleblower knowledge) the nominee is qualified to represent (required);
4. A summary of the nominee's background, experience and qualifications that address the nominee's suitability to serve on WPAC (required);
5. Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience and expertise in whistleblower protections (optional); and
6. A statement that the nominee is aware of the nomination, is willing to regularly attend and participate in WPAC meetings, and has no apparent conflicts of interest that would preclude membership on WPAC (required).

Nominations that do not contain all required information will not be considered.

Membership Selection

WPAC members will be selected on the basis of their experience, knowledge, and competence in the field of whistleblower protection. The information received through this nomination process, in addition to other relevant sources of information, will assist the Secretary in appointing members to serve on WPAC. In selecting WPAC members, the Secretary will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals. The Department encourages the nomination of individuals with diverse viewpoints, perspectives and experiences to the WPAC, including individuals with disabilities and individuals of all races, genders, ages, and sexual orientations.

Before candidates are appointed, the U.S. Department of Labor (Department) conducts a basic background check using publically available, internet-based sources.

Instructions for Submitting Nominations

Interested individuals may submit nominations and supplemental materials using one of the methods listed in the **ADDRESSES** section. All nominations, attachments and other materials must identify the docket number for this **Federal Register** notice (Docket No. OSHA-2015-0001). To submit nominations through <http://www.regulations.gov>, search for the docket (OSHA-2015-0001), open the docket, click on the button that states "Comment Now", and follow the instructions. You may supplement electronic nominations by uploading document files electronically. If, instead, you wish to submit additional materials in reference to an electronic or FAX submission, you must submit them to the OSHA Docket Office (see **ADDRESSES** section). The additional material must clearly identify your electronic or FAX submission by name and docket number (Docket No. OSHA-2015-0001), so that the materials can be attached to your submission.

Because of security-related procedures, the use of regular mail may cause a significant delay in the receipt of nominations. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger or courier service, please contact the OSHA Docket Office (see **ADDRESSES** section).

All submissions in response to this **Federal Register** notice are posted without change at <http://www.regulations.gov>. Therefore, OSHA cautions interested parties about submitting personal information, such as Social Security numbers and birthdates. Guidance on submitting nominations and materials in response to this **Federal Register** notice is available at <http://www.regulations.gov> and from the OSHA Docket Office.

Access to Docket and Other Materials

To read or download nominations and additional materials submitted in response to this **Federal Register** notice, go to Docket No. OSHA-2015-0001 at <http://www.regulations.gov>. All submissions are listed in the index of that docket. However, some documents (e.g., copyrighted material) are not publicly available to read or download through that Web page. All submissions, including copyrighted material, are available for inspection at the OSHA Docket Office. Contact the OSHA Docket Office for information about materials not available through <http://www.regulations.gov> and for assistance in using the internet to locate submissions.

Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This document, as well as news releases and other relevant information, also is available at the Directorate of Whistleblower Protection Program's Web page at <http://www.whistleblowers.gov>.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2), its implementing regulations (41 CFR part 102-3), chapter 1600 of Department of Labor Management Series 3 (Mar. 17, 2008), Secretary of Labor's Order 1-2012 (Jan. 18, 2012), 77 FR 3912 (Jan. 25, 2012), and the Secretary of Labor's authority to administer the whistleblower provisions found in section 11(c) of the Occupational Safety and Health Act, 29 U.S.C. 660(c); the Surface Transportation Assistance Act, 49 U.S.C. 31105; the Asbestos Hazard Emergency Response Act, 15 U.S.C. 2651; the International Safe Container Act, 46 U.S.C. 80507; the Safe Drinking Water Act, 42 U.S.C. 300j-9(i); the Federal Water Pollution Control Act, 33 U.S.C. 1367; the Toxic Substances Control Act, 15 U.S.C. 2622; the Solid Waste Disposal Act, 42 U.S.C. 6971; the

Clean Air Act, 42 U.S.C. 7622; the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9610; the Energy Reorganization Act, 42 U.S.C. 5851; the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, 49 U.S.C. 42121; the Sarbanes-Oxley Act, 18 U.S.C. 1514A; the Pipeline Safety Improvement Act, 49 U.S.C. 60129; the Federal Railroad Safety Act, 49 U.S.C. 20109; the National Transit Systems Security Act, 6 U.S.C. 1142; the Consumer Product Safety Improvement Act, 15 U.S.C. 2087; the Affordable Care Act, 29 U.S.C. 218C; the Consumer Financial Protection Act of 2010, 12 U.S.C.A. 5567; the Seaman's Protection Act, 46 U.S.C. 2114; the FDA Food Safety Modernization Act, 21 U.S.C. 399d; and the Moving Ahead for Progress in the 21st Century Act, 49 U.S.C. 30171.

Signed at Washington, DC, on March 11, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2015-06000 Filed 3-16-15; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Occupational Safety and Health Act Variance Regulations

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) revision titled, "Occupational Safety and Health Act Variance Regulations," to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 16, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201501-1218-003

(this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or sending an email to DOL_PRA_PUBLIC@dol.gov.

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: OIRA_submission@omb.eop.gov. Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: DOL_PRA_PUBLIC@dol.gov.

FOR FURTHER INFORMATION CONTACT:

Contact Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or sending an email to DOL_PRA_PUBLIC@dol.gov.

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Occupational Safety and Health Act (Osh Act) Variance Regulations information collection. The OSH Act allows a covered employer to apply for four (4) different types of variances from the requirements of OSH Act standards. An employer submits a variance application that specifies an alternative means of complying with the requirements of applicable standards to the Agency. The OSHA has developed an information collection for four different optional-use forms (Forms OSHA-5-30-1, OSHA-5-30-2, OSHA-5-30-3, and OSHA-5-30-4) that employers might use as templates in applying for variances. While use of the forms is optional, employers are required to submit an application that includes all elements specified in regulations 29 CFR part 1905 in order to receive consideration for a variance. This information collection has been classified as a revision, because the OSHA is including Web-based variance application forms in this submission. OSH Act sections 2(b)(9), 6, 8(c), and 16 authorize this information collection. See 29 U.S.C. 651(b)(9), 655, 657(c), and 665.

This information collection is subject to the PRA. A Federal agency generally

cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0265. The current approval is scheduled to expire on March 31, 2015; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 20, 2014 (79 FR 49342).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0265. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Occupational Safety and Health Act Variance Regulations.

OMB Control Number: 1218–0265.

Affected Public: Private sector—businesses or other for-profits.

Total Estimated Number of Respondents: 12.

Total Estimated Number of Responses: 12.

Total Estimated Annual Time Burden: 366 hours.

Total Estimated Annual Other Costs Burden: \$0.

Dated: March 11, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–06045 Filed 3–16–15; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Availability of Funds and Funding Opportunity Announcement for Face Forward 3-Intermediary and Community Grants

AGENCY: Employment and Training Administration, Labor.

ACTION: Funding Opportunity Announcement (FOA).

Funding Opportunity Number: FOA–ETA–15–04.

SUMMARY: The Employment and Training Administration (ETA) plans to award four intermediary organization grants of \$5,000,000 each and approximately 10 community organization grants of up to \$1,050,000 each, totaling approximately \$30,500,000 to provide services to youth between the ages of 14 to 24 that have been involved in the Juvenile Justice System and never convicted in the adult criminal system.

Face Forward 3-Intermediary and Community grants will build on existing promising practices to assist youth participants, such as earning industry-recognized credentials in demand occupations and sectors, participating in self-exploration activities, providing on-the-job training (OJT) and work-based learning opportunities, participating in career planning and management activities, and strengthening industry and employer connections to ensure that the training program directly aligns with the skills and credentials needed to secure employment.

The complete FOA and any subsequent FOA amendments in connection with this solicitation are described in further detail on ETA's Web site at <http://www.doleta.gov/grants/> or on <http://www.grants.gov>. The Web sites provide application information, eligibility requirements, review and selection procedures, and

other program requirements governing this solicitation.

DATES: The closing date for receipt of applications under this announcement is April 23, 2015. Applications must be received no later than 4:00:00 p.m. Eastern Time.

FOR FURTHER INFORMATION CONTACT:

Denise Roach, 200 Constitution Avenue NW., Room N–4716, Washington, DC 20210; Telephone: 202–693–3820. The Grant Officer for this FOA is Melissa Abdullah.

Signed March 11, 2015 in Washington, DC

Eric D. Luetkenhaus,

Grant Officer/Division Chief, Employment and Training Administration.

[FR Doc. 2015–06022 Filed 3–16–15; 8:45 am]

BILLING CODE 4510–FT–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (15–013)]

NASA Advisory Council; Human Exploration and Operations Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Human Exploration and Operations Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Tuesday, April 7, 2015, 10:00 a.m. to 5:30 p.m.; and Wednesday, April 8, 2015, 8:30 a.m. to 5:30 p.m., Local Time.

ADDRESSES: NASA Headquarters, MIC 5A (Room 5H41–A), 300 E Street SW., Washington, DC 20546 (April 7; 10:00 a.m. to 12:00 p.m. and April 8; 10:30 a.m. to 5:30 p.m.) and NASA Headquarters, MIC 3A (Room 3H42), 300 E Street, SW., Washington, DC 20546 (April 7; 1:00 p.m. to 5:30 p.m. and April 8; 8:30 a.m. to 10:00 a.m.).

FOR FURTHER INFORMATION CONTACT: Dr. Bette Siegel, Human Exploration and Operations Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2245, or bette.siegel@nasa.gov.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. This meeting is also available telephonically and by WebEx. You must use a touch

tone phone to participate in this meeting. On April 7, from 10:00 a.m. to 12:00 p.m. and April 8, from 10:30 a.m. to 5:30 p.m., any interested person may dial the toll free access number 1-800-369-1125 or toll access number 1-630-395-0211, and then the numeric participant passcode: 6124012, to participate in this meeting by telephone. The WebEx link is <https://nasa.webex.com/>, the meeting number is 996 887 256, and the password is Exploration@2015 (case sensitive). On April 7, from 1:00 p.m. to 5:30 p.m. and April 8, from 8:30 a.m. to 10:00 a.m., any interested person may dial the toll free access number 1-800-988-9663 or toll access number 1-517-308-9483, and then the numeric participant passcode: 8015, to participate in this meeting by telephone. The WebEx link is <https://nasa.webex.com/>, the meeting number is 999 655 441, and the password is Science@Apr2015 (case sensitive).

The agenda for the meeting includes the following topics:

- Joint Session with Science Committee of the NASA Advisory Council
- Radiation Environment and Countermeasures for Human Exploration to Mars
- Status of the NASA Human Exploration and Operations Mission Directorate
- FY2016 President's Budget Request
- Status of Commercial Crew Program
- Status of the International Space Station
- Asteroid Redirect Mission
- Evolvable Mars Campaign

Attendees will be required to sign a register and comply with NASA security requirements, including the presentation of a valid picture ID before receiving access to NASA Headquarters. Due to the Real ID Act, Public Law 109-13, any attendees with drivers licenses issued from non-compliant states/territories must present a second form of ID. [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the "List of the Acceptable Documents" on Form I-9]. Non-compliant states/territories are: American Samoa, Arizona, Idaho, Louisiana, Maine, Minnesota, New Hampshire, and New York. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior

to the meeting: Full name; home address; gender; citizenship; date/city/country of birth; title, position or duties; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone) of the position of attendee; and home address to Dr. Bette Siegel via email at bette.siegel@nasa.gov. To expedite admittance, U.S. citizens and Permanent Residents (green card holders) can submit identifying information 3 working days prior to the meeting to Dr. Bette Siegel via email at bette.siegel@nasa.gov. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Harmony R. Myers,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2015-06060 Filed 3-16-15; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (15-015)]

NASA Advisory Council; Technology, Innovation and Engineering Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Technology, Innovation and Engineering Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Tuesday, April 7, 2015, 8:00 a.m. to 5:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room MIC 6A, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Green, Space Technology Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-4710, or g.m.green@nasa.gov.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. This meeting is also available telephonically and online via WebEx. You must use a touch tone phone to participate in this meeting. Any interested person may call the USA toll free conference number 844-467-6272, passcode 102421, to

participate in this meeting by telephone. The WebEx link is <https://nasa.webex.com/>, the meeting number is 998 767 711, and the password is "Technology15%".

The agenda for the meeting includes the following topics:

- Space Technology Mission Directorate Update
- Update on NASA's Future Workforce Diversity Efforts
- Briefing and Update on the NASA Small Business Innovation Research and Small Business Technology Transfer Programs
- Office of the Chief Technologist Update
- Office of the Chief Engineer Update
- Briefing and Update on NASA's Centennial Challenges Program

Attendees will be required to sign a register and comply with NASA security requirements, including the presentation of a valid picture ID before receiving access to NASA Headquarters. Due to the Real ID Act, Public Law 109-13, any attendees with drivers licenses issued from non-compliant states/territories must present a second form of ID. [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the "List of the Acceptable Documents" on Form I-9]. Non-compliant states/territories are: American Samoa, Arizona, Idaho, Louisiana, Maine, Minnesota, New Hampshire, and New York. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: full name; home address; gender; citizenship; date/city/country of birth; title, position or duties; visa information (number, type, expiration date); passport information (number, country, expiration date); and employer/affiliation information (name of institution, address, country, telephone) of the position of attendee; and home address to Ms. Anyah Dembling via email at anyah.b.dembling@nasa.gov. To expedite admittance, U.S. citizens and Permanent Residents (green card holders) can submit identifying information 3 working days prior to the meeting to Ms. Anyah Dembling via email at anyah.b.dembling@nasa.gov. It is imperative that the meeting be held on this date to accommodate the

scheduling priorities of the key participants.

Harmony R. Myers,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2015-06062 Filed 3-16-15; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (15-012)]

Privacy Act of 1974; Privacy Act System of Records

AGENCY: National Aeronautics and Space Administration, NASA.

ACTION: Notice of proposed revisions to existing Privacy Act systems of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the National Aeronautics and Space Administration is issuing public notice of its proposal to significantly alter a previously noticed system of records NASA Education System Records/ NASA 10EDUA. This notice further clarifies and somewhat broadens this system of records under a new system name and number, as set forth below under the caption **SUPPLEMENTARY INFORMATION.**

DATES: Submit comments within 30 calendar days from the date of this publication. The changes will take effect at the end of that period, if no adverse comments are received.

ADDRESSES: Patti F. Stockman, Privacy Act Officer, Office of the Chief Information Officer, National Aeronautics and Space Administration Headquarters, Washington, DC 20546-0001, (202) 358-4787, NASA-PAOfficer@nasa.gov.

FOR FURTHER INFORMATION CONTACT: NASA Privacy Act Officer, Patti F. Stockman, (202) 358-4787, NASA-PAOfficer@nasa.gov.

SUPPLEMENTARY INFORMATION: This system notice includes both minor and substantial revisions. The location of records is expanded to include NASA partner locations. Both the categories of individuals and of records in the system are expanded for greater clarity. Routine uses have been refined to be more specific and eliminate duplication with NASA's Standard Routine Uses. System policies for records storage have been expanded to include paper as well as electronic storage, and the retention and disposal procedures have been updated to reflect the applicable retention schedule.

This revision significantly expands safeguards to provide a more thorough description of electronic safeguards employed and also addresses safeguards required of NASA partners managing records in this system of records.

The system manager information is updated and record source categories clarified. For completion, the notice includes the fact that there are no exemptions claimed for the system.

Larry N. Sweet,

NASA Chief Information Officer.

NASA 10EDUA—NASA Education Records

SYSTEM NUMBER:

NASA 10EDUA.

SYSTEM NAME:

NASA Education Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Paper-based records are located in NASA facilities in Locations 1 through 11 as set forth in Appendix A, or at other Agency-designated offices of NASA contractors. Electronic records are maintained on secure NASA and NASA contractor servers in Locations 1 through 11, or at other Agency-designated offices of NASA contractors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information on individuals engaged in the management, planning, implementation, and/or evaluation of NASA Education programs/projects, including former and current NASA civil servants, contractors, grantees, and partners serving as NASA Education program/project managers, primary investigators, project points of contact and volunteers, and session presenters. Information is also maintained on members of the public who apply to, participate in, and/or are supported by NASA Education programs, projects and activities, including students (K-12 and higher education), teachers, higher education faculty, advisors, school administrators, and participants' parents/legal guardians.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system contain identifying information about individuals engaged in NASA Education endeavors. Records include individuals' names, mailing addresses, school/institution names and addresses, grades, levels or higher education degree information, contact information, demographic data (e.g. ethnicity, gender, race, citizenship, military

status), birth dates, employment status, disabilities, medical and special needs notes, academic records, photographic identifiers, status, and response or feedback to a NASA program/project/activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
51 U.S.C. 20113.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Any disclosures of information will be compatible with the purpose for which the Agency collected the information. The records and information in these records may be disclosed: (1) To an individual's next-of-kin, parent, guardian, or emergency contact in the event of a mishap involving that individual; (2) To the public about an individual's involvement with NASA Education with the written consent of that individual; or (3) In accordance with NASA standard routine uses as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

Some of the records are stored electronically on secure servers; some are stored in paper format in file folders.

RETRIEVABILITY:

Records may be retrieved from the system by any one or a combination of choices by authorized users to include last name, identification number, zip code, state, grade, level, and institution.

SAFEGUARDS:

Electronic records are maintained on secure NASA servers and protected in accordance with all Federal standards and those established in NASA regulations at 14 CFR 1212.605. Additionally, server and data management environments employ infrastructure encryption technologies both in data transmission and at rest on servers. Approved security plans are in place for information systems containing the records in accordance with the Federal Information Security Management Act of 2002 (FISMA) and OMB Circular A-130, Management of Federal Information Resources. Only authorized personnel requiring information in the official discharge of their duties are authorized access to records through approved access or authentication methods. Access to electronic records is achieved only from workstations within the NASA Intranet or via a secure Virtual Private Network (VPN) connection that requires two-

factor hardware token authentication. Non-electronic records are secured in locked rooms or locked file cabinets. For information systems maintained by NASA partners, who collect, store and process records on behalf of NASA, NASA requires documentation and verification of commensurate safeguards in accordance with FISMA, NASA Procedural Requirements (NPR) 2810.1A, and NASA ITS-HBK-2810.02-05.

RETENTION AND DISPOSAL:

Records are maintained and destroyed in accordance with NASA Records Retention Schedules (NRRS), Schedule 1, Item 68.

SYSTEM MANAGER AND ADDRESS:

Evaluation Manager, NASA Office of Education, Location 1 (see Appendix A).

NOTIFICATION PROCEDURE:

Contact System Manager by mail at Location 1 (see Appendix A).

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to their records should submit their request in writing to the System Manager at the addresses given above.

CONTESTING RECORD PROCEDURES:

The NASA regulations governing access to records, procedures for contesting the contents and for appealing initial determinations are set forth in 14 CFR part 1212.

RECORD SOURCE CATEGORIES:

The information is obtained directly from individuals on whom it is maintained, and/or from their parents/legal guardians and individuals who serve as recommenders.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2015-06065 Filed 3-16-15; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (15-014)]

NASA Advisory Council; Science Committee; Meeting

AGENCY: National Aeronautics and Space Administration. **ACTION:** Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Science Committee of the NASA Advisory Council (NAC). This

Committee reports to the NAC. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Monday, April 6, 2015, 1:00 p.m. to 5:00 p.m.; Tuesday, April 7, 2015, 8:00 a.m. to 5:30 p.m.; and Wednesday, April 8, 2015, 8:30 a.m. to 5:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 3H42, 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Ann Delo, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358-0750, fax (202) 358-2779, or ann.b.delo@nasa.gov.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The meeting will also be available telephonically and by WebEx. You must use a touch tone phone to participate in this meeting. Any interested person may call the USA toll free conference call number 800-988-9663, passcode 8015, to participate in this meeting by telephone on all three days. A toll number also is available, 517-308-9483 passcode 8015, for all three days. The WebEx link is <https://nasa.webex.com/>; the meeting number for all three days is 999 655 441 and the password is Science@Apr2015.

The agenda for the meeting includes the following topics:

- Science Mission Directorate FY16 Budget Request
- Subcommittee Reports
- Joint Session with NAC Human Exploration and Operations Committee
- Radiation Environment and Countermeasures for Human Exploration to Mars

Attendees will be required to sign a register and comply with NASA security requirements, including the presentation of a valid picture ID before receiving access to NASA Headquarters. Due to the Real ID Act, Public Law 109-13, any attendees with drivers licenses issued from non-compliant states/territories must present a second form of ID. [Federal employee badge; passport; active military identification card; enhanced driver's license; U.S. Coast Guard Merchant Mariner card; Native American tribal document; school identification accompanied by an item from LIST C (documents that establish employment authorization) from the "List of the Acceptable Documents" on Form I-9]. Non-compliant states/territories are: American Samoa, Arizona, Idaho, Louisiana, Maine, Minnesota, New Hampshire, and New

York. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: full name; home address; gender; citizenship; date/city/country of birth; title, position or duties; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ms. Ann Delo via email at ann.b.delo@nasa.gov. To expedite admittance, U.S. citizens and Permanent Residents (green card holders) can submit identifying information 3 working days prior to the meeting to Ms. Ann Delo via email at ann.b.delo@nasa.gov. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Harmony R. Myers,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2015-06061 Filed 3-16-15; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings; National Science Board

The National Science Board's Committee on Strategy and Budget (CSB), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n-5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATE & TIME: Wednesday, March 18, 2015, 4:30-5:30 p.m. EDT.

SUBJECT MATTER: Discussion of Performance Improvement Officer Report on FY 2017 Strategic Issues.

STATUS: Closed.

This meeting will be held by teleconference. Please refer to the National Science Board Web site www.nsf.gov/nsb for additional information and schedule updates (time, place, subject matter or status of meeting) which may be found at <http://www.nsf.gov/nsb/notices/>. Point

of contact for this meeting is Jacqueline Meszaros (jmeszaros@nsf.gov).

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2015-06155 Filed 3-13-15; 11:15 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2015-0027]

Information Collection: NRC Form 7, Application for NRC Export/Import License, Amendment, Renewal or Consent Request(s)

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, NRC Form 7, Application for NRC Export/Import License, Amendment, Renewal or Consent Request(s).

DATES: Submit comments by May 18, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0027. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Tremaine Donnell, Office of Information Services, Mail Stop: T-5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6258; email: INFOCOLLECTS.Resource@NRC.GOV.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2015-0027 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0027. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC-2015-0027 on this Web site.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. A copy of the collection of information and related instructions may be obtained without charge and is available in ADAMS under Accession No. ML15020A236. The supporting statement is available in ADAMS under Accession No. ML15020A264.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6258; email: INFOCOLLECTS.Resource@NRC.GOV.

B. Submitting Comments

Please include Docket ID NRC-2015-0027 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at

<http://www.regulations.gov> as well as enter the comment submissions into ADAMS, and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Form 7, Application for NRC Export/Import License, Amendment, Renewal or Consent Request(s).

2. *OMB approval number:* 3150-0027.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* NRC Form 7.

5. *How often the collection is required or requested:* On occasion.

6. *Who will be required or asked to respond:* Any person in the United States (U.S.) who wishes to export or import (a) nuclear material and equipment subject to the requirements of a specific license; (b) amend a license; (c) renew a license; (d) obtain consent to export Category 1 quantities of materials listed in appendix P to part 110 of Title 10 of the *Code of Federal Regulations* (10 CFR); or (5) request an exemption from a licensing requirement under part 110.

7. *The estimated number of annual responses:* 105.

8. *The estimated number of annual respondents:* 105.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 252.

10. *Abstract:* Persons in the U.S. wishing to export or import nuclear material or equipment, who are required to obtain a specific license, amendment, license renewal, obtain consent to export Category 1 quantities of byproduct material listed in appendix P to 10 CFR part 110 or request an exemption from a licensing requirement

under part 110. The NRC Form 7 application will be reviewed by the NRC and by the Executive Branch, and if applicable statutory, regulatory, and policy considerations are satisfied, the NRC will issue an export, import, amendment or renewal license.

III. Specific Requests for Comments

Submit, by May 18, 2015, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 11th day of March 2015.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2015-06014 Filed 3-16-15; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2015-0001]

Sunshine Act Meeting Notice

DATES: March 16, 23, 30, April 6, 13, 20, 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of March 16, 2015

There are no meetings scheduled for the week of March 16, 2015.

Week of March 23, 2015—Tentative

Thursday, March 26, 2015

9:30 a.m. Briefing on Security Issues (Closed—Ex. 1)

1:30 p.m. Briefing on Security Issues (Closed—Ex. 1)

Friday, March 27, 2015

9:30 a.m. Briefing on Threat Environment Assessment (Closed—Ex. 1)

Week of March 30, 2015—Tentative

There are no meetings scheduled for the week of March 30, 2015.

Week of April 6, 2015—Tentative

There are no meetings scheduled for the week of April 6, 2015.

Week of April 13, 2015—Tentative

Tuesday, April 14, 2015

9:30 a.m. Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting) (Contact: Nima Ashkeboussi, 301-415-5775)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

Thursday, April 16, 2015

9:30 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting) (Contact: Nima Ashkeboussi, 301-415-5775)

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

Week of April 20, 2015—Tentative

There are no meetings scheduled for the week of April 20, 2015.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at 301-415-0442 or via email at Glenn.Ellmers@nrc.gov.

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Additional Information

1. By a vote of 3-0 on March 9, 2015, the Commission determined pursuant to U.S.C. 552b(e) and 9.107(a) of the Commission's rules that an Affirmation Session for *Entergy Nuclear Operations, Inc. (Indian Point Nuclear Generating Units 2 and 3)—Petitions for Review of LBP-13-13 (Partial Initial Decision) and Related Decisions (Appeals of Board Decisions Related to Contentions NUS-8 CW-EC-3)* be held with less than one week notice to the public. The meeting was held on March 9, 2015.

2. The Affirmation Session for *Omaha Public Power District (Fort Calhoun Station, Unit 1), Petition to Intervene and Request for Adjudicatory Hearing by Sierra Club (Apr. 23, 2014)*, previously scheduled for March 5, 2015, was held on March 9, 2015.

3. The meeting with the Advisory Committee on Reactor Safeguards, scheduled for March 5, 2015, was postponed.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/public-involve/public-meetings/schedule.html>.

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The NRC provides reasonable accommodation to individuals with

disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301-287-0727, by videophone at 240-428-3217, or by email at Kimberly.Meyer-Chambers@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301-415-1969), or email Brenda.Akstulewicz@nrc.gov or Patricia.Jimenez@nrc.gov.

Dated: March 13, 2015.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2015-06188 Filed 3-13-15; 4:15 pm]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2015-0055]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from February 19, 2015 to March 4, 2015. The last

biweekly notice was published on March 3, 2015.

DATES: Comments must be filed by April 16, 2015. A request for a hearing must be filed by May 18, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0055. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: Carol.Gallagher@nrc.gov.

- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN-12-H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Beverly A. Clayton, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-3475, email: Beverly.Clayton@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2015-0055 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2015-0055.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

- *NRC's PDR:* You may examine and purchase copies of public documents at

the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC-2015-0055, facility name, unit number(s), application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of

publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition

should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) the name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final

determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. System requirements for accessing the E-Submittal server are detailed in the NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may attempt to use other software not listed

on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Meta System Help Desk is available

between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <http://ehd1.nrc.gov/ehd/>, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that

are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)-(iii).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the "Obtaining Information and Submitting Comments" section of this document.

Duke Energy Florida, Inc. (DEF), et al., Docket No. 50-302, Crystal River, Unit 3 Nuclear Generating Plant (CR-3), Citrus County, Florida

Date of amendment request: November 7, 2014. A publicly-available version is in ADAMS under Accession No. ML14321A450.

Description of amendment request: The amendment would reflect the transfer of ownership, held by eight minority co-owners, in CR-3 to DEF. The transfer of ownership will take place pursuant to the Settlement, Release and Acquisition Agreement, dated September 26, 2014, wherein DEF will purchase the 6.52 percent combined ownership share in CR-3 held by these minority co-owners, leaving DEF and Seminole Electric Cooperative, Inc., as the remaining licensees for CR-3.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not involve a significant increase in the probability of any accident previously evaluated because no accident initiators or assumptions are affected. The proposed license transfers are administrative in nature and have no direct effect on any plant system, plant personnel qualifications, or the operation and maintenance of CR-3.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated because no new accident initiators or assumptions are introduced by the proposed changes. The proposed license transfers are

administrative in nature and have no direct effect on any plant system, plant personnel qualifications, or operation and maintenance of CR-3.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not involve a significant reduction in a margin of safety because the proposed changes do not involve changes to the initial conditions contributing to accident severity or consequences, or reduce response or mitigation capabilities. The proposed license transfers are administrative in nature and have no direct effect on any plant system, plant personnel qualifications, or operation and maintenance of CR-3.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, 550 South Tryon Street, Charlotte NC 28202.

NRC Branch Chief: Douglas A. Broaddus.

Entergy Nuclear Operations, Inc., Docket No. 50-247, Indian Point Nuclear Generating, Unit 2, Westchester County, New York

Date of amendment request: December 9, 2014. A publicly-available version is in ADAMS under Accession No. ML14353A015.

Description of amendment request: The amendment would revise Technical Specification 5.5.14, "Containment Leakage Rate Testing Program," to extend the frequency of the Containment Integrated Leak Rate Test or Type A Test from once every 10 years to once every 15 years on a permanent basis.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment involves changes to the IP2 [Indian Point Unit No. 2] containment leakage rate testing program. The proposed amendment does not involve a physical change to the plant or a change in the manner in which the plant is operated or controlled. The primary containment function is to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for

postulated accidents. As such, the containment itself and the testing requirements to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident do not involve any accident precursors or initiators.

Therefore, the probability of occurrence of an accident previously evaluated is not significantly increased by the proposed amendment.

The proposed amendment adopts the NRC accepted guidelines of NEI 94-01, Revision 2A, for development of the IP2 performance-based testing program for the Type A testing. Implementation of these guidelines continues to provide adequate assurance that during design basis accidents, the primary containment and its components would limit leakage rates to less than the values assumed in the plant safety analyses. The potential consequences of extending the ILRT [integrated leak rate test] interval to 15 years have been evaluated by analyzing the resulting changes in risk. The increase in risk in terms of person-rem per year within 50 miles resulting from design basis accidents was estimated to be acceptably small and determined to be within the guidelines published in RG 1.174. Additionally, the proposed change maintains defense-in-depth by preserving a reasonable balance among prevention of core damage, prevention of containment failure, and consequence mitigation. Entergy has determined that the increase in conditional containment failure probability due to the proposed change would be very small. Therefore, it is concluded that the proposed amendment does not significantly increase the consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment adopts the NRC-accepted guidelines of NEI 94-01, Revision 2A, for the development of the IP2 performance-based leakage testing program, and establishes a 15-year interval for the performance of the containment ILRT. The containment and the testing requirements to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident do not involve any accident precursors or initiators. The proposed change does not involve a physical change to the plant (*i.e.*, no new or different type of equipment will be installed) or a change to the manner in which the plant is operated or controlled.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment adopts the NRC-accepted guidelines of NEI 94-01, Revision

2A, for the development of the IP2 performance-based leakage testing program, and establishes a 15-year interval for the performance of the containment ILRT. This amendment does not alter the manner in which safety limits, limiting safety system setpoints, or limiting conditions for operation are determined. The specific requirements and conditions of the containment leakage rate testing program, as defined in the TS [technical specifications], ensure that the degree of primary containment structural integrity and leak-tightness that is considered in the plant's safety analysis is maintained. The overall containment leakage rate limit specified by the TS is maintained, and the Type A containment leakage tests would be performed at the frequencies established in accordance with the NRC-accepted guidelines of NEI 94-01, Revision 2A with no change to the 60 month frequencies of Type B, and Type C tests.

Containment inspections performed in accordance with other plant programs serve to provide a high degree of assurance that the containment would not degrade in a manner that is not detectable by an ILRT. A risk assessment using the current IP2 PSA [probabilistic safety assessment] model concluded that extending the ILRT test interval from ten years to 15 years results in a very small change to the risk profile.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Jeanne Cho, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Benjamin G. Beasley.

Exelon Generation Company, LLC, Docket No. 50-410, Nine Mile Point Nuclear Station, Unit 2 (NMP2), Oswego County, New York

Date of amendment request: November 19, 2014. A publicly-available version is in ADAMS under Accession No. ML14329A353.

Description of amendment request: The proposed amendment would modify the Nine Mile Point (NMP) Nuclear Station, Unit 2 Technical Specifications (TS) by relocating specific surveillance frequencies to a licensee-controlled program with the adoption of Technical Specification Task Force (TSTF)-425, Revision 3, "Relocate Surveillance Frequencies to Licensee Control—Risk Informed Technical Specification Task Force (RITSTF) Initiative 5b." The licensee's application dated November 19, 2014,

Attachment 1, section 2.2, has identified some variations or deviations from the TSTF-425. Additionally, the change would add a new program, the Surveillance Frequency Control Program, to TS section 5, Administrative Controls. The NRC staff issued a notice of opportunity for comment in the **Federal Register** on December 5, 2008, 73 FR 74202, on possible amendments to revise the plant specific TS, to Relocate Surveillance Frequencies to Licensee Control—RITSTF Initiative 5b. The Notice included a model safety evaluation and model No Significant Hazards Consideration (NSHC) determination, using the consolidated line-item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on July 6, 2009 (74 FR 31996). The licensee affirmed the applicability of the model NSHC determination in its application dated November 19, 2014, which is presented below.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes relocate the specified frequencies for periodic surveillance requirements to licensee control under a new Surveillance Frequency Control Program (SFCP). Surveillance frequencies are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the technical specifications for which the surveillance frequencies are relocated are still required to be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed changes. The changes do not involve a physical alteration of the plant (*i.e.*, no new or different type of

equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The design, operation, testing methods, and acceptance criteria for systems, structures, and components (SSCs), specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plant licensing basis (including the final safety analysis report and bases to TS), since these are not affected by changes to the surveillance frequencies. Similarly, there is no impact to safety analysis acceptance criteria as described in plant licensing basis. To evaluate a change in the relocated surveillance frequency, Exelon will perform a probabilistic risk evaluation using the guidance contained in NRC approved NEI 04-10, Rev. 1 in accordance with the TS SFCP. NEI 04-10, Rev. 1, methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to surveillance frequencies consistent with Regulatory Guide 1.177.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. Bradley Fewell, Senior Vice President, Regulatory Affairs, Nuclear, and General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Benjamin G. Beasley.

Exelon Generation Company LLC (), Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Units 1 and 2, Will County, Illinois

Docket Nos. STN 50-454 and STN 50-455, Byron Station, Units 1 and 2, Ogle County, Illinois

Date of amendment request: December 18, 2014. A publicly-available version is in ADAMS under Accession No. ML14352A204.

Description of amendment request: The proposed amendment would

increase the voltage limit for the diesel generator (DG) full load rejection test specified by technical specification (TS) Surveillance Requirement (SR) 3.8.1.10. Additionally, the proposed amendment would add Note 3 to TS SR 3.8.1.10 for alignment with the Standard Technical Specifications documented in NUREG-1431, April 2012 (ADAMS Accession No. ML12100A222).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

EGC [Exelon Generation Company] has evaluated the proposed change for Braidwood Station and Byron Station, using the criteria in 10 CFR 50.92, and has determined that the proposed change does not involve a significant hazards consideration. The following information is provided to support a finding of no significant hazards consideration.

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The DGs design function is to mitigate an accident and there are no analyzed scenarios where the DGs are initiators of any previously evaluated accident. Since DGs do not initiate accidents, this change does not increase the probability of occurrence of a previously evaluated accident. The proposed change to the testing approach of the DGs is consistent with the original design of the DGs. The proposed change is in accordance with RG [Regulatory Guide] 1.9 Revision 3, and this change to the testing approach does not impact the DGs ability to mitigate accidents. The DGs will continue to operate within the parameters and conditions assumed within the accident analysis. This change does not result in an increase in the likelihood of malfunction of the DGs or their supported equipment. Since the DGs will continue to perform its required function, there is no increase in the consequences of previously evaluated accidents.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment does not change the DGs operation or ability to perform its design function. The proposed change to TS SR 3.8.1.10 at increased voltage will ensure the DGs ability to perform at rated power factor while meeting its requirements. The change to TS SR 3.8.1.10 does not result in DG operation that would create a new failure mode of the DGs that could create a new initiator of an accident. This is because the DGs ability to perform its design function is maintained in the same manner as originally

designed. The proposed change does not change the single failure capabilities of the electrical power system or create a potential for loss of power since the design operation of the DGs is maintained.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is established through the design of the plant structures, systems, and components, the parameters within which the plant is operated, and the setpoints for the actuation of equipment relied upon to respond to an event. The proposed change does not modify the safety limits or setpoints at which protective actions are initiated. The proposed change increases the voltage limit for the DG full load rejection test which results in new test acceptance criterion that is more restrictive than the existing acceptance criteria. The proposed change ensures the availability and operability of safety-related DGs.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above evaluation, EGC concludes that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92, paragraph (c), and accordingly, a finding of no significant hazards consideration is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Bradley J. Fewell, Associate General Counsel, Exelon Nuclear, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Travis L. Tate.

FirstEnergy Nuclear Operating Company, Docket No. 50-440, Perry Nuclear Power Plant (PNPP), Unit 1, Perry, Ohio

Date of amendment request: November 24, 2014. A publicly-available version is in ADAMS under Accession No. ML14328A665.

Description of amendment request: The proposed amendment is intended to revise the battery capacity testing surveillance requirements in the technical specifications to reflect test requirements when the battery is near end of life.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment does not change the design function of the Class 1 E divisional battery systems and does not change the way the plant is maintained or operated when performing battery surveillance testing. The proposed amendment does not affect any accident mitigating feature or increase the likelihood of malfunction for plant structures, systems and components.

The proposed amendment does not affect the operability requirements of the Class 1 E divisional battery systems. Verification of operating the plant within prescribed limits will continue to be performed, as currently required. Compliance with and continued verification of the prescribed limits support the capability of the Class 1 E divisional battery systems to perform their required design functions during all plant operating, accident, and station blackout conditions, consistent with the plant safety analyses.

The proposed amendment will not change any of the analyses associated with the PNPP Updated Safety Analysis Report Chapter 15 accidents because plant operation, plant structures, systems, components, accident initiators, and accident mitigation functions remain unchanged.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment does not change the design function of the Class 1 E divisional battery systems, and does not change the way the plant is operated or maintained. The proposed amendment does not create a credible failure mechanism, malfunction or accident initiator not already considered in the design and licensing basis.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Safety margins are applied to design and licensing basis functions and to the controlling values of parameters to account for various uncertainties and to avoid exceeding regulatory or licensing limits. The proposed amendment does not involve a physical change to the plant, does not change methods of plant operation within prescribed limits, or affect design and licensing basis functions or controlling values of parameters for plant systems, structures, and components.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David W. Jenkins, Attorney, FirstEnergy Corporation, Mail Stop A-GO-15, 76 South Main Street, Akron, OH 44308.

NRC Branch Chief: Travis L. Tate.

Florida Power and Light Company, *et al.*, Docket Nos. 50-335 and 50-389, St. Lucie Plant, Units 1 and 2, St. Lucie County, Florida

Date of amendment request: August 7, 2014 (ADAMS Accession No. ML14225A630).

Description of amendment request: The amendment would revise the Technical Specifications to add a short Allowed Outage Time to restore an inoperable system for conditions under which the existing specifications require a plant shutdown. The proposed amendment is consistent with an NRC-approved change identified as Technical Specifications Task Force (TSTF) Traveler TSTF-426, Revision 5, "Revise or Add Actions to Preclude Entry into LCO [Limiting Condition for Operation] 3.0.3—RITSTF [Risk-Informed TSTF] Initiatives 6b & 6c" (see 78 FR 32476, May 30, 2013). The Allowed Outage Time would be added to specifications governing the boron injection flow paths of the reactivity control systems, pressurizer heaters, containment spray trains, shield building ventilation systems, and control room emergency air cleanup systems.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is reproduced below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change provides a short Allowed Outage Time to restore an inoperable system for conditions under which the existing Technical Specifications require a plant shutdown to begin within one hour in accordance with Limiting Condition for Operation (LCO) 3.0.3. Entering into Technical Specification Actions is not an initiator of any accident previously evaluated. As a result, the probability of an accident previously evaluated is not significantly increased. The consequences of any accident previously evaluated that may occur during the proposed Allowed Outage Times are no different from the consequences of the same accident during the existing one-hour allowance. As a result, the

consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new or different accidents [would] result from utilizing the proposed change. The changes [to the TSs] do not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in [any] safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change increases the time the plant may operate without the ability to perform an assumed safety function. The analyses in [the NRC-approved topical report] WCAP-16125-NP-A, "Justification for Risk-Informed Modifications to Selected Technical Specifications for Conditions Leading to Exigent Plant Shutdown," Revision 2, August 2010, demonstrated that there is an acceptably small increase in risk due to a limited period of continued operation in these conditions and that this risk is balanced by avoiding the risks associated with a plant shutdown. As a result, the change to the margin of safety provided by requiring a plant shutdown within one hour is not significant.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and determines that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendment involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd., MS LAW/JB, Juno Beach, FL 33408-0420.

NRC Branch Chief: Shana R. Helton.

Florida Power and Light Company, *et al.*, Docket Nos. 50-335 and 50-389, St. Lucie Plant, Units 1 and 2, St. Lucie County, Florida

Date of amendment request: December 5, 2014 (ADAMS Accession No. ML14353A016).

Description of amendment request: The proposed amendment will modify the Technical Specification (TS)

requirements related to Completion Times for Required Actions to provide the option to calculate longer, risk-informed Completion Times. The proposed amendment will also add a new program, the Risk Informed Completion Time Program, to TS section 6.0, "Administrative Controls." The methodology for using the Risk Informed Completion Time Program is described in Nuclear Energy Institute topical report NEI 06-09, "Risk-Informed Technical Specifications Initiative 4b, Risk-Managed Technical Specifications (RMTS) Guidelines," Revision 0-A, which was approved by the NRC on May 17, 2007. The proposed amendment is consistent with the NRC-approved industry-proposed Technical Specification Task Force-505, Revision 1, "Provide Risk-Informed Extended Completion Times—RITSTF Initiative 4b."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is reproduced below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change permits the extension of Completion Times provided the associated risk is assessed and managed in accordance with the NRC[-]approved Risk Informed Completion Time Program. The proposed change does not involve a significant increase in the probability of an accident previously evaluated because the change involves no change to the plant or its modes of operation. The proposed change does not increase the consequences of an accident because the design-basis mitigation function of the affected systems is not changed and the consequences of an accident [occurring] during the extended Completion Time are no different from those [occurring] during the existing Completion Time.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not change the design, configuration, or method of operation of the plant. The proposed change does not involve a physical alteration of the plant (no new or different kind of equipment will be installed).

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change permits the extension of Completion Times provided risk

is assessed and managed in accordance with the NRC[-]approved Risk Informed Completion Time Program. The proposed change implements a risk-informed configuration management program to assure that adequate margins of safety are maintained. Application of these new specifications and the configuration management program considers cumulative effects of multiple systems or components being out of service and does so more effectively than the current TS.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and determines that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendment involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd., MS LAW/JB, Juno Beach, FL 33408-0420.

NRC Branch Chief: Shana R. Helton.

Indiana Michigan Power Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of amendment request:

December 17, 2014. A publicly-available version is in ADAMS under Accession No. ML14356A022.

Description of amendment request:

The proposed amendment would amend the Appendix A technical specifications to Facility Operating Licenses DPR-58 and DPR-74, to modify the notes to TS 3.8.1, "AC Sources—Operating," to allow surveillance testing of the onsite standby emergency diesel generators (DGs) during modes in which it is currently prohibited. Specifically, the license amendment request proposes removing the mode restrictions for the following Surveillance Requirements (SRs): 3.8.1.10 (DG single largest load rejection test), 3.8.1.11 (DG full load rejection test), and 3.8.1.15 (DG endurance run).

Basis for proposed no significant hazards consideration determination:

As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

Response: No.

The design of plant equipment is not being modified by the proposed changes. In addition, the DGs and their associated emergency loads are accident mitigating

features. As such, testing of the DGs themselves is not associated with any potential accident-initiating mechanism.

Therefore, there will be no significant impact on any accident probabilities by the approval of the requested changes.

The changes include an increase in the time that a DG under test will be paralleled to the grid while the unit is in Modes 1 or 2. As such, the ability of the tested DG to respond to a DBA [design-basis accident] could be minimally adversely impacted by the proposed changes. However, the impacts are not considered significant based, in part, on the ability of the remaining DG to mitigate a DBA or provide safe shutdown. Experience shows that testing for these SRs typically does not perturb the electrical distribution system. In addition, operating experience supports the conclusion that the proposed changes do not involve any significant increases in the likelihood of a safety-related bus blackout or damage to plant loads.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The capability to synchronize a DG to the offsite source (via the associated plant bus) and test the DG in such a configuration is a design feature of the DGs, including the test mode override in response to a safety injection signal. Paralleling the DG for longer periods of time during plant operation may slightly increase the probability of incurring an adverse effect from the offsite source, but this increase in probability is judged to be still quite small and such a possibility is not a new or previously unrecognized consideration.

The proposed change does not introduce a new mode of plant operation and does not involve physical modification to the plant. The change does not introduce new accident initiators or impact assumptions made in the safety analysis.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not exceed or alter a design basis or safety limit, so there is no significant reduction in the margin of safety. The margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The proposed changes do not directly affect these barriers, nor do they involve any significantly adverse impact on the DGs which serve to support these barriers in the event of an accident concurrent with a LOOP [loss of offsite power]. The proposed changes to the testing requirements for the plant DGs do not affect the OPERABILITY requirements for the DGs,

as verification of such OPERABILITY will continue to be performed as required (except during different allowed modes). The changes have an insignificant impact on DG availability, as the DGs remain available to perform their required function of providing emergency power to plant equipment that supports or constitutes the fission product barriers. Only one DG is to be tested at a time, so that the remaining DG will be available to safety shut down the plant if required. Consequently, performance of the fission product barriers will not be impacted by implementation of the proposed amendment.

In addition, the proposed changes involve no changes to setpoints or limits established or assumed by the accident analysis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Robert B. Haemer, Senior Nuclear Counsel, One Cook Place, Bridgman, MI 49106.
NRC Branch Chief: David L. Pelton.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: January 15, 2015. A publicly-available version is in ADAMS under Accession No. ML15021A127.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TSs) to add a limiting condition for operation, applicability, required actions, completion times, and surveillance requirements for the residual heat removal (RHR) containment spray system consistent with the guidance in NUREG-1433, Revision 4, "Standard Technical Specifications General Electric BWR [Boiling Water Reactor]/4 Plants," dated April 2012 (ADAMS Accession No. ML12104A192). New TS section 3.6.1.9, "Residual Heat Removal (RHR) Containment Spray," would be added to reflect the reliance on containment spray to maintain the drywell within design temperature limits during a small steam line break. In addition, the "Drywell Pressure—High" function that serves as an interlock permissive to allow RHR containment spray mode alignment would be relocated from the Technical Requirements Manual (TRM) to TS 3.3.5.1, "Emergency Core Cooling System (ECCS) Instrumentation."

The requirements for the RHR containment spray function and

"Drywell Pressure—High" function are currently contained in TRM sections T3.6.1, "RHR Containment Spray," and T3.3.2, "ECCS and Reactor Core Isolation Cooling Instrumentation," respectively. These TRM sections established specific guidance and criteria related to the applicability, operation, and testing for the RHR containment spray system. The TRM requirements for the RHR containment spray system would be removed once the TS requirements are approved.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to establish the RHR Containment Spray requirement in TS does not introduce new equipment or new equipment operating modes, nor do the proposed changes alter existing system relationships. The proposed change does not affect plant operation, design function, or any analysis that verifies the capability of a structure, system, or component (SSC) to perform a design function. There are no changes or modifications to the RHR system. The RHR system will continue to function as designed in all modes of operation, including the Containment Spray function. There are no significant changes to procedures or training related to the operation of the Containment Spray function. Primary containment integrity is not adversely impacted and radiological consequences from the accidents analyzed in the Updated Safety Analysis Report (USAR) are not increased. Containment parameters are not increased beyond those previously evaluated and the potential for failure of the containment is not increased.

There is no adverse impact on systems designed to mitigate the consequences of accidents. The proposed change does not increase system or component pressures, temperatures, and flowrates for systems designed to prevent accidents or mitigate the consequences of an accident. Since these conditions do not change, the likelihood of failure of SSC is not increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to establish the RHR Containment Spray requirement in TS does not alter the design function or operation of any SSC. The Containment system will continue to function as designed in all modes of operation, including RHR Containment

Spray function. There is no new system component being installed, no new construction, and no performance of a new test or maintenance function. The proposed TS change does not create the possibility of a new credible failure mechanism or malfunction. The proposed change does not modify the design function or operation of any SSC. The proposed change does not introduce new accident initiators. Primary containment integrity is not adversely impacted and radiological consequences from the accident analyzed in the USAR are not increased. Containment parameters are not increased beyond those previously evaluated and the potential for failure of the containment is not increased. The proposed change does not increase system or component pressures, temperatures, and flowrates for systems designed to prevent accidents or mitigate the consequences of an accident. Since these conditions do not change, the likelihood of failure of an SSC is not increased.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not increase system or component pressures, temperatures, and flowrates for systems designed to prevent accidents or mitigate the consequences of an accident. Containment parameters are not increased beyond those previously evaluated and the potential for failure of the containment is not increased.

The proposed change to establish the RHR Containment Spray requirement in TS is needed in order to reflect the current safety function of Containment Spray related to the small steam line break accident. The proposed change does not exceed or alter a design basis or a safety limit parameter that is described in the USAR.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. John C. McClure, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602-0499.

Acting NRC Branch Chief: Eric R. Oesterle.

Northern States Power Company—Minnesota, Docket Nos. 50-282 and 50-306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: February 20, 2013, as supplemented by letters dated June 25, 2013; September 15,

2014; and February 26, 2015. Publicly-available versions are in ADAMS under Accession Nos. ML13053A199, ML13178A024, ML14258A089, and ML15057A480, respectively.

Brief description of amendment request: The proposed amendments would remove the technical specification (TS) 3.5.3 "ECCS [Emergency Core Cooling System]-Shutdown," Limiting Condition for Operation (LCO) Note 1 to eliminate information to the plant operators that could cause non-conservative operation, and would revise the LCO Applicability statement to apply to all of Mode 4.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee provided its analysis of the issue of no significant hazards consideration, which the Commission previously issued in the **Federal Register** on August 20, 2013 (78 FR 51229). The licensee revised its analysis of the issue of no significant hazards consideration, which is presented below, to consider expansion of the scope of the amendments by revising the LCO Applicability statement to include all of Mode 4.

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This license amendment request proposes to revise the Technical Specification for ECCS operability requirements in Mode 4 by removing the LCO Note which allows the RHR [residual heat removal] subsystem to be considered operable for ECCS when aligned for shutdown cooling and revising the Applicability statement to include all of Mode 4. These changes will require one train of RHR to be aligned for ECCS operation throughout Mode 4.

The proposed changes do not affect the ECCS and RHR subsystem design, the interfaces between the RHR subsystem and other plant systems' operating functions, or the reliability of the RHR subsystem. The proposed changes do not change or impact the initiators and assumptions of the analyzed accidents. Therefore, the ECCS and RHR subsystems will be capable of performing their accident mitigation functions, and the proposed TS changes do not involve an increase in the probability of an accident.

The proposed TS changes will require that one train of RHR is aligned for ECCS operation during Mode 4 which assures that one train of ECCS is operable to mitigate the consequences of a loss of coolant accident. Thus the proposed TS changes do not involve a significant increase in the consequences of an accident.

Therefore, the proposed Technical Specification changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This license amendment request proposes to revise the Technical Specification for ECCS operability requirements in Mode 4 by removing the LCO Note which allows the RHR subsystem to be considered operable for ECCS when aligned for shutdown cooling and revising the Applicability statement to include all of Mode 4. These changes will require one train of RHR to be aligned for ECCS operation throughout Mode 4.

The proposed Technical Specification changes involve changes to when system trains are operated, but they do not change any system functions or maintenance activities. The changes do not involve physical alteration of the plant, that is, no new or different type of equipment will be installed. The changes do not alter assumptions made in the safety analyses but ensure that one train of ECCS is operable to mitigate the consequences of a loss of coolant accident. These changes do not create new failure modes or mechanisms which are not identifiable during testing and no new accident precursors are generated.

Therefore, the proposed Technical Specification changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

This license amendment request proposes to revise the Technical Specification [TS] for ECCS operability requirements in Mode 4 by removing the LCO Note which allows the RHR subsystem to be considered operable for ECCS when aligned for shutdown cooling and revising the Applicability statement to include all of Mode 4. These changes will require one train of RHR to be aligned for ECCS operation throughout Mode 4.

This license amendment proposes Technical Specification changes which assure that the ECCS—Shutdown TS LCO requirements are met if a Mode 4 LOCA were to occur. With these changes, other TS requirements for shutdown cooling in Mode 4 will continue to be met. Based on review of plant operating experience, there is no discernable change in cooldown rates when utilizing a single train of RHR for shutdown cooling. Thus, no margin of safety is reduced as part of this change.

Therefore, the proposed Technical Specification changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Peter M. Glass, Assistant General Counsel, Xcel Energy Services, Inc., 414 Nicollet Mall, Minneapolis, MN 55401.

NRC Branch Chief: David L. Pelton.

Southern Nuclear Operating Company, Inc. (SNC), Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, GA

Date of amendment request: January 13, 2015. A publicly-available version is in ADAMS under Accession No. ML15014A411.

Description of amendment request: The licensee proposes to adopt Technical Specification Task Force (TSTF) change number 523, revision 2, "Generic Letter 2008–01, Managing Gas Accumulation," for the Hatch Nuclear Plant, Unit 1 and 2, technical specifications (TS). The proposed change would revise or add Surveillance Requirements to verify that the system locations susceptible to gas accumulation are sufficiently filled with water and to provide allowances which permit performance of the verification.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises or adds Surveillance Requirement(s) (SRs) that require verification that the Emergency Core Cooling System (ECCS), the Residual Heat Removal (RHR) System, the RHR Shutdown Cooling (SDC) System, the Containment Spray (CS) System, and the Reactor Core Isolation Cooling (RCIC) System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. Gas accumulation in the subject systems is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The proposed SRs ensure that the subject systems continue to be capable to perform their assumed safety function and are not rendered inoperable due to gas accumulation. Thus, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, the RHR, the RHR SDC System, the CS System, and the RCIC System are not rendered inoperable due to accumulated gas and to

provide allowances which permit performance of the revised verification. The proposed change does not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the proposed change does not impose any new or different requirements that could initiate an accident. The proposed change does not alter assumptions made in the safety analysis and is consistent with the safety analysis assumptions.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises or adds SRs that require verification that the ECCS, the RHR, RHR SDC System, the CS System, and the RCIC System are not rendered inoperable due to accumulated gas and to provide allowances which permit performance of the revised verification. The proposed change adds new requirements to manage gas accumulation in order to ensure the subject systems are capable of performing their assumed safety functions. The proposed SRs are more comprehensive than the current SRs and will ensure that the assumptions of the safety analysis are protected. The proposed change does not adversely affect any current plant safety margins or the reliability of the equipment assumed in the safety analysis. Therefore, there are no changes being made to any safety analysis assumptions, safety limits or limiting safety system settings that would adversely affect plant safety as a result of the proposed change.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jennifer M. Buettner, Associate General Counsel, Southern Nuclear Operating Company, 40 Inverness Center Parkway, Birmingham, AL 35201.

NRC Branch Chief: Robert J. Pascarelli.

South Carolina Electric and Gas Company, Docket Nos.: 52-027 and 52-028, Virgil C. Summer Nuclear Station, Units 2 and 3, Fairfield County, South Carolina

Date of amendment request: January 27, 2015. A publicly-available version is

in ADAMS under Accession No. ML15028A537.

Description of amendment request: The proposed change, if approved, would revise, in part, the description and scope of human factors engineering (HFE) operational sequence analysis (OSA) task and delete a reference to document WCAP-15847, which are both identified as Tier 2* information in the Updated Final Safety Analysis Report (UFSAR).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed deletion of WCAP-15847 removes obsolete and superseded procedures from the licensing basis. The amendment of the operational sequence analysis (OSA) task alters the automatic depressurization system (ADS) testing from Mode 1 to Mode 5. The proposed changes to the procedures do not involve any accident initiating component/system failure or event, and the change to the ADS testing mode helps prevent accidents that would occur if the tests were performed in Mode 1. Thus, the probabilities of the accidents previously evaluated are not affected. The affected procedures and requirements do not adversely affect or interact with safety-related equipment or a radioactive material barrier, and this activity does not involve the containment of radioactive material. Thus, the proposed changes would not affect any safety-related accident mitigating function. The radioactive material source terms and release paths used in the safety analyses are unchanged, thus the radiological releases in the Updated Final Safety Analysis Report accident analyses are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Removing WCAP-15847 from the UFSAR and amending the OSA task regarding ADS valve testing does not adversely affect the design or operation of safety-related equipment or equipment whose failure could initiate an accident other than what is already described in the licensing basis. These changes do not adversely affect safety-related equipment or fission product barriers. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested change.

Therefore, the proposed amendment does not create the possibility of a new or different

kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes to remove WCAP-15847 from the UFSAR and amend the OSA task do not adversely affect any safety-related equipment, design code compliance, design function, design analysis, safety analysis input or result, or design/safety margin because NQA-1 requirements are maintained in other Westinghouse procedures and testing of the ADS valves is still performed. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus no margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Kathryn M. Sutton, Morgan, Lewis & Bockius LLC, 1111 Pennsylvania Avenue NW, Washington, DC 20004-2514.

NRC Branch Chief: Lawrence J. Burkhart.

Southern Nuclear Operating Company, Inc., Docket Nos. 52-025 and 52-026, Vogtle Electric Generating Plant, Units 3 and 4, Burke County, Georgia

Date of amendment request: January 30, 2015. A publicly-available version is in ADAMS under Accession No. ML15030A505.

Description of amendment request: The proposed change would amend Combined License Nos. NPF-91 and NPF-92 for the Vogtle Electric Generating Plant (VEGP) Units 3 and 4. The requested amendment proposes changes to Tier 2* information contained within the Human Factors Engineering Design Verification, Task Support Verification and Integrated System Validation (ISV) plans. These documents are incorporated by reference into the VEGP Units 3 and 4 Updated Final Safety Analysis Report, and will additionally require changes to be made to affected Tier 2 information.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment includes changes to Integrated System Validation (ISV) activities, which are performed on the AP1000 plant simulator to validate the adequacy of the AP1000 human system interface design and confirm that it meets human factors engineering principles. The proposed changes involve administrative details related to performance of the ISV, and no plant hardware or equipment is affected whose failure could initiate an accident, or that interfaces with a component that could initiate an accident, or that contains radioactive material. Therefore, these changes have no effect on any accident initiator in the Updated Final Safety Analysis Report (UFSAR), nor do they affect the radioactive material releases in the UFSAR accident analysis.

Therefore, the proposed amendment does not involve an increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment includes changes to ISV activities, which are performed on the AP1000 plant simulator to validate the adequacy of the AP1000 human system interface design and confirm that it meets human factors engineering principles. The proposed changes involve administrative details related to performance of the ISV, and no plant hardware or equipment is affected whose failure could initiate an accident, or that interfaces with a component that could initiate an accident, or that contains radioactive material. Although the ISV may identify a need to initiate changes to add, modify, or remove plant structures, systems, or components, these changes will not be made directly as part of the ISV.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment includes changes to ISV activities, which are performed on the AP1000 plant simulator to validate the adequacy of the AP1000 human system interface design and confirm that it meets human factors engineering principles. The proposed changes involve administrative details related to performance of the ISV, and do not affect any safety-related equipment, design code compliance, design function, design analysis, safety analysis input or result, or design/safety margin. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, thus no margin of safety is reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203-2015.

NRC Branch Chief: Lawrence J. Burkhart.

Southern Nuclear Operating Company, Inc., Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: September 13, 2012, as supplemented August 2, 2013, July 3, July 17, November 11, and December 12, 2014. Publicly-available versions are in ADAMS under Accession Nos. ML12258A055, ML13217A072, ML14189A554, ML14198A574, ML14315A051 and ML14346A643, respectively.

Description of amendment request: The proposed amendment would modify certain Technical Specification (TS) requirements related to Completion Times for Required Actions to provide the option to calculate a longer, risk-informed Completion Time. The allowance will be described in a new program, "Risk Informed Completion Time Program (RICT)," to be approved by NRC and to be added to Chapter 5, "Administrative Controls," of the Technical Specifications. The methodology for using the RICT Program is described in an industry document NEI 06-09, "Risk-Informed Technical Specifications Initiative 4b, Risk-Managed Technical Specifications (RMTS) Guidelines," which was approved by the Nuclear Regulatory Commission (NRC) on May 17, 2007. Adherence to NEI 06-09 is required by the proposed RICT Program. The proposed amendment is also consistent with the methodologies presented in an industry initiative identified as TSTF-505, Revision 1, "Provide Risk-Informed Extended Completion Times—RITSTF Initiative 4b." Although the proposed amendment is consistent with TSTF-505, the licensee is not proposing adoption of TSTF-505 with this proposed amendment; the proposed amendment is a site-specific action.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or

consequences of an accident previously evaluated?

Response: No.

The proposed change permits the extension of Completion Times provided risk is assessed and managed within the Risk Informed Completion Time Program. The proposed change does not involve a significant increase in the probability of an accident previously evaluated because the changes involve no change to the plant or its modes of operation. This proposed change does not increase the consequences of an accident because the design-basis mitigation function of the affected systems is not changed and the consequences of an accident during the extended Completion Time are no different from those during the existing Completion Time.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not change the design, configuration, or method of operation of the plant. The proposed change does not involve a physical alteration of the plant (no new or different kind of equipment will be installed).

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety[?]

Response: No.

The proposed change permits the extension of Completion Times provided risk is assessed and managed within the Risk Informed Completion Time Program. The proposed change implements a risk-informed configuration management program to assure that adequate margins of safety are maintained. Application of these new specifications and the configuration management program considers cumulative effects of multiple systems or components being out of service and does so more effectively than the current TS.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendment involve no significant hazards consideration.

Attorney for licensee: Jennifer M. Buettner, Associate General Counsel, Southern Nuclear Operating Company, 40 Inverness Center Parkway, Birmingham, AL 35242.

NRC Branch Chief: Robert J. Pascarelli.

Tennessee Valley Authority (TVA), Docket Nos. 50–327 and 50–328, Sequoyah Nuclear Plant (SQN), Units 1 and 2, Hamilton County, Tennessee

Date of amendment request:

December 2, 2014. A publicly-available version is in ADAMS under Accession No. ML14339A539.

Description of amendment request:

The amendments would revise Technical Specification (TS) 6.8.4.h, “Containment Leakage Rate Testing Program,” by adopting Nuclear Energy Institute (NEI) 94–01, Revision 3–A, “Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,” as the implementation document for the performance-based Option B of 10 CFR part 50, Appendix J. The proposed changes would permanently extend the Type A containment integrated leak rate testing (ILRT) interval from 10 years to 15 years, and the Type C local leakage rate testing (LLRT) intervals from 60 months to 75 months.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below.

1. Does the proposed amendment involve a significant increase in the probability or consequence of an accident previously evaluated?

Response: No.

The proposed revision to TS 6.8.4.h changes the testing period to a permanent 15-year interval for Type A testing (10 CFR part 50, Appendix J, Option B, ILRT) and a 75-month interval for Type C testing (10 CFR part 50, Appendix J, Option B, LLRT). The current type A test interval of 10 years would be extended to 15 years from the last Type A test. The proposed extension to Type A testing does not involve a significant increase in the consequences of an accident because research documented in NUREG–1493, “Performance-Based Containment System Leakage Testing Requirements [sic] [Performance-Based Containment Leak-Test Program],” September 1995, has found that, generically, very few potential containment leakage paths are not identified by Type B and C tests. NUREG–1493 concluded that reducing the Type A testing frequency to one per twenty years was found to lead to an imperceptible increase in risk. A high degree of assurance is provided through testing and inspection that the containment will not degrade in a manner detectable only by Type A testing. The last Type A test (performed October 27, 2007 for SQN, Unit 1 and December 30, 2006 for SQN, Unit 2) shows leakage to be below acceptance criteria, indicating a very leak tight containment. Inspections required by the ASME [American Society of Mechanical Engineers] Code section XI (subsections IWE and IWL) and Maintenance Rule monitoring (10 CFR 50.65,

“Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants”), are performed in order to identify indications of containment degradation that could affect that leak tightness. Types B and C testing required by TSs will identify any containment opening such as valves that would otherwise be detected by the Type A tests. These factors show that a Type A test interval extension will not represent a significant increase in the consequences of an accident.

The proposed amendment involves changes to the SQN, Units 1 and 2, 10 CFR 50 Appendix J Testing Program Plan. The proposed amendment does not involve a physical change to the plant or a change in the manner in which the units are operated or controlled. The primary containment function is to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents. As such, the containment itself and the testing requirements to periodically demonstrate the integrity of the containment exist to ensure the plant’s ability to mitigate the consequences of an accident, and do not involve any accident precursors or initiators.

Therefore, the probability of occurrence of an accident previously evaluated is not significantly increased by the proposed amendment.

The proposed amendment adopts the NRC-accepted guidelines of NEI 94–01, Revision 3–A, for development of the SQN, Units 1 and 2, performance-based leakage testing program. Implementation of these guidelines continues to provide adequate assurance that during design basis accidents, the primary containment and its components will limit leakage rates to less than the values assumed in the plant safety analyses. The potential consequences of extending the ILRT interval from 10 years to 15 years have been evaluated by analyzing the resulting changes in risk. The increase in risk in terms of person-rem per year resulting from design basis accidents was estimated to be very small, and the increase in the LERF [large early release frequency] resulting from the proposed change was determined to be within the guidelines published in NRC RG [Regulatory Guide] 1.174. Additionally, the proposed change maintains defense-in-depth by preserving a reasonable balance among prevention of core damage, prevention of containment failure, and consequence mitigation. TVA has determined that the increase in CCFP [conditional containment failure probability] due to the proposed change would be very small.

Based on the above discussions, the proposed changes do not involve an increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed revision to TS 6.8.4.h changes the testing period to a permanent 15-year interval for Type A testing (10 CFR part 50, Appendix J, Option B, ILRT) and a 75-month interval for Type C testing (10 CFR

part 50, Appendix J, Option B, LLRT). The current test interval of 10 years, based on past performance, would be extended to 15 years from the last Type A test (performed October 27, 2007 for SQN, Unit 1 and December 30, 2006 for SQN, Unit 2). The proposed extension to Type A and Type C test intervals does not create the possibility of a new or different type of accident because there are no physical changes being made to the plant and there are no changes to the operation of the plant that could introduce a new failure mode creating an accident or affecting the mitigation of an accident.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety? Response: No.

The proposed revision to TS 6.8.4.h changes the testing period to a permanent 15-year interval for Type A testing (10 CFR part 50, Appendix J, Option B, ILRT) and a 75-month interval for Type C testing (10 CFR part 50, Appendix J, Option B, LLRT). The current test interval of 10 years, based on past performance, would be extended to 15 years from the last Type A test (performed October 27, 2007 for SQN, Unit 1 and December 30, 2006 for SQN, Unit 2). The proposed extension to Type A testing will not significantly reduce the margin of safety. NUREG–1493, “Performance-Based Containment System Leakage Testing Requirements [sic] [Performance-Based Containment Leak-Test Program],” September 1995, generic study of the effects of extending containment leakage testing, found that a 20-year extension to Type A leakage testing resulted in an imperceptible increase in risk to the public. NUREG–1493 found that, generically, the design containment leakage rate contributes about 0.1% to the individual risk and that the decrease in Type A testing frequency would have a minimal effect on this risk since 95% of the potential leakage paths are detected by Type C testing. Regular inspections required by the ASME Code section XI (subsections IWE and IWL) and maintenance rule monitoring (10 CFR 50.65, “Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants”) will further reduce the risk of a containment leakage path going undetected.

The proposed amendment adopts the NRC-accepted guidelines of NEI 94–01, Revision 3–A, for development of the SQN, Units 1 and 2, performance-based leakage testing program, and establishes a 15-year interval for the performance of the primary containment ILRT and a 75-month interval for Type C testing. The amendment does not alter the manner in which safety limits, limiting safety system setpoints, or limiting conditions for operation are determined. The specific requirements and conditions of the 10 CFR part 50, Appendix J Testing Program Plan, as defined in the TS, ensure that the degree of primary containment structural integrity and leak-tightness that is considered in the plant safety analyses is maintained. The overall containment leakage rate limit specified by the TS is maintained, and the

Type A, B, and C containment leakage tests will continue to be performed at the frequencies established in accordance with the NRC-accepted guidelines of NEI 94–01, Revision 3–A.

Containment inspections performed in accordance with other plant programs serve to provide a high degree of assurance that the containment will not degrade in a manner that is detectable only by an ILRT. This ensures that evidence of containment structural degradation is identified in a timely manner. Furthermore, a risk assessment using the current SQN, Units 1 and 2, PRA model concluded that extending the ILRT test interval from 10 years to 15 years results in a very small change to the SQN, Units 1 and 2, risk profile.

Accordingly, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, 6A West Tower, Knoxville, TN 37902.

NRC Branch Chief: Shana R. Helton.

III. Previously Published Notices of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Entergy Nuclear Operations, Inc., Docket No. 50–247, Indian Point Nuclear Generating Unit 2, Westchester County, New York

Date of amendment request: February 12, 2015. A publicly-available version is in ADAMS under Accession No. ML15044A471.

Brief description of amendment request: The proposed amendment would allow a revision to the

acceptance criteria for the Surveillance Requirement 3.1.4.2 for Control Rod G–3. During the last two performances of this Surveillance on September 18, 2014, and December 11, 2014, Control Rod G–3 misalignment occurred with Shutdown Bank B group movement as displayed by Individual Rod Position Indication and Plant Instrument Computer System. The proposed change is to defer subsequent testing of the Control Rod G–3 until repaired during the next refuel outage (March 2016) or forced outage long enough to repair the Control Rod.

*Date of publication of individual notice in **Federal Register**:* March 2, 2015 (80 FR 11236).

Expiration date of individual notice: April 1, 2015 (public comments); May 1, 2015 (hearing requests).

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323 for Diablo Canyon Nuclear Power Plant (DCPP), Units 1 and 2, Docket No. 72–26 for Diablo Canyon Independent Spent Fuel Storage Installation (ISFSI), San Luis Obispo County, California

Date of amendment request: September 24, 2013, as supplemented by letters dated December 18, 2013 (security-related), and May 15, 2014. Publicly-available versions of the letters dated September 24, 2013, and May 15, 2014, are in ADAMS under Accession Nos. ML13268A398 and ML14135A379, respectively.

Brief description of amendment request: The proposed amendments would modify the licenses to reflect a grant of section 161A of the Atomic Energy Act, to authorize the licensee the authority to possess and use certain firearms, ammunition, and other devices such as large-capacity ammunition feeding devices, to implement the NRC-approved security plan for DCPP, Unit Nos. 1 and 2, and the Diablo Canyon ISFSI.

*Date of publication of individual notice in **Federal Register**:* February 18, 2015 (80 FR 8706).

Expiration date of individual notice: March 20, 2015 (public comments); April 19, 2015 (hearing requests).

Southern California Edison Company, et al., Docket Nos. 50–361, 50–362, and 72–41, San Onofre Nuclear Generating Station, Units 2 and 3, and Independent Spent Fuel Storage Installation, San Diego County, California

Date of amendment request: August 28, 2013, as supplemented by letters dated December 31, 2013, May 15, 2014, and February 10, 2015. Publicly-available versions are in ADAMS under Accession Nos. ML13242A277,

ML14007A496, ML14139A424, and ML15044A047, respectively.

Brief description of amendment request: The licensee is requesting that the Commission grant it preemption authority consistent with the Commission's authority under section 161A of the Atomic Energy Act of 1954, as amended, to authorize the security personnel of designated classes of licensees to possess, use, and access covered weapons for the physical security of SONGS, Units 2 and 3, and the Independent Spent Fuel Storage Installation, notwithstanding Federal, State, or local laws prohibiting such possession or use. If the amendment request is granted, the licenses would be modified to reflect the Commission's granting of section 161A preemption authority.

*Date of publication of individual notice in **Federal Register**:* February 18, 2015 (80 FR 8701).

Expiration date of individual notice: March 20, 2015 (public comments); April 20, 2015 (hearing requests).

IV. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Final Determination of No Significant Hazards Consideration and Opportunity for a Hearing (Exigent Public Announcement or Emergency Circumstances)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual notice of consideration of issuance of amendment, proposed no significant hazards consideration determination, and opportunity for a hearing.

For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the

Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards consideration determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to

Facility Operating License or Combined License, as applicable, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items can be accessed as described in the "Obtaining Information and Submitting Comments" section of this document.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendment. Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, and electronically on the Internet at the NRC's Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If there are problems in accessing the document, contact the PDR's Reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) the name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in

the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing. Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not

submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. System requirements for accessing the E-Submittal server are detailed in the NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format

(PDF) in accordance with NRC guidance available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or

by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <http://ehd1.nrc.gov/ehd/>, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Exelon Generation Company, LLC,
Docket No. 50-353, Limerick Generating Station, Unit 2, Montgomery County, Pennsylvania

Date of amendment request: February 12, 2015.

Description of amendment request: The amendment extends the implementation period for Amendment No. 174, "Leak Detection System Setpoint and Allowable Value Changes," which was issued on December 29, 2014. Amendment No. 174 was effective as of the date of issuance (*i.e.*, on December 29, 2014) and was required to be implemented within 60 days (*i.e.*, by February 27, 2015). Amendment No. 177 extends the implementation period for Amendment No. 174 from 60 days to prior to startup from the spring 2015 refueling outage.

Date of issuance: February 25, 2015.

Effective date: As of its date of issuance and shall be implemented prior to startup from the Spring 2015 Unit 2 Refueling Outage.

Amendment No.: 177. A publicly-available version is in ADAMS under Accession No. ML15049A084; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License Nos. NPF-85: Amendment revised the Renewed Facility Operating License to extend the implementation date of Amendment No. 174, issued on December 29, 2014, to prior to startup from the Spring 2015 Unit 2 Refueling Outage.

Public comments requested as to proposed no significant hazards consideration (NSHC): Yes. Public notice of the proposed amendment was published in *The Pottstown Mercury*, located in Pottstown, Pennsylvania, on February 15, and February 16, 2015. The notice provided an opportunity to submit comments on the Commission's proposed NSHC determination. Comments were received.

The Commission's related evaluation of the amendment, finding of exigent circumstances, state consultation, public comments, and final NSHC determination are contained in a safety evaluation dated February 25, 2015.

Attorney for licensee: J. Bradley Fewell, Esquire, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Kennett Square, PA 19348.

NRC Branch Chief: Douglas A. Broaddus.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260, and 50-296, Browns Ferry Nuclear Plant (BFN), Units 1, 2, and 3, Respectively, Limestone County, Alabama

Date of amendment request: February 12, 2015.

Brief description of amendment request: The amendments revised Technical Specification (TS) 5.6.5, "Core Operating Limits Report (COLR)," to add the date of a previously issued NRC safety evaluation (SE) that stated it was acceptable for the licensee to use new analytical methods supporting the use of ATRIUM 10XM (10XM) fuel. In its letter dated February 12, 2015, the licensee stated BFN, Unit 2, is entering an outage on March 14, 2015, and is scheduled to commence loading 10XM fuel on March 17, 2015. Because the TSs do not reference the aforementioned NRC evaluation, the licensee would not be able to issue a COLR for the Unit 2 transition cycle unless the notation to the latest NRC SE is added. Therefore, the licensee requested that NRC process the license amendment request under exigent circumstances in accordance with 10 CFR 50.91(a)(6). The NRC staff determined that the provisions of 10 CFR 50.91(a)(6) were applicable for processing the licensee's request under exigent circumstances.

Date of issuance: February 26, 2015.

Effective date: As of the date of issuance and shall be implemented during the refueling outages in fall of 2016 for Unit 1, in spring of 2015 for Unit 2, and in spring of 2016 for Unit 3.

Amendment Nos.: 288, 313, and 272, which are available in ADAMS under Accession No. ML15051A337. Documents related to these amendments are listed in the SE enclosed with the amendments.

Renewed Facility Operating License Nos. DPR-33, DPR-52, and DPR-68: Amendments revised the TSs.

Public comments requested as to proposed no significant hazards consideration (NSHC): The public notice was published in "The Huntsville Times," located in Huntsville, Alabama, on February 18 and 20, 2015. The notice provided an opportunity to submit comments on the Commission's proposed NSHC determination. No comments have been received.

The Commission's related evaluation of the amendment, finding of exigent circumstances, state consultation, and final NSHC determination are contained in a safety evaluation dated February 26, 2015.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, TN 37902.

NRC Branch Chief: Shana R. Helton.

V. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance

with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the "Obtaining Information and Submitting Comments" section of this document.

Entergy Nuclear Operations, Inc., Docket No. 50-255, Palisades Nuclear Plant, Van Buren County, Michigan

Date of application for amendment: December 12, 2012, as supplemented by letters dated February 21, September 30, October 24, and December 2, 2013; April 2, May 7, June 17, August 14, November 4, and December 18, 2014.

Brief description of amendment: The amendment authorizes the transition of the Palisades Nuclear Plant fire protection program to a risk-informed, performance-based program based on National Fire Protection Association (NFPA) 805, in accordance with 10 CFR 50.48(c). NFPA 805 allows the use of performance-based methods such as fire modeling and risk-informed methods such as fire probabilistic risk assessment to demonstrate compliance with the nuclear safety performance criteria.

Date of issuance: February 27, 2015.

Effective date: As of its date of issuance and shall be implemented by six months from the date of issuance.

Amendment No.: 254. A publicly-available version is in ADAMS under Accession No. ML15007A191; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR-20: Amendment revised the Renewed Facility Operating License and Technical Specifications.

Date of initial notice in Federal Register: February 27, 2014 (79 FR 11148). The supplements dated April 2, May 7, June 17, August 14, November 4, and December 18, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 27, 2015.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50-313, Arkansas Nuclear One, Unit 1, Pope County, Arkansas

Date of amendment request: March 26, 2013, as supplemented by letters dated November 14, 2013, and August 18, October 22, and December 5, 2014.

Brief description of amendment: The amendment revised the Technical Specification (TS) requirements for end states associated with the implementation of the NRC-approved Topical Report BAW-2441-A, Revision 2, "Risk-Informed Justification for LCO End-State Changes," as well as Required Actions revised by a specific Note in TS Task Force (TSTF) change traveler TSTF-431, Revision 3, "Change in Technical Specifications End States (BAW-2441)."

Date of issuance: March 3, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 253. A publicly-available version is in ADAMS under Accession No. ML15023A147; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR-51: Amendment revised the TSs/license.

Date of initial notice in Federal Register: July 23, 2013 (78 FR 44170).

The supplemental letters dated November 14, 2013, and August 19, October 22, and December 5, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated March 3, 2015.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: December 9, 2013, as supplemented by letters dated October 1, 2014, and December 17, 2014.

Brief description of amendment: The amendment revised the Technical Specifications for the Waterford Steam

Electric Station, Unit 3 to improve clarity, correct administrative and typographical errors, or establish consistency with NUREG-1432, "Standard Technical Specifications—Combustion Engineering Plants," Revision 4.0.

Date of issuance: February 23, 2015.

Effective date: As of the date of issuance and shall be implemented 90 days from the date of issuance.

Amendment No.: 242. A publicly-available version is in ADAMS under Accession No. ML15005A126; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF-38: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in Federal Register: August 5, 2014 (79 FR 45475). The supplements dated October 1, 2014, and December 17, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 23, 2015.

No significant hazards consideration comments received: No.

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Units 1 and 2, St. Lucie County, Florida

Date of amendment request: February 26, 2014, as supplemented by letters dated May 29 and July 25, 2014.

Brief description of amendment: The amendments revised the Technical Specifications (TSs), modifying requirements for mode change limitations in Limiting Condition for Operation 3.0.4 and Surveillance Requirement (SR) 4.0.4 to adopt the provisions of Industry/TS Task Force (TSTF)-359, Rev. 9, "Increase Flexibility in MODE Restraints." The language of SR 4.0.1 is revised to conform to the language of NUREG-1432, "Standard Technical Specifications for Combustion Engineering Plants," to resolve language incongruences and ensure conservative implementation of the TSTF-359, Rev. 9, changes.

Date of issuance: February 27, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos.: 220 and 170. A publicly-available version is in ADAMS under Accession No. ML14343A918; documents related to these amendments are listed in the Safety Evaluation (SE) enclosed with the amendments.

Facility Operating License Nos. DPR-67 and NPF-16: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in Federal Register: May 27, 2014 (79 FR 30187). The supplements dated May 29 and July 25, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a SE dated February 27, 2015.

No significant hazards consideration comments received: No.

Luminant Generation Company LLC, Docket Nos. 50-445 and 50-446, Comanche Peak Nuclear Power Plant, Units 1 and 2, Somervell County, Texas

Date of amendment request: July 1, 2014.

Brief description of amendment: The amendments revised Technical Specification 3.8.1, "AC [Alternating Current] Sources—Operating," to extend on a one-time basis the Completion Time (CT) of Required Action A.3, "Restore required offsite circuit to OPERABLE status," from 72 hours to 14 days. The CT extension from 72 hours to 14 days will be used while completing the plant modification to install alternate startup transformer XST1A and will expire on March 31, 2017.

Date of issuance: February 24, 2015.

Effective date: As of the date of issuance and shall be implemented within [licensee requested number] days from the date of issuance.

Amendment Nos.: Unit 1—164; Unit 2—164. A publicly-available version is in ADAMS under Accession No. ML15008A133; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF-87 and NPF-89: The amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in Federal Register: October 28, 2014 (79 FR 64226).

The Commission's related evaluation of the amendments is contained in a

Safety Evaluation dated February 24, 2015.

No significant hazards consideration comments received: No.

Omaha Public Power District, Docket No. 50–285, Fort Calhoun Station, Unit 1, Washington County, Nebraska

Date of amendment request: April 30, 2014, as supplemented by letter dated January 27, 2015.

Brief description of amendment: The amendment revised Technical Specification section 3.2, Table 3–5, for Fort Calhoun Station, Unit No. 1, to add a new surveillance requirement to verify the correct position of the valves required to restrict flow in the high pressure safety injection system.

Date of issuance: February 20, 2015.

Effective date: As of the date of issuance and shall be implemented within 120 days from the date of issuance.

Amendment No.: 280. A publicly-available version is in ADAMS under Accession No. ML15015A413; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–40: The amendment revised the license and Technical Specifications.

Date of initial notice in Federal Register: August 19, 2014 (79 FR 49108). The supplemental letter dated January 27, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a safety evaluation dated February 20, 2015.

No significant hazards consideration comments received: No.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: August 14, 2014, as supplemented by letter dated December 18, 2014.

Brief description of amendments: The amendments revised Administrative Controls Technical Specification (TS) 6.9.1.6, "Core Operating Limits Report (COLR)," with respect to the analytical methods used to determine the core operating limits.

Date of issuance: February 27, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: Unit 1—204; Unit 2—192. A publicly-available version is in ADAMS under Accession No. ML15049A129; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–76 and NPF–80: The amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in Federal Register: December 2, 2014 (79 FR 71455). The supplemental letter dated December 18, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 27, 2015.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 9th day of March 2015.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–05994 Filed 3–16–15; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collection of information to determine (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 the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must

contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

Title and Purpose of information collection: Evidence for Application of Overall Minimum; OMB 3220–0083.

Under Section 3(f)(3) of the Railroad Retirement Act (RRA), the total monthly benefits payable to a railroad employee and his/her family are guaranteed to be no less than the amount which would be payable if the employee's railroad service had been covered by the Social Security Act. This is referred to as the Social Security Overall Minimum Guarantee, which is prescribed in 20 CFR 229. To administer this provision, the Railroad Retirement Board (RRB) requires information about a retired employee's spouse and child(ren) who would not be eligible for benefits under the RRA but would be eligible for benefits under the Social Security Act if the employee's railroad service had been covered by that Act. The RRB obtains the required information by the use of Forms G–319, Statement Regarding Family and Earnings for Special Guaranty Computation, and G–320, Student Questionnaire for Special Guaranty Computation. One response is required of each respondent. Completion is required to obtain or retain benefits.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (80 FR 1679 on January 13, 2015) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Statement Regarding Contributions and Support of Children.

Title: Evidence for Application of Overall Minimum.

OMB Control Number: 3220–0083.

Forms submitted: G–319 and G–320.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under Section 3(f)(3) of the Railroad Retirement Act, the total monthly benefits payable to a railroad employee and his/her family are guaranteed to be no less than the amount which would be payable if the employee's railroad service had been covered by the Social Security Act.

Changes proposed: The RRB proposes non-burden impacting editorial changes to Forms G–319 and G–320.

The burden estimate for the ICR is as follows:

Form number	Annual responses	Time (minutes)	Burden (hours)
G-319 (completed by the employee)			
With assistance	5	26	2
Without assistance	230	55	211
G-319 (completed by spouse)			
With assistance	5	30	2
Without assistance	10	60	10
G-320 (Age 18 at Special Guaranty Begin Date or Special Guaranty Age 18 Attainments)	30	15	7
G-320 (Student Monitoring done in Sept, March and at end of school year)	10	15	2
Total	290	.....	234

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751-4981 or Dana.Hickman@RRB.GOV.

Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 or Charles.Mierzwa@RRB.GOV and to the OMB Desk Officer for the RRB, Fax: 202-395-6974, Email address: OIRA_Submission@omb.eop.gov.

Charles Mierzwa,
Chief of Information Resources Management.
[FR Doc. 2015-06167 Filed 3-16-15; 8:45 am]
BILLING CODE 7905-01-P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection

of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Continuing Disability Report; OMB 3220-0187. Under Section 2 of the Railroad Retirement Act, an annuity is not payable or is reduced for any month in which the annuitant works for a railroad or earns more than prescribed dollar amounts from either non-railroad employment or self-employment. Certain types of work may indicate an annuitant's recovery from disability. The provisions relating to the reduction or non-payment of an annuity by reason of work, and an annuitant's recovery from disability for work, are prescribed in 20 CFR 220.17-220.20. The RRB conducts continuing disability reviews (CDR) to determine whether an annuitant continues to meet the disability requirements of the law. Provisions relating to when and how often the RRB conducts CDR's are prescribed in 20 CFR 220.186.

Form G-254, *Continuing Disability Report*, is used by the RRB to develop information for a CDR determination, including a determination prompted by a report of work, return to railroad service, allegation of medical improvement, or a routine disability review call-up. The RRB proposes the following changes:

- Revise current Item 8 to ask for the response in month and year format since the form may cover multiple years.

- Revise current Item 12a to include the spouse as a source of employment.

- Revise current Item 15k to show the impact the disability has had on their business by asking if the annuitant has had to reduce or restrict the number of their clients or customers.

- Revise current Items 17a and 17b to include asking if the annuitant has made supervisory (as well as managerial) decisions.

- Renumber current Item 31 to Item 31a.

- Create New Item 31b, using a Yes/No format, to identify the annuitant who requires an assistive device such as a cane, oxygen, etc.

- Create New Item 31c to identify the assistive device(s).

- Other minor editorial changes.

Form G-254a, Continuing Disability Update Report, is used to help identify a disability annuitant whose work activity and/or recent medical history warrants completion of Form G-254 for a more extensive review. The RRB proposes adding a request for the social security number of the applicant who is not the employee to resolve any ambiguous issues.

Completion is required to retain a benefit. One response is requested of each respondent to Forms G-254 and G-254a.

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form number	Annual responses	Time (minutes)	Burden (hours)
G-254	1,500	5-35	623
G-254a	1,500	5	125
Total	3,000	.....	748

Additional Information or Comments: To request more information or to

obtain a copy of the information collection justification, forms, and/or

supporting material, contact Dana Hickman at (312) 751-4981 or

Dana.Hickman@RRB.GOV. Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 or emailed to Charles.Mierzwa@RRB.GOV. Written comments should be received within 60 days of this notice.

Charles Mierzwa,

Chief of Information Resources Management.

[FR Doc. 2015-06140 Filed 3-16-15; 8:45 am]

BILLING CODE 7905-01-P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

National Science and Technology Council

ACTION: Notice of Public Meeting.

SUMMARY: The National Nanotechnology Coordination Office (NNCO), on behalf of the Nanoscale Science, Engineering, and Technology (NSET) Subcommittee of the Committee on Technology, National Science and Technology Council (NSTC), will hold a workshop entitled “Quantifying Exposure to Engineered Nanomaterials (QEEN) from Manufactured Products—Addressing Environmental, Health, and Safety Implications” on July 7 and 8, 2015. This is a technical workshop with an aim to determine the state of exposure science and the tools and methods available to characterize and quantify exposure to engineered nanomaterials from consumer products. A main goal is to bridge toxicology with exposure science. The workshop will include an overview of the field by exposure science experts, breakout sessions to better understand the challenges and accomplishments thus far in exposure science, and a poster session.

DATES: The Workshop will be held Tuesday, July 7, 2015 from 8:00 a.m. until 6:30 p.m., and Wednesday, July 8, 2015 from 8:00 a.m. until 5:00 p.m.

ADDRESSES: The workshop will be held at the Holiday Inn Rosslyn, 1900 N. Fort Myer Drive, Arlington, VA, 22209.

FOR FURTHER INFORMATION CONTACT: Dr. Shelah Morita, 703-292-4503, smorita@nnco.nano.gov, NNCO. Additional information is posted at <http://nano.gov/QEENworkshop>.

Registration: Registration opens on May 7, 2015 at <http://nano.gov/QEENworkshop>. Due to space limitations, pre-registration for the workshop is required. Written notices of participation should be sent to jbeamon@nnco.nano.gov or to Jewel Beamon, 4201 Wilson Blvd., Stafford II,

Suite 405, Arlington, VA 22230. Please provide your full name, title, affiliation, and email or mailing address when registering. Registration is on a first-come, first-served basis until capacity is reached or until close of business May 28, 2015.

Meeting Accommodations: Individuals requiring special accommodation to access this workshop should contact Jewel Beamon at 703-292-7741 at least ten business days prior to the meeting so that appropriate arrangements can be made.

Ted Wackler,

Deputy Chief of Staff and Assistant Director.

[FR Doc. 2015-06098 Filed 3-16-15; 8:45 am]

BILLING CODE 3170-W1-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74486; File No. SR-FINRA-2014-030]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Withdrawal of Proposed Rule Change Relating to Quotation Requirements for Unlisted Equity Securities and Deletion of the Rules Related to the OTC Bulletin Board Service

March 12, 2015.

On June 27, 2014, the Financial Industry Regulatory Authority, Inc. (“FINRA”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b-4 thereunder, ² a proposed rule change to adopt rules relating to quotation requirements for over-the-counter (“OTC”) equity securities and to delete the rules relating to the OTC Bulletin Board Service (“OTCBB”) and thus cease its operation. The proposed rule change was published for comment in the **Federal Register** on July 15, 2014. ³ On August 8, 2014, FINRA consented to extending the time period for the Commission to either approve or disapprove the proposed rule change, or to institute proceedings to determine whether to approve or disapprove the proposed rule change, to October 10, 2014. The Commission received one comment letter on the proposed rule change. ⁴

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 72575 (July 9, 2014), 79 FR 41339 (“Notice”).

⁴ See Letter from Daniel Zinn, General Counsel, OTC Markets Group Inc., dated August 5, 2014.

On October 7, 2014, the Commission instituted proceedings ⁵ to determine whether to approve or disapprove the proposed rule change under Section 19(b)(2)(B) of the Act. ⁶ The Commission thereafter received three comment letters in response to the Order Instituting Proceedings. ⁷ On January 9, 2015, the Commission extended the time period for Commission action to March 12, 2015. ⁸

On March 3, 2015, FINRA withdrew the proposed rule change (SR-FINRA-2014-030).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority. ⁹

Brent J. Fields,

Secretary.

[FR Doc. 2015-06090 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270-433, OMB Control No. 3235-0489]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

Extension:

Rule 17a-6, SEC File No. 270-433, OMB Control No. 3235-0489.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (“PRA”) (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (“Commission”) is soliciting comments on the collection of information provided for in Rule 17a-6 (17 CFR 240.17a-6) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*). The Commission plans to submit this existing collection of information to the Office of Management and Budget (“OMB”) for extension and approval.

Rule 17a-6 permits national securities exchanges, national securities associations, registered clearing

⁵ See Securities Exchange Act Release No. 73313, 79 FR 61677 (October 14, 2014) (“Order Instituting Proceedings”).

⁶ 15 U.S.C. 78s(b)(2)(B).

⁷ See Letter from Dr. Lee Jackson, PAHCII, dated October 8, 2014; Letter from Barry Scadden, Vice President, ATS Trade Support and Operations, Global OTC, dated October 10, 2014; and Letter from Michael R. Trocchio, Sidley Austin LLP, on behalf of OTC Markets Group Inc., dated November 4, 2014.

⁸ See Securities Exchange Act Release No. 74021, 80 FR 2142 (January 15, 2015).

⁹ 17 CFR 200.30-3(a)(12).

agencies, and the Municipal Securities Rulemaking Board (“MSRB”) (collectively, “SROs”) to destroy or convert to microfilm or other recording media records maintained under Rule 17a-1, if they have filed a record destruction plan with the Commission and the Commission has declared the plan effective.

There are currently 29 SROs: 18 national securities exchanges, 1 national securities association, the MSRB, and 9 registered clearing agencies. Of the 29 SROs, only 2 SRO respondents have filed a record destruction plan with the Commission. The staff calculates that the preparation and filing of a new record destruction plan should take 160 hours. Further, any existing SRO record destruction plans may require revision, over time, in response to, for example, changes in document retention technology, which the Commission estimates will take much less than the 160 hours estimated for a new plan. The Commission estimates that each SRO that has filed a destruction plan will spend approximately 30 hours per year making required revisions. Thus, the total annual compliance burden is estimated to be 60 hours per year based on two respondents. The approximate compliance cost per hour is \$380, resulting in a total internal cost of compliance for these respondents of \$22,800 per year (60 hours @\$380 per hour).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission’s estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: PRA_Mailbox@sec.gov.

Dated: March 10, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015-05986 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74481; File No. SR-Phlx-2015-22]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding FLEX No Minimum Value Size Pilot

March 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 27, 2015, NASDAQ OMX PHLX LLC (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing with the Commission a proposal to amend Phlx Rule 1079 (FLEX Index, Equity and Currency Options) to extend a pilot program that eliminates minimum value sizes for opening transactions in new series of FLEX index options and FLEX equity options (together known as “FLEX Options”).³

The text of the amended Exchange rule is set forth immediately below.

Additions are *in italics* and deletions are [bracketed].

Rules of the Exchange

Options Rules

* * * * *

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ In addition to FLEX Options, FLEX currency options are also traded on the Exchange. These flexible index, equity, and currency options provide investors the ability to customize basic option features including size, expiration date, exercise style, and certain exercise prices; and may have expiration dates within five years. See Rule 1079. FLEX currency options traded on the Exchange are also known as FLEX FX Options. The pilot program discussed herein does not encompass FLEX currency options.

Rule 1079. FLEX Index, Equity and Currency Options

A Requesting Member shall obtain quotes and execute trades in certain non-listed FLEX options at the specialist post of the non-FLEX option on the Exchange. The term “FLEX option” means a FLEX option contract that is traded subject to this Rule. Although FLEX options are generally subject to the Rules in this section, to the extent that the provisions of this Rule are inconsistent with other applicable Exchange Rules, this Rule takes precedence with respect to FLEX options.

(a)-(f) No Change.

* * * *Commentary:*

.01 Notwithstanding subparagraphs (a)(8)(A)(i) and (a)(8)(A)(ii) above, for a pilot period ending the earlier of [February 28] *August 31*, 2015, or the date on which the pilot is approved on a permanent basis, there shall be no minimum value size requirements for FLEX options.

* * * * *

The text of the proposed rule change is available on the Exchange’s Web site at <http://nasdaqomxphlx.cchwallstreet.com>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Phlx Rule 1079 (FLEX Index, Equity and Currency Options) to extend a pilot program that eliminates minimum value sizes for opening transactions in new series of FLEX Options (the “Pilot Program” or “Pilot”).⁴

⁴ The Exchange is also filing a separate proposal to permanently approve the Pilot Program.

Rule 1079 deals with the process of listing and trading FLEX equity, index, and currency options on the Exchange. Rule 1079(a)(8)(A) currently sets the minimum opening transaction value size in the case of a FLEX Option in a newly established (opening) series if there is no open interest in the particular series when a Request-for-Quote (“RFQ”) is submitted (except as provided in Commentary .01 to Rule 1079): (i) \$10 million underlying equivalent value, respecting FLEX market index options, and \$5 million underlying equivalent value respecting FLEX industry index options;⁵ (ii) the lesser of 250 contracts or the number of contracts overlying \$1 million in the underlying securities, with respect to FLEX equity options (together the “minimum value size”).⁶

Presently, Commentary .01 to Rule 1079 states that by virtue of the Pilot Program ending February 28, 2015, or the date on which the pilot is approved on a permanent basis, there shall be no minimum value size requirements for FLEX Options as noted in subsections (a)(8)(A)(i) and (a)(8)(A)(ii) of Rule 1079.⁷

The Exchange now proposes to extend the Pilot Program for a pilot period ending the earlier of August 31, 2015, or the date on which the Pilot is approved on a permanent basis.⁸

The Exchange believes that there is sufficient investor interest and demand in the Pilot Program to warrant an extension. The Exchange believes that the Pilot Program has provided investors with additional means of managing their risk exposures and carrying out their investment objectives. Extension of the Pilot Program would

⁵ Market index options and industry index options are broad-based index options and narrow-based index options, respectively. See Rule 1000A(b)(11) and (12).

⁶ Subsection (a)(8)(A) also provides a third alternative: (iii) 50 contracts in the case of FLEX currency options. However, this alternative is not part of the Pilot Program.

⁷ See Securities Exchange Act Release No. 73474 (October 30, 2014), 79 FR 65742 (November 5, 2014) (SR-Phlx-2014-69) (notice of filing and immediate effectiveness of proposal to extend Pilot Program). The Pilot Program was instituted in 2010. See Securities Exchange Act Release No. 62900 (September 13, 2010), 75 FR 57098 (September 17, 2010) (SR-Phlx-2010-123) (notice of filing and immediate effectiveness of proposal to institute Pilot Program).

⁸ The Exchange notes that any positions established under this Pilot would not be impacted by the expiration of the Pilot. For example, a 10-contract FLEX equity option opening position that overlies less than \$1 million in the underlying security and expires in January 2016 could be established during the Pilot. If the Pilot Program were not extended, the position would continue to exist and any further trading in the series would be subject to the minimum value size requirements for continued trading in that series.

continue to provide greater opportunities for traders and investors to manage risk through the use of FLEX Options, including investors that may otherwise trade in the unregulated over the counter (“OTC”) market where similar size restrictions do not apply.⁹

In support of the proposed extension of the Pilot Program, the Exchange has under separate cover submitted to the Commission a Pilot Program Report (“Report”) that provides an analysis of the Pilot Program covering the period during which the Pilot has been in effect. This Report includes: (i) Data and analysis on the open interest and trading volume in (a) FLEX equity options that have an opening transaction with a minimum size of 0 to 249 contracts and less than \$1 million in underlying value; (b) FLEX index options that have an opening transaction with a minimum opening size of less than \$10 million in underlying equivalent value; and (ii) analysis of the types of investors that initiated opening FLEX Options transactions (*i.e.*, institutional, high net worth, or retail). The Report has been submitted to the Commission and the Exchange has requested confidential treatment under the Freedom of Information Act.¹⁰

2. Statutory Basis

The Exchange’s proposal is consistent with Section 6(b) of the Act¹¹ in general, and furthers the objectives of Section 6(b)(5) of the Act¹² in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system. Specifically, the Exchange believes that the proposed extension of the Pilot Program, which eliminates the minimum value size applicable to opening transactions in new series of FLEX Options, would provide greater opportunities for investors to manage risk through the use of FLEX Options. The Exchange notes that it has not

⁹ The Exchange has not experienced any adverse market effects with respect to the Pilot Program.

¹⁰ 5 U.S.C. 552. The Exchange notes that it expects to file a proposal for permanent approval of the Pilot Program. With this proposal, the Exchange will submit a Report that is publicly available. In the event the Pilot Program is not permanently approved by August 31, 2015, the Exchange will submit an additional Report covering the extended Pilot period.

¹¹ 15 U.S.C. 78f(b).

¹² 15 U.S.C. 78f(b)(5).

experienced any adverse market effects with respect to the Pilot Program.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposal would give traders and investors the opportunity to more effectively tailor their trading, investing and hedging through FLEX options traded on the Exchange. Prior to the Pilot, options that represented opening transactions in new series that could not meet a minimum value size could not trade via FLEX on the Exchange, but rather had to trade OTC. Extension of the Pilot enables such options to continue to trade on the Exchange.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act¹³ and Rule 19b-4(f)(6) thereunder.¹⁴

A proposed rule change filed under Rule 19b-4(f)(6)¹⁵ normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),¹⁶ the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange may continue its Pilot Program without

¹³ 15 U.S.C. 78s(b)(3)(A).

¹⁴ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

¹⁵ 17 CFR 240.19b-4(f)(6).

¹⁶ 17 CFR 240.19b-4(f)(6)(iii).

interruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.¹⁷ The Commission notes that waiving the 30-day operative delay would prevent the expiration of the Pilot Program prior to the extension of the pilot program becoming operative. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-Phlx-2015-22 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-Phlx-2015-22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the

proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2015-22 and should be submitted on or before April 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁸

Brent J. Fields,

Secretary.

[FR Doc. 2015-06011 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74472; File No. SR-NASDAQ-2015-017]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Provide a Limited Price Guarantee to Certain Companies That Switch Their Listing to Nasdaq From Another Exchange

March 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹, and Rule 19b-4 thereunder,² notice is hereby given that, on February 25, 2015, The NASDAQ Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Nasdaq proposes to provide a limited price guarantee to certain companies that switch their listing to Nasdaq from another securities exchange. The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaq.cchwallstreet.com>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq recently adopted an all-inclusive annual listing fee, which simplifies billing and provides transparency and certainty to companies as to the annual cost of listing.³ This new fee structure was designed, primarily, to address customer complaints about the number and in some cases the variable nature of certain of Nasdaq's listing fees. It also provides benefits to Nasdaq, including eliminating the multiple invoices that were sent to a company each year and providing more certainty as to revenue.⁴

While this new fee structure will become operative for all listed companies in 2018, currently listed companies were allowed to elect to be subject to the all-inclusive annual listing fee effective January 1, 2015, and were provided certain incentives to do so.⁵ In addition, because they may have made their listing decision based on Nasdaq's prior fee schedule, any company that applied to list on Nasdaq prior to January 1, 2015, and lists after that date, is also provided an

¹⁷ For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 73647 (November 19, 2014), 79 FR 70232 (November 25, 2014) (approving SR-NASDAQ-2014-087).

⁴ *Id.*

⁵ See IM-5910-1(b)(1) and IM-5920-1(b)(1).

accommodation: Until December 31, 2017, such a company will be billed the all-inclusive annual fee based on the lower of its then-current total shares outstanding or the total shares outstanding reflected in information held by Nasdaq as of the date of listing. As such, regardless of any increase in shares outstanding, the tier upon which the all-inclusive annual fee is based for such companies will not increase until at least January 1, 2018.⁶ Companies have reacted favorably to the new fee program and these incentives.

Nasdaq now proposes to offer certain other newly listing companies the same incentive provided to any company that applied to list on Nasdaq prior to January 1, 2015. Specifically, Rules 5910(a)(7) and 5920(a)(7) currently waive entry fees upon listing on Nasdaq for a company that switches from another national securities exchange (including if it is currently dually listed on such exchange) and when an unlisted company acquires a company listed on another national securities exchange and lists on Nasdaq in connection with the transaction.⁷ In order to better compete for these listings, Nasdaq proposes to charge them based on the lower of their shares outstanding as of the date of listing or at the time of billing until January 1, 2018. This will provide certainty to the companies as to their fee until at least 2018 and provides an incentive for a company to switch its listing to Nasdaq sooner than it might otherwise, before issuing additional shares that would result in the company being in a higher fee tier and paying a higher annual fee. Nasdaq believes that this proposed change will enhance the ability of Nasdaq to compete for these listings and may ultimately benefit all issuers and investors.⁸

Nasdaq notes that few companies qualify for the waivers in Rule 5910(a)(7) and 5920(a)(7). In addition, it is Nasdaq's experience that a company will typically do an extensive review of Nasdaq's requirements before switching to Nasdaq, and therefore companies present few regulatory issues during the

first few years after switching. As such, while the incentive may be meaningful to individual companies considering whether, and when, to switch their listing, Nasdaq does not believe that these incentives, in the aggregate, will have any adverse impact on the availability of funds for its regulatory programs.⁹

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,¹⁰ in general and with Sections 6(b)(4) and (5) of the Act,¹¹ in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities, and does not unfairly discriminate between customers, issuers, brokers or dealers.

As a preliminary matter, Nasdaq competes for listings with other national securities exchanges and companies can easily choose to list on, or transfer to, those alternative venues.¹² As a result, Nasdaq must carefully tailor its fees and incentives to compete with other listing venues and Nasdaq cannot charge prices in a manner that would be unreasonable, inequitable or unfairly discriminatory.

Nasdaq also believes that the proposed incentives are reasonable and not unfairly discriminatory. These incentives would be provided to a category of companies aligned with another exchange and for which Nasdaq must therefore compete aggressively to have them transfer their listing. Moreover, attracting significant companies to switch listing venues to Nasdaq promotes the Exchange's image, which benefits all companies listed on Nasdaq. For these reasons, Nasdaq has already determined to waive entry fees for these companies and selecting only these companies for the proposed incentive is not an unfairly discriminatory basis to distinguish among companies.

Finally, Nasdaq believes that the proposed fees are consistent with the investor protection objectives of Section

6(b)(5) of the Act¹³ in that they are designed to promote just and equitable principles of trade, to remove impediments to a free and open market and national market system, and in general to protect investors and the public interest. Specifically, the proposed change will not impact the resources available for Nasdaq's listing compliance program, which helps to assure that listing standards are properly enforced and investors are protected.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The market for listing services is extremely competitive and listed companies may freely choose alternative venues based on the aggregate fees assessed, and the value provided by each listing. This rule proposal does not burden competition with other listing venues, which are similarly free to set their fees. Further, Nasdaq believes the proposed change reflects the existing competition between listing venues and will further enhance such competition.¹⁴ For these reasons, Nasdaq does not believe that the proposed rule change will result in any burden on competition for listings.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁵

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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.

¹³ 15 U.S.C. 78f(b)(5).

¹⁴ See footnote 8, *supra*.

¹⁵ 15 U.S.C. 78s(b)(3)(A)(ii).

⁶ IM-5910-1(b)(2) and IM-5910-2(b)(2).

⁷ See Securities Exchange Act Release No. 51004 (January 10, 2005), 70 FR 2917 (January 18, 2005) (approving SR-NASDAQ-2004-140); Securities Exchange Act Release No. 55202 (January 30, 2007), 72 FR 6017 (February 8, 2007) (approving SR-NASDAQ-2006-040).

⁸ See Release No. 51004, 70 FR at 2917 (expressing the Commission's belief that the adoption of the waivers now codified in Rules 5910(a)(7)(i) and (ii) and 5920(a)(7)(i) and (ii) "may ultimately benefit issuers and investors because competition among listing markets has the potential to enhance the quality of services that listing markets provide.").

⁹ The proposed rule change will also modify existing rule language to reflect the expiration of the January 1, 2015 deadline for listed companies to opt in to the all-inclusive fee for 2016.

¹⁰ 15 U.S.C. 78f.

¹¹ 15 U.S.C. 78f(b)(4) and (5).

¹² The Justice Department noted the intense competitive environment for exchange listings. See "NASDAQ OMX Group Inc. and IntercontinentalExchange Inc. Abandon Their Proposed Acquisition of NYSE Euronext After Justice Department Threatens Lawsuit" (May 16, 2011), available at http://www.justice.gov/atr/public/press_releases/2011/271214.htm.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NASDAQ-2015-017 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NASDAQ-2015-017. 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 Number SR-NASDAQ-2015-017, and should be submitted on or before April 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁶

Brent J. Fields,

Secretary.

[FR Doc. 2015-06015 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

Extension:

Rule 24b-1. SEC File No. 270-205; OMB Control No. 3235-0194.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget ("OMB") a request for approval of extension of the existing collection of information provided for in the following rule: Rule 24b-1 (17 CFR 240.24b-1).

Rule 24b-1 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) requires a national securities exchange to keep and make available for public inspection a copy of its registration statement and exhibits filed with the Commission, along with any amendments thereto.

There are 18 national securities exchanges that spend approximately one half hour each complying with this rule, for an aggregate total compliance burden of 9 hours per year. The staff estimates that the average cost per respondent is \$65.18 per year, calculated as the costs of copying (\$13.97) plus storage (\$51.21), resulting in a total cost of compliance for the respondents of \$1,173.24.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: www.reginfo.gov. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive

Office Building, Washington, DC 20503, or by sending an email to: Shagufta.Ahmed@omb.eop.gov; and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: PRA_Mailbox@sec.gov. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 10, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015-05983 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74479; File No. SR-MIAX-2015-17]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

March 11, 2015.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on March 2, 2015, Miami International Securities Exchange LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend its Fee Schedule.

The text of the proposed rule change is available on the Exchange's Web site at http://www.miaxoptions.com/filter/wotitle/rule_filing, at MIAX's principal office, and at the Commission's Public Reference Room.

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

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁶ 17 CFR 200.30-3(a)(12).

any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange currently has a monthly transaction fee cap of \$60,000 for orders that are entered and executed for an account identified by an Electronic Exchange Member for clearing in the OCC "Firm" range "Monthly Firm Fee Cap".³ The Monthly Firm Fee Cap is based on the similar fees of another competing options exchange.⁴ The Exchange proposes to amend the Fee Schedule to delete the Monthly Firm Fee Cap.

The current transaction fees for Firms on the Exchange are: \$0.37 per contract for executions in standard option contracts and \$0.04 per contract for mini option contracts in Penny Pilot options classes; and \$0.42 per contract for executions in standard option contracts and \$0.04 per contract for mini option contracts in non-Penny Pilot options classes. The Exchange currently caps in a single billing month the total amount of transaction fees for Firms at \$60,000.

The Monthly Firm Fee Cap was adopted to create an additional incentive for Firms to send order flow to the Exchange. Now that the Exchange is beginning to receive additional order flow from Firms, the Exchange believes that it is appropriate to remove the Monthly Firm Fee Cap in order to more closely align the transaction fees of Firms with non-Firm Members. Therefore, the Exchange now proposes to amend the Fee Schedule to delete the Monthly Firm Fee Cap. Firms will be subject to applicable transaction fees provided in the Fee Schedule.⁵

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with

Section 6(b) of the Act⁶ in general, and furthers the objectives of Section 6(b)(4) of the Act⁷ in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The Exchange believes that the proposal is fair, equitable and not unreasonably discriminatory. The proposed deletion of the Monthly Firm Fee Cap is reasonable because the Exchange no longer believes it is necessary to continue to provide an additional incentive for Firms to send order flow to the Exchange. The proposed fees are fair and equitable and not unreasonably discriminatory because they will apply equally to all Members that have transactions that clear in the Firm range. All Firms will be subject to the same transaction fee, and access to the Exchange is offered on terms that are not unfairly discriminatory. The proposed change should increase the competition amongst Firms and other types of market participants by eliminating a fee cap that only applied to Firms. As a result, the transaction fees for Firms will more closely align with the transaction fees of non-Firm Members. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the increased competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposal is consistent with robust competition by increasing the intramarket competition between Firms and non-Firm Members. The Exchange believes that the proposal will decrease the competitive burden on non-Firm Members by removing an additional incentive that only applied to Firms. As a result, the transaction fees for Firms will more closely align with the transaction fees of non-Firm Members. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the increased competition. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow. The

Exchange believes that the proposal reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.⁸ At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MIAX-2015-17 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-MIAX-2015-17. 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

³ See Securities Exchange Act Release No. 72583 (July 10, 2014), 79 FR 41612 (July 16, 2014) (SR-MIAX-2014-37).

⁴ See NASDAQ OMX PHLX LLC Pricing Schedule, Section II. See also Securities Exchange Act Release Nos. 59393 (February 11, 2009), 74 FR 7721 (February 19, 2009) (SR-PHLX-2009-12); 65888 (December 5, 2011), 76 FR 77046 (December 9, 2011) (SR-PHLX-2011-160). See also NYSE Amex Options Fee Schedule, p. 15.

⁵ See MIAX Options Fee Schedule, Section 1(a)ii) [sic].

⁶ 15 U.S.C. 78f(b).

⁷ 15 U.S.C. 78f(b)(4).

⁸ 15 U.S.C. 78s(b)(3)(A)(ii).

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 Number SR-MIAX-2015-17, and should be submitted on or before April 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

Brent J. Fields,
Secretary.

[FR Doc. 2015-06010 Filed 3-16-15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74473; File No. SR-NYSEMKT-2015-12]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Modifying the NYSE Amex Options Fee Schedule To Amend the Fees Associated With Booth Space Provided at the Exchange

March 11, 2015

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the "Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on February 26, 2015, NYSE MKT LLC (the "Exchange" or "NYSE MKT") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Amex Options Fee Schedule ("Fee Schedule") to amend the fees associated with booth space provided at the Exchange. The Exchange proposes to implement the fee change effective March 1, 2015. The text of the proposed rule change is available on the Exchange's Web site at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the fees associated with booth space provided at the Exchange. The purpose of the proposed fee change is to ensure a fair and reasonable use of Exchange resources by enabling the Exchange to charge for and recoup costs related to hosting operations on Exchange premises (e.g., utilities, routine maintenance, etc.) based on the size of the space utilized. The Exchange proposes to implement the fee change effective March 1, 2015.

Currently, the Exchange charges \$150 per month for each Floor Booth utilized at the Exchange. Floor Booths are primarily used by floor brokerage firms to perform various functions in support of trading activities on the Exchange. The Exchange recently moved the NYSE Amex Options Trading Floor into a newly renovated space. In connection with this relocation, the Exchange has re-evaluated how it charges for physical space on the Exchange. The Exchange believes that a more equitable method for charging under the new configuration is one based on the amount of space occupied at the Exchange, as opposed per Floor Booth(s)

utilized. Accordingly, the Exchange proposes to impose a monthly fee of \$40 per linear foot required to accommodate an entity's operations at the Exchange. The Exchange also proposes to change the name of the fee from "Floor Booths" to "Booth Premises," to more accurately reflect the way the fees are calculated.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁴ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,⁵ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes the proposed fee change is reasonable, equitable, and non-discriminatory for the following reasons. First, the proposed Booth Premises fee would be determined in an objective manner based on the each linear foot utilized, which encourages the fair and reasonable use of resources by the entities subject to the fee. Further, because this proposed fee would be based on clearly defined, objective parameters, the fee change would ensure the fair and reasonable use of Exchange resources by enabling the Exchange to recoup for the costs related to hosting operations on Exchange premises (e.g., utilities, routine maintenance, etc.) based on the size of the operation.

For these reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,⁶ 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. Because the proposed change results in the fair and reasonable use of Exchange resources, the Exchange believes this change is pro-competitive and would benefit all market participants.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain

⁹ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(4) and (5).

⁶ 15 U.S.C. 78f(b)(8).

competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)⁷ of the Act and subparagraph (f)(2) of Rule 19b-4⁸ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)⁹ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSEMKT-2015-12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEMKT-2015-12. This

file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the NYSE's principal office and on its Internet Web site at www.nyse.com. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSEMKT-2015-12, and should be submitted on or before April 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰

Brent J. Fields,

Secretary.

[FR Doc. 2015-06016 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74474; File No. SR-BOX-2015-15]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend BOX Rule 7170 To Provide for New Procedures To Account for Erroneous Trades Occurring From Disruptions and/or Malfunctions of Exchange Systems

March 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

"Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on March 2, 2015, BOX Options Exchange LLC (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 the Substance of the Proposed Rule Change

The Exchange proposes to amend BOX Rule 7170 (Obvious and Catastrophic Errors) to provide for new procedures to account for erroneous trades occurring from disruptions and/or malfunctions of Exchange systems. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at <http://boxexchange.com>.

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. 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 Exchange proposes to amend BOX Rule 7170 to provide for new procedures to account for erroneous trades occurring from disruptions and/or malfunctions of Exchange systems. This is a competitive filing that is based on the rules of NYSE MKT LLC ("NYSE MKT").³

Proposed new Rule 7170(m) would provide that any transactions that arise

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See NYSE MKT Rule 975NY. The proposed rule change is also substantially similar to NYSE Arca, Inc. ("NYSE Arca") Rule 6.89, Chicago Board Options Exchange, Inc. ("CBOE") Rule 6.25 and is similar to NASDAQ OMX PHLX, LLC ("Phlx") Rule 1092(c)(ii)(A).

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b-4(f)(2).

⁹ 15 U.S.C. 78s(b)(2)(B).

¹⁰ 17 CFR 200.30-3(a)(12).

out of a “verifiable systems disruption or malfunction” in the use or operation of an Exchange automated quotation, dissemination, execution, or communication system may either be nullified or adjusted by the Exchange. In addition, the proposed rule would provide that transactions that qualify for price adjustment will be adjusted to a Theoretical Price, as defined in paragraph (d) of Rule 7170. The Exchange notes that proposed Rule 7170(m) is virtually identical to NYSE MKT Rule 975NY(a)(9) and similar to rules in effect at other options exchanges that allow for the nullification or modification of transactions that resulted from verifiable disruptions and/or malfunctions of Exchanges [*sic*] systems.⁴

The proposed rule change would provide the Exchange with the same authority to nullify or adjust trades in the event of a “verifiable disruption or malfunction” in the use or operation of its systems as other exchanges have. The Exchange believes that it is appropriate to provide the flexibility and authority provided for in proposed Rule 7170(m) so as not to limit the Exchange’s ability to plan for and respond to unforeseen systems problems or malfunctions. For this reason, the Exchange believes that, in the interest of maintaining a fair and orderly market and for the protection of investors, authority to nullify trades in these circumstances, consistent with the authority on other exchanges, is warranted.

The Exchange further proposes that, similar to NYSE MKT Rule 975NY(b)(3), the Exchange may, on its own motion, review any transaction occurring on the Exchange that is believed to be a result of a verifiable disruption or malfunction of Exchange systems. The Exchange, when determining whether to review a transaction on its own motion pursuant to proposed Rule 7170(m), shall act as soon as possible after receiving notification of the transaction, and ordinarily would be expected to act on the same day as the transaction occurred. In no event shall the Exchange act later than 9:30 a.m. (ET) on the next trading day following the date of the transaction in question. The Exchange further notes that when acting under its own motion to nullify or adjust trades pursuant to proposed Rule 7170(m), the Exchange must consider whether taking such action would be in the interest of maintaining a fair and orderly market and for the protection of investors.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Securities Exchange Act of 1934 (the “Act”),⁵ in general, and Section 6(b)(5) of the Act,⁶ in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and national market system and promote a fair and orderly market because it would provide authority for the Exchange to nullify or adjust trades that may have resulted from a verifiable systems disruption or malfunction. The Exchange believes that it is appropriate to provide the flexibility and authority provided for in proposed Rule 7170(m) so as not to limit the Exchange’s ability to plan for and respond to unforeseen systems problems or malfunctions that may result in harm to the public. Allowing for the nullification or modification of transactions that result from verifiable disruptions and/or malfunctions of Exchange systems will offer market participants on the Exchange a level of relief presently not available. The Exchange further notes that when acting under its own motion to nullify or adjust trades pursuant to proposed Rule 7170(m), the Exchange must consider whether taking such action would be in the interest of maintaining a fair and orderly market and for the protection of investors. The Exchange notes that the proposed rule change is based on the rules of NYSE MKT and is similar to the rules of other markets.⁷

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed rule change is pro-competitive because it will better align the Exchange’s rules with the rules of other markets,

including NYSE MKT, CBOE, NYSE Arca, and Phlx. By adopting proposed Rule 7170(m), the Exchange will be in a position to treat transactions that are a result of a verifiable systems issue or malfunction in a manner similar to other exchanges.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act⁸ and Rule 19b-4(f)(6)(iii) thereunder.⁹

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(6)(iii). As required under Rule 19b-4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

⁴ *Id.*

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(5).

⁷ See *supra*, note 3.

• Send an email to rule-comments@sec.gov. Please include File Number SR-BOX-2015-15 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-BOX-2015-15. 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 Number SR-BOX-2015-15, and should be submitted on or before April 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰

Brent J. Fields,
Secretary.

[FR Doc. 2015-06017 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74477; File No. SR-BOX-2015-14]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding the Transfer of Ownership Interest in the Exchange

March 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 26, 2015, BOX Options Exchange LLC (the "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to repurchase the ownership interest in the Exchange held by Strategic Investments II Inc. ("SI") and BOX Holdings Group LLC, an affiliate of the Exchange ("BOX Holdings"), proposes to repurchase the ownership interest in BOX Holdings held by SI. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at <http://boxexchange.com>.

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. 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 Exchange is a limited liability company, organized under the laws of the State of Delaware on August 26, 2010. The Exchange's charter is a Limited Liability Company Agreement, dated as of May 10, 2012 (the "Exchange LLC Agreement"). SI became a Member of the Exchange on May 10, 2012.

BOX Holdings is a limited liability company, organized under the laws of the State of Delaware on August 26, 2010. BOX Holdings is the sole owner of BOX Market LLC, a facility of the Exchange ("BOX Market"). The BOX Holdings charter is a Limited Liability Company Agreement, dated as of May 10, 2012 (the "Holdings LLC Agreement"). SI became a Member of BOX Holdings on May 10, 2012. 6,445 Economic Units and 4,990 Voting Units represent SI's ownership interest in the Exchange, comprising 6.455% of all outstanding interests and 4.99% of all outstanding voting interests of the Exchange, respectively (the "Exchange Units"). 500 Class A Units represent SI's ownership interest in BOX Holdings, comprising 4.203% of all outstanding ownership interests of BOX Holdings (the "Holdings Units" and, together with the Exchange Units, the "SI Units").

Each of the Exchange and BOX Holdings has agreed with SI to purchase the SI Units. Accordingly, it is proposed that SI transfer all of the Exchange Units to the Exchange and all of the Holdings Units to BOX Holdings (the "Transfer"). After the Transfer, the SI Units will no longer be outstanding, references to SI in each of the Exchange LLC Agreement and the Holdings LLC Agreement will be removed, and SI will have no remaining rights under the Exchange LLC Agreement or the Holdings LLC Agreement.

As provided in Section 7.3(f) of the Exchange LLC Agreement, "no Person, alone or together with any Related Persons, shall own, directly or indirectly, of record or beneficially, an aggregate Economic Percentage Interest greater than 40% (or 20% if such Person is a BOX Options Participant) (the "Economic Ownership Limit")." Accordingly, because the total number of outstanding Economic Units of the Exchange are reduced in the Transfer, outstanding Economic Units held by any remaining Members of the Exchange will be cancelled to the extent necessary to ensure compliance with the Economic Ownership Limit.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁰ 17 CFR 200.30-3(a)(12).

As provided in Section 7.3(g) of the Exchange LLC Agreement, “no Person, alone or together with any Related Persons, shall own, directly or indirectly, of record or beneficially, an aggregate Voting Percentage Interest of greater than 20% (the “Voting Ownership Limit”).” Further, Section 7.3(g) of the Exchange LLC Agreement provides that, upon any change in economic ownership, the number of Voting Units held by each Member of the Exchange shall be adjusted to maintain compliance with the Voting Ownership Limit. Accordingly, because the number of Economic Units held by Members of the Exchange are reduced in the Transfer, the number of outstanding Voting Units of the Exchange, and the number of Voting Units held by each of the remaining Members of the Exchange, will be adjusted to the extent necessary to ensure compliance with the Economic Ownership Limit.

As discussed above, all ownership limits relating to the Exchange will continue to be strictly respected. The Transfer will not result in any Member of the Exchange exceeding its applicable Economic Ownership Percentage or Voting Ownership Percentage (collectively, its “Ownership Percentages”). Prior to the Transfer, some Members of the Exchange already held the maximum Ownership Percentages allowed under the Exchange LLC Agreement. The Ownership Percentages held by these Members will remain completely unchanged after giving effect to the Transfer. For other Members of the Exchange, adjustments to Ownership Percentages resulting from the Transfer will be insubstantial, such that no Member of the Exchange will have its Ownership Percentage adjusted by more than 2.2% of the Exchange’s ownership. After giving effect to the Transfer, no Member will hold more than 40% Economic Ownership Percentage, no Participant will hold more than 20% Economic Ownership Percentage, and no Member will hold more than 20% Voting Ownership Percentage in the Exchange.

The Board of Directors of the Exchange will remain unaffected by the Transfer. The makeup of the Board will still be comprised of a majority of Directors that are Non-industry Directors, at least 20% that are Participant Directors and one (1) Director that is also an officer or director of BOX Holdings.³

Further, Section 7.4(f) of the Holdings LLC Agreement provides that a rule

filing pursuant to Section 19 of the Exchange Act is required with respect to certain transactions that result in the acquisition and holding by a person of an aggregate ownership interest in BOX Holdings which meets or crosses the threshold level of 20% or any successive 5% level. Although MX US 2, Inc., a wholly-owned subsidiary of TMX Group Limited (“MXUS2”), is not acquiring any additional ownership Units of BOX Holdings in the Transfer, the reduction of the total number of outstanding ownership Units of BOX Holdings in the Transfer will result in a corresponding increase in the ownership interest held by MXUS2 from 53.83% to 56.19% and thereby crossing a 5% level of fifty-five percent.

This change in MXUS2’s ownership percentage by less than 2.4% of the overall ownership of BOX Holdings is insubstantial and will not materially alter the ownership or voting power of MXUS2 in BOX Holdings. Even though the MXUS2’s ownership percentage will experience this small increase, no additional power or control will accrue to MXUS2 as a result. For example, as the current holder of a majority of the outstanding ownership interests in BOX Holdings, MXUS2 has the ability to control any vote of the Members or the Board of Directors of BOX Holdings that requires a simple majority vote. After giving effect to the Transfer, MXUS2 will still control such votes. Further, MXUS2 currently has the power to appoint up to five (5) representatives to the BOX Holdings Board of Directors. After giving effect to the Transfer, MXUS2 will still have the power to appoint the same number of Directors of BOX Holdings. As a 56.19% owner, MXUS2 would have no additional voting or veto rights and no other ability to exercise power over the operations of BOX Holdings or its subsidiary, BOX Market. No other Member of BOX Holdings will have its ownership percentage in BOX Holdings adjusted by more than 0.9% of the total BOX Holdings ownership as a result of the Transfer.

The consideration paid to SI by BOX Holdings and the Exchange in connection with the Transfer was paid almost entirely by BOX Holdings with only a *de minimis* amount paid by the Exchange. The Exchange continues to reserve sufficient assets to operate and fulfill its regulatory responsibilities with respect to itself and the BOX Market. The Exchange Board of Directors remains committed to ensuring the Exchange is sufficiently capitalized to meet its obligations. The Exchange and BOX Market continue to be subject to a written agreement which provides that

the Exchange receives and retains all assets deemed to be necessary for regulatory purposes by the Exchange. Accordingly, payments made to consummate the Transfer will not have any negative effect on the Exchange’s ability to carry out its duties and obligations as an SRO.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(1), in particular, in that it enables the Exchange to be so organized so as to have the capacity to be able to carry out the purposes of the Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Act, the rules and regulations thereunder, and the rules of the Exchange. The Exchange also believes that this filing furthers the objectives of Section 6(b)(5) of the Act in that it is designed to facilitate transactions in securities, to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act⁴ and Rule 19b-4(f)(6) thereunder.⁵ Because the proposed rule change does not: (i) Significantly affect the protection of

³ See § 4.02 of the BOX Options Exchange LLC Bylaws.

⁴ 15 U.S.C. 78s(b)(3)(A)(iii).

⁵ 17 CFR 240.19b-4(f)(6).

investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder.⁶

A proposed rule change filed under Rule 19b-4(f)(6) normally does not become operative for 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay because the Transfer is intended to be completed in less than 30 days. The Commission believes that an earlier operative date will ensure that the filing is effective prior to the intended completion of the Transfer in less than 30 days. Based on the foregoing, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.⁷ The Commission hereby grants the Exchange's request and designates the proposal operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission 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:

⁶In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived the 5-day pre-filing requirement in this case.

⁷For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-SR-BOX-2015-14 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-BOX-2015-14. 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-BOX-2015-14 and should be submitted on or before April 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁸

Brent J. Fields,

Secretary.

[FR Doc. 2015-06020 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

⁸ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74483; File No. SR-CFE-2015-002]

Self-Regulatory Organizations; CBOE Futures Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding Exchange of Contract for Related Position Transactions and Block Trades

March 11, 2015.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on February 25, 2015 CBOE Futures Exchange, LLC ("CFE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change described in Items I, II, and III below, which Items have been prepared by CFE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. CFE also has filed this proposed rule change with the Commodity Futures Trading Commission ("CFTC"). CFE filed a written certification with the CFTC under Section 5c(c) of the Commodity Exchange Act ("CEA")² on February 25, 2015.

I. Self-Regulatory Organization's Description of the Proposed Rule Change

The Exchange proposes to amend its rules related to Exchange of Contract for Related Position ("ECRP") transactions and block trades. The scope of this filing is limited solely to the application of the rule amendments to security futures traded on CFE. The only security futures currently traded on CFE are traded under Chapter 16 of CFE's Rulebook which is applicable to Individual Stock Based and Exchange-Traded Fund Based Volatility Index security futures. The text of the proposed rule change is attached as Exhibit 4 to the filing but is not attached to the publication of this notice.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CFE 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

¹ 15 U.S.C. 78s(b)(7).

² 7 U.S.C. 7a-2(c).

in Item IV below. CFE 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 CFE rule amendments included as part of this rule change is to: (i) Amend CFE Rule 414 (Exchange of Contract for Related Position) to extend the time to report ECRP transactions to the Exchange from ten minutes to thirty minutes; and (ii) amend CFE Rules 414 and 415 (Block Trading) to clarify that the CFE Help Desk can provide written transaction summaries for ECRP transactions and block trades on the business day for which the transaction is submitted for clearing or the calendar day of the transaction. The rule amendments included as part of this rule change are to apply to all products traded on CFE, including both non-security futures and security futures.

Reporting Timeframe for ECRP Transactions

CFE is proposing to amend CFE Rule 414 (Exchange of Contract for Related Position) to extend the timeframe for reporting ECRP transactions. CFE Rule 414 currently provides that each party to an ECRP transaction is obligated to have an Authorized Reporter (which is defined in CFE Rule 414(h) and 415(f))³ notify the CFE Help Desk of the terms of the ECRP transaction no later than ten minutes after the transaction is agreed upon. The amendments extend this current reporting window for ECRP transactions to thirty minutes.

CFE believes this extension is justified for the following reasons. First, it will allow CFE to stay competitive with other futures exchanges that currently provide market participants with additional time to report these transactions. Specifically, CME Group provides that such transactions "must be submitted within one hour after the relevant terms have been determined,"⁴ and ICE Futures U.S. provides no definitive timeframe and rather that

such transactions "should be submitted to the Exchange as soon as possible following agreement to the terms by the relevant parties."⁵ Second, the extension takes into account the specific, logistical aspects associated with these off-exchange transactions, which entail related transactions in two different instruments. Specifically, ECRP transactions in CFE products frequently involve contra-parties that operate on a trading floor instead of an office setting. In addition, the required recordkeeping presents logistical issues as each contra-party to an ECRP must coordinate with an Authorized Reporter to report to the CFE Help Desk the relevant ECRP transaction as well as collect or create records evidencing compliance with the criteria set forth in CFE Rule 414 as required by CFE Rule 414 (g).⁶ CFE believes a limited additional window for compliance is justified given these logistical aspects. Accordingly, CFE believes that extending the timeframe from ten to thirty minutes represents a sound balance that takes into account the above competitive and logistical considerations while remaining sufficiently limited in duration so as not to be detrimental to CFE's market.

Clarification Regarding Written Summaries for ECRP Transactions and Block Trades

CFE is proposing to amend CFE Rule 414 (Exchange of Contract for Related Position) and CFE Rule 415 (Block Trading) to clarify that the CFE Help Desk can provide written transaction summaries for ECRP transactions and block trades on the business day for which the transaction is submitted for clearing or the calendar day of the transaction. CFE Rules 414 and 415 currently contain language that imply that the CFE Help Desk always provides a written transaction summary of an ECRP transaction or a block trade on the business day for which the transaction is submitted for clearing. The amendments clarify that the CFE Help Desk can provide a written transaction summary of an ECRP transaction or block trade to each Authorized Reporter

on either the business day for which the transaction is submitted for clearing or on the calendar day of the transaction.

For ECRP transactions and block trades that occur during most of the trading day, the CFE Help Desk would provide a transaction summary on the business day for which the transaction is submitted for clearing. However, there are circumstances in which the CFE Help Desk would provide a transaction summary on the calendar day of the transaction and not on the business day for which the transaction is submitted for clearing. For example, this could occur if an ECRP transaction or block trade in CBOE Volatility Index ("VIX") futures was reported to the CFE Help Desk between 3:30 p.m. and 4:00 p.m. on a Monday through Thursday and was designated by the parties for clearance on the calendar day of the transaction. In that case, the next business day would have already started when the transaction is reported to the CFE Help Desk pursuant to the extended trading hours schedule in VIX futures, as the prior business day would have ended at 3:15 p.m. and the new business day would have started at 3:30 p.m. Accordingly, the CFE Help Desk would be providing a written transaction summary to the Authorized Reporters on the calendar day of the transaction and not on the business day for which the transaction would be submitted for clearing (since in this case the transaction would be submitted for clearing for the prior business day).

CFE is also making a technical, non-substantive change to CFE Rule 415(c) to correct a typographical error. Rule 415(c) incorrectly references Rule 415(i) for the reporting deadline instead of to Rule 415(g) where the relevant reporting deadline is contained and this rule change corrects this cross-reference.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,⁷ in general, and furthers the objectives of Sections 6(b)(5)⁸ and 6(b)(7)⁹ in particular in that it is designed:

- To foster cooperation and coordination with persons engaged in facilitating transactions in securities, and
- to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

³ CFE Rule 414(h) and CFE Rule 415(f) require that each CFE Trading Privilege Holder ("TPH") executing an Exchange of Contract for Related Position transaction or a side of a block trade must have designated at least one Authorized Reporter that is pre-authorized by a CFE clearing member to report the ECRP transaction or block trade on behalf of the TPH.

⁴ CME Group, Market Regulation Advisory Notice (Aug. 4, 2014), Q&A22, available at <http://www.cmegroup.com/rulebook/files/ra1311-5r.pdf>.

⁵ ICE Futures U.S., EFRP FAQs (Sept. 5, 2014), Q&A 17, available at https://www.theice.com/publicdocs/futures_us/EFRP_FAQ.pdf.

⁶ CFE Rule 414 (g) requires that each TPH involved in any ECRP transaction shall either maintain records evidencing compliance with the criteria set forth in Rule 414 or be able to obtain such records from its Customer involved in the ECRPs. Information required to be maintained but which is not systematically provided in conjunction with the processing of these trades may include the options delta utilized at the time of the trade in order to demonstrate that the Contract transaction would serve as an appropriate hedge for the Related Position.

⁷ 15 U.S.C. 78f(b).

⁸ 15 U.S.C. 78f(b)(5).

⁹ 15 U.S.C. 78f(b)(7).

The Exchange believes that the proposed rule change would benefit market participants because it would provide them with a limited amount of additional time to report ECRP transactions. First, the change will allow CFE to stay competitive with other futures exchanges that currently provide market participants with additional time to report these transactions.¹⁰ Second, the extension takes into account the logistical aspects associated with these transactions, which entail related transactions in two different instruments. Specifically, ECRP transactions involve contra-parties operating on a trading floor instead of an office setting. In addition, the required recordkeeping presents logistical issues as each contra-party to an ECRP must coordinate with an Authorized Reporter to report to the CFE Help Desk its ECRP transaction as well as conduct the required recordkeeping manually. CFE believes extending the timeframe from ten to thirty minutes represents a sound balance that takes into account the above competitive and logistical considerations while remaining sufficiently limited in duration so as not to be detrimental to CFE's market.

In addition, the proposed rule change benefits market participants by clarifying to them that their Authorized Reporters will receive written transactions summaries: (i) Regarding ECRP transactions on either the business day for which the contract leg of the ECRP transaction is submitted for clearing or the calendar day of the transaction; and (ii) regarding block trades, on either the business day for which the block trade is submitted for clearing or on the calendar day of the transaction.

B. Self-Regulatory Organization's Statement on Burden on Competition

CFE does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that the proposed rule change will not burden competition because the new ECRP reporting timeframe and timeframe for receiving written summaries of ECRP transactions and block trades will apply to all persons and the revised rule provisions do not discriminate between market participants.

¹⁰ See CME Group, Market Regulation Advisory Notice (Aug. 4, 2014), Q&A22, available at <http://www.cmegroup.com/rulebook/files/ra1311-5r.pdf>; ICE Futures U.S., EFRP FAQs (Sept. 5, 2014), Q&A 17, available at http://www.theice.com/publicdocs/futures_us/EFRP_FAQ.pdf.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change will become effective on March 11, 2015.

At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Act.¹¹

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-CFE-2015-002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.
- All submissions should refer to File Number SR-CFE-2015-002. 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

¹¹ 15 U.S.C. 78s(b)(1).

printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CFE-2015-002, and should be submitted on or before April 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹²

Brent J. Fields,
Secretary.

[FR Doc. 2015-06013 Filed 3-16-15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74476; File No. SR-OCC-2015-005]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Concerning the Account From Which Certain Clearing Members May Fund the Additional Margin Requirement Associated With Overnight Trading Sessions

March 11, 2015.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder² notice is hereby given that on February 26, 2015, The Options Clearing Corporation ("OCC") 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 OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change by The Options Clearing Corporation ("OCC") would permit an OCC clearing member that is a registered futures commission merchant ("FCM") that has been

¹² 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

approved to clear customer futures transaction, but that has not been approved to clear proprietary futures transactions, to participate in overnight trading sessions by allowing such a clearing member to post additional margin equal to the lesser of \$10 million or 10% of the clearing member's net capital ("Additional Margin") with OCC in the clearing member's customer segregated futures account instead of its proprietary account.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

This proposed rule change would permit an OCC clearing member that is a registered FCM that has been approved to clear futures customer transactions, but that has not been approved to clear proprietary futures transactions (*i.e.*, is not authorized to maintain a firm account with OCC), to participate in overnight trading sessions by depositing the Additional Margin required to participate in overnight trading sessions in the clearing members' segregated futures account at OCC, instead of requiring such a clearing member to establish and maintain a proprietary account solely for this purpose.

By way of background, OCC recently submitted a proposal to the Commission that allows for the clearance of confirmed trades that are executed in overnight trading sessions and are offered by exchanges for which OCC provides clearance and settlement services ("Prior Filing").³ Pursuant to the Prior Filing, OCC would impose an Additional Margin requirement on clearing members eligible to participate in overnight trading sessions. The Prior

Filing states that the Additional Margin must be posted by participating clearing members in their proprietary account. The Additional Margin requirement is designed to ensure that, if a clearing member's credit risk increases during an overnight trading session, OCC will have access to the Additional Margin notwithstanding that OCC will not be able to draft a clearing member's bank account for funds because settlement banks are closed during overnight hours.⁴ OCC believes that requiring clearing members that are registered FCMs, and are only approved to carry customer accounts, to establish and maintain proprietary accounts solely for the purpose of posting Additional Margin to participate in overnight trading sessions would be an inefficient use of OCC's and the clearing members' resources and would lead to unnecessary operational complexity.

A small number of OCC clearing members are registered FCMs that only carry customer accounts and therefore do not currently maintain a proprietary account at OCC. Pursuant to the Prior Filing, if an FCM that only carries customer accounts wants to participate, or continue participating,⁵ in overnight trading sessions it must establish a proprietary account at OCC solely for the purpose of posting Additional Margin. Such an FCM would be required to go through the process that OCC clearing members must complete in order to be approved to maintain a proprietary account that, by the nature of FCM business, would not carry positions.⁶ Additionally, in the event of a clearing member default, all or a portion of the Additional Margin would be transferred from the defaulting clearing member's proprietary account to its customer segregated futures account. These additional steps would not be required if the clearing member posts Additional Margin in its customer segregated futures account. Therefore, OCC is proposing to allow FCMs participating in overnight trading sessions that do not currently maintain a proprietary account at OCC to post any required Additional Margin in their customer segregated futures account.

OCC is not proposing to alter in any way the manner in which Additional

Margin is calculated or any other procedures governing overnight trading sessions. Rather, OCC is only proposing to allow FCM clearing members that do not maintain proprietary accounts with OCC to deposit Additional Margin in a customer segregated futures account.⁷ Moreover, the proposed rule change would not increase risk presented to OCC because, in the case of FCM clearing members that do not maintain proprietary accounts with OCC, all positions of the clearing member cleared by OCC would be held in the customer segregated futures account.

2. Statutory Basis

OCC believes that the proposed rule change is consistent with section 17A(b)(3)(F) of the Securities Exchange Act of 1934, as amended (the "Act"),⁸ because it would protect investors and the public interest by permitting customers of FCMs that do not maintain proprietary accounts at OCC with the ability to participate in overnight trading sessions. As described above, pursuant to the Prior Filing, FCM clearing members that do not maintain proprietary accounts with OCC would be required to establish a proprietary account in order to participate, or continue participating, in overnight trading sessions. Since these FCMs do not maintain proprietary accounts with OCC, their participation in overnight trading sessions is necessarily on behalf of their customers. OCC believes that these FCM clearing members may cease participating in overnight trading sessions on behalf of their customers if they were required to take the steps necessary to establish and maintain a proprietary account solely for the purposes of participating in overnight trading sessions for their customers. OCC believes that preventing this outcome, while still requiring the Additional Margin to cover potential increased credit risk during overnight trading sessions, protects investors engaging in overnight trading sessions and furthers the public interest of permitting FCM customers to continue to avail themselves of overnight trading sessions. As mentioned above, the proposed rule change does not affect the protections afforded by the Additional Margin, because the manner in which Additional Margin is calculated is not

³ See Securities Exchange Act Release No. 74268 (February 12, 2015), 80 FR 8917 (February 19, 2015) (SR-OCC-2014-24). See also Securities Exchange Act Release No. 74241 (February 10, 2015), 80 FR 8383 (February 17, 2015) (SR-OCC-2014-812). This rule change has been approved by the Commission. OCC implemented the Prior Filing on March 2, 2015.

⁴ Additional details about such Additional Margin, including the manner in which OCC will calculate the required amount of Additional Margin, are included in the Prior Filing.

⁵ Several OCC clearing members that are FCMs that only carry customer accounts have been participating in overnight trading sessions on CBOE Futures Exchange, LLC.

⁶ See OCC By-Laws Article V, section 1. In order to be approved for a proprietary account, FCMs would be subject to OCC's business expansion process that takes approximately three months to complete.

⁷ Under the Prior Filing, because the Additional Margin would be deposited in respect of a proprietary account, the source of the Additional Margin would by necessity consist of proprietary funds. Under the proposed rule change the source of the Additional Margin could be customer funds to the extent permitted by applicable regulations.

⁸ 15 U.S.C. 78q-1(b)(3)(F).

proposed to be changed, and OCC is not proposing to change any other aspect of its procedures governing overnight trading, which have previously been approved by the Commission. Finally, the proposed change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose a burden on competition.⁹ The proposed rule change concerns operational changes that are designed to reduce OCC's exposure to risk as a result of clearing member activities during overnight trading sessions and is protective in nature. This change will be applied uniformly across all clearing members participating in overnight trading sessions. Accordingly, OCC does not believe that the proposed rule change would impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act and paragraph (f) of Rule 19b-4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or

- Send an email to rule-comments@sec.gov. Please include File Number SR-OCC-2015-005 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-OCC-2015-005. 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 Section, 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 OCC and on OCC's Web site at http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_15_005.pdf.

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-OCC-2015-005 and should be submitted on or before April 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁰

Brent J. Fields,

Secretary.

[FR Doc. 2015-06019 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74478; File No. SR-MIAX-2015-16]

Self-Regulatory Organizations; The Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

March 11, 2015

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 27, 2015, Miami International Securities Exchange LLC ("MIAX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule.

The text of the proposed rule change is available on the Exchange's Web site at http://www.miaxoptions.com/filter/wotitle/rule_filing, at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to: (i) Increase the transaction fees for Public Customers

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

⁹ 15 U.S.C. 78q-1(b)(3)(I).

¹⁰ 17 CFR 200.30-3(a)(12).

that are not a Priority Customer and Firms; and (ii) modify the transaction fees for non-Priority Customers and Firms for achieving certain Priority Customer Rebate Program volume tiers. The proposed changes are based on the similar fees of other competing options exchange.³

The Exchange proposes to increase the transaction fees for Public Customers that are not a Priority Customer and Firms. Specifically, the Exchange proposes to assess the following fees for transactions for Public Customers that are not a Priority Customer: (i) \$0.47 per contract for standard options and \$0.05 per contract for mini options in Penny Pilot options classes; and (ii) \$0.62 per contract for standard options and \$0.06 per contract for mini options in non-Penny Pilot options classes. In addition, the Exchange proposes to assess the following fees for transactions for Firms: (i) \$0.37 per contract for standard options and \$0.04 per contract for mini options in Penny Pilot options classes; and (ii) \$0.42 per contract for standard options and \$0.04 per contract for mini options in non-Penny Pilot options classes.

The Exchange proposes to continue to offer Public Customers that are not a Priority Customer and Firms the opportunity to reduce transaction fees by \$0.02 per contract in standard options in both Penny Pilot and non-Penny Pilot options classes.⁴ Specifically, any Member or its affiliates of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, that qualifies for Priority Customer Rebate Program volume tiers 3, 4, or 5 and is a Public Customer that are not a Priority Customer will be assessed \$0.45 per contract for standard options in Penny Pilot options classes and \$0.60 per contract for standard options in non-Penny Pilot options classes. Further, any Member or its affiliates of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, that qualifies for Priority Customer Rebate Program volume tiers 3, 4, or 5 and is a Firm will be assessed \$0.35 per contract for standard options in Penny Pilot options classes and \$0.40 per contract in non-

Penny Pilot options classes. The Exchange believes that these incentives will encourage Public Customers that are not a Priority Customer and Firms to transact a greater number of orders on the Exchange.

The Exchange proposes to implement the new transaction fees beginning March 1, 2015.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act⁵ in general, and furthers the objectives of Section 6(b)(4) of the Act⁶ in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The Exchange's proposal to increase the transaction fees for Public Customers that are not a Priority Customer and Firms is reasonable because the Exchange's fees will remain competitive with fees at other options exchanges.⁷ The Exchange's proposal to increase the transaction fees for Public Customers that are not a Priority Customer and Firms is equitable and not unfairly discriminatory because the increase applies equally to all such market participants. The Exchange does not assess Priority Customers transactions fees because Priority Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Priority Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Market Makers and other market participants. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Market Makers are assessed lower transaction fees as compared to Public Customers that are not a Priority Customer, Non-MIAX Market Makers, Non-Member Broker-Dealers, and Firms because they have obligations to the market and regulatory requirements, which normally do not apply to other market participants.⁸ They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. In addition, charging non-

members higher transaction fees is a common practice amongst exchanges because Members are subject to other fees and dues associated with their membership to the Exchange that do not apply to non-members. The proposed differentiation as between Public Customer that is not a Priority Customer, Firms, and other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants.

The Exchange's proposal to offer Public Customers that are not a Priority Customer and Firms the opportunity to reduce transaction fees by \$0.02 per contract in standard options, provided certain criteria are met, is reasonable because the Exchange desires to offer all such market participants an opportunity to lower their transaction fees. The Exchange's proposal to offer Public Customers that are not a Priority Customer and Firms the opportunity to reduce transaction fees by \$0.02 per contract in standard options, provided certain criteria are met, is equitable and not unfairly discriminatory because the Exchange will offer all market participants, excluding Priority Customers, a means to reduce transaction fees by qualifying for volume tiers in the Priority Customer Rebate Program. The Exchange believes that offering all such market participants the opportunity to lower transaction fees by incentivizing them to transact Priority Customer order flow in turn benefits all market participants.

The Exchange believes that the proposal to allow the aggregation of trading activity of separate Members or its affiliates for purposes of the fee reduction is fair, equitable and not unreasonably discriminatory. The Exchange believes the proposed rule change is reasonable because it would allow aggregation of the trading activity of separate Members or its affiliates for purposes of the fee reduction only in very narrow circumstances, namely, where the firm is an affiliate, as defined herein. Furthermore, other exchanges, as well as MIAX, have rules that permit the aggregation of the trading activity of affiliated entities for the purposes of calculating and assessing certain fees. The Exchange believes that offering all such market participants the opportunity to lower transaction fees by incentivizing them to transact Priority Customer order flow in turn benefits all market participants.

The Exchange believes that its proposal to assess transaction fees in non-Penny Pilot options classes, which differs from Penny Pilot options classes, is consistent with other options markets

³ See NASDAQ OMX PHLX LLC Pricing Schedule, Section II; NYSE Amex Options Fee Schedule, p. 6; Chicago Board Options Exchange, Incorporated, Fee Schedule, p.1. See also Securities Exchange Act Release No. 68556 (January 2, 2013), 78 FR 1293 (January 8, 2013) (SR-BX-2012-074).

⁴ See Securities Exchange Release Nos. 72988 (September 4, 2014), 79 FR 53808 (September 10, 2014) (SR-MIAX-2014-46); 72989 (September 4, 2014), 79 FR 53792 (September 10, 2014) (SR-MIAX-2014-47).

⁵ 15 U.S.C. 78f(b).

⁶ 15 U.S.C. 78f(b)(4).

⁷ See NASDAQ OMX PHLX LLC Pricing Schedule, Section II; NASDAQ Options Market LLC's Pricing Schedule, Chapter XV.

⁸ See Exchange Rules 603 and 604.

that also assess different transaction fees for non-Penny Pilot options classes as compared to Penny Pilot options classes. The Exchange believes that establishing different pricing for non-Penny Pilot options and Penny Pilot options is reasonable, equitable, and not unfairly discriminatory because Penny Pilot options are more liquid options as compared to non-Penny Pilot options. Additionally, other competing options exchanges differentiate pricing in the similar manner today.⁹

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal is similar to the transaction fees found on other options exchanges; therefore, the Exchange believes the proposal is consistent with robust competition by increasing the intermarket competition for order flow from market participants. The proposal more closely aligns the fees for Public Customers that is not a Priority Customer and Firms to those of non-MIAX Market Makers and non-Member Broker-dealers. To the extent that there is additional competitive burden on non-member market participants, the Exchange believes that this is appropriate because charging non-members higher transaction fees is a common practice amongst exchanges and Members are subject to other fees and dues associated with their membership to the Exchange that do not apply to non-members. To the extent that there is additional competitive burden on market participants that are Public Customer not Priority Customers or Firms, the Exchange believes that this is appropriate because the proposal should incent Members to direct additional order flow to the Exchange and thus provide additional liquidity that enhances the quality of its markets and increases the volume of contracts traded here. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market liquidity. Enhanced market quality and increased transaction volume that results from the anticipated increase in order flow directed to the Exchange will benefit all market participants and improve competition on the Exchange. The Exchange notes that it operates in a

highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow. The Exchange believes that the proposal reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.¹⁰ At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-MIAX-2015-16 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.

All submissions should refer to File Number SR-MIAX-2015-16. 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 Number SR-MIAX-2015-16 and should be submitted on or before April 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Brent J. Fields,
Secretary.

[FR Doc. 2015-06009 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74482; File No. SR-FINRA-2014-050]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Amended, To Require a Member To Identify Transactions With a Non-Member Affiliate and To Change How FINRA Disseminates a Subset of Such Transactions

March 11, 2015

I. Introduction

On November 21, 2014, the Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

⁹ See NASDAQ OMX PHLX LLC Pricing Schedule, Section II; NYSE Amex Options Fee Schedule, p. 6; Chicago Board Options Exchange, Incorporated, Fee Schedule, p. 1. See also Securities Exchange Act Release No. 68556 (January 2, 2013), 78 FR 1293 (January 8, 2013) (SR-BX-2012-074).

¹⁰ 15 U.S.C. 78s(b)(3)(A)(ii).

¹¹ 17 CFR 200.30-3(a)(12).

(“Act”)¹ and Rule 19b-4 thereunder,² a proposed rule change to amend the FINRA Rule 6700 Series (Trade Reporting and Compliance Engine (TRACE)): (1) To add a new contra-party type to be used in TRACE reports to identify a transaction with a non-member affiliate, and (2) to require a firm to identify when a transaction with a non-member affiliate meets specified conditions, so that FINRA can suppress dissemination of such trade. The proposed rule change was published for comment in the **Federal Register** on December 11, 2014, and the comment period expired on January 2, 2015.³ The Commission received two comments on the proposal.⁴

On January 14, 2015, FINRA granted the Commission an extension of time to act on the proposal until March 11, 2015. On February 24, 2015, FINRA filed Amendment No. 1 with the Commission to respond to the comment letters and to propose modifications and clarifications to its proposal.⁵ The Commission is publishing this notice and order to solicit comments on Amendment No. 1 and to approve the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposal

FINRA has proposed to amend the TRACE rules 6700 Series: (1) To add a new contra-party type to be used in TRACE reports to identify a transaction with a non-member affiliate, and (2) to require a firm to identify when a transaction with a non-member affiliate meets specified conditions, so that FINRA can suppress dissemination of such trade.

FINRA Rule 6730 (Transaction Reporting) sets forth the requirements applicable to members for reporting transactions in TRACE-Eligible Securities. Rule 6730(c) (Transaction Information To Be Reported) describes the items of information that must be included in a TRACE trade report. Among other things, a member must identify the other side (*i.e.*, contra-party

or counterparty) for each transaction.⁶ Where the contra-party is a member, the reporting member must provide the contra-party's designated Market Participant ID (“MPID”) in the trade report. All other contra-parties (including non-member affiliates) can be identified only as a “customer” when reporting the transaction to TRACE.

FINRA has proposed to amend Rule 6730 to introduce a new contra-party type to identify a non-member affiliate of the member reporting the trade, and to disseminate publicly this contra-party identifier.⁷ Currently, when a member engages in a transaction with a non-member affiliate, that transaction is reported by the member as a trade with a customer.⁸ Thus, the proposal would provide FINRA and market participants with additional identifying information regarding the contra-party in the case of a member trade with a non-member affiliate.⁹

FINRA also proposed to require members to identify a narrow subset of transactions with non-member affiliates. Specifically, a member would need to apply a “Suppression Indicator” to a transaction between itself and a non-member affiliate where: (1) Each party is trading for its own account, and (2) the transaction with the non-member affiliate occurs within the same day, at the same price, and in the same security as a transaction engaged in by the member with a different counterparty (“Suppression Criteria”). Identification of these transactions by members would enable FINRA to suppress the transactions from dissemination on the tape, as FINRA believes that these transactions are not economically distinct from the disseminated transaction between the member and the other contra-party to the trade.

FINRA would suppress dissemination only where a member purchases or sells

a security and then, within the same trading day, engages in a back-to-back trade with its non-member affiliate in the same security at the same price.¹⁰ Because the transaction between the member and its non-member affiliate represents a change in beneficial ownership between different legal entities, it is a reportable transaction and is publicly disseminated under the current rule.

Implementation Schedule

FINRA stated in the Notice of Original Proposal that it would announce the implementation date of the proposed rule change in a *Regulatory Notice* to be published no later than 60 days following Commission approval, and that the implementation date would be no later than 90 days following publication of the *Regulatory Notice* announcing Commission approval.

In Amendment No. 1, FINRA revised its implementation schedule in response to commenters' concerns. FINRA stated that it would announce the implementation date in a *Regulatory Notice* to be published no later than 120 days following Commission approval, and the implementation date would be no sooner than 120 days, and no later than 270 days, following publication of the *Regulatory Notice*.¹¹

III. Summary of Comments, FINRA's Response, and Proposed Modifications and Clarifications in Amendment No. 1

As noted above, the Commission received two comment letters concerning the proposal.¹² Although both commenters were generally supportive of FINRA's goal to improve the quality of information reported to and disseminated by TRACE, one commenter supported the proposed requirement to identify and suppress back-to-back trades done with a non-member affiliate on the same day for the same price and in the same security¹³ while the other opposed it.¹⁴

The supporting comment letter acknowledged that continued dissemination of transactions that meet the Suppression Criteria would be

¹⁰ In FINRA's Response Letter, it clarified that, when a member and a non-member affiliate enter into a transaction in a TRACE-eligible security and do not initially include the Suppression Indicator, but meet the Suppression Criteria during the day, the member would not be required to correct the trade report to include the Suppression Indicator. However, if the Suppression Indicator is included but ultimately the transaction does not meet the Suppression Criteria, the member must correct the prior trade report and remove the Suppression Indicator. See FINRA Response Letter at 4–5.

¹¹ See FINRA Response Letter at 5.

¹² See *supra* note 4.

¹³ See SIFMA Letter at 1.

¹⁴ See Thomson Reuters Letter at 3.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 73762 (December 5, 2015), 79 FR 73670 (December 11, 2015) (“Notice of Original Proposal”).

⁴ See Letters to the Commission from Sean C. Davy, Managing Director, Securities Industry and Financial Markets Association, dated December 23, 2014 (“SIFMA Letter”) and Kyle C. Wooten, Deputy Director—Compliance and Regulatory, Thomson Reuters, dated January 2, 2015 (“Thomson Reuters Letter”).

⁵ See FINRA Response to Comments, dated February 24, 2015 (“FINRA Response Letter”). The FINRA Response Letter is included in the public comment file for SR-FINRA-2014-050.

⁶ FINRA Rule 6730(c)(6) provides that each TRACE trade report shall contain the contra-party's identifier.

⁷ The proposed rule change would define “non-member affiliate” in Rule 6710 as a non-member entity that controls, is controlled by, or is under common control with a member. For the purposes of this definition, “control,” along with any derivative thereof, means legal, beneficial, or equitable ownership, directly or indirectly, of 25 percent or more of the capital stock (or other ownership interest, if not a corporation) of any entity ordinarily having voting rights. The term “common control” means the same natural person or entity controls two or more entities.

⁸ FINRA's Response Letter indicated that a member may conduct a periodic assessment of its affiliate relationships to determine whether a relationship qualifies for non-member affiliate identification requirements. See FINRA Response Letter at 5.

⁹ The proposal would not change the way that a member reports a trade with an affiliate that also is a member; the reporting member would continue to identify the contra-party by MPID.

undesirable, but asked that FINRA permit members to check for affiliate status at specific or periodic points in time, because the level of ownership interest in an affiliate is subject to change over time.¹⁵ This commenter requested that FINRA better align and coordinate reporting changes both internally and with the MSRB. Coordination was requested to reduce the burden on updating technology and compliance processes by packaging potential changes together, thereby alleviating multiple changes at different times in the same year.¹⁶ This same commenter requested that FINRA and the MSRB work more closely to coordinate and use similar approaches and methodologies for trade reporting that would lower costs of implementation and maintenance.¹⁷

The other commenter was opposed to the proposal's requirement to identify and suppress back-to-back trades done with a non-member affiliate.¹⁸ This commenter believed that the effort and cost to implement the change would be unduly burdensome.¹⁹

Both commenters requested an extension in the implementation timeline of four²⁰ to six²¹ months for technological implementation. One commenter requested the additional time to provide sufficient time for implementation and to be less disruptive to the technology budgets, plans, and priorities for 2015.²² The commenter stated that the proposed timeframe was "too aggressive" and would "add to what already is a collective strain on industry technology and compliance resources and subject matter expertise."²³

FINRA's Response

In response to these comments concerning the implementation and application of the proposed rule change, FINRA filed Amendment No. 1.²⁴ FINRA extended the time period for implementation, as described above, and provided guidance on classifying an entity as a non-member affiliate. FINRA also reaffirmed that it would "continue to coordinate with other regulators, where practicable."²⁵

In addition, FINRA agreed that there are instances where including the Suppression Indicator would cause operational difficulties. Therefore, FINRA clarified that, when a member and a non-member affiliate enter into a transaction in a TRACE-Eligible Security and do not initially include the Suppression Indicator but meet the Suppression Criteria during the day, the member would not be required to correct the trade report to include the Suppression Indicator.²⁶ However, if the Suppression Indicator is included but ultimately the transaction does not meet the Suppression Criteria, the member must correct the prior trade report and remove the Suppression Indicator.²⁷

FINRA indicated that a member may conduct a periodic assessment of its affiliate relationships to determine whether a relationship qualifies for non-member affiliate identification requirements. The member may conduct a periodic assessment, no less than annually, unless the member has undergone an organizational or operational restructuring that would likely impact its prior identification of non-member affiliate relationships.²⁸

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-FINRA-2014-050 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090. All submissions should refer to File Number SR-FINRA-2014-050. This file

number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR-FINRA-2014-050 and should be submitted on or before April 7, 2015.

V. Commission Findings

After carefully considering the proposed rule change, the comments submitted, and FINRA's response to the comments and Amendment No. 1, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.²⁹ In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 15A(b)(6) of the Act,³⁰ which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The proposal requires a reporting member to include a new "non-member affiliate" identifier in the reports of a transaction in a TRACE-Eligible Security, and to identify a narrow subset

²⁹ In approving this proposed rule change, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

³⁰ 15 U.S.C. 78o-3(b)(6).

¹⁵ See SIFMA Letter at 2.

¹⁶ See *id.*

¹⁷ See *id.*

¹⁸ See Thomson Reuters Letter at 3.

¹⁹ See *id.*

²⁰ See SIFMA Letter at 1 (requesting an implementation period of four to five months).

²¹ See Thomson Reuters Letter at 2 (requesting an implementation period of "not less than six months. . .").

²² See Thomson Reuters Letter at 2.

²³ *Id.*

²⁴ See *supra* note 5.

²⁵ FINRA Response Letter at note 7.

²⁶ See FINRA Response Letter at 4-5 (stating that "where a member does not append the non-member affiliate—principal transaction indicator to a trade report reflecting a transaction with a non-member affiliate that ultimately proved to have been the initial leg of a same day, same price trade with another contra-party, the member would not be required to correct the prior trade report solely for the purpose of appending the indicator so long as the member did not reasonably expect (at the time of the initial trade report) to engage in a subsequent same day, same price transaction in the same security with another contra-party").

²⁷ See FINRA Response Letter at 5.

²⁸ See *id.*

of such transactions that meet the Suppression Criteria. FINRA stated that this additional information would facilitate a more effective surveillance program and improve post-trade transparency. The Commission believes that these new requirements are reasonably designed to carry out these objectives and are therefore consistent with the Act. Furthermore, the Commission does not believe that commenters raised any issue that would preclude approval of this proposal, and that FINRA reasonably responded to the comments in Amendment No. 1.

VI. Accelerated Approval

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act,³¹ for approving the proposed rule change, as modified by Amendment No. 1 thereto, prior to the 30th day after publication of Amendment No. 1 in the *Federal Register*. Amendment No. 1 responds to the specific issue regarding the implementation timeframe raised by both comment letters. Furthermore, Amendment No. 1 clarifies when the Suppression Indicator should be included as well as when to determine non-member affiliate status. The Commission notes that the rest of the proposed rule change is not being amended and was subject to a full notice-and-comment period. These revisions add clarity to the proposal and do not raise any novel regulatory concerns. Accordingly, the Commission finds that good cause exists to approve the proposal, as modified by Amendment No. 1, on an accelerated basis.

VII. Conclusion

IT IS THEREFORE ORDERED pursuant to Section 19(b)(2) of the Act³² that the proposed rule change (SR-FINRA-2014-050), as modified by Amendment No. 1, be and hereby is approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.³³

Brent J. Fields,
Secretary.

[FR Doc. 2015-06012 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-74475; File No. SR-NASDAQ-2015-019]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Penny Pilot Options

March 11, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 27, 2015, The NASDAQ Stock Market LLC (“NASDAQ” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by NASDAQ. 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

NASDAQ proposes to modify Chapter XV, entitled “Options Pricing,” at Section 2 governing pricing for NASDAQ members using the NASDAQ Options Market (“NOM”),³ NASDAQ’s facility for executing and routing standardized equity and index options. Specifically, NOM proposes to amend certain Fees for Removing Liquidity.

While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on March 2, 2015.

The text of the proposed rule change is available on the Exchange’s Web site at <http://www.nasdaq.cchwallstreet.com>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ proposes to modify Chapter XV, entitled “Options Pricing,” at Section 2(1) governing the fees assessed for option orders entered into NOM. Specifically, the Exchange proposes to increase the Professional,⁴ Firm,⁵ NOM Market Maker,⁶ Non-NOM Market Maker,⁷ and Broker-Dealer⁸ Penny Pilot Options⁹ Fees for Removing Liquidity.

⁴ The term “Professional” means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) pursuant to Chapter I, Section 1(a)(48). All Professional orders shall be appropriately marked by Participants. The Exchange initially established Professional pricing in order to “. . . bring additional revenue to the Exchange.” See Securities Exchange Act Release No. 64494 (May 13, 2011), 76 FR 29014 (May 19, 2011) (SR-NASDAQ-2011-066). In this filing, the Exchange addressed the perceived favorable pricing of Professionals who were assessed fees and paid rebates like a Customer prior to the filing; and noted that a Professional, unlike a retail Customer, has access to sophisticated trading systems that contain functionality not available to retail Customers.

⁵ The term “Firm” applies to any transaction that is identified by a member or member organization for clearing in the Firm range at The Options Clearing Corporation (“OCC”).

⁶ The term “NOM Market Maker” means a Participant that has registered as a Market Maker on NOM pursuant to Chapter VII, Section 2, and must also remain in good standing pursuant to Chapter VII, Section 4. In order to receive NOM Market Maker pricing in all securities, the Participant must be registered as a NOM Market Maker in at least one security. See Chapter XV. “Participant” means a firm, or organization that is registered with the Exchange pursuant to Chapter II of these Rules for purposes of participating in options trading on NOM as a “Nasdaq Options Order Entry Firm” or “Nasdaq Options Market Maker”. See Chapter I, Section (a)(40).

⁷ The term “Non-NOM Market Maker” is a registered market maker on another options exchange that is not a NOM Market Maker. A Non-NOM Market Maker must append the proper Non-NOM Market Maker designation to orders routed to NOM.

⁸ The term “Broker-Dealer” applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

⁹ The Penny Pilot was established in March 2008 and was last extended in 2014. See Securities Exchange Act Release Nos. 57579 (March 28, 2008), 73 FR 18587 (April 4, 2008) (SR-NASDAQ-2008-026) (notice of filing and immediate effectiveness establishing Penny Pilot); and 73686 (November 25, 2014), 79 FR 71477 (December 2, 2014) (SR-NASDAQ-2014-115) (notice of filing and immediate effectiveness extending the Penny Pilot through June 30, 2015). All Penny Pilot Options listed on the Exchange can be found at <http://www.nasdaqtrader.com/Micro.aspx?id=phlx>.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ NOM is a facility of NASDAQ. References in this proposal to Chapter and Series refer to NOM rules, unless otherwise indicated.

³¹ 15 U.S.C. 78s(b)(2).

³² 15 U.S.C. 78s(b)(2).

³³ 17 CFR 200.30-3(a)(12).

No change is proposed to Customer¹⁰ Penny Pilot Options Fees for Removing Liquidity.

Section 2 NASDAQ Options Market— Fees and Rebates
Penny Pilot Fees for Removing Liquidity

Pilot Options in Chapter IV, Section 2(1) as follows:

The Exchange proposes to amend the Fees for Removing Liquidity in Penny

(1) FEES FOR EXECUTION OF CONTRACTS ON THE NASDAQ OPTIONS MARKET

	Fees and rebates (per executed contract)					
	Customer	Professional	Firm	Non-NOM market maker	NOM market maker	Broker-dealer
Penny Pilot Options: Fee for Removing Liquidity	\$0.48	\$0.50 ^d	\$0.50 ^d	\$0.50 ^d	\$0.50 ^d	\$0.50 ^d

Today, Professionals, Firms, Non-NOM Market Makers, NOM Market Makers, and Broker-Dealers are assessed a \$0.49 per contract Fee for Removing Liquidity in a Penny Pilot Option.¹¹

The Exchange proposes to increase the Penny Pilot Fee for Removing Liquidity for Professionals, Firms, Non-NOM Market Makers, NOM Market Makers, and Broker-Dealers by a penny, from \$0.49 to \$0.50 per contract.¹² The Exchange is increasing the Fees for Removing Liquidity in Penny Pilot Options so that it will be able to continue to offer rebates to Customers, Professionals, Firms, Non-NOM Market Makers, NOM Market Makers, and Broker-Dealers to attract liquidity and encourage order interaction on NOM.¹³ The Exchange will still allow participants that qualify for Customer or Professional Rebate to Add Liquidity Tiers 7 or 8 in a given month to be assessed a Professional, Firm, Non-NOM Market Maker, NOM Market Maker, or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options of \$0.48 per contract.

2. Statutory Basis

NASDAQ believes that the proposed fee changes are consistent with the provisions of Section 6 of the Act,¹⁴ in general, and with Section 6(b)(4) of the Act,¹⁵ in particular, in that they provide for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons

using any facility or system which NASDAQ operates or controls as described in detail below.

Penny Pilot Fees for Removing Liquidity

The Exchange’s proposal to increase the Professional, Firm, Non-NOM Market Maker, NOM Market Maker, and Broker-Dealer Fees for Removing Liquidity in Penny Pilot Options from \$0.49 to \$0.50 per contract is reasonable because the increase will afford the Exchange the opportunity to offer additional and increased rebates to these Exchange participants, which should benefit all market participants through increased liquidity and order interaction. The Exchange believes that rebates incentivize Participants to select the Exchange as a venue to post liquidity and attract additional order flow to the benefit of all market participants. Incentivizing Participants to post liquidity will also benefit Participants through increased order interaction. Increased liquidity, and in particular Customer liquidity (as noted, the fee for removing Customer liquidity continues to be lower than for removing other liquidity) provides more trading opportunities, which attracts other Participants, including NOM Market Makers.¹⁶ An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Moreover, in constructing

the Exchange’s fee and rebate program, the Exchange aims to remain competitive with other venues so that it is a superior choice for market participants when posting orders. The Exchange believes that the fee resulting from the proposed increase is still less than the rates assessed by other options for certain Penny Pilot Options.¹⁷

The Exchange believes that it is equitable and not unfairly discriminatory to increase Fees for Removing Liquidity in Penny Pilot Options for Professionals, Firms, Non-NOM Market Makers, NOM Market Makers, and Broker-Dealers because all market participants, other than Customers, will continue to be assessed a uniform fee. As explained herein, order flow brings unique benefits to the market through increased liquidity which benefits all NOM Participants.¹⁸

Further, the Exchange believes it is reasonable, equitable and not unfairly discriminatory to offer Participants that qualify for Customer or Professional Rebate to Add Liquidity Tiers 7 or 8 in a given month to be assessed a Professional, Firm, Non-NOM Market Maker, NOM Market Maker, or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options of \$0.48 per contract instead of the proposed \$0.50 per contract. The increase in the differential from \$0.01 to \$0.02 is reasonable, equitable and not unfairly discriminatory because it is consistent with differentials at competing options

¹⁰ The term “Customer” applies to any transaction that is identified by a Participant for clearing in the Customer range at the OCC which is not for the account of broker or dealer or for the account of a “Professional” (as that term is defined in Chapter I, Section 1(a)(48)).

¹¹ In addition, note d states that Participants that qualify for Customer or Professional Rebate to Add Liquidity Tiers 7 or 8 (the highest rebate tiers) in a given month will be assessed a Professional, Firm, Non-NOM Market Maker, NOM Market Maker, or Broker-Dealer Fee for Removing Liquidity in Penny Pilot Options of \$0.48 per contract and a Customer Fee for Removing Liquidity in Penny Pilot Options of \$0.47 per contract. See Chapter XV, Section 2(1).

¹² Customers will continue to be assessed a Penny Pilot Option Fee for Removing Liquidity of \$0.48 per contract.

¹³ The Customer and Professional Rebate to Add Liquidity in Penny Pilot Options is earned pursuant to eight Monthly Volume Tiers. The NOM Market Maker Rebate to Add Liquidity in Penny Pilot Options is earned pursuant to six different Monthly Volume Tiers. The concept of “Common Ownership” (Participants under 75% common ownership or control) applies to pricing in Chapter XV, Section 2 for which a volume threshold or volume percentage is required to obtain the pricing. See Chapter XV, Section 2(1).

¹⁴ 15 U.S.C. 78f.

¹⁵ 15 U.S.C. 78f(b)(4).

¹⁶ For obligations of Market Makers, see Chapter VII, Section 5. For Market Maker quotations (e.g. firm quotes, continuous quotes), see Chapter VII, Section 6.

¹⁷ See, for example, the Miami International Securities Exchange LLC (“MIAX”) Fee Schedule. Specifically, orders executed for the account of non-MIAX market makers will be assessed \$0.55 per contract in options overlying EEM, GLD, IWM, QQQ, and SPY.

¹⁸ See *supra* note 16 regarding continuous quoting and the commitment of capital by NOM Market Makers.

exchanges. For example, NASDAQ OMX PHLX ("PHLX") provides that any member or member organization under Common Ownership with another member or member organization that qualifies for Customer Rebate Tiers 2, 3, 4 or 5 in Section B of the Pricing Schedule will be assessed \$0.60 per contract, a reduction of \$0.10 from the standard rate of \$0.70 assessed Professional, Firm and Broker-Dealer.¹⁹

The Exchange, and its facility NOM, operates in a highly competitive market, comprised of twelve exchanges, in which market participants can easily and readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates to be inadequate. Accordingly, the fees that are assessed and the rebates paid by the Exchange, as described in the proposal, are influenced by these robust market forces and therefore must remain competitive with fees charged and rebates paid by other venues and therefore must continue to be reasonable and equitably allocated to those members that opt to direct orders to the Exchange rather than competing venues.

The proposed fees are designed to ensure a fair and reasonable use of Exchange resources by allowing the Exchange to recoup costs while continuing to attract liquidity and offer connectivity at competitive rates to Exchange members and member organizations.

By offering competitive pricing, the Exchange desires to incentivize members and member organizations, through the Exchange's rebate and fee structure, to select NOM as a venue for bringing liquidity to the Exchange and trading. Such competitive, differentiated pricing exists today on other options exchanges. The Exchange's goal is creating and increasing incentives to attract orders that will, in turn, benefit all market participants through increased liquidity.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

In the Exchange's fee schedule for Removing Liquidity in Penny Pilot Options, Customers have had to pay the lowest fee, and this continues to be reflected in the pricing schedule. The Exchange does not believe the proposed differential would result in any burden on competition as between Participants.

The Exchange believes that continuing to assess Customers the current fee while increasing the fee for other Participants creates competition among options exchanges because the Exchange believes that this may cause market participants to select NOM as a venue to send Customer and other order flow. The Exchange believes that incentivizing Participants to post liquidity on NOM benefits NOM Participants through increased order interaction.

The Exchange's proposal to increase the Professional, Firm, Non-NOM Market Maker, NOM Market Maker, and Broker-Dealer Fees for Removing Liquidity in Penny Pilot Options does not misalign the current fees on NOM. As noted, Customers were assessed less than other participants before the proposal, and will continue to be assessed less under the new fee. The Exchange believes that other market participants benefit from incentivizing order flow as explained herein. As noted, Customers continue to pay a lower Fee for Removing Liquidity in Penny Pilot Options, which is currently the case for most fees on NOM that are either not assessed to a Customer or where a Customer is assessed the lowest fee because of the liquidity such order flow brings to the Exchange. Also, NOM Market Makers have obligations²⁰ to the market which are not borne by other market participants and therefore the Exchange believes that NOM Market Makers are entitled to a lower fee.

For the reasons specified herein, the Exchange does not believe this proposal will result in any burden on competition. The Exchange operates in a highly competitive market comprised of twelve U.S. options exchanges in which sophisticated and knowledgeable market participants can readily send order flow to competing exchanges if they deem fee levels or rebate incentives at a particular exchange to be excessive or inadequate. The Exchange believes that this competitive marketplace impacts the fees and rebates present on the Exchange today and substantially influences the proposals set forth above.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) of the Act,²¹ the Exchange has designated this proposal as establishing or changing a due, fee, or other charge imposed on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NASDAQ-2015-019 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-NASDAQ-2015-019. 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

¹⁹ See PHLX's Pricing Schedule.

²⁰ See *supra* note 16.

²¹ 15 U.S.C. 78s(b)(3)(A)(ii).

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NASDAQ-2015-019 and should be submitted on or before April 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²²

Brent J. Fields,
Secretary.

[FR Doc. 2015-06018 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

Extension:

Reports of Evidence of Material Violations. SEC File No. 270-514, OMB Control No. 3235-0572.

Notice is hereby given that pursuant to the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. Sections 3501-3520, the Securities and Exchange Commission ("Commission") is soliciting comments on the collection of information summarized below. The Commission plans to submit the existing collection of information to the Office of Management and Budget for extension of the previously approved collection of information discussed below.

On February 6, 2003, the Commission published final rules, effective August 5, 2003, entitled "Standards of Professional Conduct for Attorneys Appearing and Practicing Before the Commission in the Representation of an Issuer" (17 CFR 205.1-205.7). The information collection embedded in the rules is necessary to implement the

Standards of Professional Conduct for Attorneys prescribed by the rule and required by Section 307 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7245). The rules impose an "up-the-ladder" reporting requirement when attorneys appearing and practicing before the Commission become aware of evidence of a material violation by the issuer or any officer, director, employee, or agent of the issuer. An issuer may choose to establish a qualified legal compliance committee ("QLCC") as an alternative procedure for reporting evidence of a material violation. In the rare cases in which a majority of a QLCC has concluded that an issuer did not act appropriately, the QLCC may communicate that information to the Commission. The collection of information is, therefore, an important component of the Commission's program to discourage violations of the federal securities laws and promote ethical behavior of attorneys appearing and practicing before the Commission.

The respondents to this collection of information are attorneys who appear and practice before the Commission and, in certain cases, the issuer, and/or officers, directors and committees of the issuer. In providing quality representation to issuers, attorneys may report evidence of violations to others within the issuer, including the Chief Legal Officer, the Chief Executive Officer, and, where necessary, the directors. In addition, officers and directors investigate evidence of violations and report within the issuer the results of the investigation and the remedial steps they have taken or sanctions they have imposed. Except as discussed below, we believe that the reporting requirements imposed by the rule are "usual and customary" activities that do not add to the burden that would be imposed by the collection of information.

Certain aspects of the collection of information, however, may impose a burden. For an issuer to establish a QLCC, the QLCC must adopt written procedures for the confidential receipt, retention, and consideration of any report of evidence of a material violation. We estimate for purposes of the PRA that there are approximately 11,396 issuers that are subject to the rules.¹ Of these, we estimate that approximately 3.3 percent, or 373, have

¹ This figure is based on the estimated 8,145 operating companies that filed annual reports on Form 10-K, Form 20-F, or Form 40-F during the 2013 fiscal year (the most recent data currently available), and the estimated 3,251 investment companies that filed periodic reports on Form N-SAR between June 1, 2013 and May 31, 2014 (the most recent data currently available).

established or will establish a QLCC.² Establishing the written procedures required by the rule should not impose a significant burden. We assume that an issuer would incur a greater burden in the year that it first establishes the procedures than in subsequent years, in which the burden would be incurred in updating, reviewing, or modifying the procedures. For purposes of the PRA, we assume that an issuer would spend 6 hours every three-year period on the procedures. This would result in an average burden of 2 hours per year. Thus, we estimate for purposes of the PRA that the total annual burden imposed by the collection of information would be 746 hours. Assuming half of the burden hours will be incurred by outside counsel at a rate of \$500 per hour would result in a cost of \$186,500.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are requested on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden[s] of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

The public may view the background documentation for this information collection at the following Web site, www.reginfo.gov. Comments should be directed: (i) to Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an email to: Shagujta_Ahmed@omb.eop.gov; and (ii) to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F St. NE., Washington, DC 20549 or by sending an email to

² This estimate is based on the issuer-filings made with the Commission during the past three years that include a reference to the issuer's QLCC.

²² 17 CFR 200.30-3(a)(12).

PRA_Mailbox@sec.gov. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 10, 2015.

Brent J. Fields,
Secretary.

[FR Doc. 2015-05982 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available
From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549-2736.

Extension:

Rule 11a-3. SEC File No. 270-321, OMB Control No. 3235-0358.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Section 11(a) of the Investment Company Act of 1940 ("Act") (15 U.S.C. 80a-11(a)) provides that it is unlawful for a registered open-end investment company ("fund") or its underwriter to make an offer to the fund's shareholders or the shareholders of any other fund to exchange the fund's securities for securities of the same or another fund on any basis other than the relative net asset values ("NAVs") of the respective securities to be exchanged, "unless the terms of the offer have first been submitted to and approved by the Commission or are in accordance with such rules and regulations as the Commission may have prescribed in respect of such offers." Section 11(a) was designed to prevent "switching," the practice of inducing shareholders of one fund to exchange their shares for the shares of another fund for the purpose of exacting additional sales charges.

Rule 11a-3 (17 CFR 270.11a-3) under the Act of 1940 is an exemptive rule that permits open-end investment companies ("funds"), other than insurance company separate accounts, and funds' principal underwriters, to make certain exchange offers to fund shareholders and shareholders of other funds in the same group of investment companies. The rule requires a fund, among other things, (i) to disclose in its

prospectus and advertising literature the amount of any administrative or redemption fee imposed on an exchange transaction, (ii) if the fund imposes an administrative fee on exchange transactions, other than a nominal one, to maintain and preserve records with respect to the actual costs incurred in connection with exchanges for at least six years, and (iii) give the fund's shareholders a sixty day notice of a termination of an exchange offer or any material amendment to the terms of an exchange offer (unless the only material effect of an amendment is to reduce or eliminate an administrative fee, sales load or redemption fee payable at the time of an exchange).

The rule's requirements are designed to protect investors against abuses associated with exchange offers, provide fund shareholders with information necessary to evaluate exchange offers and certain material changes in the terms of exchange offers, and enable the Commission staff to monitor funds' use of administrative fees charged in connection with exchange transactions.

The staff estimates that there are approximately 1,633 active open-end investment companies registered with the Commission as of March 2014. The staff estimates that 25 percent (or 408) of these funds impose a non-nominal administrative fee on exchange transactions. The staff estimates that the recordkeeping requirement of the rule requires approximately 1 hour annually of clerical time per fund, for a total of 408 hours for all funds.

The staff estimates that 5 percent of these 1,633 funds (or 82) terminate an exchange offer or make a material change to the terms of their exchange offer each year, requiring the fund to comply with the notice requirement of the rule. The staff estimates that complying with the notice requirement of the rule requires approximately 1 hour of attorney time and 2 hours of clerical time per fund, for a total of approximately 246 hours for all funds to comply with the notice requirement.¹ The staff estimates that such notices will be enclosed with other written materials sent to shareholders, such as annual shareholder reports or account statements, and therefore any burdens associated with mailing required notices are accounted for in the burdens associated with Form N-1A registration statements for funds. The recordkeeping and notice requirements together

¹ This estimate is based on the following calculations: (1,633 (funds) × 0.05% = 82 funds); (82 × 1 (attorney hour) = 82 total attorney hours); (82 (funds) × 2 (clerical hours) = 164 total clerical hours); (82 (attorney hours) + 164 (clerical hours) = 246 total hours).

therefore impose a total burden of 654 hours on all funds.² The total number of respondents is 490, each responding once a year.³ The burdens associated with the disclosure requirement of the rule are accounted for in the burdens associated with the Form N-1A registration statement for funds.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. 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 control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov*; and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 10, 2015.

Brent J. Fields,
Secretary.

[FR Doc. 2015-05985 Filed 3-16-15; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327, and U.S. Fish and Wildlife Service.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to

² This estimate is based on the following calculations: (246 (notice hours) + 408 (recordkeeping hours) = 654 total hours).

³ This estimate is based on the following calculation: (408 funds responding to recordkeeping requirement + 82 funds responding to notice requirement = 490 total respondents).

announce actions taken by Caltrans and U.S. Fish and Wildlife Service that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project known as CURE Safety Improvement that proposes to remove all fixed objects in the clear recovery zone along a 4-mile section of the southbound roadside of Highway 101 between King City and Greenfield in Monterey County, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before August 14, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Matt Fowler, Environmental Branch Chief, Caltrans, 50 Higuera Street, San Luis Obispo, CA 93401, Monday through Friday 8 a.m. to 5 p.m., (805) 542-4603 or matt.c.fowler@dot.ca.gov. For U.S. Fish and Wildlife Service: Steve Henry, Deputy Field Supervisor, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, CA 93003, Monday through Friday 8 a.m. to 5 p.m. (805) 644-1766, ext 307 or steve.henry@fws.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the FHWA assigned, and the Caltrans assumed environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans and U.S. Fish and Wildlife Service have taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The project would remove approximately 320 mature Tasmanian blue gum trees (*Eucalyptus globulus*) and one Monterey cypress tree (*Cupressus macrocarpa*), remove metal beam guardrail from the edge of the pavement, replace drainage headwalls with flared end sections or drainage inlets, and relocate overhead utility pole guy wires and mission bell poles in the clear recovery zone. Additional work at these locations includes minor grading to reestablish flow lines, applying permanent erosion control, removing and replacing damaged barbed wire fencing, installing planting with irrigation, and constructing three maintenance vehicle pullouts. The primary purpose of the project would remove all fixed objects in the clear

recovery zone along a 4-mile section of the southbound roadside of Highway 101 between King City and Greenfield in Monterey County. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment/Finding of No Significant Impact (EA/FONSI) for the project, approved on January 29, 2015 and in other documents in the FHWA project records. The EA/FONSI and other project records are available by contacting Caltrans as provided above. The Caltrans EA/FONSI can be viewed and downloaded from the Caltrans Web site project Web site at: http://www.dot.ca.gov/dist05/projects/cure_eir.pdf or viewed at two public libraries in the project area. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4335].

2. *Air:* Clean Air Act [23 U.S.C. 109 (j) and 42 U.S.C 7521(a)].

3. *Historic and Cultural Resources:* National Historic Preservation Act of 1966, as amended (NHPA), 16 U.S.C. 470 (f) *et seq.*; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)-470 (ll)]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001-3013].

4. *Wildlife:* Federal Endangered Species Act [16 U.S.C. 1531-1543]; Fish and Wildlife Coordination Act [16 U.S.C. 661-666(C)]; Migratory Bird Treaty Act [16 U.S.C. 760c-760g].

5. *Social and Economic:* NEPA implementation [23 U.S.C. 109(h)]; Civil Rights Act of 1964 [42 U.S.C. 2000(d)-2000(d)(1)].

6. *Wetlands and Water Resources:* Clean Water Act [33 U.S.C. 1344]

7. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 13112 Invasive Species; E.O. 11988 Floodplain management; E.O. 12898 Federal actions to Address Environmental Justice in Minority Populations and Low Income Populations.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1)

Issued on: March 9, 2015.

Gary Sweeten,

North Team Leader, Project Delivery, Federal Highway Administration, Sacramento, California.

[FR Doc. 2015-06099 Filed 3-16-15; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA-2015-0005]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: The Federal Transit Administration invites public comment about its intention to request the Office of Management and Budget's (OMB) approval to renew the following information collection:

49 U.S.C. 5320 Paul S. Sarbanes Transit in Parks Program

The information collected is necessary to determine eligibility of applicants and ensure the proper and timely expenditure of federal funds within the scope of the program. The **Federal Register** notice with a 60-day comment period soliciting comments for the Paul S. Sarbanes Transit in Parks Program was published on December 29, 2014 (Citation 79 FR 248). No comments were received from that notice.

DATES: Comments must be submitted before April 16, 2015. A comment to OMB is most effective, if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Office of Management Planning, (202) 366-0354.

SUPPLEMENTARY INFORMATION:

Title: 49 U.S.C. 5320 Paul S. Sarbanes Transit in Parks Program (OMB Number: 2132-0574).

Abstract: This collection involves FTA's Paul S. Sarbanes Transit in Parks Program. This program is necessary because it addresses the challenge of increasing traffic pollution and crowding in and around our National parks and other federal lands. To address these concerns, this program has provided more than \$163 million in funding for alternative transportation systems, such as shuttle buses, rail connections and even bicycle trails. On October 1, 2013, the Paul S. Sarbanes Transit in Parks Program was repealed

by Congress under the Moving Ahead for Progress in the 21st Century Act (MAP-21). However, to meet federal program oversight responsibilities, FTA must continue to collect information under the program management stage until the period of availability expires; the funds are fully expended; the funds are rescinded by Congress; or the funds are otherwise reallocated.

Estimated Total Annual Burden: 370 hours.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725—17th Street NW., Washington, DC 20503, Attention: FTA Desk Officer.

Comments are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Matthew M. Crouch,
Associate Administrator for Administration.
[FR Doc. 2015-05967 Filed 3-16-15; 8:45 am]
BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA-2015-0004]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: The Federal Transit Administration invites public comment about its intention to request the Office of Management and Budget's (OMB) approval to renew the following information collection:

49 U.S.C. 5335(a) and (b) National Transit Database (NTD)

The information collected is necessary to determine eligibility of applicants and ensure the proper and timely expenditure of federal funds within the scope of the program. The **Federal Register** notice with a 60-day

comment period soliciting comments for the National Transit Database was published on December 29, 2014 (Citation 79 FR 248). No comments were received from that notice.

DATES: Comments must be submitted before April 16, 2015. A comment to OMB is most effective, if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Tia Swain, Office of Administration, Office of Management Planning, (202) 366-0354.

SUPPLEMENTARY INFORMATION:

Title: 49 U.S.C. 5335(a) and (b) National Transit Database (NTD) (OMB Number: 2132-0008).

Abstract: This collection involves FTA's National Transit Database (NTD) program. This information collection is important because U.S.C. 5335 requires the Secretary of Transportation "maintain a reporting system, using uniform categories to accumulate public transportation financial and operating information using a uniform system of accounts." Additionally, 49 U.S.C. 5335(b) specifies that the Secretary may award grants under FTA's Urbanized Area Formula Program or Other Than Urbanized Area Formula Program (Sections 5307 and 5311) "only if the applicant and any person that will receive benefits directly from the grant are subject to the reporting and uniform systems." The National Transit Database is the reporting system established to meet this requirement. NTD data is used by FTA in assessing applications from transit agencies for discretionary grants and in conducting oversight reviews of grantees to ensure compliance with federal grant requirements. In addition, NTD data is used by State and local governments, as well as individual transit agencies, to conduct performance benchmarking among peer transit systems. NTD data is also frequently used by academic researchers seeking to better understand public transportation systems. NTD data are frequently cited in the proceedings of the Transportation Research Board. NTD data is also valuable to the transit agencies that are themselves reporting the data and are key components of the American Public Transportation Association's Annual Factbook and data on capital assets. Finally, time series of NTD data are frequently used by suppliers of transit equipment and services to evaluate market trends and by government at all levels to guide transit investment decisions.

Estimated Total Annual Burden: 26,000 hours.

ADDRESSES: All written comments must refer to the docket number that appears

at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street NW., Washington, DC 20503, Attention: FTA Desk Officer.

Comments are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Matthew M. Crouch,
Associate Administrator for Administration.
[FR Doc. 2015-05973 Filed 3-16-15; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. 2015-0006]

Notice of Request for the Extension of a Currently Approved Information Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the revision of the currently approved information collection: Job Access and Reverse Commute Program.

DATES: Comments must be submitted before May 18, 2015.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Web site:* www.regulations.gov. Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at www.regulations.gov. Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202-493-2251.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to Internet users, without change, to www.regulations.gov. You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit www.regulations.gov. Docket: For access to the docket to read background documents and comments received, go to www.regulations.gov at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M-30, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Mary Leary—Office of Program Management (202) 366-2204, or email: Mary.Leary@dot.gov

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Job Access and Reverse Commute Program.

OMB Control No.: 2132-0563.

Background: 49 U.S.C. 5316, the Job Access and Reverse Commute (JARC)

Program, authorized the Secretary of Transportation to make grants to states for areas with a population of less than 200,000 and designated recipients in urbanized areas of 200,000 persons or greater to transport welfare recipients and other low-income individuals to and from jobs related to employment. The (JARC) program was established to address the unique transportation challenges faced by welfare recipients and low-income persons seeking to obtain and maintain employment. Many new entry-level jobs are located in suburban areas, and low-income individuals have difficulty accessing these jobs from their inner city, urban, or rural neighborhoods. In addition, many entry level-jobs require working late at night or on weekends when conventional transit services are either reduced or non-existent. Finally, many employment related-trips are complex and involve multiple destinations including reaching childcare facilities or other services. The Job Access and Reverse Commute Program was repealed under the Moving Ahead for Progress in the 21st Century Act (MAP-21). However, funds previously authorized for programs repealed by MAP-21 remain available for their originally authorized purposes until the period of availability expires, the funds are fully expended, the funds are rescinded by Congress, or the funds are otherwise reallocated.

Respondents: State and local government, private, non-profit organizations and public transportation authorities.

Estimated Annual Burden on Respondents: 51 hours for each of the 42 respondents.

Estimated Total Annual Burden: 24,464

Frequency: Annual.

Matthew M. Crouch,

Associate Administrator for Administration.

[FR Doc. 2015-05966 Filed 3-16-15; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Information Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and

other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before May 18, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie A. Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224. Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment.

FOR FURTHER INFORMATION CONTACT: To obtain additional information, or copies of the information collection and instructions, or copies of any comments received, contact Elaine Christophe, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at Elaine.H.Christophe@irs.gov.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Department of the Treasury and the Internal Revenue Service, as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on the proposed or continuing information collections listed below in this notice, as required by the Paperwork Reduction Act of 1995, (44 U.S.C. 3501 *et seq.*).

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

We invite comments on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information

technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information. Currently, the IRS is seeking comments concerning the following forms, and reporting and record-keeping requirements:

Title: Below-Market Loans.

OMB Number: 1545–0913.

Regulation Project Number: TD 8045 Below-Market Loans.

Abstract: Internal Revenue Code section 7872 re-characterizes a below-market loan as a market rate loan and an additional transfer by the lender to the borrower equal to the amount of imputed interest. The regulation requires both the lender and the borrower to attach a statement to their respective income tax returns for years in which they have imputed income or claim imputed deductions under Code section 7872.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 1,926,888.

Estimated Time per Respondent: 15 min.

Estimated Total Annual Burden Hours: 481,722.

Title: Notice of Income Donated Intellectual Property.

OMB Number: 1545–1962.

Form Number: Form 8899.

Abstract: Form 8899 is filed by charitable org. receiving donations of intellectual property if the donor provides timely notice. The initial deduction is limited to the donor's basis; additional deductions are allowed to the extent of income from the property, reducing excessive deductions.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit, and not-for-profit institutions.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 5 hrs. 26 min.

Estimated Total Annual Burden Hours: 5,430.

Titles: Taxpayer Advocacy Panel (TAP) Membership Application; Taxpayer Advocacy Panel Tax Check Waiver.

OMB Number: 1545–1788.

Form Numbers: 13013, 13013–D.

Abstract: Form 13013, Taxpayer Advocacy Panel (TAP) Membership Application, is used as an application to volunteer to serve on the Taxpayer Advocacy Panel (TAP), an advisory panel to the Internal Revenue Service. The TAP application is necessary for the purpose of recruiting perspective members to voluntarily participate on the Taxpayer Advocacy Panel for the Internal Revenue Service. It is necessary to gather information to rank applicants as well as to balance the panels demographically.

Abstract: Form 13013–D, Taxpayer Advocacy Panel Tax Check Waiver, is used by new and continuing members of IRS Advisory Committees/Councils who are required to undergo a tax compliance check as a condition of membership. The tax check waiver authorizes the Government Liaison Disclosure analysts to provide the results to the appropriate IRS officials.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals.

Estimated Number of Respondents: 800.

Estimated Total Annual Burden Hours: 578.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Dated: March 9, 2015.

Christie A. Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015–06002 Filed 3–16–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4419

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4419, Application for Filing Information Returns Electronically (FIRE).

DATES: Written comments should be received on or before May 18, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at Lanita.VanDyke@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Application for Filing Information Returns Electronically (FIRE).

OMB Number: 1545–0387.

Form Number: 4419.

Abstract: Under section 6011(e)(2)(a) of the Internal Revenue Code, any person, including corporations, partnerships, individuals, estates and trusts, who is required to file 250 or more information returns must file such returns magnetically or electronically. Payers required to file on magnetic media or electronically must complete Form 4419 to receive authorization to file.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, non-profit institutions, and Federal, State, local or tribal governments.

Estimated Number of Respondents: 15,000.

Estimated Number of Respondents: 26 minutes.

Estimated Total Annual Burden Hours: 6,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 10, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015-06070 Filed 3-16-15; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Recruitment Notice for the Taxpayer Advocacy Panel; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice; correction.

SUMMARY: In the *Federal Register* notice that was originally published on March 9, 2015, (80 FR 12549) the application period is incorrect. The application period should be from March 9, 2015, through April 20, 2015. Notice of Open Season for Recruitment of IRS Taxpayer Advocacy Panel (TAP) Members.

DATES: March 9, 2015, through April 20, 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 abroad 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, as well as taxpayers as a whole, 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 with 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 for more information about the TAP. To complete an application, visit www.usajobs.gov. The opening date for submitting applications is March 9, 2015, and the deadline for submitting applications is April 20, 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.)

Interested applicants can call the TAP toll-free number, 1-888-912-1227, if they have general questions about TAP

membership or the application process. 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 11, 2015.

Otis Simpson,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2015-05999 Filed 3-16-15; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning guidance regarding the treatment of certain contingent payment debt instructions with one or more payments that are denominated in, or determined by reference to, a nonfunctional currency.

DATES: Written comments should be received on or before May 18, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington, at Internal Revenue Service, room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at Sara.L.Covington@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Guidance Regarding the Treatment of Certain Contingent Payment Debt Instructions with one or more Payments that are Denominated in, or Determined by Reference to, a Nonfunctional Currency.

OMB Number: 1545-1831.

Form Number: REG-106486-98 (TD 9157—Final).

Abstract: This document contains final regulations regarding the treatment of contingent payment debt instruments for which one or more payments are denominated in, or determined by reference to, a currency other than the taxpayer's functional currency. These regulations are necessary because current regulations do not provide guidance concerning the tax treatment of such instruments. The regulations affect issuers and holders of such instruments.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses and other for-profit organizations, Farms.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 9, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015-06003 Filed 3-16-15; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 11, 2015.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

DATES: Comments should be received on or before April 16, 2015 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at OIRA_Submission@OMB.EOP.GOV and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927-5331, email at PRA@treasury.gov, or the entire information collection request maybe found at www.reginfo.gov.

Departmental Offices (DO)

OMB Number: 1505-XXXX.

Type of Review: New Collection.

Title: My Classroom Economy Study

Abstract: The U.S. Department of the Treasury requests OMB approval of an information collection with four components that will be used to gather information from youth, their parents, and teachers who are participating in a classroom-based financial capability intervention called "My Classroom Economy" that is being studied and evaluated by the U. S. Treasury. This research will inform the Federal Financial Literacy and Education Commission (FLEC) and Treasury officials on strategies for providing financial education to students during the school day.

Affected Public: Individuals.

Estimated Total Burden Hours: 3,275.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2015-06004 Filed 3-16-15; 8:45 am]

BILLING CODE 4810-25-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8845

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8845, Indian Employment Credit.

DATES: Written comments should be received on or before May 18, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION: *Title:* Indian Employment Credit.

OMB Number: 1545-1417.

Form Number: 8845.

Abstract: Under Internal Revenue Code section 45A, employers can claim an income tax credit for hiring American Indians or their spouses to work in a trade or business on an Indian reservation. Form 8845 is used by employers to claim the credit and by IRS to ensure that the credit is computed correctly.

Current Actions: There are no changes being made to the Form 8845 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 822.

Estimated Time Per Respondent: 5 hrs., 27 min.

Estimated Total Annual Burden Hours: 4,332.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 11, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015-06071 Filed 3-16-15; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C.

3506(c)(2)(A)). The IRS is soliciting comments concerning information collection requirements related to branded prescription drug fee.

DATES: Written comments should be received on or before May 18, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this revenue procedure should be directed to Allan Hopkins at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Allan.M.Hopkins@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Branded Prescription Drug Fee.

OMB Number: 1545-2209.

Abstract: This document contains regulations that provide guidance on the annual fee imposed on covered entities engaged in the business of manufacturing or importing branded prescription drugs.

Current Actions: There are no changes being made to the burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 45.

Estimated Average Time per Respondent: 40 hours.

Estimated Total Annual Burden Hours: 1,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate

of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 11, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015-06073 Filed 3-16-15; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 12, 2015.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

DATES: Comments should be received on or before April 16, 2015 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov*.

FOR FURTHER INFORMATION CONTACT:

Copies of the submission(s) may be obtained by emailing *PRA@treasury.gov*, calling (202) 927-5221, or viewing the entire information collection request at *www.reginfo.gov*.

Departmental Offices

OMB Number: 1505-0123.

Type of Review: Revision of a currently approved collection.

Title: Survey of Foreign-Residents' Holdings of U.S. Securities.

Form: Form SHL, Schedules 1 and 2; SHLA, Schedules 1 and 2.

Abstract: The survey collects information on foreign resident's

holdings of U.S. securities, including selected money market instruments. The data is used in the computation of the U.S. balance of payments accounts and U.S. international investment position, in the formulation of U.S. financial and monetary policies, to satisfy 22 U.S.C. 3101, and for information on foreign portfolio investment patterns. Respondents are primarily the largest banks, securities dealers, and issuers of U.S. securities.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 32,053.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2015-06059 Filed 3-16-15; 8:45 am]

BILLING CODE 4810-25-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 11, 2015.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104-13, on or after the date of publication of this notice.

DATES: Comments should be received on or before April 16, 2015 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at OIRA_Submission@OMB.EOP.GOV and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at PRA@treasury.gov.

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927-5331, email at PRA@treasury.gov, or the entire information collection request may be found at www.reginfo.gov.

Departmental Offices (DO)

OMB Number: 1505-XXXX.

Type of Review: New Collection.

Title: Focus Groups on College Decision Making.

Abstract: The U.S. Department of the Treasury requests OMB approval of an information collection instrument to be

used at approximately six focus groups involving a total of approximately 18-30 students and their parents at three high schools in the spring of 2015. Treasury and its research team will use insights gleaned from the focus groups as it designs further research on the effectiveness of providing high school students and their parents with information about college choices and options, specifically about quality and cost issues.

Affected Public: Individuals.

Estimated Total Burden Hours: 30.

Robert Dahl,

Treasury PRA Clearance Officer.

[FR Doc. 2015-06005 Filed 3-16-15; 8:45 am]

BILLING CODE 4810-25-P

DEPARTMENT OF THE TREASURY

Bureau of Engraving and Printing

Privacy Act of 1974, as Amended; System of Records

AGENCY: Bureau of Engraving and Printing (BEP), Department of the Treasury.

ACTION: Notice of proposed Privacy Act system of records and request for comments.

SUMMARY: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of the Treasury, Bureau of Engraving and Printing, proposes to establish a new Privacy Act system of records titled "Treasury/BEP .050—Use of Shredded U.S. Currency System".

DATES: Comments must be received no later than April 16, 2015. This new Privacy Act system of records will be effective April 27, 2015, unless comments are received which result in a contrary determination.

ADDRESSES: Comments should be sent to Leslie J. Rivera-Pagán, Attorney/Adviser—Privacy Officer, Office of the Chief Counsel, U.S. Department of the Treasury, Bureau of Engraving and Printing, Room 419-A, 14th & C Streets SW., Washington, DC 20228, Attention: Revisions to Privacy Act Systems of Records. Comments can also be faxed to (202) 874-2951 or emailed to Leslie.Rivera-Pagan@bep.gov. For faxes and emails, please place "Revisions to SORN Treasury/BEP .050—Use of Shredded U.S. Currency System" in the subject line. Comments will be made available for public inspection upon written request. The BEP will make such comments available for public inspection and copying at the above listed location, on official business days between 9:00 a.m. and 5:00 p.m. eastern time. Persons wishing to review the

comments must request an appointment by telephoning (202) 874-2500. All comments received, including attachments and other supporting documents, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Leslie J. Rivera-Pagán at (202) 874-2500 or Leslie.Rivera-Pagan@bep.gov.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of the Treasury, Bureau of Engraving and Printing proposes to establish a new system of records titled, "Treasury/BEP .050—Use of Shredded U.S. Currency System."

The new proposed system of records is published in its entirety below.

Dated: February 24, 2015.

Helen Goff Foster,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

TREASURY/BEP .050

SYSTEM NAME:

Use of Shredded U.S. Currency System—Treasury/BEP.

SYSTEM LOCATION:

Bureau of Engraving and Printing, Office of Compliance-Destruction Standards and Compliance Division, Eastern Currency Facility, Room 321-A, 14th & C Streets SW., Washington, DC 20228.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals requesting approval to use shredded U.S. currency for artistic and commercial purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

- Request;
- Name;
- Home Address;
- Home Phone Number;
- Personal Cell Phone Number;
- Email Address;
- Name of Business;
- Business Address;
- Business Phone Number;
- Business Email Address;
- Date of Request; and
- Letter Approving/Disapproving Request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 413, 31 U.S.C. 5120, Treasury Order 135-01, "Delegation of Authority and Responsibility for

Destruction of Security Items,” dated February 16, 2000, and Treasury Directive TD 19–06, “Delegation to the Director, Bureau of Engraving and Printing, for the Redemption and Destruction of Unfit Currency and the Destruction of Waste and Spoiled Items,” dated February 29, 2000.

PURPOSE(S):

The purpose of this system of records is to establish paper-based files and an electronic database that facilitates the processing of requests for use of shredded U.S. currency for artistic or commercial purposes. Records are for internal purposes only and will facilitate the approval process performed by the Chief, Office of Compliance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed to appropriate agencies, entities, and persons when: (a) The Department suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the Department has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Department 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 the Department’s efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on electronic media and hard copy. Paper records are maintained in locked cabinets in a locked room.

RETRIEVABILITY:

Records are retrieved by name and date when the request was received.

SAFEGUARDS:

Access to electronic and paper records is limited to authorized personnel in the BEP Office of Compliance, Eastern Currency Facility in Washington, DC as determined by access controls that limit privileges granted to users based on their need to know to perform daily job functions.

RETENTION AND DISPOSAL:

Records are retained and disposed in accordance with the Bureau of Engraving and Printing Agency Specific Records Schedule N1/318/04/16 as required by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Bureau of Engraving and Printing, Eastern Currency Facility, Office of Compliance, Room 321–11A, Destruction Standards and Compliance Division, 14th & C Streets SW., Washington, DC 20228.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains their information should address written inquiries to the Disclosure Officer, Department of the Treasury, Bureau of Engraving and Printing, Office of the Chief Counsel, 14th & C Streets SW., Room 419–A, Washington, DC 20228.

RECORD ACCESS PROCEDURES:

See, “Notification Procedure” above.

CONTESTING RECORD PROCEDURES:

See, “Notification Procedure” above.

RECORD SOURCE CATEGORIES:

The information contained in the system originates from the individual requesting approval for use of shredded U.S. currency.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2015–06023 Filed 3–16–15; 8:45 am]

BILLING CODE 4840–01P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning the Implementation and redesign of Form 990.

DATES: Written comments should be received on or before May 18, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments to Christie Preston, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the regulations should be directed to Sara Covington at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at Sara.L.Covington@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Implementation of Form 990.

OMB Number: 1545–2117.

Regulation Project Number: TD 9549.

Abstract: This document contains final regulations necessary to implement the redesigned Form 990, “Return of Organization Exempt From Income Tax.” The final regulations make revisions to the regulations to allow for new threshold amounts for reporting compensation, to require that compensation be reported on a calendar year basis, and to modify the scope of organizations subject to information reporting requirements upon a substantial contraction. The regulations also eliminate the advance ruling process for new organizations, change the public support computation period for organizations described in sections 170(b)(1)(A)(vi) and 509(a)(1) and in section 509(a)(2) to five years, consistent with the revised Form 990, and clarify that support must be reported using the organization’s overall method of accounting. All tax-exempt organizations required under section 6033 of the Internal Revenue Code (Code) to file annual information returns are affected by these regulations.

Current Actions: There is no change to this existing regulation. This document is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Not for-profit organizations.

Estimated Number of Respondents: 1.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 1.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection

of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 9, 2015.

Christie Preston,

IRS Reports Clearance Officer.

[FR Doc. 2015-06006 Filed 3-16-15; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to Executive Orders 13660 and 13685

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (OFAC) is publishing the names of sixteen persons whose property and interests in property are blocked pursuant to one or more of the following authorities: Executive Order (E.O.) 13660 and E.O. 13685.

DATES: OFAC's actions described in this notice were effective on March 11, 2015, 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). 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 March 11, 2015, OFAC blocked the property and interests in property of the following fifteen persons pursuant to E.O. 13660, "Blocking Property of Certain Persons Contributing to the Situation in Ukraine":

Individuals

1. ARBUZOV, Serhiy (a.k.a. ARBUZOV, Sergey G.; a.k.a. ARBUZOV, Serhiy Hennadiyovych); DOB 24 Mar 1976; POB Donetsk, Ukraine; Former First Deputy Prime Minister of Ukraine (individual) [UKRAINE-EO13660].

2. AZAROV, Mykola Yanovych (a.k.a. AZAROV, Mykola Nikolai Yanovych; a.k.a. PAKHLO, Nikolai Yanovich); DOB 17 Dec 1947; POB Kaluga, Russia; Former Prime Minister of Ukraine (individual) [UKRAINE-EO13660].

3. KOZYURA, Oleg Grigorievich (a.k.a. KOZYURA, Oleg Grigoryevich); DOB 19 Dec 1962; POB Zaporozhye, Ukraine; Head of the Office of the Federal Migration Service in the City of Sevastopol (individual) [UKRAINE-EO13660].

4. DUGIN, Aleksandr (a.k.a. DUGIN, Aleksandr Gelyevich; a.k.a. DUGIN, Alexander Gelyevich); DOB 07 Jan 1962 (individual) [UKRAINE-EO13660].

5. KANISHCHEV, Pavel; DOB 1986 (individual) [UKRAINE-EO13660].

6. KOVALENKO, Andrey; DOB 30 Dec 1985 (individual) [UKRAINE-EO13660].

7. ZDRILIUK, Serhii Anatoliyovych (a.k.a. ZDRILIUK, Serghiei; a.k.a. ZDRILYUK, Sergei; a.k.a. ZDRILYUK, Sergey; a.k.a. ZDRYLYUK, Serhiy); DOB 23 Jun 1972; POB Vinnytsia Region, Ukraine; nationality Ukraine; citizen Russia (individual) [UKRAINE-EO13660].

8. ABISOV, Sergei (a.k.a. ABISOV, Sergei Vadimovich); DOB 27 Nov 1967; POB Simferopol, Crimea, Ukraine (individual) [UKRAINE-EO13660].

9. GUBAREVA, Ekaterina (a.k.a. GUBAREVA, Yekaterina); DOB 05 Jul 1983 (individual) [UKRAINE-EO13660].

10. LYAGIN, Roman (a.k.a. LIAGIN, Roman; a.k.a. LIAHIN, Roman; a.k.a. LYAHIN, Roman); DOB 30 May 1980; POB Donetsk, Ukraine (individual) [UKRAINE-EO13660].

11. KARAMAN, Aleksandr (a.k.a. CARAMAN, Aleksandru; a.k.a. KARAMAN, Alexander; a.k.a. KARAMAN, Oleksandr);

DOB 26 Jul 1956; POB Republic of Mordovia, Russia (individual) [UKRAINE-EO13660].

12. BOHATYRIOVA, Raisa Vasylyivna (a.k.a. BOGATYRIOVA, Raisa; a.k.a. BOGATYROVA, Raisa; a.k.a. BOGATYRYOVA, Raisa; a.k.a. BOHATYREVA, Raisa; a.k.a. BOHATYROVA, Raisa; a.k.a. BOHATYRYOVA, Raisa; a.k.a. BOHATYRYOVA, Rayisa); DOB 06 Jan 1953; POB Bakal, Chelyabinsk, Russia (individual) [UKRAINE-EO13660].

13. KHODAKOVSKYY, Oleksandr Sergeyevich (a.k.a. KHODAKOVSKIY, Aleksandr; a.k.a. KHODAKOVSKY, Alexander); DOB 18 Dec 1972; POB Donetsk, Ukraine (individual) [UKRAINE-EO13660].

14. IVAKIN, Yuriy Vladimirovich (a.k.a. IVAKIN, Yurii); DOB 13 Aug 1954; POB Perevalsk, Ukraine (individual) [UKRAINE-EO13660].

Entity

1. EURASIAN YOUTH UNION, Russia 3, Bagrationovskiy Proezd, House 7, Area 20 "B", Office 405, Moscow 121087, Russia; Web site <http://rossia3.ru>; Email Address esm@rossia3.ru [UKRAINE-EO13660].

On March 11, 2015, OFAC blocked the property and interests in property of the following person pursuant to E.O. 13685, "Blocking Property of Certain Persons and Prohibiting Certain Transactions With Respect to the Crimea Region of Ukraine":

Entity

1. RUSSIAN NATIONAL COMMERCIAL BANK (a.k.a. RNKB OAO; a.k.a. ROSSISKI NATSIONALNY KOMMERCHESKI BANK OTKRYTOE AKTSIONERNOE OBSHCHESTVO; a.k.a. "RNCB"), d. 9 korp. 5 ul. Krasnoproletarskaya, Moscow 127030, Russia; SWIFT/BIC RNCB RU MM; Web site <http://www.rncb.ru>; Email Address mcb@rncb.ru; BIK (RU) 044525607; Registration ID 1027700381290 (Russia); Tax ID No. 7701105460 (Russia); Government Gazette Number 09610705 (Russia) [UKRAINE-EO13685].

Dated: March 11, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015-06056 Filed 3-16-15; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF VETERANS AFFAIRS

MyVA Federal Advisory Committee Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the MyVA Advisory Committee (MVAC) will meet April 14 and 15, 2015 at the Department of Veterans Affairs, Board of Veterans' Appeals Conference Room, 425 I Street NW., 4th Floor,

Room 4E.400, Washington, DC. The sessions will begin at 8:30 a.m. each day. On Tuesday, April 14 the session ends at 4:30 p.m., and ends at 1:00 p.m. on Wednesday, April 15. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary, through the Executive Director, My VA Task Force Office, regarding the My VA initiative and VA's ability to rebuild trust with Veterans and other stakeholders, improve service delivery with a focus on Veteran outcomes, and set the course for longer-term excellence and reform of the VA.

On April 14, agenda topics will include: An overview of VA, the Committee's charge, and the MyVA work conducted to date. Information will be provided on the five key MyVA work streams—Veteran Experience (explaining the research conducted to understand the Veteran's experience and needs), People and Culture, Support Services Excellence (such as information technology and human resources), Performance Improvement (projects undertaken to date and those upcoming), and VA Strategic Partnerships. An ethics briefing for the Committee will also be provided.

On April 15, the Committee will discuss its charge, a prioritization of Committee activities and discuss the need for convening subcommittees. No time will be allocated at this meeting for receiving oral presentations from the public. However, the public may submit written statements for the Committee's review to Sharon Gilles, Designated Federal Officer, MyVA Program Management Office, Department of Veterans Affairs, 810 Vermont Avenue NW., Room 430, Washington, DC 20420, or email at Sharon.Gilles@VA.gov. Because the meeting will be held in a Government building, anyone attending must be prepared to show a valid photo ID. Please allow 15 minutes before the meeting begins for this process. Any member of the public wishing to attend the meeting or seeking additional information should contact Ms. Gilles.

Dated: March 12, 2015.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2015-06040 Filed 3-16-15; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Funding Availability Under Supportive Services for Veteran Families Program

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice of Fund Availability (NOFA): Amendment.

SUMMARY: This amendment to the February 3, 2015 NOFA allows grantees with existing 3-year, non-renewable awards to apply for funding (these grants were previously awarded to priority 1 applicants under a Supportive Services for Veteran Families (SSVF) NOFA published on January 10, 2014). Under the current February 3, 2015 NOFA, VA is offering up to \$300 million to current SSVF grantees seeking funding for their existing, renewable grants. This amendment will expand the pool of potential applicants to include current SSVF grantees with 3-year, non-renewable grants. The overall level of funding available through the amended NOFA remains at \$300 million.

Increasing the rate of placement of homeless Veteran households may be accomplished by accelerating SSVF program implementation by funded grantees. VA seeks to encourage such activity and recognizes that one method of enhancing placement activity is to shorten grant terms from 3 years to 2 years, utilizing the grantee's total 3-year award in a shorter, 2-year period.

Announcement Type: Amendment.
Funding Opportunity Number: VA-SSVF-021015.

Catalog of Federal Domestic Assistance Number: 64.033, VA Supportive Services for Veteran Families Program.

DATES: Applications made in response to this amendment are due April 10, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. John Kuhn, Supportive Services for Veteran Families Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104; (877) 737-0111 (this is a toll-free number); SSVF@va.gov.

For a Copy of the Application Package: Copies of the application can be downloaded directly from the SSVF Program Web site at: www.va.gov/homeless/ssvf.asp. Questions should be referred to the SSVF Program Office via phone at (877) 737-0111 (toll-free number) or via email at SSVF@va.gov. For detailed SSVF Program information and requirements, see Part 62 of Title

38, Code of Federal Regulations (38 CFR part 62).

SUPPLEMENTARY INFORMATION:

I. Funding

Existing 3-year, non-renewable grantees are eligible for funding equal to 33 percent of their total current award. These awards would replace funds used to accelerate the placement of homeless Veteran households in years 1 and 2 of the current 3-year, non-renewable grant term. These funds would be made available to grantees who compressed their 3-year award into 2-years, allowing them to operate in the third year of their grant term as planned. Awards made to applicants responding to the NOFA and the amended NOFA will be scored competitively with each group of applicants given equal priority.

II. Allocation of Funds

Funding will be awarded under this NOFA to existing grantees for a 1-year grant term, to be implemented in the final year of the 3-year grant term that currently exists, in order to replace funding accelerated into years 1 and 2 of their 3-year grant term. Applicants must apply as renewal grantees, using the renewal application form. Existing grantees interested in applying under both the original NOFA and the amended NOFA must submit two separate applications. Only grantees with 3-year, non-renewable grants are eligible to apply in response to the amended portion of this NOFA. Supportive services grants awarded under the amended portion of this NOFA must also meet the following criteria:

(1) Each funding request cannot exceed 33 percent of the existing 3-year, non-renewable award.

(2) Applicants must have spent no less 46 percent of their total grant award no later than August 30, 2015.

(3) Applicants must exit no less than 46 percent or more of their total household target (indicated in their grant agreement) by August 30, 2015.

(4) 85 percent or more of all exits will be the rapid re-housing of Category 2 and 3 (literally homeless) Veteran households. Category 1 exits cannot exceed 15 percent of placement activity.

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.

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.

Dated: March 11, 2015.

Rebecca Schiller,
Advisory Committee Management Officer.

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Marine Geophysical Survey in the Northwest Atlantic Ocean Offshore New Jersey, June to August, 2015; Notice

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN 0648–XD773

Takes of Marine Mammals Incidental to Specified Activities; Marine Geophysical Survey in the Northwest Atlantic Ocean Offshore New Jersey, June to August, 2015

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received an application from the Lamont-Doherty Earth Observatory (Lamont-Doherty) in collaboration with the National Science Foundation (Foundation), for an Incidental Harassment Authorization (Authorization) to take marine mammals, by harassment incidental to conducting a marine geophysical (seismic) survey in the northwest Atlantic Ocean off the New Jersey coast June through August, 2015. The proposed dates for this action would be June 1, 2015 through August 31, 2015 to account for minor deviations due to logistics and weather. Per the Marine Mammal Protection Act, we are requesting comments on our proposal to issue an Authorization to Lamont-Doherty to incidentally take, by Level B harassment only, 32 species of marine mammals during the specified activity.

DATES: NMFS must receive comments and information on or before April 16, 2015.

ADDRESSES: Address comments on the application to Jolie Harrison, Supervisor, Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is ITP.Cody@noaa.gov. Please include 0648–XD773 in the subject line. Comments sent via email to ITP.Cody@noaa.gov, including all attachments, must not exceed a 25-megabyte file size. NMFS is not responsible for email comments sent to addresses other than the one provided here.

Instructions: All submitted comments are a part of the public record and NMFS will post them to <http://www.nmfs.noaa.gov/pr/permits/incidental/research.htm> without change. All Personal Identifying

Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

To obtain an electronic copy of the application containing a list of the references used in this document, write to the previously mentioned address, telephone the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or visit the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental/research.htm>.

The Foundation has prepared a draft Environmental Assessment (EA) in accordance with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and the regulations published by the Council on Environmental Quality. The draft EA titled “Draft Amended Environmental Assessment of a Marine Geophysical Survey by the R/V *Marcus G. Langseth* in the Atlantic Ocean off New Jersey, Summer 2015,” prepared by LGL, Ltd. environmental research associates, on behalf of the Foundation and Lamont-Doherty is available at the same Internet address. Information in the Lamont-Doherty’s application, the Foundation’s draft amended EA, and this notice collectively provide the environmental information related to the proposed issuance of the Authorization for public review and comment.

FOR FURTHER INFORMATION CONTACT: Jeannine Cody, NMFS, Office of Protected Resources, NMFS (301) 427–8401.

SUPPLEMENTARY INFORMATION:**Background**

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if, after NMFS provides a notice of a proposed authorization to the public for review and comment: (1) NMFS makes certain findings; and (2) the taking is limited to harassment.

An Authorization shall be granted for the incidental taking of small numbers of marine mammals if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant).

The Authorization must also set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat (*i.e.*, mitigation); and requirements pertaining to the monitoring and reporting of such taking. NMFS has defined “negligible impact” in 50 CFR 216.103 as “an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.”

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On December 29, 2014, NMFS received an application from Lamont-Doherty requesting that NMFS issue an Authorization for the take of marine mammals, incidental to the State University of New Jersey at Rutgers (Rutgers) conducting a seismic survey in the northwest Atlantic Ocean June through August, 2015.

Lamont-Doherty proposes to conduct a high-energy, 3-dimensional (3-D) seismic survey on the R/V *Marcus G. Langseth* (*Langseth*) in the northwest Atlantic Ocean approximately 25 to 85 kilometers (km) (15.5 to 52.8 miles (mi)) off the New Jersey coast for approximately 30 days from June 1 to August 31, 2015. The following specific aspect of the proposed activity has the potential to take marine mammals: Increased underwater sound generated during the operation of the seismic airgun arrays. We anticipate that take, by Level B harassment only, of 32 species of marine mammals could result from the specified activity.

Lamont-Doherty’s application presented density estimates obtained from the Strategic Environmental Research and Development Program spatial decision support system (SERDP SDSS) Marine Animal Model Mapper. The SERDP SDSS Marine Animal Model Mapper is a browser-based, interactive mapping application that enables users to view model results on marine mammal distribution in the northwest Atlantic Ocean based on the Department of the Navy’s OPAREA Density Estimate

(NODE) for the Northeast Operating Areas (DoN, 2007). In reviewing Lamont-Doherty's application, NMFS independently evaluated the density outputs from the SERDP SDSS Marine Animal Model Mapper and discovered that a recent upgrade to the Mapper's model algorithms produced different density estimates than what Lamont-Doherty provided in their 2014 application and what the Foundation presented in their amended 2014 draft EA. In consideration of this new density information, NMFS will present the most current and best available density estimates for the northwest Atlantic Ocean obtained from the SERDP SDSS Mapper in February 2015 in this notice of proposed Authorization. In consideration of this new information, NMFS determined the application complete and adequate on February 20, 2015.

Description of the Specified Activity

Overview

Lamont-Doherty plans to use one source vessel, the *Langseth*, two pairs of subarrays configured with four airguns as the energy source, and four hydrophone streamers, and a P-Cable system to conduct the conventional seismic survey. In addition to the operations of the airguns, Lamont-Doherty intends to operate a multibeam echosounder and a sub-bottom profiler on the *Langseth* continuously throughout the proposed survey.

The purpose of the survey is to collect and analyze data on the arrangement of

sediments deposited during times of changing global sea level from roughly 60 million years ago to present. The 3-D survey would investigate features such as river valleys cut into coastal plain sediments now buried under a kilometer of younger sediment and flooded by today's ocean.

Lamont-Doherty, Rutgers, and the Foundation originally proposed conducting the survey in 2014. After completing appropriate environmental analyses under appropriate federal statutes, NMFS issued an Authorization to Lamont-Doherty on July 1, 2014 effective from July 1 through August 17, 2014 and an Incidental Take Statement (ITS) under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*). Lamont-Doherty commenced the seismic survey on July 1, 2014 but was unable to complete the survey due to the *Langseth* experiencing mechanical issues during the effective periods set forth in the 2014 Authorization and the ITS. Thus, Lamont-Doherty has requested a new Authorization to conduct this re-scheduled survey in 2015. The project's objectives remain the same as those described for the 2014 survey (see 79 FR 14779, March 17, 2014 and 79 FR 38496, July 08, 2014).

Dates and Duration

Lamont-Doherty proposes to conduct the seismic survey for approximately 30 days with an additional 2 days for contingency operations. The proposed study (*e.g.*, equipment testing, startup, line changes, repeat coverage of any

areas, and equipment recovery) would include approximately 720 hours of airgun operations (*i.e.*, 30 days over 24 hours). Some minor deviation from Lamont-Doherty's requested dates of June through August, 2015, is possible, depending on logistics, weather conditions, and the need to repeat some lines if data quality is substandard. Thus, the proposed Authorization, if issued, would be effective from June 1 through August 31, 2015.

NMFS refers the reader to the Detailed Description of Activities section later in this notice for more information on the scope of the proposed activities.

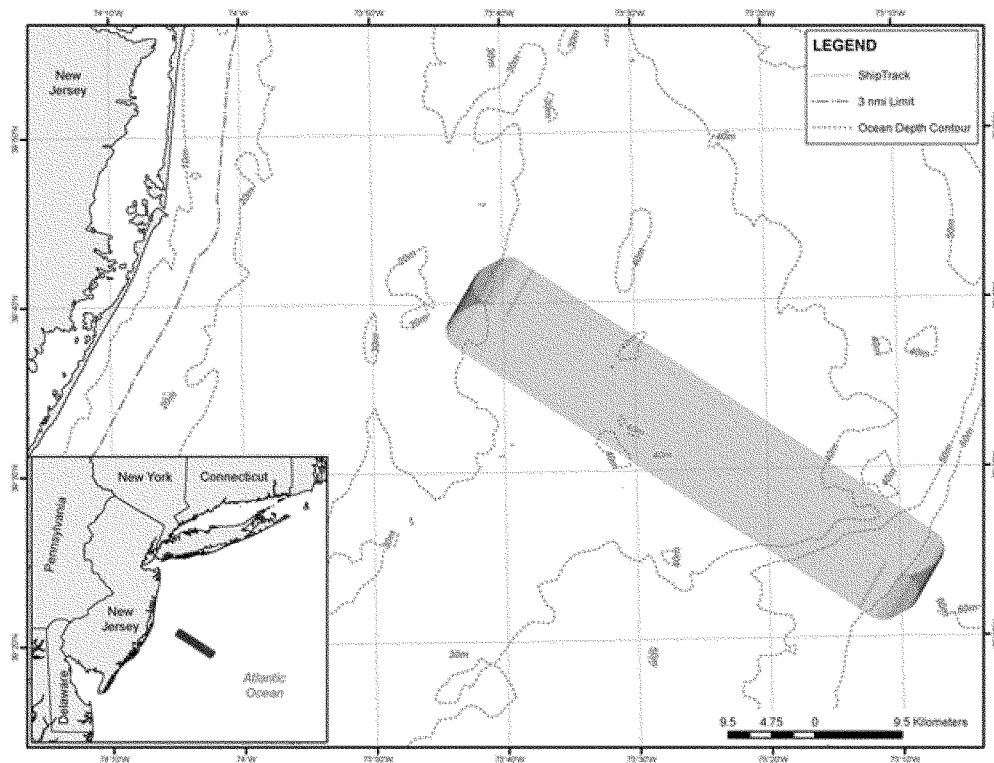
Specified Geographic Region

Lamont-Doherty proposes to conduct the seismic survey in the Atlantic Ocean, approximately 25 to 85 km (15.5 to 52.8 mi) off the coast of New Jersey between approximately 39.3–39.7° N and approximately 73.2–73.8° W (see Figure 1). Water depths in the survey area are approximately 30 to 75 m (98.4 to 246 feet (ft)). They would conduct the proposed survey outside of New Jersey state waters and within the U.S. Exclusive Economic Zone.

Principal and Collaborating Investigators

The proposed survey's principal investigator is Dr. G. Mountain (Rutgers) and the collaborating investigators are Drs. J. Austin and C. Fulthorpe, and M. Nedimovic (University of Texas at Austin).

Figure 1. Proposed location of the seismic survey in the Atlantic Ocean off the coast of New Jersey during June through August, 2015.



Detailed Description of the Specified Activities

Transit Activities

The *Langseth* would depart from New York, NY, and transit for approximately eight hours to the proposed survey area. Setup, deployment, and streamer ballasting would occur over approximately three days. At the conclusion of the 30-day survey (plus a contingency of two additional days for gear deployment and retrieval), the *Langseth* would return to New York, NY.

Vessel Specifications

The survey would involve one source vessel, the R/V *Langseth* and one chase vessel. The *Langseth*, owned by the Foundation and operated by Lamont-Doherty, is a seismic research vessel with a quiet propulsion system that avoids interference with the seismic signals emanating from the airgun array. The vessel is 71.5 m (235 ft) long; has a beam of 17.0 m (56 ft); a maximum draft of 5.9 m (19 ft); and a gross tonnage of 3,834 pounds. It has two 3,550 horsepower (hp) Bergen BRG-6 diesel engines which drive two propellers. Each propeller has four blades and the shaft typically rotates at

750 revolutions per minute. The vessel also has an 800-hp bowthruster, which is off during seismic acquisition.

The *Langseth's* speed during seismic operations would be approximately 4.5 knots (kt) (8.3 km/hour (hr); 5.1 miles per hour (mph)). The vessel's cruising speed outside of seismic operations is approximately 10 kt (18.5 km/hr; 11.5 mph). While the *Langseth* tows the airgun array and the hydrophone streamers, its turning rate is limited to five degrees per minute. Thus, the *Langseth's* maneuverability is limited during operations while it tows the streamers.

The vessel also has an observation tower from which protected species visual observers (observers) would watch for marine mammals before and during the proposed seismic acquisition operations. When stationed on the observation platform, the observer's eye level will be approximately 21.5 m (71 ft) above sea level providing the observer an unobstructed view around the entire vessel.

The support vessel would be a multi-purpose offshore utility vessel similar to the *Northstar Commander*, which is 28 m (91.9 ft) long with a beam of 8 m (26.2 ft) and a draft of 2.6 m (8.5 ft). The

support vessel has twin 450-hp screws (Volvo D125-E).

Data Acquisition Activities

The proposed survey would cover approximately 4,906 km (3,048 mi) of transect lines within a 12 by 50 km (7.5 by 31 mi) area. Each transect line would have a spacing interval of 150 m (492 ft) in two 6-m (19.7-ft) wide race-track patterns.

During the survey, the *Langseth* would deploy two pairs of subarrays of four airguns as an energy source. The subarrays would fire alternately, with a total volume of approximately 700 cubic inches (in³). The receiving system would consist of four 3,000-m (1.9-mi) hydrophone streamers with a spacing interval of 75 m (246 ft) between each streamer; a combination of two 3,000-m (1.9-mi) hydrophone streamers, and a P-Cable system. As the *Langseth* tows the airgun array along the survey lines, the hydrophone streamers would receive the returning acoustic signals and transfer the data to the on-board processing system.

Seismic Airguns

The airguns are a mixture of Bolt 1500LL and Bolt 1900LLX airguns ranging in size from 40 to 220 in³, with

a firing pressure of 1,950 pounds per square inch. The dominant frequency components range from zero to 188 Hertz (Hz).

During the survey, Lamont-Doherty would plan to use the full 4-string array with most of the airguns in inactive mode. One subarray would have four airguns in one string on the vessel's port (left) side. The vessel's starboard (right) side would have an identical subarray configuration of four airguns in one string to form the second source. The *Langseth* would operate the port and starboard sources in a "flip-flop" mode, firing alternately as it progresses along the track. In this configuration, the source volume would not exceed 700 in³ (i.e., the four-string subarray) at any time during acquisition (see Figure A1, page 79 in the Foundation's 2014 draft amended EA). The *Langseth* would tow each subarray at a depth of either 4.5 or 6 m (14.8 or 19.7 ft) resulting in a shot interval of approximately 5.4 seconds (12.5 m; 41 ft). During acquisition the airguns will emit a brief (approximately 0.1 s) pulse of sound. During the intervening periods of operations, the airguns are silent.

Airguns function by venting high-pressure air into the water which creates an air bubble. The pressure signature of an individual airgun consists of a sharp rise and then fall in pressure, followed by several positive and negative pressure excursions caused by the oscillation of the resulting air bubble. The oscillation of the air bubble transmits sounds downward through the seafloor and there is also a reduction in the amount of sound transmitted in the near horizontal direction. However, the airgun array also emits sounds that travel horizontally toward non-target areas.

The nominal source levels of the airgun subarrays on the *Langseth* range from 240 to 247 decibels (dB) re: 1 μPa_(peak to peak). (We express sound

pressure level as the ratio of a measured sound pressure and a reference pressure level. The commonly used unit for sound pressure is dB and the commonly used reference pressure level in underwater acoustics is 1 microPascal (μPa)). Briefly, the effective source levels for horizontal propagation are lower than source levels for downward propagation. We refer the reader to Lamont-Doherty's Authorization application and the Foundation's EA for additional information on downward and horizontal sound propagation related to the airgun's source levels.

Additional Acoustic Data Acquisition Systems

Multibeam Echosounder: The *Langseth* will operate a Kongsberg EM 122 multibeam echosounder concurrently during airgun operations to map characteristics of the ocean floor. The hull-mounted echosounder emits brief pulses of sound (also called a ping) (10.5 to 13.0 kHz) in a fan-shaped beam that extends downward and to the sides of the ship. The transmitting beamwidth is 1 or 2° fore-aft and 150° athwartship and the maximum source level is 242 dB re: 1 μPa.

Each ping consists of eight (in water greater than 1,000 m; 3,280 ft) or four (in water less than 1,000 m; 3,280 ft) successive, fan-shaped transmissions, from two to 15 milliseconds (ms) in duration and each encompassing a sector that extends 1° fore-aft. Continuous wave pulses increase from 2 to 15 ms long in water depths up to 2,600 m (8,530 ft). The echosounder uses frequency-modulated chirp pulses up to 100-ms long in water greater than 2,600 m (8,530 ft). The successive transmissions span an overall cross-track angular extent of about 150°, with 2-ms gaps between the pulses for successive sectors.

Sub-bottom Profiler: The *Langseth* will also operate a Knudsen Chirp 3260 sub-bottom profiler concurrently during

airgun and echosounder operations to provide information about the sedimentary features and bottom topography. The profiler is capable of reaching depths of 10,000 m (6.2 mi). The dominant frequency component is 3.5 kHz and a hull-mounted transducer on the vessel directs the beam downward in a 27° cone. The power output is 10 kilowatts (kW), but the actual maximum radiated power is three kilowatts or 222 dB re: 1 μPa. The ping duration is up to 64 ms with a pulse interval of one second, but a common mode of operation is to broadcast five pulses at 1-s intervals followed by a 5-s pause.

Description of Marine Mammals in the Area of the Specified Activity

Table 1 in this notice provides the following: all marine mammal species with possible or confirmed occurrence in the proposed activity area; information on those species' regulatory status under the MMPA and the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); abundance; occurrence and seasonality in the activity area.

Lamont-Doherty presented species information in Table 2 of their application but excluded information for certain pinniped and cetacean species because they anticipated that these species would have a more northerly distribution during the summer and thus would have a low likelihood of occurring in the survey area. Based on the best available information, NMFS expects that certain cetacean and pinniped species have the potential to occur within the survey area and have included additional information for these species in Table 1 of this notice. However, NMFS agrees with Lamont-Doherty that these species may have a lower likelihood of occurrence in the action area during the summer.

TABLE 1—GENERAL INFORMATION ON MARINE MAMMALS THAT COULD POTENTIALLY OCCUR IN THE PROPOSED ACTIVITY AREA DURING THE SUMMER (JUNE THROUGH AUGUST) IN 2015

Species	Stock name	Regulatory status ^{1,2}	Stock/Species abundance ³	Occurrence and range	Season
North Atlantic right whale (<i>Eubalaena glacialis</i>).	Western Atlantic	MMPA—D, ESA—EN ..	465	common coastal/shelf ..	year-round. ⁴
Humpback whale (<i>Megaptera novaeangliae</i>).	Gulf of Maine	MMPA—D, ESA—EN ..	823	common coastal	spring-fall.
Common minke whale (<i>Balaenoptera acutorostrata</i>).	Canadian East Coast ..	MMPA—D, ESA—NL ..	20,741	rare coastal/shelf	spring-summer.
Sei whale (<i>Balaenoptera borealis</i>).	Nova Scotia	MMPA—D, ESA—EN ..	357	uncommon shelf edge	spring.
Fin whale (<i>Balaenoptera physalus</i>).	Western North Atlantic	MMPA—D, ESA—EN ..	1,618	common pelagic	year-round.

TABLE 1—GENERAL INFORMATION ON MARINE MAMMALS THAT COULD POTENTIALLY OCCUR IN THE PROPOSED ACTIVITY AREA DURING THE SUMMER (JUNE THROUGH AUGUST) IN 2015—Continued

Species	Stock name	Regulatory status ^{1 2}	Stock/Species abundance ³	Occurrence and range	Season
Blue whale (<i>Balaenoptera musculus</i>).	Western North Atlantic	MMPA—D, ESA—EN ..	440	uncommon coastal/pelagic.	occasional.
Sperm whale (<i>Physeter macrocephalus</i>).	Nova Scotia	MMPA—D, ESA—EN ..	2,288	common pelagic	year-round.
Dwarf sperm whale (<i>Kogia sima</i>).	Western North Atlantic	MMPA—NC, ESA—NL	3,785	uncommon shelf	year-round.
Pygmy sperm whale (<i>K. breviceps</i>).	Western North Atlantic	MMPA—NC, ESA—NL	3,785	uncommon shelf	year-round.
Cuvier's beaked whale (<i>Ziphius cavirostris</i>).	Western North Atlantic	MMPA—NC, ESA—NL	6,532	uncommon shelf/pelagic.	spring-summer.
Blainville's beaked whale (<i>Mesoplodon densirostris</i>).	Western North Atlantic	MMPA—NC, ESA—NL	⁵ 7,092	uncommon shelf/pelagic.	spring-summer.
Gervais' beaked whale (<i>M. europaeus</i>).	Western North Atlantic	MMPA—NC, ESA—NL	⁵ 7,092	uncommon shelf/pelagic.	spring-summer.
Sowerby's beaked whale (<i>M. bidens</i>).	Western North Atlantic	MMPA—NC, ESA—NL	⁵ 7,092	uncommon shelf/pelagic.	spring-summer.
True's beaked whale (<i>M. mirus</i>).	Western North Atlantic	MMPA—NC, ESA—NL	⁵ 7,092	uncommon shelf/pelagic.	spring-summer.
Bottlenose dolphin (<i>Tursiops truncatus</i>).	Western North Atlantic Offshore.	MMPA—NC, ESA—NL	77,532	common pelagic	spring-summer.
	Western North Atlantic Northern Migratory Coastal.	MMPA—D, ESA—NL ..	11,548	common coastal	summer.
Pantropical spotted dolphin (<i>Stenella attenuata</i>).	Western North Atlantic	MMPA—NC, ESA—NL	3,333	rare pelagic	summer-fall.
Atlantic spotted dolphin (<i>S. frontalis</i>).	Western North Atlantic	MMPA—NC, ESA—NL	44,715	common coastal	summer-fall.
Striped dolphin (<i>S. coeruleoalba</i>).	Western North Atlantic	MMPA—NC, ESA—NL	54,807	uncommon shelf	summer.
Short-beaked common dolphin (<i>Delphinus delphis</i>).	Western North Atlantic	MMPA—NC, ESA—NL	173,486	common shelf/pelagic ..	summer-fall.
White-beaked dolphin (<i>Lagenorhynchus albirostris</i>).	Western North Atlantic	MMPA—NC, ESA—NL	2,003	rare coastal/shelf	summer.
Atlantic white-sided-dolphin (<i>L. acutus</i>).	Western North Atlantic	MMPA—NC, ESA—NL	48,819	uncommon shelf/slope	summer-winter.
Risso's dolphin (<i>Grampus griseus</i>).	Western North Atlantic	MMPA—NC, ESA—NL	18,250	common shelf/slope	year-round.
Clymene dolphin (<i>Stenella clymene</i>).	Gulf of Mexico	MMPA—NC, ESA—NL	⁵ 6,086	rare pelagic	unknown.
False killer whale (<i>Pseudorca crassidens</i>).	Western North Atlantic	MMPA—NC, ESA—NL	442	rare pelagic	spring-summer.
Pygmy killer whale (<i>Feresa attenuate</i>).	Western North Atlantic	MMPA—NC, ESA—NL	⁷ 152	Pelagic	unknown.
Killer whale (<i>Orcinus orca</i>) ..	Western North Atlantic	MMPA—NC, ESA—NL	⁸ 377	Coastal	unknown.
Long-finned pilot whale (<i>Globicephala melas</i>).	Western North Atlantic	MMPA—NC, ESA—NL	26,535	uncommon shelf/pelagic.	summer.
Short-finned pilot whale (<i>G. macrorhynchus</i>).	Western North Atlantic	MMPA—NC, ESA—NL	21,515	uncommon shelf/pelagic.	summer.
Harbor porpoise (<i>Phocoena phocoena</i>).	Gulf of Maine/B Bay of Fundy.	MMPA—NC, ESA—NL	79,883	common coastal	year-round.
Gray seal (<i>Halichoerus grypus</i>).	Western North Atlantic	MMPA—NC, ESA—NL	331,000	common coastal	fall-spring.
Harbor seal (<i>Phoca vitulina</i>)	Western North Atlantic	MMPA—NC, ESA—NL	75,834	common coastal	fall-spring.
Harp seal (<i>Pagophilus groenlandicus</i>).	Western North Atlantic	MMPA—NC, ESA—NL	7,100,000	rare pack ice	Jan-May

¹ MMPA: D = Depleted, S = Strategic, NC = Not Classified.

² ESA: EN = Endangered, T = Threatened, DL = Delisted, NL = Not listed.

³ Except where noted abundance information obtained from NOAA Technical Memorandum NMFS-NE-228, U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2013 (Waring *et al.*, 2014) and the Draft 2014 U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments (*in review*, 2014).

⁴ Seasonality based on Whitt *et al.*, 2013.

⁵ Undifferentiated beaked whales abundance estimate (Waring *et al.*, 2014).

⁶ The number of Clymene dolphins off the Atlantic coast is unknown. The best estimate of abundance for the Clymene dolphin was 6,086 (CV = 0.93) (Mullin and Fulling, 2003) and represents the first and only estimate to date for this species in the Atlantic Exclusive Economic Zone.

⁷ The numbers of pygmy killer whales off the U.S. or Canadian Atlantic coast are unknown. There is no abundance information for this species in the Atlantic. Abundance estimate derived from the Northern Gulf of Mexico stock = 152 (CV = 1.02) (Waring *et al.*, 2014).

⁸ The numbers of killer whales off the Atlantic coast are unknown. There is no abundance information for this species in the Atlantic. Abundance estimate derived from the Northern Gulf of Mexico stock = 28 (CV = 1.02) (Waring *et al.*, 2014) and the Hawaii stock = 349 (CV = 0.98) (Barlow, 2006).

NMFS refers the public to Lamont-Doherty’s application, the Foundation’s draft EA (see **ADDRESSES**), NOAA Technical Memorandum NMFS–NE–228, U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments—2013 (Waring *et al.*, 2014); and the Draft 2014 U.S. Atlantic and Gulf of Mexico Marine Mammal Stock Assessments (*in review*, 2015) available online at: <http://www.nmfs.noaa.gov/pr/sars/species.htm> for further information on the biology and local distribution of these species.

Potential Effects of the Specified Activities on Marine Mammals

This section includes a summary and discussion of the ways that components (*e.g.*, seismic airgun operations, vessel movement) of the specified activity may impact marine mammals. The “Estimated Take by Incidental Harassment” section later in this document will include a quantitative analysis of the number of individuals that NMFS expects to be taken by this activity. The “Negligible Impact Analysis” section will include the analysis of how this specific proposed activity would impact marine mammals and will consider the content of this section, the “Estimated Take by Incidental Harassment” section, the “Proposed Mitigation” section, and the “Anticipated Effects on Marine Mammal Habitat” section to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and from that on the affected marine mammal populations or stocks.

NMFS intends to provide a background of potential effects of

Lamont-Doherty’s activities in this section. This section does not consider the specific manner in which Lamont-Doherty would carry out the proposed activity, what mitigation measures Lamont-Doherty would implement, and how either of those would shape the anticipated impacts from this specific activity. Operating active acoustic sources, such as airgun arrays, has the potential for adverse effects on marine mammals. The majority of anticipated impacts would be from the use of the airgun array.

Acoustic Impacts

When considering the influence of various kinds of sound on the marine environment, it is necessary to understand that different kinds of marine life are sensitive to different frequencies of sound. Current data indicate that not all marine mammal species have equal hearing capabilities (Richardson *et al.*, 1995; Southall *et al.*, 1997; Wartzok and Ketten, 1999; Au and Hastings, 2008).

Southall *et al.* (2007) designated “functional hearing groups” for marine mammals based on available behavioral data; audiograms derived from auditory evoked potentials; anatomical modeling; and other data. Southall *et al.* (2007) also estimated the lower and upper frequencies of functional hearing for each group. However, animals are less sensitive to sounds at the outer edges of their functional hearing range and are more sensitive to a range of frequencies within the middle of their functional hearing range.

The functional groups applicable to this proposed survey and the associated frequencies are:

- Low frequency cetaceans (13 species of mysticetes): functional hearing estimates occur between approximately 7 Hertz (Hz) and 30 kHz (extended from 22 kHz based on data indicating that some mysticetes can hear above 22 kHz; Au *et al.*, 2006; Lucifredi and Stein, 2007; Ketten and Mountain, 2009; Tubelli *et al.*, 2012);

- Mid-frequency cetaceans (32 species of dolphins, six species of larger toothed whales, and 19 species of beaked and bottlenose whales): functional hearing estimates occur between approximately 150 Hz and 160 kHz;

- High-frequency cetaceans (eight species of true porpoises, six species of river dolphins, *Kogia*, the franciscana, and four species of *cephalorhynchids*): functional hearing estimates occur between approximately 200 Hz and 180 kHz; and

- Pinnipeds in water: phocid (true seals) functional hearing estimates occur between approximately 75 Hz and 100 kHz (Hemila *et al.*, 2006; Mulsow *et al.*, 2011; Reichmuth *et al.*, 2013) and otariid (seals and sea lions) functional hearing estimates occur between approximately 100 Hz to 40 kHz.

As mentioned previously in this document, 33 marine mammal species (6 mysticetes, 24 odontocetes, and 3 pinnipeds) would likely occur in the proposed action area. Table 2 presents the classification of these 33 species into their respective functional hearing group. NMFS consider a species’ functional hearing group when analyzing the effects of exposure to sound on marine mammals.

TABLE 2—CLASSIFICATION OF MARINE MAMMALS THAT COULD POTENTIALLY OCCUR IN THE PROPOSED ACTIVITY AREA IN JUNE THROUGH AUGUST, 2015 BY FUNCTIONAL HEARING GROUP [SOUTHALL *et al.*, 2007]

Low Frequency Hearing Range	North Atlantic right, humpback, common minke, sei, fin, and blue whale.
Mid-Frequency Hearing Range	Sperm whale, Blainville’s beaked whale, Cuvier’s beaked whale, Gervais’ beaked whale, Sowerby’s beaked whale, True’s beaked whale, false killer whale, pygmy killer whale, killer whale, bottlenose dolphin, pantropical spotted dolphin, Atlantic spotted dolphin, striped dolphin, short-beaked common dolphin, white-beaked dolphin, Atlantic white-sided-dolphin, Risso’s dolphin, long-finned pilot whale, short-finned pilot whale.
High Frequency Hearing Range	Dwarf sperm whale, pygmy sperm whale, harbor porpoise.
Pinnipeds in Water Hearing Range	Gray seal, harbor seal, harp seal.

1. Potential Effects of Airgun Sounds on Marine Mammals

The effects of sounds from airgun operations might include one or more of the following: Tolerance, masking of natural sounds, behavioral disturbance, temporary or permanent impairment, or non-auditory physical or physiological effects (Richardson *et al.*, 1995; Gordon *et al.*, 2003; Nowacek *et al.*, 2007;

Southall *et al.*, 2007). The effects of noise on marine mammals are highly variable, often depending on species and contextual factors (based on Richardson *et al.*, 1995).

Tolerance

Studies on marine mammals’ tolerance to sound in the natural environment are relatively rare.

Richardson *et al.* (1995) defined tolerance as the occurrence of marine mammals in areas where they are exposed to human activities or manmade noise. In many cases, tolerance develops by the animal habituating to the stimulus (*i.e.*, the gradual waning of responses to a repeated or ongoing stimulus) (Richardson, *et al.*, 1995), but because of

ecological or physiological requirements, many marine animals may need to remain in areas where they are exposed to chronic stimuli (Richardson, *et al.*, 1995).

Numerous studies have shown that pulsed sounds from airguns are often readily detectable in the water at distances of many kilometers. Several studies have also shown that marine mammals at distances of more than a few kilometers from operating seismic vessels often show no apparent response. That is often true even in cases when the pulsed sounds must be readily audible to the animals based on measured received levels and the hearing sensitivity of the marine mammal group. Although various baleen whales and toothed whales, and (less frequently) pinnipeds have been shown to react behaviorally to airgun pulses under some conditions, at other times marine mammals of all three types have shown no overt reactions (Stone, 2003; Stone and Tasker, 2006; Moulton *et al.* 2005, 2006) and (MacLean and Koski, 2005; Bain and Williams, 2006).

Weir (2008) observed marine mammal responses to seismic pulses from a 24 airgun array firing a total volume of either 5,085 in³ or 3,147 in³ in Angolan waters between August 2004 and May 2005. Weir (2008) recorded a total of 207 sightings of humpback whales (n = 66), sperm whales (n = 124), and Atlantic spotted dolphins (n = 17) and reported that there were no significant differences in encounter rates (sightings per hour) for humpback and sperm whales according to the airgun array's operational status (*i.e.*, active versus silent).

Bain and Williams (2006) examined the effects of a large airgun array (maximum total discharge volume of 1,100 in³) on six species in shallow waters off British Columbia and Washington: Harbor seal, California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), gray whale (*Eschrichtius robustus*), Dall's porpoise (*Phocoenoides dalli*), and harbor porpoise. Harbor porpoises showed reactions at received levels less than 155 dB re: 1 μ Pa at a distance of greater than 70 km (43 mi) from the seismic source (Bain and Williams, 2006). However, the tendency for greater responsiveness by harbor porpoise is consistent with their relative responsiveness to boat traffic and some other acoustic sources (Richardson, *et al.*, 1995; Southall, *et al.*, 2007). In contrast, the authors reported that gray whales seemed to tolerate exposures to sound up to approximately 170 dB re: 1 μ Pa (Bain and Williams, 2006) and Dall's porpoises occupied and tolerated

areas receiving exposures of 170–180 dB re: 1 μ Pa (Bain and Williams, 2006; Parsons, *et al.*, 2009). The authors observed several gray whales that moved away from the airguns toward deeper water where sound levels were higher due to propagation effects resulting in higher noise exposures (Bain and Williams, 2006). However, it is unclear whether their movements reflected a response to the sounds (Bain and Williams, 2006). Thus, the authors surmised that the lack of gray whale responses to higher received sound levels were ambiguous at best because one expects the species to be the most sensitive to the low-frequency sound emanating from the airguns (Bain and Williams, 2006).

Pirotta *et al.* (2014) observed short-term responses of harbor porpoises to a two-dimensional (2-D) seismic survey in an enclosed bay in northeast Scotland which did not result in broad-scale displacement. The harbor porpoises that remained in the enclosed bay area reduced their buzzing activity by 15 percent during the seismic survey (Pirotta, *et al.*, 2014). Thus, the authors suggest that animals exposed to anthropogenic disturbance may make trade-offs between perceived risks and the cost of leaving disturbed areas (Pirotta, *et al.*, 2014).

Masking

Marine mammals use acoustic signals for a variety of purposes, which differ among species, but include communication between individuals, navigation, foraging, reproduction, avoiding predators, and learning about their environment (Erbe and Farmer, 2000; Tyack, 2000).

The term masking refers to the inability of an animal to recognize the occurrence of an acoustic stimulus because of interference of another acoustic stimulus (Clark *et al.*, 2009). Thus, masking is the obscuring of sounds of interest by other sounds, often at similar frequencies. It is a phenomenon that affects animals that are trying to receive acoustic information about their environment, including sounds from other members of their species, predators, prey, and sounds that allow them to orient in their environment. Masking these acoustic signals can disturb the behavior of individual animals, groups of animals, or entire populations.

Introduced underwater sound may, through masking, reduce the effective communication distance of a marine mammal species if the frequency of the source is close to that used as a signal by the marine mammal, and if the anthropogenic sound is present for a

significant fraction of the time (Richardson *et al.*, 1995).

Marine mammals are thought to be able to compensate for masking by adjusting their acoustic behavior through shifting call frequencies, increasing call volume, and increasing vocalization rates. For example in one study, blue whales increased call rates when exposed to noise from seismic surveys in the St. Lawrence Estuary (Di Iorio and Clark, 2010). Other studies reported that some North Atlantic right whales exposed to high shipping noise increased call frequency (Parks *et al.*, 2007) and some humpback whales responded to low-frequency active sonar playbacks by increasing song length (Miller *et al.*, 2000). Additionally, beluga whales change their vocalizations in the presence of high background noise possibly to avoid masking calls (Au *et al.*, 1985; Lesage *et al.*, 1999; Scheifele *et al.*, 2005).

Studies have shown that some baleen and toothed whales continue calling in the presence of seismic pulses, and some researchers have heard these calls between the seismic pulses (*e.g.*, Richardson *et al.*, 1986; McDonald *et al.*, 1995; Greene *et al.*, 1999; Nieuirkirk *et al.*, 2004; Smultea *et al.*, 2004; Holst *et al.*, 2005a, 2005b, 2006; and Dunn and Hernandez, 2009).

In contrast, Clark and Gagnon (2006) reported that fin whales in the northeast Pacific Ocean went silent for an extended period starting soon after the onset of a seismic survey in the area. Similarly, NMFS is aware of one report that observed sperm whales ceasing calls when exposed to pulses from a very distant seismic ship (Bowles *et al.*, 1994). However, more recent studies have found that sperm whales continued calling in the presence of seismic pulses (Madsen *et al.*, 2002; Tyack *et al.*, 2003; Smultea *et al.*, 2004; Holst *et al.*, 2006; and Jochens *et al.*, 2008).

Risch *et al.* (2012) documented reductions in humpback whale vocalizations in the Stellwagen Bank National Marine Sanctuary concurrent with transmissions of the Ocean Acoustic Waveguide Remote Sensing (OAWRS) low-frequency fish sensor system at distances of 200 km (124 mi) from the source. The recorded OAWRS produced series of frequency modulated pulses and the signal received levels ranged from 88 to 110 dB re: 1 μ Pa (Risch, *et al.*, 2012). The authors hypothesized that individuals did not leave the area but instead ceased singing and noted that the duration and frequency range of the OAWRS signals (a novel sound to the whales) were similar to those of natural humpback

whale song components used during mating (Risch *et al.*, 2012). Thus, the novelty of the sound to humpback whales in the study area provided a compelling contextual probability for the observed effects (Risch *et al.*, 2012). However, the authors did not state or imply that these changes had long-term effects on individual animals or populations (Risch *et al.*, 2012).

Several studies have also reported hearing dolphins and porpoises calling while airguns were operating (*e.g.*, Gordon *et al.*, 2004; Smultea *et al.*, 2004; Holst *et al.*, 2005a, b; and Potter *et al.*, 2007). The sounds important to small odontocetes are predominantly at much higher frequencies than the dominant components of airgun sounds, thus limiting the potential for masking in those species.

Although some degree of masking is inevitable when high levels of manmade broadband sounds are present in the sea, marine mammals have evolved systems and behavior that function to reduce the impacts of masking.

Odontocete conspecifics may readily detect structured signals, such as the echolocation click sequences of small toothed whales even in the presence of strong background noise because their frequency content and temporal features usually differ strongly from those of the background noise (Au and Moore, 1988, 1990). The components of background noise that are similar in frequency to the sound signal in question primarily determine the degree of masking of that signal.

Redundancy and context can also facilitate detection of weak signals. These phenomena may help marine mammals detect weak sounds in the presence of natural or manmade noise. Most masking studies in marine mammals present the test signal and the masking noise from the same direction. The sound localization abilities of marine mammals suggest that, if signal and noise come from different directions, masking would not be as severe as the usual types of masking studies might suggest (Richardson *et al.*, 1995). The dominant background noise may be highly directional if it comes from a particular anthropogenic source such as a ship or industrial site. Directional hearing may significantly reduce the masking effects of these sounds by improving the effective signal-to-noise ratio. In the cases of higher frequency hearing by the bottlenose dolphin, beluga whale, and killer whale, empirical evidence confirms that masking depends strongly on the relative directions of arrival of sound signals and the masking noise (Penner *et al.*, 1986; Dubrovskiy, 1990;

Bain *et al.*, 1993; Bain and Dahlheim, 1994).

Toothed whales and probably other marine mammals as well, have additional capabilities besides directional hearing that can facilitate detection of sounds in the presence of background noise. There is evidence that some toothed whales can shift the dominant frequencies of their echolocation signals from a frequency range with a lot of ambient noise toward frequencies with less noise (Au *et al.*, 1974, 1985; Moore and Pawloski, 1990; Thomas and Turl, 1990; Romanenko and Kitain, 1992; Lesage *et al.*, 1999). A few marine mammal species increase the source levels or alter the frequency of their calls in the presence of elevated sound levels (Dahlheim, 1987; Au, 1993; Lesage *et al.*, 1993, 1999; Terhune, 1999; Foote *et al.*, 2004; Parks *et al.*, 2007, 2009; Di Iorio and Clark, 2010; Holt *et al.*, 2009).

These data demonstrating adaptations for reduced masking pertain mainly to the very high frequency echolocation signals of toothed whales. There is less information about the existence of corresponding mechanisms at moderate or low frequencies or in other types of marine mammals. For example, Zaitseva *et al.* (1980) found that, for the bottlenose dolphin, the angular separation between a sound source and a masking noise source had little effect on the degree of masking when the sound frequency was 18 kHz, in contrast to the pronounced effect at higher frequencies. Studies have noted directional hearing at frequencies as low as 0.5–2 kHz in several marine mammals, including killer whales (Richardson *et al.*, 1995a). This ability may be useful in reducing masking at these frequencies. In summary, high levels of sound generated by anthropogenic activities may act to mask the detection of weaker biologically important sounds by some marine mammals. This masking may be more prominent for lower frequencies. For higher frequencies, such as that used in echolocation by toothed whales, several mechanisms are available that may allow them to reduce the effects of such masking.

Behavioral Disturbance

Marine mammals may behaviorally react to sound when exposed to anthropogenic noise. Reactions to sound, if any, depend on species, state of maturity, experience, current activity, reproductive state, time of day, and many other factors (Richardson *et al.*, 1995; Wartzok *et al.*, 2004; Southall *et al.*, 2007; Weilgart, 2007).

Types of behavioral reactions can include the following: Changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where noise sources are located; and/or flight responses (*e.g.*, pinnipeds flushing into water from haulouts or rookeries).

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, one could expect the consequences of behavioral modification to be biologically significant if the change affects growth, survival, and/or reproduction (*e.g.*, Lusseau and Bejder, 2007; Weilgart, 2007). Examples of behavioral modifications that could impact growth, survival, or reproduction include:

- Drastic changes in diving/surfacing patterns (such as those associated with beaked whale stranding related to exposure to military mid-frequency tactical sonar);
- Permanent habitat abandonment due to loss of desirable acoustic environment; and
- Disruption of feeding or social interaction resulting in significant energetic costs, inhibited breeding, or cow-calf separation.

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography) and is also difficult to predict (Richardson *et al.*, 1995; Southall *et al.*, 2007).

Baleen Whales: Studies have shown that underwater sounds from seismic activities are often readily detectable by baleen whales in the water at distances of many kilometers (Castellote *et al.*, 2012 for fin whales). Many studies have also shown that marine mammals at distances more than a few kilometers away often show no apparent response when exposed to seismic activities (*e.g.*, Madsen & Muhl, 2000 for sperm whales; Malme *et al.*, 1983, 1984 for gray whales; and Richardson *et al.*, 1986 for bowhead whales). Other studies have shown that marine mammals continue important behaviors in the presence of seismic pulses (*e.g.*, Dunn & Hernandez, 2009 for blue whales; Greene Jr. *et al.*, 1999 for bowhead whales; Holst and Beland, 2010; Holst and Smultea, 2008; Holst *et al.*, 2005; Nieukirk *et al.*, 2004;

Richardson, *et al.*, 1986; Smultea *et al.*, 2004).

Observers have seen various species of *Balaenoptera* (blue, sei, fin, and minke whales) in areas ensounded by airgun pulses (Stone, 2003; MacLean and Haley, 2004; Stone and Tasker, 2006), and have localized calls from blue and fin whales in areas with airgun operations (*e.g.*, McDonald *et al.*, 1995; Dunn and Hernandez, 2009; Castellote *et al.*, 2010). Sightings by observers on seismic vessels off the United Kingdom from 1997 to 2000 suggest that, during times of good visibility, sighting rates for mysticetes (mainly fin and sei whales) were similar when large arrays of airguns were shooting versus silent (Stone, 2003; Stone and Tasker, 2006). However, these whales tended to exhibit localized avoidance, remaining significantly further (on average) from the airgun array during seismic operations compared with non-seismic periods (Stone and Tasker, 2006).

Ship-based monitoring studies of baleen whales (including blue, fin, sei, minke, and whales) in the northwest Atlantic found that overall, this group had lower sighting rates during seismic versus non-seismic periods (Moulton and Holst, 2010). The authors observed that baleen whales as a group were significantly farther from the vessel during seismic compared with non-seismic periods. Moreover, the authors observed that the whales swam away more often from the operating seismic vessel (Moulton and Holst, 2010). Initial sightings of blue and minke whales were significantly farther from the vessel during seismic operations compared to non-seismic periods and the authors observed the same trend for fin whales (Moulton and Holst, 2010). Also, the authors observed that minke whales most often swam away from the vessel when seismic operations were underway (Moulton and Holst, 2010).

Blue Whales

McDonald *et al.* (1995) tracked blue whales relative to a seismic survey with a 1,600 in³ airgun array. One whale started its call sequence within 15 km (9.3 mi) from the source, then followed a pursuit track that decreased its distance to the vessel where it stopped calling at a range of 10 km (6.2 mi) (estimated received level at 143 dB re: 1 μ Pa (peak-to-peak)). After that point, the ship increased its distance from the whale which continued a new call sequence after approximately one hour and 10 km (6.2 mi) from the ship. The authors reported that the whale had taken a track paralleling the ship during the cessation phase but observed the whale moving diagonally away from the

ship after approximately 30 minutes continuing to vocalize. Because the whale may have approached the ship intentionally or perhaps was unaffected by the airguns, the authors concluded that there was insufficient data to infer conclusions from their study related to blue whale responses (McDonald, *et al.*, 1995).

Dunn and Hernandez (2009) tracked blue whales in the eastern tropical Pacific Ocean near the northern East Pacific Rise using 25 ocean-bottom-mounted hydrophones and ocean bottom seismometers during the conduct of an academic seismic survey by the R/V *Maurice Ewing* in 1997. During the airgun operations, the authors recorded the airgun pulses across the entire seismic array which they determined were detectable by eight whales that had entered into the area during a period of airgun activity (Dunn and Hernandez, 2009). The authors were able to track each whale call-by-call using the B components of the calls and examine the whales' locations and call characteristics with respect to the periods of airgun activity. The authors tracked the blue whales from 28 to 100 km (17 to 62 mi) away from active air-gun operations, but did not observe changes in call rates and found no evidence of anomalous behavior that they could directly ascribe to the use of the airguns (Dunn and Hernandez, 2009; Wilcock *et al.*, 2014). Further, the authors state that while the data do not permit a thorough investigation of behavioral responses, they observed no correlation in vocalization or movement with the concurrent airgun activity and estimated that the sound levels produced by the *Ewing's* airguns and were approximately less than 145 dB re: 1 μ Pa (Dunn and Hernandez, 2009).

Fin Whales

Castellote *et al.* (2010) observed localized avoidance by fin whales during seismic airgun events in the western Mediterranean Sea and adjacent Atlantic waters from 2006–2009 and reported that singing fin whales moved away from an operating airgun array for a time period that extended beyond the duration of the airgun activity.

Gray Whales

A few studies have documented reactions of migrating and feeding (but not wintering) gray whales (*Eschrichtius robustus*) to seismic surveys. Malme *et al.* (1986, 1988) studied the responses of feeding eastern Pacific gray whales to pulses from a single 100-in³ airgun off St. Lawrence Island in the northern Bering Sea. They estimated, based on

small sample sizes, that 50 percent of feeding gray whales stopped feeding at an average received pressure level of 173 dB re: 1 μ Pa on an (approximate) root mean square basis, and that 10 percent of feeding whales interrupted feeding at received levels of 163 dB re: 1 μ Pa. Those findings were generally consistent with the results of experiments conducted on larger numbers of gray whales that were migrating along the California coast (Malme *et al.*, 1984; Malme and Miles, 1985), and western Pacific gray whales feeding off Sakhalin Island, Russia (Wursig *et al.*, 1999; Gailey *et al.*, 2007; Johnson *et al.*, 2007; Yazvenko *et al.*, 2007a, 2007b), along with data on gray whales off British Columbia (Bain and Williams, 2006).

Data on short-term reactions by cetaceans to impulsive noises are not necessarily indicative of long-term or biologically significant effects. It is not known whether impulsive sounds affect reproductive rate or distribution and habitat use in subsequent days or years. However, gray whales have continued to migrate annually along the west coast of North America with substantial increases in the population over recent years, despite intermittent seismic exploration (and much ship traffic) in that area for decades (Appendix A in Malme *et al.*, 1984; Richardson *et al.*, 1995; Allen and Angliss, 2014). The western Pacific gray whale population did not appear affected by a seismic survey in its feeding ground during a previous year (Johnson *et al.*, 2007). Similarly, bowhead whales (*Balaena mysticetus*) have continued to travel to the eastern Beaufort Sea each summer, and their numbers have increased notably, despite seismic exploration in their summer and autumn range for many years (Richardson *et al.*, 1987; Allen and Angliss, 2014). The history of coexistence between seismic surveys and baleen whales suggests that brief exposures to sound pulses from any single seismic survey are unlikely to result in prolonged effects.

Humpback Whales

McCauley *et al.* (1998, 2000) studied the responses of humpback whales off western Australia to a full-scale seismic survey with a 16-airgun array (2,678-in³) and to a single, 20-in³ airgun with source level of 227 dB re: 1 μ Pa (peak-to-peak). In the 1998 study, the researchers documented that avoidance reactions began at five to eight km (3.1 to 4.9 mi) from the array, and that those reactions kept most pods approximately three to four km (1.9 to 2.5 mi) from the operating seismic boat. In the 2000 study, McCauley *et al.* noted localized

displacement during migration of four to five km (2.5 to 3.1 mi) by traveling pods and seven to 12 km (4.3 to 7.5 mi) by more sensitive resting pods of cow-calf pairs. Avoidance distances with respect to the single airgun were smaller but consistent with the results from the full array in terms of the received sound levels. The mean received level for initial avoidance of an approaching airgun was 140 dB re: 1 μ Pa for humpback pods containing females, and at the mean closest point of approach distance, the received level was 143 dB re: 1 μ Pa. The initial avoidance response generally occurred at distances of five to eight km (3.1 to 4.9 mi) from the airgun array and 2 km (1.2 mi) from the single airgun. However, some individual humpback whales, especially males, approached within distances of 100 to 400 m (328 to 1,312 ft), where the maximum received level was 179 dB re: 1 μ Pa.

Data collected by observers during several of Lamont-Doherty's seismic surveys in the northwest Atlantic Ocean showed that sighting rates of humpback whales were significantly greater during non-seismic periods compared with periods when a full array was operating (Moulton and Holst, 2010). In addition, humpback whales were more likely to swim away and less likely to swim towards a vessel during seismic versus non-seismic periods (Moulton and Holst, 2010).

Humpback whales on their summer feeding grounds in southeast Alaska did not exhibit persistent avoidance when exposed to seismic pulses from a 1.64-L (100-in³) airgun (Malme *et al.*, 1985). Some humpbacks seemed "startled" at received levels of 150 to 169 dB re: 1 μ Pa. Malme *et al.* (1985) concluded that there was no clear evidence of avoidance, despite the possibility of subtle effects, at received levels up to 172 re: 1 μ Pa. However, Moulton and Holst (2010) reported that humpback whales monitored during seismic surveys in the northwest Atlantic had lower sighting rates and were most often seen swimming away from the vessel during seismic periods compared with periods when airguns were silent.

Other studies have suggested that south Atlantic humpback whales wintering off Brazil may be displaced or even strand upon exposure to seismic surveys (Engel *et al.*, 2004). However, the evidence for this was circumstantial and subject to alternative explanations (IAGC, 2004). Also, the evidence was not consistent with subsequent results from the same area of Brazil (Parente *et al.*, 2006), or with direct studies of humpbacks exposed to seismic surveys in other areas and seasons. After

allowance for data from subsequent years, there was "no observable direct correlation" between strandings and seismic surveys (IWC, 2007: 236).

Toothed Whales: Few systematic data are available describing reactions of toothed whales to noise pulses. However, systematic work on sperm whales is underway (*e.g.*, Gordon *et al.*, 2006; Madsen *et al.*, 2006; Winsor and Mate, 2006; Jochens *et al.*, 2008; Miller *et al.*, 2009) and there is an increasing amount of information about responses of various odontocetes to seismic surveys based on monitoring studies (*e.g.*, Stone, 2003; Smultea *et al.*, 2004; Moulton and Miller, 2005; Bain and Williams, 2006; Holst *et al.*, 2006; Stone and Tasker, 2006; Potter *et al.*, 2007; Hauser *et al.*, 2008; Holst and Smultea, 2008; Weir, 2008; Barkaszi *et al.*, 2009; Richardson *et al.*, 2009; Moulton and Holst, 2010). Reactions of toothed whales to large arrays of airguns are variable and, at least for delphinids, seem to be confined to a smaller radius than has been observed for mysticetes.

Delphinids

Seismic operators and protected species observers (observers) on seismic vessels regularly see dolphins and other small toothed whales near operating airgun arrays, but in general there is a tendency for most delphinids to show some avoidance of operating seismic vessels (*e.g.*, Goold, 1996a,b,c; Calambokidis and Osmeck, 1998; Stone, 2003; Moulton and Miller, 2005; Holst *et al.*, 2006; Stone and Tasker, 2006; Weir, 2008; Richardson *et al.*, 2009; Barkaszi *et al.*, 2009; Moulton and Holst, 2010). Some dolphins seem to be attracted to the seismic vessel and floats, and some ride the bow wave of the seismic vessel even when large arrays of airguns are firing (*e.g.*, Moulton and Miller, 2005). Nonetheless, there have been indications that small toothed whales sometimes move away or maintain a somewhat greater distance from the vessel when a large array of airguns is operating than when it is silent (*e.g.*, Goold, 1996a,b,c; Stone and Tasker, 2006; Weir, 2008; Barry *et al.*, 2010; Moulton and Holst, 2010). In most cases, the avoidance radii for delphinids appear to be small, on the order of one km or less, and some individuals show no apparent avoidance.

Captive bottlenose dolphins exhibited changes in behavior when exposed to strong pulsed sounds similar in duration to those typically used in seismic surveys (Finneran *et al.*, 2000, 2002, 2005). However, the animals tolerated high received levels of sound (pk-pk level > 200 dB re 1 μ Pa) before exhibiting aversive behaviors.

Killer Whales

Observers stationed on seismic vessels operating off the United Kingdom from 1997–2000 have provided data on the occurrence and behavior of various toothed whales exposed to seismic pulses (Stone, 2003; Gordon *et al.*, 2004). The studies note that killer whales were significantly farther from large airgun arrays during periods of active airgun operations compared with periods of silence. The displacement of the median distance from the array was approximately 0.5 km (0.3 mi) or more. Killer whales also appear to be more tolerant of seismic shooting in deeper water (Stone, 2003; Gordon *et al.*, 2004).

Porpoises

Results for porpoises depend upon the species. The limited available data suggest that harbor porpoises show stronger avoidance of seismic operations than do Dall's porpoises (Stone, 2003; MacLean and Koski, 2005; Bain and Williams, 2006; Stone and Tasker, 2006). Dall's porpoises seem relatively tolerant of airgun operations (MacLean and Koski, 2005; Bain and Williams, 2006), although they too have been observed to avoid large arrays of operating airguns (Calambokidis and Osmeck, 1998; Bain and Williams, 2006). This apparent difference in responsiveness of these two porpoise species is consistent with their relative responsiveness to boat traffic and some other acoustic sources (Richardson *et al.*, 1995; Southall *et al.*, 2007).

Sperm Whales

Most studies of sperm whales exposed to airgun sounds indicate that the whale shows considerable tolerance of airgun pulses (*e.g.*, Stone, 2003; Moulton *et al.*, 2005, 2006a; Stone and Tasker, 2006; Weir, 2008). In most cases the whales do not show strong avoidance, and they continue to call. However, controlled exposure experiments in the Gulf of Mexico indicate alteration of foraging behavior upon exposure to airgun sounds (Jochens *et al.*, 2008; Miller *et al.*, 2009; Tyack, 2009).

Beaked Whales

There are almost no specific data on the behavioral reactions of beaked whales to seismic surveys. Most beaked whales tend to avoid approaching vessels of other types (*e.g.*, Wursig *et al.*, 1998). They may also dive for an extended period when approached by a vessel (*e.g.*, Kasuya, 1986), although it is uncertain how much longer such dives may be as compared to dives by undisturbed beaked whales, which also

are often quite long (Baird *et al.*, 2006; Tyack *et al.*, 2006).

Based on a single observation, Aguilar-Soto *et al.* (2006) suggested a reduction in foraging efficiency of Cuvier's beaked whales during a close approach by a vessel. In contrast, Moulton and Holst (2010) reported 15 sightings of beaked whales during seismic studies in the northwest Atlantic and the authors observed seven of those sightings during times when at least one airgun was operating. Because sighting rates and distances were similar during seismic and non-seismic periods, the authors could not correlate changes to beaked whale behavior to the effects of airgun operations (Moulton and Holst, 2010).

Similarly, other studies have observed northern bottlenose whales remain in the general area of active seismic operations while continuing to produce high-frequency clicks when exposed to sound pulses from distant seismic surveys (Gosselin and Lawson, 2004; Laurinolli and Cochrane, 2005; Simard *et al.*, 2005).

Pinnipeds

Pinnipeds are not likely to show a strong avoidance reaction to the airgun sources proposed for use. Visual monitoring from seismic vessels has shown only slight (if any) avoidance of airguns by pinnipeds and only slight (if any) changes in behavior. Monitoring work in the Alaskan Beaufort Sea during 1996–2001 provided considerable information regarding the behavior of Arctic ice seals exposed to seismic pulses (Harris *et al.*, 2001; Moulton and Lawson, 2002). These seismic projects usually involved arrays of 6 to 16 airguns with total volumes of 560 to 1,500 in³. The combined results suggest that some seals avoid the immediate area around seismic vessels. In most survey years, ringed seal (*Phoca hispida*) sightings tended to be farther away from the seismic vessel when the airguns were operating than when they were not (Moulton and Lawson, 2002). However, these avoidance movements were relatively small, on the order of 100 m (328 ft) to a few hundreds of meters, and many seals remained within 100–200 m (328–656 ft) of the trackline as the operating airgun array passed by the animals. Seal sighting rates at the water surface were lower during airgun array operations than during no-airgun periods in each survey year except 1997. Similarly, seals are often very tolerant of pulsed sounds from seal-scaring devices (Mate and Harvey, 1987; Jefferson and Curry, 1994; Richardson *et al.*, 1995). However, initial telemetry work suggests that avoidance and other

behavioral reactions by two other species of seals to small airgun sources may at times be stronger than evident to date from visual studies of pinniped reactions to airguns (Thompson *et al.*, 1998).

Hearing Impairment

Exposure to high intensity sound for a sufficient duration may result in auditory effects such as a noise-induced threshold shift—an increase in the auditory threshold after exposure to noise (Finneran *et al.*, 2005). Factors that influence the amount of threshold shift include the amplitude, duration, frequency content, temporal pattern, and energy distribution of noise exposure. The magnitude of hearing threshold shift normally decreases over time following cessation of the noise exposure. The amount of threshold shift just after exposure is the initial threshold shift. If the threshold shift eventually returns to zero (*i.e.*, the threshold returns to the pre-exposure value), it is a temporary threshold shift (Southall *et al.*, 2007).

Threshold Shift (noise-induced loss of hearing)—When animals exhibit reduced hearing sensitivity (*i.e.*, sounds must be louder for an animal to detect them) following exposure to an intense sound or sound for long duration, it is referred to as a noise-induced threshold shift (TS). An animal can experience temporary threshold shift (TTS) or permanent threshold shift (PTS). TTS can last from minutes or hours to days (*i.e.*, there is complete recovery), can occur in specific frequency ranges (*i.e.*, an animal might only have a temporary loss of hearing sensitivity between the frequencies of 1 and 10 kHz), and can be of varying amounts (for example, an animal's hearing sensitivity might be reduced initially by only 6 dB or reduced by 30 dB). PTS is permanent, but some recovery is possible. PTS can also occur in a specific frequency range and amount as mentioned above for TTS.

The following physiological mechanisms are thought to play a role in inducing auditory TS: Effects to sensory hair cells in the inner ear that reduce their sensitivity, modification of the chemical environment within the sensory cells, residual muscular activity in the middle ear, displacement of certain inner ear membranes, increased blood flow, and post-stimulatory reduction in both efferent and sensory neural output (Southall *et al.*, 2007). The amplitude, duration, frequency, temporal pattern, and energy distribution of sound exposure all can affect the amount of associated TS and the frequency range in which it occurs.

As amplitude and duration of sound exposure increase, so, generally, does the amount of TS, along with the recovery time. For intermittent sounds, less TS could occur than compared to a continuous exposure with the same energy (some recovery could occur between intermittent exposures depending on the duty cycle between sounds) (Kryter *et al.*, 1966; Ward, 1997). For example, one short but loud (higher SPL) sound exposure may induce the same impairment as one longer but softer sound, which in turn may cause more impairment than a series of several intermittent softer sounds with the same total energy (Ward, 1997). Additionally, though TTS is temporary, prolonged exposure to sounds strong enough to elicit TTS, or shorter-term exposure to sound levels well above the TTS threshold, can cause PTS, at least in terrestrial mammals (Kryter, 1985). Although in the case of the proposed seismic survey, NMFS does not expect that animals would experience levels high enough or durations long enough to result in PTS.

PTS is considered auditory injury (Southall *et al.*, 2007). Irreparable damage to the inner or outer cochlear hair cells may cause PTS; however, other mechanisms are also involved, such as exceeding the elastic limits of certain tissues and membranes in the middle and inner ears and resultant changes in the chemical composition of the inner ear fluids (Southall *et al.*, 2007).

Although the published body of scientific literature contains numerous theoretical studies and discussion papers on hearing impairments that can occur with exposure to a loud sound, only a few studies provide empirical information on the levels at which noise-induced loss in hearing sensitivity occurs in non-human animals.

Recent studies by Kujawa and Liberman (2009) and Lin *et al.* (2011) found that despite completely reversible threshold shifts that leave cochlear sensory cells intact, large threshold shifts could cause synaptic level changes and delayed cochlear nerve degeneration in mice and guinea pigs, respectively. NMFS notes that the high level of TTS that led to the synaptic changes shown in these studies is in the range of the high degree of TTS that Southall *et al.* (2007) used to calculate PTS levels. It is unknown whether smaller levels of TTS would lead to similar changes. NMFS, however, acknowledges the complexity of noise exposure on the nervous system, and will re-examine this issue as more data become available.

For marine mammals, published data are limited to the captive bottlenose dolphin, beluga, harbor porpoise, and Yangtze finless porpoise (Finneran *et al.*, 2000, 2002b, 2003, 2005a, 2007, 2010a, 2010b; Finneran and Schlundt, 2010; Lucke *et al.*, 2009; Mooney *et al.*, 2009a, 2009b; Popov *et al.*, 2011a, 2011b; Kastelein *et al.*, 2012a; Schlundt *et al.*, 2000; Nachtigall *et al.*, 2003, 2004). For pinnipeds in water, data are limited to measurements of TTS in harbor seals, an elephant seal, and California sea lions (Kastak *et al.*, 1999, 2005; Kastelein *et al.*, 2012b).

Lucke *et al.* (2009) found a threshold shift (TS) of a harbor porpoise after exposing it to airgun noise with a received sound pressure level (SPL) at 200.2 dB (peak-to-peak) re: 1 μ Pa, which corresponds to a sound exposure level of 164.5 dB re: 1 μ Pa² s after integrating exposure. NMFS currently uses the root-mean-square (rms) of received SPL at 180 dB and 190 dB re: 1 μ Pa as the threshold above which permanent threshold shift (PTS) could occur for cetaceans and pinnipeds, respectively. Because the airgun noise is a broadband impulse, one cannot directly determine the equivalent of rms SPL from the reported peak-to-peak SPLs. However, applying a conservative conversion factor of 16 dB for broadband signals from seismic surveys (McCauley, *et al.*, 2000) to correct for the difference between peak-to-peak levels reported in Lucke *et al.* (2009) and rms SPLs, the rms SPL for TTS would be approximately 184 dB re: 1 μ Pa, and the received levels associated with PTS (Level A harassment) would be higher. This is still above NMFS' current 180 dB rms re: 1 μ Pa threshold for injury. However, NMFS recognizes that TTS of harbor porpoises is lower than other cetacean species empirically tested (Finneran & Schlundt, 2010; Finneran *et al.*, 2002; Kastelein and Jennings, 2012).

A recent study on bottlenose dolphins (Schlundt, *et al.*, 2013) measured hearing thresholds at multiple frequencies to determine the amount of TTS induced before and after exposure to a sequence of impulses produced by a seismic air gun. The air gun volume and operating pressure varied from 40–150 in³ and 1000–2000 psi, respectively. After three years and 180 sessions, the authors observed no significant TTS at any test frequency, for any combinations of air gun volume, pressure, or proximity to the dolphin during behavioral tests (Schlundt, *et al.*, 2013). Schlundt *et al.* (2013) suggest that the potential for airguns to cause hearing loss in dolphins is lower than previously predicted, perhaps as a result of the low-frequency content of air gun

impulses compared to the high-frequency hearing ability of dolphins

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.*, recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. Also, depending on the degree and frequency range, the effects of PTS on an animal could range in severity, although it is considered generally more serious because it is a permanent condition. Of note, reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.*, 2007), so one can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Given the higher level of sound necessary to cause PTS as compared with TTS, it is considerably less likely that PTS would occur during the proposed seismic survey. Cetaceans generally avoid the immediate area around operating seismic vessels, as do some other marine mammals. Some pinnipeds show avoidance reactions to airguns, but their avoidance reactions are generally not as strong or consistent compared to cetacean reactions.

Non-auditory Physical Effects: Non-auditory physical effects might occur in marine mammals exposed to strong underwater pulsed sound. Possible types of non-auditory physiological effects or injuries that theoretically might occur in mammals close to a strong sound source include stress, neurological effects, bubble formation, and other types of organ or tissue damage. Some marine mammal species (*i.e.*, beaked whales) may be especially susceptible to injury and/or stranding when exposed to strong pulsed sounds.

Classic stress responses begin when an animal's central nervous system perceives a potential threat to its homeostasis. That perception triggers

stress responses regardless of whether a stimulus actually threatens the animal; the mere perception of a threat is sufficient to trigger a stress response (Moberg, 2000; Sapolsky *et al.*, 2005; Seyle, 1950). Once an animal's central nervous system perceives a threat, it mounts a biological response or defense that consists of a combination of the four general biological defense responses: behavioral responses; autonomic nervous system responses; neuroendocrine responses; or immune responses.

In the case of many stressors, an animal's first and most economical (in terms of biotic costs) response is behavioral avoidance of the potential stressor or avoidance of continued exposure to a stressor. An animal's second line of defense to stressors involves the sympathetic part of the autonomic nervous system and the classical "fight or flight" response, which includes the cardiovascular system, the gastrointestinal system, the exocrine glands, and the adrenal medulla to produce changes in heart rate, blood pressure, and gastrointestinal activity that humans commonly associate with stress. These responses have a relatively short duration and may or may not have significant long-term effects on an animal's welfare.

An animal's third line of defense to stressors involves its neuroendocrine or sympathetic nervous systems; the system that has received the most study has been the hypothalamus-pituitary-adrenal system (also known as the HPA axis in mammals or the hypothalamus-pituitary-interrenal axis in fish and some reptiles). Unlike stress responses associated with the autonomic nervous system, the pituitary hormones regulate virtually all neuroendocrine functions affected by stress—including immune competence, reproduction, metabolism, and behavior. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction (Moberg, 1987; Rivier, 1995), altered metabolism (Elasser *et al.*, 2000), reduced immune competence (Blecha, 2000), and behavioral disturbance. Increases in the circulation of glucocorticosteroids (cortisol, corticosterone, and aldosterone in marine mammals; see Romano *et al.*, 2004) have been equated with stress for many years.

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and distress is the biotic cost of the response. During a stress response, an animal uses glycogen stores that the body quickly replenishes after alleviation of the stressor. In such

circumstances, the cost of the stress response would not pose a risk to the animal's welfare. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, it diverts energy resources from other biotic functions, which impair those functions that experience the diversion. For example, when mounting a stress response diverts energy away from growth in young animals, those animals may experience stunted growth. When mounting a stress response diverts energy from a fetus, an animal's reproductive success and fitness will suffer. In these cases, the animals will have entered a pre-pathological or pathological state called "distress" (*sensu* Seyle, 1950) or "allostatic loading" (*sensu* McEwen and Wingfield, 2003). This pathological state will last until the animal replenishes its biotic reserves sufficient to restore normal function. Note that these examples involved a long-term (days or weeks) stress response exposure to stimuli.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses have also been documented fairly well through controlled experiment; because this physiology exists in every vertebrate that has been studied, it is not surprising that stress responses and their costs have been documented in both laboratory and free-living animals (for examples see, Holberton *et al.*, 1996; Hood *et al.*, 1998; Jessop *et al.*, 2003; Krausman *et al.*, 2004; Lankford *et al.*, 2005; Reneerkens *et al.*, 2002; Thompson and Hamer, 2000). Although no information has been collected on the physiological responses of marine mammals to anthropogenic sound exposure, studies of other marine animals and terrestrial animals would lead us to expect some marine mammals to experience physiological stress responses and, perhaps, physiological responses that would be classified as "distress" upon exposure to anthropogenic sounds.

For example, Jansen (1998) reported on the relationship between acoustic exposures and physiological responses that are indicative of stress responses in humans (*e.g.*, elevated respiration and increased heart rates). Jones (1998) reported on reductions in human performance when faced with acute, repetitive exposures to acoustic disturbance. Trimper *et al.* (1998) reported on the physiological stress responses of osprey to low-level aircraft noise while Krausman *et al.* (2004) reported on the auditory and physiology stress responses of endangered Sonoran pronghorn to military overflights. Smith

et al. (2004a, 2004b) identified noise-induced physiological transient stress responses in hearing-specialist fish (*i.e.*, goldfish) that accompanied short- and long-term hearing losses. Welch and Welch (1970) reported physiological and behavioral stress responses that accompanied damage to the inner ears of fish and several mammals.

Hearing is one of the primary senses marine mammals use to gather information about their environment and communicate with conspecifics. Although empirical information on the relationship between sensory impairment (TTS, PTS, and acoustic masking) on marine mammals remains limited, we assume that reducing a marine mammal's ability to gather information about its environment and communicate with other members of its species would induce stress, based on data that terrestrial animals exhibit those responses under similar conditions (NRC, 2003) and because marine mammals use hearing as their primary sensory mechanism. Therefore, NMFS assumes that acoustic exposures sufficient to trigger onset PTS or TTS would be accompanied by physiological stress responses. More importantly, marine mammals might experience stress responses at received levels lower than those necessary to trigger onset TTS. Based on empirical studies of the time required to recover from stress responses (Moberg, 2000), NMFS also assumes that stress responses could persist beyond the time interval required for animals to recover from TTS and might result in pathological and pre-pathological states that would be as significant as behavioral responses to TTS.

Resonance effects (Gentry, 2002) and direct noise-induced bubble formations (Crum *et al.*, 2005) are implausible in the case of exposure to an impulsive broadband source like an airgun array. If seismic surveys disrupt diving patterns of deep-diving species, this might result in bubble formation and a form of the bends, as speculated to occur in beaked whales exposed to sonar. However, there is no specific evidence of this upon exposure to airgun pulses.

In general, there are few data about the potential for strong, anthropogenic underwater sounds to cause non-auditory physical effects in marine mammals. Such effects, if they occur at all, would presumably be limited to short distances and to activities that extend over a prolonged period. The available data do not allow identification of a specific exposure level above which non-auditory effects can be expected (Southall *et al.*, 2007)

or any meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in those ways. There is no definitive evidence that any of these effects occur even for marine mammals in close proximity to large arrays of airguns. In addition, marine mammals that show behavioral avoidance of seismic vessels, including some pinnipeds, are unlikely to incur non-auditory impairment or other physical effects. Therefore, it is unlikely that such effects would occur given the brief duration of exposure during the proposed survey.

Stranding and Mortality

When a living or dead marine mammal swims or floats onto shore and becomes "beached" or incapable of returning to sea, the event is a "stranding" (Geraci *et al.*, 1999; Perrin and Geraci, 2002; Geraci and Lounsbury, 2005; NMFS, 2007). The legal definition for a stranding under the MMPA is that "(A) a marine mammal is dead and is (i) on a beach or shore of the United States; or (ii) in waters under the jurisdiction of the United States (including any navigable waters); or (B) a marine mammal is alive and is (i) on a beach or shore of the United States and is unable to return to the water; (ii) on a beach or shore of the United States and, although able to return to the water, is in need of apparent medical attention; or (iii) in the waters under the jurisdiction of the United States (including any navigable waters), but is unable to return to its natural habitat under its own power or without assistance".

Marine mammals strand for a variety of reasons, such as infectious agents, biotoxins, starvation, fishery interaction, ship strike, unusual oceanographic or weather events, sound exposure, or combinations of these stressors sustained concurrently or in series. However, the cause or causes of most strandings are unknown (Geraci *et al.*, 1976; Eaton, 1979; Odell *et al.*, 1980; Best, 1982). Numerous studies suggest that the physiology, behavior, habitat relationships, age, or condition of cetaceans may cause them to strand or might pre-dispose them to strand when exposed to another phenomenon. These suggestions are consistent with the conclusions of numerous other studies that have demonstrated that combinations of dissimilar stressors commonly combine to kill an animal or dramatically reduce its fitness, even though one exposure without the other does not produce the same result (Chrousos, 2000; Creel, 2005; DeVries *et al.*, 2003; Fair and Becker, 2000; Foley *et al.*, 2001; Moberg, 2000; Relyea,

2005a; 2005b, Romero, 2004; Sih *et al.*, 2004).

2. Potential Effects of Other Acoustic Devices

Multibeam Echosounder: Lamont-Doherty would operate the Kongsberg EM 122 multibeam echosounder from the source vessel during the planned study. Sounds from the multibeam echosounder are very short pulses, occurring for two to 15 ms once every five to 20 s, depending on water depth. Most of the energy in the sound pulses emitted by this echosounder is at frequencies near 12 kHz, and the maximum source level is 242 dB re: 1 μ Pa. The beam is narrow (1 to 2°) in fore-aft extent and wide (150°) in the cross-track extent. Each ping consists of eight (in water greater than 1,000 m deep) or four (less than 1,000 m deep) successive fan-shaped transmissions (segments) at different cross-track angles. Any given mammal at depth near the trackline would be in the main beam for only one or two of the segments. Also, marine mammals that encounter the Kongsberg EM 122 are unlikely to be subjected to repeated pulses because of the narrow fore-aft width of the beam and will receive only limited amounts of pulse energy because of the short pulses. Animals close to the vessel (where the beam is narrowest) are especially unlikely to be ensounded for more than one 2- to 15-ms pulse (or two pulses if in the overlap area). Similarly, Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when an echosounder emits a pulse is small. The animal would have to pass the transducer at close range and be swimming at speeds similar to the vessel in order to receive the multiple pulses that might result in sufficient exposure to cause temporary threshold shift.

NMFS has considered the potential for behavioral responses such as stranding and indirect injury or mortality from Lamont-Doherty's use of the multibeam echosounder. In 2013, an International Scientific Review Panel (ISRP) investigated a 2008 mass stranding of approximately 100 melon-headed whales in a Madagascar lagoon system (Southall *et al.*, 2013) associated with the use of a high-frequency mapping system. The report indicated that the use of a 12-kHz multibeam echosounder was the most plausible and likely initial behavioral trigger of the mass stranding event. This was the first time that a relatively high-frequency mapping sonar system had been associated with a stranding event. However, the report also notes that there

were several site- and situation-specific secondary factors that may have contributed to the avoidance responses that lead to the eventual entrapment and mortality of the whales within the Loza Lagoon system (*e.g.*, the survey vessel transiting in a north-south direction on the shelf break parallel to the shore may have trapped the animals between the sound source and the shore driving them towards the Loza Lagoon). They concluded that for odontocete cetaceans that hear well in the 10–50 kHz range, where ambient noise is typically quite low, high-power active sonars operating in this range may be more easily audible and have potential effects over larger areas than low frequency systems that have more typically been considered in terms of anthropogenic noise impacts (Southall, *et al.*, 2013). However, the risk may be very low given the extensive use of these systems worldwide on a daily basis and the lack of direct evidence of such responses previously reported (Southall, *et al.*, 2013).

Navy sonars linked to avoidance reactions and stranding of cetaceans: (1) Generally have longer pulse duration than the Kongsberg EM 122; and (2) are often directed close to horizontally versus more downward for the echosounder. The area of possible influence of the echosounder is much smaller—a narrow band below the source vessel. Also, the duration of exposure for a given marine mammal can be much longer for naval sonar. During Lamont-Doherty's operations, the individual pulses will be very short, and a given mammal would not receive many of the downward-directed pulses as the vessel passes by the animal. The following section outlines possible effects of an echosounder on marine mammals.

Masking: Marine mammal communications would not be masked appreciably by the echosounder's signals given the low duty cycle of the echosounder and the brief period when an individual mammal is likely to be within its beam. Furthermore, in the case of baleen whales, the echosounder's signals (12 kHz) do not overlap with the predominant frequencies in the calls, which would avoid any significant masking.

Behavioral Responses: Behavioral reactions of free-ranging marine mammals to sonars, echosounders, and other sound sources appear to vary by species and circumstance. Observed reactions have included increased vocalizations and no dispersal by pilot whales (Rendell and Gordon, 1999), and strandings by beaked whales. During exposure to a 21 to 25 kHz "whale-finding" sonar with a source level of

215 dB re: 1 μ Pa, gray whales reacted by orienting slightly away from the source and being deflected from their course by approximately 200 m (Frankel, 2005). When a 38-kHz echosounder and a 150-kHz acoustic Doppler current profiler were transmitting during studies in the eastern tropical Pacific Ocean, baleen whales showed no significant responses, while spotted and spinner dolphins were detected slightly more often and beaked whales less often during visual surveys (Gerrodette and Pettis, 2005).

Captive bottlenose dolphins and a beluga whale exhibited changes in behavior when exposed to 1-s tonal signals at frequencies similar to those emitted by Lamont-Doherty's echosounder, and to shorter broadband pulsed signals. Behavioral changes typically involved what appeared to be deliberate attempts to avoid the sound exposure (Schlundt *et al.*, 2000; Finneran *et al.*, 2002; Finneran and Schlundt, 2004). The relevance of those data to free-ranging odontocetes is uncertain, and in any case, the test sounds were quite different in duration as compared with those from an echosounder.

Hearing Impairment and Other Physical Effects: Given recent stranding events associated with the operation of mid-frequency tactical sonar, there is concern that mid-frequency sonar sounds can cause serious impacts to marine mammals (see earlier discussion). However, the echosounder proposed for use by the *Langseth* is quite different from sonar used for naval operations. The echosounder's pulse duration is very short relative to the naval sonar. Also, at any given location, an individual marine mammal would be in the echosounder's beam for much less time given the generally downward orientation of the beam and its narrow fore-aft beamwidth; navy sonar often uses near-horizontally-directed sound. Those factors would all reduce the sound energy received from the echosounder relative to that from naval sonar.

Lamont-Doherty would also operate a sub-bottom profiler from the source vessel during the proposed survey. The profiler's sounds are very short pulses, occurring for one to four ms once every second. Most of the energy in the sound pulses emitted by the profiler is at 3.5 kHz, and the beam is directed downward. The sub-bottom profiler on the *Langseth* has a maximum source level of 222 dB re: 1 μ Pa. Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when a bottom profiler emits a pulse is small—even for a profiler more powerful than that on the

Langseth—if the animal was in the area, it would have to pass the transducer at close range and in order to be subjected to sound levels that could cause temporary threshold shift.

Masking: Marine mammal communications would not be masked appreciably by the profiler's signals given the directionality of the signal and the brief period when an individual mammal is likely to be within its beam. Furthermore, in the case of most baleen whales, the profiler's signals do not overlap with the predominant frequencies in the calls, which would avoid significant masking.

Behavioral Responses: Responses to the profiler are likely to be similar to the other pulsed sources discussed earlier if received at the same levels. However, the pulsed signals from the profiler are considerably weaker than those from the echosounder.

Hearing Impairment and Other Physical Effects: It is unlikely that the profiler produces pulse levels strong enough to cause hearing impairment or other physical injuries even in an animal that is (briefly) in a position near the source. The profiler operates simultaneously with other higher-power acoustic sources. Many marine mammals would move away in response to the approaching higher-power sources or the vessel itself before the mammals would be close enough for there to be any possibility of effects from the less intense sounds from the profiler.

3. Potential Effects of Vessel Movement and Collisions

Vessel movement in the vicinity of marine mammals has the potential to result in either a behavioral response or a direct physical interaction. We discuss both scenarios here.

Behavioral Responses to Vessel Movement: There are limited data concerning marine mammal behavioral responses to vessel traffic and vessel noise, and a lack of consensus among scientists with respect to what these responses mean or whether they result in short-term or long-term adverse effects. In those cases where there is a busy shipping lane or where there is a large amount of vessel traffic, marine mammals may experience acoustic masking (Hildebrand, 2005) if they are present in the area (e.g., killer whales in Puget Sound; Foote *et al.*, 2004; Holt *et al.*, 2008). In cases where vessels actively approach marine mammals (e.g., whale watching or dolphin watching boats), scientists have documented that animals exhibit altered behavior such as increased swimming speed, erratic movement, and active

avoidance behavior (Bursk, 1983; Acevedo, 1991; Baker and MacGibbon, 1991; Trites and Bain, 2000; Williams *et al.*, 2002; Constantine *et al.*, 2003), reduced blow interval (Ritcher *et al.*, 2003), disruption of normal social behaviors (Lusseau, 2003; 2006), and the shift of behavioral activities which may increase energetic costs (Constantine *et al.*, 2003; 2004). A detailed review of marine mammal reactions to ships and boats is available in Richardson *et al.* (1995). For each of the marine mammal taxonomy groups, Richardson *et al.* (1995) provides the following assessment regarding reactions to vessel traffic:

Toothed whales: In summary, toothed whales sometimes show no avoidance reaction to vessels, or even approach them. However, avoidance can occur, especially in response to vessels of types used to chase or hunt the animals. This may cause temporary displacement, but we know of no clear evidence that toothed whales have abandoned significant parts of their range because of vessel traffic.

Baleen whales: When baleen whales receive low-level sounds from distant or stationary vessels, the sounds often seem to be ignored. Some whales approach the sources of these sounds. When vessels approach whales slowly and non-aggressively, whales often exhibit slow and inconspicuous avoidance maneuvers. In response to strong or rapidly changing vessel noise, baleen whales often interrupt their normal behavior and swim rapidly away. Avoidance is especially strong when a boat heads directly toward the whale.

Behavioral responses to stimuli are complex and influenced to varying degrees by a number of factors, such as species, behavioral contexts, geographical regions, source characteristics (moving or stationary, speed, direction, etc.), prior experience of the animal and physical status of the animal. For example, studies have shown that beluga whales' reactions varied when exposed to vessel noise and traffic. In some cases, naive beluga whales exhibited rapid swimming from ice-breaking vessels up to 80 km (49.7 mi) away, and showed changes in surfacing, breathing, diving, and group composition in the Canadian high Arctic where vessel traffic is rare (Finley *et al.*, 1990). In other cases, beluga whales were more tolerant of vessels, but responded differentially to certain vessels and operating characteristics by reducing their calling rates (especially older animals) in the St. Lawrence River where vessel traffic is common (Blane and Jackson, 1994). In Bristol Bay,

Alaska, beluga whales continued to feed when surrounded by fishing vessels and resisted dispersal even when purposefully harassed (Fish and Vania, 1971).

In reviewing more than 25 years of whale observation data, Watkins (1986) concluded that whale reactions to vessel traffic were "modified by their previous experience and current activity: habituation often occurred rapidly, attention to other stimuli or preoccupation with other activities sometimes overcame their interest or wariness of stimuli." Watkins noticed that over the years of exposure to ships in the Cape Cod area, minke whales changed from frequent positive interest (e.g., approaching vessels) to generally uninterested reactions; fin whales changed from mostly negative (e.g., avoidance) to uninterested reactions; right whales apparently continued the same variety of responses (negative, uninterested, and positive responses) with little change; and humpbacks dramatically changed from mixed responses that were often negative to reactions that were often strongly positive. Watkins (1986) summarized that "whales near shore, even in regions with low vessel traffic, generally have become less wary of boats and their noises, and they have appeared to be less easily disturbed than previously. In particular locations with intense shipping and repeated approaches by boats (such as the whale-watching areas of Stellwagen Bank), more and more whales had positive reactions to familiar vessels, and they also occasionally approached other boats and yachts in the same way."

Vessel Strike

Ship strikes of cetaceans can cause major wounds, which may lead to the death of the animal. An animal at the surface could be struck directly by a vessel, a surfacing animal could hit the bottom of a vessel, or a vessel's propeller could injure an animal just below the surface. The severity of injuries typically depends on the size and speed of the vessel (Knowlton and Kraus, 2001; Laist *et al.*, 2001; Vanderlaan and Taggart, 2007).

The most vulnerable marine mammals are those that spend extended periods of time at the surface in order to restore oxygen levels within their tissues after deep dives (e.g., the sperm whale). In addition, some baleen whales, such as the North Atlantic right whale, seem generally unresponsive to vessel sound, making them more susceptible to vessel collisions (Nowacek *et al.*, 2004). These species are primarily large, slow moving whales. Smaller marine mammals (e.g.,

bottlenose dolphin) move quickly through the water column and are often seen riding the bow wave of large ships. Marine mammal responses to vessels may include avoidance and changes in dive pattern (NRC, 2003).

An examination of all known ship strikes from all shipping sources (civilian and military) indicates vessel speed is a principal factor in whether a vessel strike results in death (Knowlton and Kraus, 2001; Laist *et al.*, 2001; Jensen and Silber, 2003; Vanderlaan and Taggart, 2007). In assessing records with known vessel speeds, Laist *et al.* (2001) found a direct relationship between the occurrence of a whale strike and the speed of the vessel involved in the collision. The authors concluded that most deaths occurred when a vessel was traveling in excess of 24.1 km/h (14.9 mph; 13 kts).

Entanglement

Entanglement can occur if wildlife becomes immobilized in survey lines, cables, nets, or other equipment that is moving through the water column. The proposed seismic survey would require towing approximately 8.0 km (4.9 mi) of equipment and cables. This size of the array generally carries a lower risk of entanglement for marine mammals. Wildlife, especially slow moving individuals, such as large whales, have a low probability of entanglement due to the low amount of slack in the lines, slow speed of the survey vessel, and onboard monitoring. Lamont-Doherty has no recorded cases of entanglement of marine mammals during their conduct of over 10 years of seismic surveys (NSF, 2014).

Anticipated Effects on Marine Mammal Habitat

The primary potential impacts to marine mammal habitat and other marine species are associated with elevated sound levels produced by airguns. This section describes the potential impacts to marine mammal habitat from the specified activity.

Anticipated Effects on Fish

NMFS considered the effects of the survey on marine mammal prey (*i.e.*, fish and invertebrates), as a component of marine mammal habitat in the following subsections.

There are three types of potential effects of exposure to seismic surveys: (1) Pathological, (2) physiological, and (3) behavioral. Pathological effects involve lethal and temporary or permanent sub-lethal injury. Physiological effects involve temporary and permanent primary and secondary stress responses, such as changes in

levels of enzymes and proteins. Behavioral effects refer to temporary and (if they occur) permanent changes in exhibited behavior (*e.g.*, startle and avoidance behavior). The three categories are interrelated in complex ways. For example, it is possible that certain physiological and behavioral changes could potentially lead to an ultimate pathological effect on individuals (*i.e.*, mortality).

The available information on the impacts of seismic surveys on marine fish is from studies of individuals or portions of a population. There have been no studies at the population scale. The studies of individual fish have often been on caged fish that were exposed to airgun pulses in situations not representative of an actual seismic survey. Thus, available information provides limited insight on possible real-world effects at the ocean or population scale.

Hastings and Popper (2005), Popper (2009), and Popper and Hastings (2009) provided recent critical reviews of the known effects of sound on fish. The following sections provide a general synopsis of the available information on the effects of exposure to seismic and other anthropogenic sound as relevant to fish. The information comprises results from scientific studies of varying degrees of rigor plus some anecdotal information. Some of the data sources may have serious shortcomings in methods, analysis, interpretation, and reproducibility that must be considered when interpreting their results (see Hastings and Popper, 2005). Potential adverse effects of the program's sound sources on marine fish are noted.

Pathological Effects: The potential for pathological damage to hearing structures in fish depends on the energy level of the received sound and the physiology and hearing capability of the species in question. For a given sound to result in hearing loss, the sound must exceed, by some substantial amount, the hearing threshold of the fish for that sound (Popper, 2005). The consequences of temporary or permanent hearing loss in individual fish on a fish population are unknown; however, they likely depend on the number of individuals affected and whether critical behaviors involving sound (*e.g.*, predator avoidance, prey capture, orientation and navigation, reproduction, etc.) are adversely affected.

There are few data about the mechanisms and characteristics of damage impacting fish that by exposure to seismic survey sounds. Peer-reviewed scientific literature has presented few data on this subject. NMFS is aware of

only two papers with proper experimental methods, controls, and careful pathological investigation that implicate sounds produced by actual seismic survey airguns in causing adverse anatomical effects.

One such study indicated anatomical damage, and the second indicated temporary threshold shift in fish hearing. The anatomical case is McCauley *et al.* (2003), who found that exposure to airgun sound caused observable anatomical damage to the auditory maculae of pink snapper (*Pagrus auratus*). This damage in the ears had not been repaired in fish sacrificed and examined almost two months after exposure. On the other hand, Popper *et al.* (2005) documented only temporary threshold shift (as determined by auditory brainstem response) in two of three fish species from the Mackenzie River Delta. This study found that broad whitefish (*Coregonus nasus*) exposed to five airgun shots were not significantly different from those of controls. During both studies, the repetitive exposure to sound was greater than would have occurred during a typical seismic survey. However, the substantial low-frequency energy produced by the airguns (less than 400 Hz in the study by McCauley *et al.* (2003) and less than approximately 200 Hz in Popper *et al.* (2005)) likely did not propagate to the fish because the water in the study areas was very shallow (approximately 9 m in the former case and less than 2 m in the latter). Water depth sets a lower limit on the lowest sound frequency that will propagate (*i.e.*, the cutoff frequency) at about one-quarter wavelength (Urlick, 1983; Rogers and Cox, 1988).

Wardle *et al.* (2001) suggested that in water, acute injury and death of organisms exposed to seismic energy depends primarily on two features of the sound source: (1) The received peak pressure and (2) the time required for the pressure to rise and decay. Generally, as received pressure increases, the period for the pressure to rise and decay decreases, and the chance of acute pathological effects increases. According to Buchanan *et al.* (2004), for the types of seismic airguns and arrays involved with the proposed program, the pathological (mortality) zone for fish would be expected to be within a few meters of the seismic source. Numerous other studies provide examples of no fish mortality upon exposure to seismic sources (Falk and Lawrence, 1973; Holliday *et al.*, 1987; La Bella *et al.*, 1996; Santulli *et al.*, 1999; McCauley *et al.*, 2000a,b, 2003; Bjarti, 2002; Thomsen, 2002; Hassel *et*

al., 2003; Popper *et al.*, 2005; Boeger *et al.*, 2006).

The National Park Service conducted an experiment of the effects of a single 700 in³ airgun in Lake Meade, Nevada (USGS, 1999) to understand the effects of a marine reflection survey of the Lake Meade fault system (Paulson *et al.*, 1993, in USGS, 1999). The researchers suspended the airgun 3.5 m (11.5 ft) above a school of threadfin shad in Lake Meade and fired three successive times at a 30 second interval. Neither surface inspection nor diver observations of the water column and bottom found any dead fish.

For a proposed seismic survey in Southern California, USGS (1999) conducted a review of the literature on the effects of airguns on fish and fisheries. They reported a 1991 study of the Bay Area Fault system from the continental shelf to the Sacramento River, using a 10 airgun (5,828 in³) array. Brezzina and Associates, hired by USGS to monitor the effects of the surveys, concluded that airgun operations were not responsible for the death of any of the fish carcasses observed, and the airgun profiling did not appear to alter the feeding behavior of sea lions, seals, or pelicans observed feeding during the seismic surveys.

Some studies have reported that mortality of fish, fish eggs, or larvae can occur close to seismic sources (Kostyuchenko, 1973; Dalen and Knutsen, 1986; Booman *et al.*, 1996; Dalen *et al.*, 1996). Some of the reports claimed seismic effects from treatments quite different from actual seismic survey sounds or even reasonable surrogates. However, Payne *et al.* (2009) reported no statistical differences in mortality/morbidity between control and exposed groups of capelin eggs or monkfish larvae. Saetre and Ona (1996) applied a worst-case scenario, mathematical model to investigate the effects of seismic energy on fish eggs and larvae. They concluded that mortality rates caused by exposure to seismic surveys are so low, as compared to natural mortality rates, that the impact of seismic surveying on recruitment to a fish stock must be regarded as insignificant.

Physiological Effects: Physiological effects refer to cellular and/or biochemical responses of fish to acoustic stress. Such stress potentially could affect fish populations by increasing mortality or reducing reproductive success. Primary and secondary stress responses of fish after exposure to seismic survey sound appear to be temporary in all studies done to date (Sverdrup *et al.*, 1994; Santulli *et al.*, 1999; McCauley *et al.*,

2000a, b). The periods necessary for the biochemical changes to return to normal are variable and depend on numerous aspects of the biology of the species and of the sound stimulus.

Behavioral Effects—Behavioral effects include changes in the distribution, migration, mating, and catchability of fish populations. Studies investigating the possible effects of sound (including seismic survey sound) on fish behavior have been conducted on both uncaged and caged individuals (*e.g.*, Chapman and Hawkins, 1969; Pearson *et al.*, 1992; Santulli *et al.*, 1999; Wardle *et al.*, 2001; Hassel *et al.*, 2003). Typically, in these studies fish exhibited a sharp startle response at the onset of a sound followed by habituation and a return to normal behavior after the sound ceased.

The former Minerals Management Service (MMS, 2005) assessed the effects of a proposed seismic survey in Cook Inlet, Alaska. The seismic survey proposed using three vessels, each towing two, four-airgun arrays ranging from 1,500 to 2,500 in³. The Minerals Management Service noted that the impact to fish populations in the survey area and adjacent waters would likely be very low and temporary and also concluded that seismic surveys may displace the pelagic fishes from the area temporarily when airguns are in use. However, fishes displaced and avoiding the airgun noise are likely to backfill the survey area in minutes to hours after cessation of seismic testing. Fishes not dispersing from the airgun noise (*e.g.*, demersal species) may startle and move short distances to avoid airgun emissions.

In general, any adverse effects on fish behavior or fisheries attributable to seismic testing may depend on the species in question and the nature of the fishery (season, duration, fishing method). They may also depend on the age of the fish, its motivational state, its size, and numerous other factors that are difficult, if not impossible, to quantify at this point, given such limited data on effects of airguns on fish, particularly under realistic at-sea conditions (Lokkeborg *et al.*, 2012; Fewtrell and McCauley, 2012). NMFS would expect prey species to return to their pre-exposure behavior once seismic firing ceased (Lokkeborg *et al.*, 2012; Fewtrell and McCauley, 2012).

Anticipated Effects on Invertebrates

The existing body of information on the impacts of seismic survey sound on marine invertebrates is very limited. However, there is some unpublished and very limited evidence of the potential for adverse effects on invertebrates, thereby justifying further

discussion and analysis of this issue. The three types of potential effects of exposure to seismic surveys on marine invertebrates are pathological, physiological, and behavioral. Based on the physical structure of their sensory organs, marine invertebrates appear to be specialized to respond to particle displacement components of an impinging sound field and not to the pressure component (Popper *et al.*, 2001). The only information available on the impacts of seismic surveys on marine invertebrates involves studies of individuals; there have been no studies at the population scale. Thus, available information provides limited insight on possible real-world effects at the regional or ocean scale.

Moriyasu *et al.* (2004) and Payne *et al.* (2008) provide literature reviews of the effects of seismic and other underwater sound on invertebrates. The following sections provide a synopsis of available information on the effects of exposure to seismic survey sound on species of decapod crustaceans and cephalopods, the two taxonomic groups of invertebrates on which most such studies have been conducted. The available information is from studies with variable degrees of scientific soundness and from anecdotal information. A more detailed review of the literature on the effects of seismic survey sound on invertebrates is in Appendix E of Foundation's 2011 Programmatic Environmental Impact Statement (NSF/USGS, 2011).

Pathological Effects: In water, lethal and sub-lethal injury to organisms exposed to seismic survey sound appears to depend on at least two features of the sound source: (1) The received peak pressure; and (2) the time required for the pressure to rise and decay. Generally, as received pressure increases, the period for the pressure to rise and decay decreases, and the chance of acute pathological effects increases. For the type of airgun array planned for the proposed program, the pathological (mortality) zone for crustaceans and cephalopods is expected to be within a few meters of the seismic source, at most; however, very few specific data are available on levels of seismic signals that might damage these animals. This premise is based on the peak pressure and rise/decay time characteristics of seismic airgun arrays currently in use around the world.

Some studies have suggested that seismic survey sound has a limited pathological impact on early developmental stages of crustaceans (Pearson *et al.*, 1994; Christian *et al.*, 2003; DFO, 2004). However, the impacts

appear to be either temporary or insignificant compared to what occurs under natural conditions. Controlled field experiments on adult crustaceans (Christian *et al.*, 2003, 2004; DFO, 2004) and adult cephalopods (McCauley *et al.*, 2000a,b) exposed to seismic survey sound have not resulted in any significant pathological impacts on the animals. It has been suggested that exposure to commercial seismic survey activities has injured giant squid (Guerra *et al.*, 2004), but the article provides little evidence to support this claim.

Tenera Environmental (2011) reported that Norris and Mohl (1983, summarized in Mariyasu *et al.*, 2004) observed lethal effects in squid (*Loligo vulgaris*) at levels of 246 to 252 dB after 3 to 11 minutes. Another laboratory study observed abnormalities in larval scallops after exposure to low frequency noise in tanks (de Soto *et al.*, 2013).

Andre *et al.* (2011) exposed four cephalopod species (*Loligo vulgaris*, *Sepia officinalis*, *Octopus vulgaris*, and *Ilex coindetii*) to two hours of continuous sound from 50 to 400 Hz at 157 ± 5 dB re: 1 μ Pa. They reported lesions to the sensory hair cells of the statocysts of the exposed animals that increased in severity with time, suggesting that cephalopods are particularly sensitive to low-frequency sound. The received sound pressure level was 157 ± 5 dB re: 1 μ Pa, with peak levels at 175 dB re 1 μ Pa. As in the McCauley *et al.* (2003) paper on sensory hair cell damage in pink snapper as a result of exposure to seismic sound, the cephalopods were subjected to higher sound levels than they would be under natural conditions, and they were unable to swim away from the sound source.

Physiological Effects: Physiological effects refer mainly to biochemical responses by marine invertebrates to acoustic stress. Such stress potentially could affect invertebrate populations by increasing mortality or reducing reproductive success. Studies have noted primary and secondary stress responses (*i.e.*, changes in haemolymph levels of enzymes, proteins, etc.) of crustaceans occurring several days or months after exposure to seismic survey sounds (Payne *et al.*, 2007). The authors noted that crustaceans exhibited no behavioral impacts (Christian *et al.*, 2003, 2004; DFO, 2004). The periods necessary for these biochemical changes to return to normal are variable and depend on numerous aspects of the biology of the species and of the sound stimulus.

Behavioral Effects: There is increasing interest in assessing the possible direct

and indirect effects of seismic and other sounds on invertebrate behavior, particularly in relation to the consequences for fisheries. Changes in behavior could potentially affect such aspects as reproductive success, distribution, susceptibility to predation, and catchability by fisheries. Studies investigating the possible behavioral effects of exposure to seismic survey sound on crustaceans and cephalopods have been conducted on both uncaged and caged animals. In some cases, invertebrates exhibited startle responses (*e.g.*, squid in McCauley *et al.*, 2000). In other cases, the authors observed no behavioral impacts (*e.g.*, crustaceans in Christian *et al.*, 2003, 2004; DFO, 2004). There have been anecdotal reports of reduced catch rates of shrimp shortly after exposure to seismic surveys; however, other studies have not observed any significant changes in shrimp catch rate (Andriuguetto-Filho *et al.*, 2005). Similarly, Parry and Gason (2006) did not find any evidence that lobster catch rates were affected by seismic surveys. Any adverse effects on crustacean and cephalopod behavior or fisheries attributable to seismic survey sound depend on the species in question and the nature of the fishery (season, duration, fishing method).

In examining impacts to fish and invertebrates as prey species for marine mammals, we expect fish to exhibit a range of behaviors including no reaction or habituation (Peña *et al.*, 2013) to startle responses and/or avoidance (Fewtrell and McCauley, 2012). We expect that the seismic survey would have no more than a temporary and minimal adverse effect on any fish or invertebrate species. Although there is a potential for injury to fish or marine life in close proximity to the vessel, we expect that the impacts of the seismic survey on fish and other marine life specifically related to acoustic activities would be temporary in nature, negligible, and would not result in substantial impact to these species or to their role in the ecosystem. Based on the preceding discussion, NMFS does not anticipate that the proposed activity would have any habitat-related effects that could cause significant or long-term consequences for individual marine mammals or their populations.

Proposed Mitigation

In order to issue an incidental take authorization under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to

rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant).

Lamont-Doherty has reviewed the following source documents and has incorporated a suite of proposed mitigation measures into their project description.

(1) Protocols used during previous Lamont-Doherty and Foundation-funded seismic research cruises as approved by us and detailed in the Foundation's 2011 PEIS and 2014 draft EA;

(2) Previous incidental harassment authorizations applications and authorizations that NMFS has approved and authorized; and

(3) Recommended best practices in Richardson *et al.* (1995), Pierson *et al.* (1998), and Weir and Dolman, (2007).

To reduce the potential for disturbance from acoustic stimuli associated with the activities, Lamont-Doherty, and/or its designees have proposed to implement the following mitigation measures for marine mammals:

(1) Vessel-based visual mitigation monitoring;

(2) Proposed exclusion zones;

(3) Power down procedures;

(4) Shutdown procedures;

(5) Ramp-up procedures; and

(6) Speed and course alterations.

NMFS reviewed Lamont-Doherty's proposed mitigation measures and has proposed additional measures to effect the least practicable adverse impact on marine mammals. They are:

(1) Expanded shutdown procedures for North Atlantic right whales;

(2) Expanded power down procedures for concentrations of six or more whales that do not appear to be traveling (*e.g.*, feeding, socializing, etc.).

Vessel-Based Visual Mitigation Monitoring

Lamont-Doherty would position observers aboard the seismic source vessel to watch for marine mammals near the vessel during daytime airgun operations and during any start-ups at night. Observers would also watch for marine mammals near the seismic vessel for at least 30 minutes prior to the start of airgun operations after an extended shutdown (*i.e.*, greater than approximately eight minutes for this proposed cruise). When feasible, the observers would conduct observations during daytime periods when the seismic system is not operating for comparison of sighting rates and behavior with and without airgun operations and between acquisition

periods. Based on the observations, the *Langseth* would power down or shutdown the airguns when marine mammals are observed within or about to enter a designated exclusion zone for cetaceans or pinnipeds.

During seismic operations, at least four protected species observers would be aboard the *Langseth*. Lamont-Doherty would appoint the observers with NMFS concurrence and they would conduct observations during ongoing daytime operations and nighttime ramp-ups of the airgun array. During the majority of seismic operations, two observers would be on duty from the observation tower to monitor marine mammals near the seismic vessel. Using two observers would increase the effectiveness of detecting animals near the source vessel. However, during mealtimes and bathroom breaks, it is sometimes difficult to have two observers on effort, but at least one observer would be on watch during bathroom breaks and mealtimes. Observers would be on duty in shifts of no longer than four hours in duration.

Two observers on the *Langseth* would also be on visual watch during all nighttime ramp-ups of the seismic airguns. A third observer would monitor the passive acoustic monitoring equipment 24 hours a day to detect vocalizing marine mammals present in

the action area. In summary, a typical daytime cruise would have scheduled two observers (visual) on duty from the observation tower, and an observer (acoustic) on the passive acoustic monitoring system. Before the start of the seismic survey, Lamont-Doherty would instruct the vessel's crew to assist in detecting marine mammals and implementing mitigation requirements.

The *Langseth* is a suitable platform for marine mammal observations. When stationed on the observation platform, the eye level would be approximately 21.5 m (70.5 ft) above sea level, and the observer would have a good view around the entire vessel. During daytime, the observers would scan the area around the vessel systematically with reticle binoculars (e.g., 7 × 50 Fujinon), Big-eye binoculars (25 × 150), and with the naked eye. During darkness, night vision devices would be available (ITT F500 Series Generation 3 binocular-image intensifier or equivalent), when required. Laser range-finding binoculars (Leica LRF 1200 laser rangefinder or equivalent) would be available to assist with distance estimation. They are useful in training observers to estimate distances visually, but are generally not useful in measuring distances to animals directly. The user measures distances to animals with the reticles in the binoculars.

Lamont-Doherty would immediately power down or shutdown the airguns when observers see marine mammals within or about to enter the designated exclusion zone. The observer(s) would continue to maintain watch to determine when the animal(s) are outside the exclusion zone by visual confirmation. Airgun operations would not resume until the observer has confirmed that the animal has left the zone, or if not observed after 15 minutes for species with shorter dive durations (small odontocetes and pinnipeds) or 30 minutes for species with longer dive durations (mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, killer, and beaked whales).

Proposed Mitigation Exclusion Zones

Lamont-Doherty would use safety radii to designate exclusion zones and to estimate take for marine mammals. Table 3 shows the distances at which one would expect to receive sound levels (160-, 180-, and 190-dB,) from the airgun subarrays and a single airgun. If the protected species visual observer detects marine mammal(s) within or about to enter the appropriate exclusion zone, the *Langseth* crew would immediately power down the airgun array, or perform a shutdown if necessary (see Shut-down Procedures).

TABLE 3—DISTANCES TO WHICH SOUND LEVELS GREATER THAN OR EQUAL TO 160 re: 1 μPa COULD BE RECEIVED DURING THE PROPOSED SURVEY OFFSHORE NEW JERSEY IN THE NORTH ATLANTIC OCEAN, JUNE THROUGH AUGUST, 2015

Source and volume (in ³)	Tow depth (m)	Water depth (m)	Predicted RMS distances (m) ¹		
			190 dB ²	180 dB	160 dB
Single Bolt airgun (40 in ³)	6	<100	21	73	995
4-Airgun subarray (700 in ³)	4.5	<100	101	378	5,240
4-Airgun subarray (700 in ³)	6	<100	118	439	6,100

¹ Predicted distances for 160-dB and 180-dB based on information presented in Lamont-Doherty's application.

² Lamont-Doherty did not request take for pinniped species in their application and consequently did not include distances for the 190-dB isopleth for pinnipeds in Table 1 of their application. Because NMFS anticipates that pinnipeds have the potential to occur in the survey area, Lamont-Doherty calculated the distances for the 190-dB isopleth and submitted them to NMFS on for inclusion in this table.

The 180- or 190-dB level shutdown criteria are applicable to cetaceans as specified by NMFS (2000). Lamont-Doherty used these levels to establish the exclusion zones as presented in their application.

Retrospective Analysis and Model Validation for Exclusion Zones

For seismic surveys in shallow-water environments, the complexity of local geology and seafloor topography can make it difficult to accurately predict associated sound levels and establish appropriate mitigation radii required to ensure the safety of local marine

protected species (Crone *et al.*, 2014). Lamont-Doherty has explored solutions to this problem by measuring received levels using the ship's multichannel seismic (MCS) streamer.

Recently, Lamont-Doherty conducted a retrospective sound power analysis of one of the lines acquired during Lamont-Doherty's truncated seismic survey offshore New Jersey in 2014. Despite encountering mechanical difficulties during the 2014 survey, the *Langseth* collected nearly 30,000 shot gathers with a 700 in³ source towed at 4.5 m (15 ft) depth, along several lines

measuring approximately 50 km (31 mi), with multichannel streamers (*Dr. Tim Crone*, pers. comm.). After conducting the survey, Lamont-Doherty analyzed of one of the lines (Line 1876OL; shot upslope in water depths ranging from about 50 to 20 m (164 to 66 ft)) to verify the accuracy of their acoustic modelling approach to estimating mitigation exclusion zones. Following the sound power analysis protocols described in Crone *et al.* (2014), Lamont-Doherty observed that the actual distances measured for the exclusion and buffer

zones were smaller than what Lamont-Doherty's model predicted (Table 4).

TABLE 4—RETROSPECTIVE ANALYSIS OF IN SITU DATA TO VALIDATE MODELED MITIGATION RADII. RMS POWER LEVELS WITH ESTIMATED MITIGATION RADII CALCULATED SHOWING THE PREDICTED RADII USED DURING THE 2014 SURVEY OFFSHORE NEW JERSEY AND THE SITU STREAMER DATA WITH MEASURED RADII DURING THE SAME SURVEY
[Preliminary data provided by Tim Crone (2015)]

RMS Level (dB re 1 μ Pa)	Tow depth (m)	Water depth (m)	RMS Distances (m)		
			Predicted radii for the 2014 survey ¹	In situ measured radii for the 2014 Survey ²	Percent difference in modeled radii vs. measured radii
180 dB	4.5	≤50	378	78	Modeled zone is ~ 79.3% larger than measured radii.
160 dB	4.5	≤50	5,240	1,521	Modeled zone is ~ 70.9% larger than measured radii.

¹ Predicted radii for the proposed 2015 survey offshore New Jersey are the same radii used in the 2014 survey conducted offshore New Jersey.

² Measured streamer data (mean) by Lamont-Doherty following protocols described in (Crone *et al.*, 2014).

Lamont-Doherty used a similar process to develop and confirm the conservativeness of the mitigation radii for a shallow-water seismic survey in the northeast Pacific Ocean offshore Washington in 2012. Crone *et al.* (2014) analyzed the received sound levels from the 2012 survey and reported that the actual distances for the exclusion and buffer zones were two to three times smaller than what Lamont-Doherty's modeling approach predicted.

While these results confirm the role that bathymetry plays in propagation, they also confirm that empirical measurements from the Gulf of Mexico survey likely over-estimated the size of the exclusion zones for the 2012 Washington and 2014 New Jersey shallow-water seismic surveys. NMFS reviewed this preliminary information in consideration of how these data reflect on the accuracy of Lamont-Doherty's current modeling approach.

Power Down Procedures

A power down involves decreasing the number of airguns in use such that the radius of the 180-dB or 190-dB exclusion zone is smaller to the extent that marine mammals are no longer within or about to enter the exclusion zone. A power down of the airgun array can also occur when the vessel is moving from one seismic line to another. During a power down for mitigation, the *Langseth* would operate one airgun (40 in³). The continued operation of one airgun would alert marine mammals to the presence of the seismic vessel in the area. A shutdown occurs when the *Langseth* suspends all airgun activity.

If the observer detects a marine mammal outside the exclusion zone and the animal is likely to enter the zone, the crew would power down the airguns

to reduce the size of the 180-dB or 190-dB exclusion zone before the animal enters that zone. Likewise, if a mammal is already within the zone after detection, the crew would power-down the airguns immediately. During a power down of the airgun array, the crew would operate a single 40-in³ airgun which has a smaller exclusion zone. If the observer detects a marine mammal within or near the smaller exclusion zone around the airgun (Table 3), the crew would shut down the single airgun (see next section).

Resuming Airgun Operations After a Power Down: Following a power-down, the *Langseth* crew would not resume full airgun activity until the marine mammal has cleared the 180-dB or 190-dB exclusion zone. The observers would consider the animal to have cleared the exclusion zone if:

- The observer has visually observed the animal leave the exclusion zone; or
- An observer has not sighted the animal within the exclusion zone for 15 minutes for species with shorter dive durations (*i.e.*, small odontocetes or pinnipeds), or 30 minutes for species with longer dive durations (*i.e.*, mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, and beaked whales); or

The *Langseth* crew would resume operating the airguns at full power after 15 minutes of sighting any species with short dive durations (*i.e.*, small odontocetes or pinnipeds). Likewise, the crew would resume airgun operations at full power after 30 minutes of sighting any species with longer dive durations (*i.e.*, mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, and beaked whales).

NMFS estimates that the *Langseth* would transit outside the original 180-dB or 190-dB exclusion zone after an 8-

minute wait period. This period is based on the average speed of the *Langseth* while operating the airguns (8.5 km/h; 5.3 mph). Because the vessel has transited away from the vicinity of the original sighting during the 8-minute period, implementing ramp-up procedures for the full array after an extended power down (*i.e.*, transiting for an additional 35 minutes from the location of initial sighting) would not meaningfully increase the effectiveness of observing marine mammals approaching or entering the exclusion zone for the full source level and would not further minimize the potential for take. The *Langseth's* observers are continually monitoring the exclusion zone for the full source level while the mitigation airgun is firing. On average, observers can observe to the horizon (10 km; 6.2 mi) from the height of the *Langseth's* observation deck and should be able to say with a reasonable degree of confidence whether a marine mammal would be encountered within this distance before resuming airgun operations at full power.

Shutdown Procedures

The *Langseth* crew would shut down the operating airgun(s) if they see a marine mammal within or approaching the exclusion zone for the single airgun. The crew would implement a shutdown:

(1) If an animal enters the exclusion zone of the single airgun after the crew has initiated a power down; or

(2) If an observer sees the animal is initially within the exclusion zone of the single airgun when more than one airgun (typically the full airgun array) is operating.

Resuming Airgun Operations after a Shutdown: Following a shutdown in excess of eight minutes, the *Langseth*

crew would initiate a ramp-up with the smallest airgun in the array (40-in³). The crew would turn on additional airguns in a sequence such that the source level of the array would increase in steps not exceeding 6 dB per five-minute period over a total duration of approximately 30 minutes. During ramp-up, the observers would monitor the exclusion zone, and if he/she sees a marine mammal, the *Langseth* crew would implement a power down or shutdown as though the full airgun array were operational.

During periods of active seismic operations, there are occasions when the *Langseth* crew would need to temporarily shut down the airguns due to equipment failure or for maintenance. In this case, if the airguns are inactive longer than eight minutes, the crew would follow ramp-up procedures for a shutdown described earlier and the observers would monitor the full exclusion zone and would implement a power down or shutdown if necessary.

If the full exclusion zone is not visible to the observer for at least 30 minutes prior to the start of operations in either daylight or nighttime, the *Langseth* crew would not commence ramp-up unless at least one airgun (40-in³ or similar) has been operating during the interruption of seismic survey operations. Given these provisions, it is likely that the vessel's crew would not ramp up the airgun array from a complete shutdown at night or in thick fog, because the outer part of the zone for that array would not be visible during those conditions.

If one airgun has operated during a power down period, ramp-up to full power would be permissible at night or in poor visibility, on the assumption that marine mammals would be alerted to the approaching seismic vessel by the sounds from the single airgun and could move away. The vessel's crew would not initiate a ramp-up of the airguns if an observer sees the marine mammal within or near the applicable exclusion zones during the day or close to the vessel at night.

Ramp-Up Procedures

Ramp-up of an airgun array provides a gradual increase in sound levels, and involves a step-wise increase in the number and total volume of airguns firing until the full volume of the airgun array is achieved. The purpose of a ramp-up is to "warn" marine mammals in the vicinity of the airguns, and to provide the time for them to leave the area and thus avoid any potential injury or impairment of their hearing abilities. Lamont-Doherty would follow a ramp-up procedure when the airgun array begins operating after an 8 minute period without airgun operations or when shut down has exceeded that period. Lamont-Doherty has used similar waiting periods (approximately eight to 10 minutes) during previous seismic surveys.

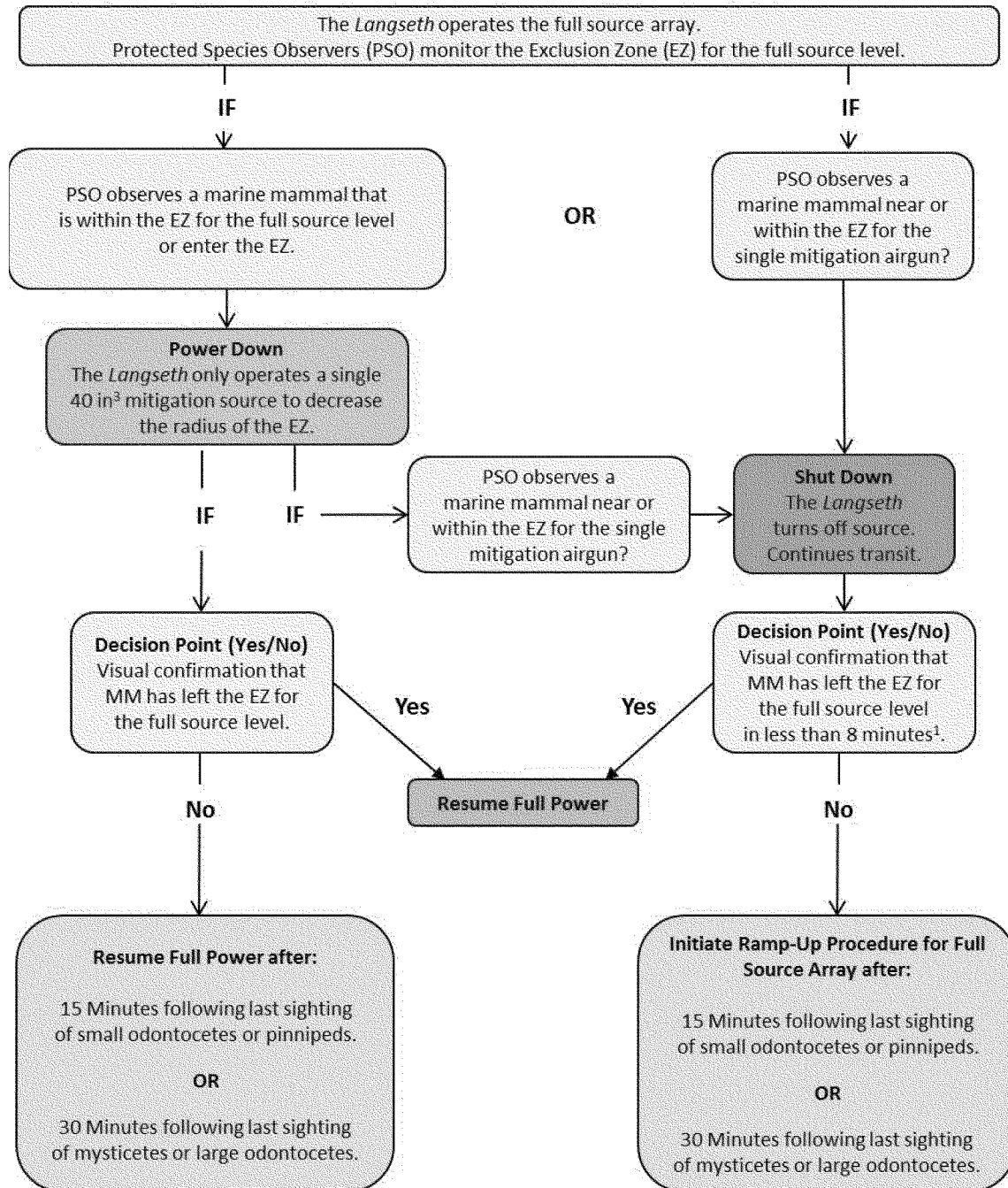
Ramp-up would begin with the smallest airgun in the array (40 in³). The crew would add airguns in a sequence such that the source level of the array would increase in steps not exceeding six dB per five minute period over a

total duration of approximately 30 to 35 minutes. During ramp-up, the observers would monitor the exclusion zone, and if marine mammals are sighted, Lamont-Doherty would implement a power-down or shut-down as though the full airgun array were operational.

If the complete exclusion zone has not been visible for at least 30 minutes prior to the start of operations in either daylight or nighttime, Lamont-Doherty would not commence the ramp-up unless at least one airgun (40 in³ or similar) has been operating during the interruption of seismic survey operations. Given these provisions, it is likely that the crew would not ramp up the airgun array from a complete shutdown at night or in thick fog, because the outer part of the exclusion zone for that array would not be visible during those conditions. If one airgun has operated during a power-down period, ramp-up to full power would be permissible at night or in poor visibility, on the assumption that marine mammals would be alerted to the approaching seismic vessel by the sounds from the single airgun and could move away. Lamont-Doherty would not initiate a ramp-up of the airguns if an observer sights a marine mammal within or near the applicable exclusion zones. NMFS refers the reader to Figure 2, which presents a flowchart representing the ramp-up, power down, and shut down protocols described in this notice.

BILLING CODE 3510-22-P

Proposed Power-Down and Shut-Down Procedures for the R/V *Langseth*



¹ Ramp-Up Procedures

For a given survey, Lamont-Doherty would calculate a specified period based on the 180-dB exclusion zone radius in relation to the average planned speed of the *Langseth* while surveying. Lamont-Doherty has used similar periods (8-10 minutes) for previous surveys. Ramp up will not occur if a marine mammal has not cleared the exclusion zone for the full array.

Date: March 10, 2015

BILLING CODE 3510-22-C

Special Procedures for Situations or Species of Concern

Considering the highly endangered status of North Atlantic right whales,

the *Langseth* crew would shut down the airgun(s) immediately in the unlikely event that observers detect this species, regardless of the distance from the

vessel. The *Langseth* would only begin ramp-up if observers have not seen the North Atlantic right whale for 30 minutes.

The *Langseth* would avoid exposing concentrations of humpback, sei, fin, blue, and/or sperm whales to sounds greater than 160 dB and would power down the array, if necessary. For purposes of this planned survey, a concentration or group of whales will consist of six or more individuals visually sighted that do not appear to be traveling (e.g., feeding, socializing, etc.).

Speed and Course Alterations

If during seismic data collection, Lamont-Doherty detects marine mammals outside the exclusion zone and, based on the animal's position and direction of travel, is likely to enter the exclusion zone, the *Langseth* would change speed and/or direction if this does not compromise operational safety. Due to the limited maneuverability of the primary survey vessel, altering speed, and/or course can result in an extended period of time to realign onto the transect. However, if the animal(s) appear likely to enter the exclusion zone, the *Langseth* would undertake further mitigation actions, including a power down or shut down of the airguns.

Mitigation Conclusions

NMFS has carefully evaluated Lamont-Doherty's proposed mitigation measures in the context of ensuring that we prescribe the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and
- The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed here:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).
2. A reduction in the numbers of marine mammals (total number or

number at biologically important time or location) exposed to airgun operations that we expect to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to airgun operations that we expect to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to airgun operations that we expect to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on the evaluation of Lamont-Doherty's proposed measures, as well as other measures proposed by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring

In order to issue an Incidental Take Authorization for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth "requirements pertaining to the monitoring and reporting of such taking". The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for Authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that we expect to be present in the proposed action area.

Lamont-Doherty submitted a marine mammal monitoring plan in section XIII of the Authorization application. NMFS,

the Foundation, or Lamont-Doherty may modify or supplement the plan based on comments or new information received from the public during the public comment period.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and during other times and locations, in order to generate more data to contribute to the analyses mentioned later;

2. An increase in our understanding of how many marine mammals would be affected by seismic airguns and other active acoustic sources and the likelihood of associating those exposures with specific adverse effects, such as behavioral harassment, temporary or permanent threshold shift;

3. An increase in our understanding of how marine mammals respond to stimuli that we expect to result in take and how those anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

- a. Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (i.e., to be able to accurately predict received level, distance from source, and other pertinent information);

- b. Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (i.e., to be able to accurately predict received level, distance from source, and other pertinent information);

- c. Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

4. An increased knowledge of the affected species; and

5. An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

Proposed Monitoring Measures

Lamont-Doherty proposes to sponsor marine mammal monitoring during the present project to supplement the mitigation measures that require real-time monitoring, and to satisfy the monitoring requirements of the Authorization. Lamont-Doherty understands that NMFS would review the monitoring plan and may require refinements to the plan. Lamont-Doherty planned the monitoring work as a self-contained project independent of

any other related monitoring projects that may occur in the same regions at the same time. Further, Lamont-Doherty is prepared to discuss coordination of its monitoring program with any other related work that might be conducted by other groups working insofar as it is practical for Lamont-Doherty.

Vessel-Based Passive Acoustic Monitoring

Passive acoustic monitoring would complement the visual mitigation monitoring program, when practicable. Visual monitoring typically is not effective during periods of poor visibility or at night, and even with good visibility, is unable to detect marine mammals when they are below the surface or beyond visual range. Passive acoustical monitoring can improve detection, identification, and localization of cetaceans when used in conjunction with visual observations. The passive acoustic monitoring would serve to alert visual observers (if on duty) when vocalizing cetaceans are detected. It is only useful when marine mammals call, but it can be effective either by day or by night, and does not depend on good visibility. The acoustic observer would monitor the system in real time so that he/she can advise the visual observers if they acoustically detect cetaceans.

The passive acoustic monitoring system consists of hardware (*i.e.*, hydrophones) and software. The “wet end” of the system consists of a towed hydrophone array connected to the vessel by a tow cable. The tow cable is 250 m (820.2 ft) long and the hydrophones are fitted in the last 10 m (32.8 ft) of cable. A depth gauge, attached to the free end of the cable, which is typically towed at depths less than 20 m (65.6 ft). The *Langseth* crew would deploy the array from a winch located on the back deck. A deck cable would connect the tow cable to the electronics unit in the main computer lab where the acoustic station, signal conditioning, and processing system would be located. The Pamguard software amplifies, digitizes, and then processes the acoustic signals received by the hydrophones. The system can detect marine mammal vocalizations at frequencies up to 250 kHz.

One acoustic observer, an expert bioacoustician with primary responsibility for the passive acoustic monitoring system would be aboard the *Langseth* in addition to the four visual observers. The acoustic observer would monitor the towed hydrophones 24 hours per day during airgun operations and during most periods when the *Langseth* is underway while the airguns

are not operating. However, passive acoustic monitoring may not be possible if damage occurs to both the primary and back-up hydrophone arrays during operations. The primary passive acoustic monitoring streamer on the *Langseth* is a digital hydrophone streamer. Should the digital streamer fail, back-up systems should include an analog spare streamer and a hull-mounted hydrophone.

One acoustic observer would monitor the acoustic detection system by listening to the signals from two channels via headphones and/or speakers and watching the real-time spectrographic display for frequency ranges produced by cetaceans. The observer monitoring the acoustical data would be on shift for one to six hours at a time. The other observers would rotate as an acoustic observer, although the expert acoustician would be on passive acoustic monitoring duty more frequently.

When the acoustic observer detects a vocalization while visual observations are in progress, the acoustic observer on duty would contact the visual observer immediately, to alert him/her to the presence of cetaceans (if they have not already been seen), so that the vessel's crew can initiate a power down or shutdown, if required. The observer would enter the information regarding the call into a database. Data entry would include an acoustic encounter identification number, whether it was linked with a visual sighting, date, time when first and last heard and whenever any additional information was recorded, position and water depth when first detected, bearing if determinable, species or species group (*e.g.*, unidentified dolphin, sperm whale), types and nature of sounds heard (*e.g.*, clicks, continuous, sporadic, whistles, creaks, burst pulses, strength of signal, etc.), and any other notable information. Acousticians record the acoustic detection for further analysis.

Observer Data and Documentation

Observers would record data to estimate the numbers of marine mammals exposed to various received sound levels and to document apparent disturbance reactions or lack thereof. They would use the data to estimate numbers of animals potentially ‘taken’ by harassment (as defined in the MMPA). They will also provide information needed to order a power down or shut down of the airguns when a marine mammal is within or near the exclusion zone.

When an observer makes a sighting, they will record the following information:

1. Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to the airguns or vessel (*e.g.*, none, avoidance, approach, paralleling, etc.), and behavioral pace.

2. Time, location, heading, speed, activity of the vessel, sea state, visibility, and sun glare.

The observer will record the data listed under (2) at the start and end of each observation watch, and during a watch whenever there is a change in one or more of the variables.

Observers will record all observations and power downs or shutdowns in a standardized format and will enter data into an electronic database. The observers will verify the accuracy of the data entry by computerized data validity checks during data entry and by subsequent manual checking of the database. These procedures will allow the preparation of initial summaries of data during and shortly after the field program, and will facilitate transfer of the data to statistical, graphical, and other programs for further processing and archiving.

Results from the vessel-based observations will provide:

1. The basis for real-time mitigation (airgun power down or shutdown).

2. Information needed to estimate the number of marine mammals potentially taken by harassment, which Lamont-Doherty must report to the Office of Protected Resources.

3. Data on the occurrence, distribution, and activities of marine mammals and turtles in the area where Lamont-Doherty would conduct the seismic study.

4. Information to compare the distance and distribution of marine mammals and turtles relative to the source vessel at times with and without seismic activity.

5. Data on the behavior and movement patterns of marine mammals detected during non-active and active seismic operations.

Proposed Reporting

Lamont-Doherty would submit a report to us and to the Foundation within 90 days after the end of the cruise. The report would describe the operations conducted and sightings of marine mammals and turtles near the operations. The report would provide full documentation of methods, results, and interpretation pertaining to all monitoring. The 90-day report would summarize the dates and locations of seismic operations, and all marine

mammal sightings (dates, times, locations, activities, associated seismic survey activities). The report would also include estimates of the number and nature of exposures that could result in “takes” of marine mammals by harassment or in other ways.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner not permitted by the authorization (if issued), such as an injury, serious injury, or mortality (e.g., ship-strike, gear interaction, and/or entanglement), Lamont-Doherty shall immediately cease the specified activities and immediately report the take to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401 and/or by email to *Jolie.Harrison@noaa.gov* and *ITP.Cody@noaa.gov* and the Northeast Regional Stranding Coordinator at (978) 281-9300. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel’s speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and

- Photographs or video footage of the animal(s) (if equipment is available).

Lamont-Doherty shall not resume its activities until we are able to review the circumstances of the prohibited take. We shall work with Lamont-Doherty to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Lamont-Doherty may not resume their activities until notified by us via letter, email, or telephone.

In the event that Lamont-Doherty discovers an injured or dead marine mammal, and the lead visual observer determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as we describe in the next paragraph), Lamont-Doherty will immediately report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401 and/or by email to *Jolie.Harrison@noaa.gov* and *ITP.Cody@noaa.gov* and the Northeast Regional Stranding Coordinator at (978) 281-9300. The report must include the same information identified in the paragraph above this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS would work with Lamont-Doherty to determine whether modifications in the activities are appropriate.

In the event that Lamont-Doherty discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (e.g., previously wounded animal, carcass with moderate

to advanced decomposition, or scavenger damage), Lamont-Doherty would report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401 and/or by email to *Jolie.Harrison@noaa.gov* and *ITP.Cody@noaa.gov* and the Northeast Regional Stranding Coordinator at (978) 281-9300, within 24 hours of the discovery. Lamont-Doherty would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Acoustic stimuli (i.e., increased underwater sound) generated during the operation of the airgun sub-arrays may have the potential to result in the behavioral disturbance of some marine mammals. Thus, NMFS proposes to authorize take by Level B harassment resulting from the operation of the sound sources for the proposed seismic survey based upon the current acoustic exposure criteria shown in Table 4.

TABLE 5—NMFS’ CURRENT ACOUSTIC EXPOSURE CRITERIA

Criterion	Criterion definition	Threshold
Level A Harassment (Injury)	Permanent Threshold Shift (PTS) (Any level above that which is known to cause TTS).	180 dB re 1 microPa-m (cetaceans)/190 dB re 1 microPa-m (pinnipeds) root mean square (rms).
Level B Harassment	Behavioral Disruption (for impulse noises)	160 dB re 1 microPa-m (rms).

NMFS’ practice is to apply the 160 dB re: 1 µPa received level threshold for underwater impulse sound levels to determine whether take by Level B harassment occurs.

The probability of vessel and marine mammal interactions (i.e., ship strike) occurring during the proposed survey is unlikely due to the *Langseth’s* slow operational speed, which is typically 4.6 kts (8.5 km/h; 5.3 mph). Outside of seismic operations, the *Langseth’s* cruising speed would be approximately 11.5 mph (18.5 km/h; 10 kts) which is generally below the speed at which

studies have noted reported increases of marine mammal injury or death (Laist *et al.*, 2001). In addition, the *Langseth* has a number of other advantages for avoiding ship strikes as compared to most commercial merchant vessels, including the following: the *Langseth’s* bridge offers good visibility to visually monitor for marine mammal presence; observers posted during operations scan the ocean for marine mammals and must report visual alerts of marine mammal presence to crew; and the observers receive extensive training that covers the fundamentals of visual

observing for marine mammals and information about marine mammals and their identification at sea. Thus, NMFS does not anticipate that take would result from the movement of the vessel.

Lamont-Doherty did not estimate any additional take from sound sources other than airguns. NMFS does not expect the sound levels produced by the echosounder and sub-bottom profiler to exceed the sound levels produced by the airguns. Lamont-Doherty will not operate the multibeam echosounder and sub-bottom profiler during transits to and from the survey area, (i.e., when the

airguns are not operating), and, therefore, NMFS does not anticipate additional takes from these sources in this particular case.

NMFS is currently evaluating the broader use of these types of sources to determine under what specific circumstances coverage for incidental take would or would not be advisable. NMFS is working on guidance that would outline a consistent recommended approach for applicants to address the potential impacts of these types of sources.

NMFS considers the probability for entanglement of marine mammals as low because of the vessel speed and the monitoring efforts onboard the survey vessel. Therefore, NMFS does not believe it is necessary to authorize additional takes for entanglement at this time.

There is no evidence that planned activities could result in serious injury or mortality within the specified geographic area for the requested proposed Authorization. The required mitigation and monitoring measures would minimize any potential risk for serious injury or mortality.

The following sections describe Lamont-Doherty's methods to estimate take by incidental harassment. Lamont-Doherty's based their estimates on the number of marine mammals that could be harassed by seismic operations with the airgun sub-array during approximately 4,906 km (approximately 3,044.7 miles (mi) of transect lines in the northwest Atlantic Ocean as depicted in Figure 1 (Figure 1 of Lamont-Doherty's application).

Lamont-Doherty's Ensonified Area Calculations: In order to estimate the potential number of marine mammals exposed to airgun sounds, Lamont-Doherty considers the total marine area within the 160-dB radius around the operating airguns. This ensonified area includes areas of overlapping transect lines. Lamont-Doherty determined the ensonified area by entering the planned survey lines into a MapInfo GIS, using the software to identify the relevant areas by "drawing" the applicable 160-dB buffer (see Table 3; Table 1 in the application) around each seismic line, and then calculating the total area within the buffers.

Because Lamont-Doherty assumes that the *Langseth* may need to repeat some tracklines, accommodate the turning of the vessel, address equipment malfunctions, or conduct equipment testing to complete the survey; they have increased the proposed number of square kilometers (km²) for the seismic operations from approximately 1,629.7 km (629.2 square miles (mi²) by 25

percent to 2,037.1 km² (786.5 mi²) to account for contingency operations.

Lamont-Doherty's Take Estimates: Lamont-Doherty calculated the numbers of different individuals potentially exposed to approximately 160 dB re: 1 μPa_{rms} by multiplying the expected species density estimates (in number/km²) for that area in the absence of a seismic program times the estimated area of ensonification (*i.e.*, 2,037.1 km²; 786.5 mi²) which includes a 25 percent contingency factor to account for repeated tracklines. Lamont-Doherty acknowledged in their application that this approach does not allow for turnover in the mammal populations in the area during the course of the survey; thus the number of individuals exposed may be underestimated because the approach does not account for new animals entering or passing through the ensonification area.

NMFS' Proposed Methodology for Take Estimation

As discussed earlier, Lamont-Doherty estimated the incidental take of marine mammals during the proposed survey area by multiplying the total ensonified survey area (2,037 km² which includes a 25 percent contingency) by the applicable marine mammals densities derived from the U.S. Navy's OPAREA Density Estimates (NODES) database (DoN, 2007). However, this methodology of estimating take could underestimate take both for numbers of individuals and the numbers of times they may be taken because the survey would occur in a small area (12 m x 50 m) for approximately 30 days, 24 hours per day, and Lamont-Doherty's proposed method does not account for the fact that new individuals could enter into the area during the 30 days, or the fact that new instances of take of the same animals could likely occur on subsequent days. To account for this potential underestimation of incidental take, NMFS proposes a methodology informed by the Marine Mammal Commission's comments on the 2014 seismic survey (MMC, 2014) to estimate incidental take, which factors in a time component.

NMFS' Ensonified Area Calculations: In order to estimate the potential number of marine mammals exposed to airgun sounds, NMFS estimated the total ensonified area within the 160-dB radius including areas of overlap (57,878 km²; 22,346 mi²) and added an additional 25 percent contingency factor to account for the increased line effort over a period of 30 days. The result was a total ensonified area estimate of 72,348 km² (27,934 mi²).

NMFS Density Estimates: For the proposed Authorization, NMFS reviewed Lamont-Doherty's take estimates presented in Table 3 of their application and revised the density estimates (where available) as well as the take calculations for several species based upon the best available density information from the SERDP SDSS Marine Animal Model Mapper tool for the summer months (DoN, 2007; accessed on February 10, 2015); or abundance or species presence information from Palka (2012); mean group size information from the Cetacean and Turtle Assessment Program (CeTAP) surveys (CeTAP, 1982) and the Atlantic Marine Assessment Program for Protected Species (AMAPPS) surveys in 2010, 2011, and 2013.

For species where the SERDP SDSS NODES summer model produced a density estimate of zero, NMFS increased the take estimates from zero to the average (mean) group size (weighted by effort and rounded up) derived from (CeTAP, 1982), and the Atlantic Marine Assessment Program for Protected Species (AMAPPS) surveys in 2010, 2011, and 2013. NMFS used the mean group size for these species because of the low likelihood of encountering these species in the survey area. Based upon the best available information, NMFS does expect that it is necessary to assume that Lamont-Doherty would encounter the largest mean group size within the survey area. Those species include: North Atlantic right, blue, humpback, sei, fin, and minke whales; clymene, pan-tropical spotted, striped, short-beaked common, white-beaked, and Atlantic white-sided dolphins, harbor porpoises, gray, harp, and harbor seals.

For North Atlantic right whales, NMFS increased the estimated mean group size of one whale (based on CeTAP (1982) and AMAPPS (2010, 2011, and 2013) survey data) to three whales account for cow/calf pairs based on additional supporting information from Whitt *et al.* (2013) which reported on the occurrence of cow-calf pair in nearshore waters off New Jersey.

Table 6 presents the revised estimates of the possible numbers of marine mammals exposed to sound levels greater than or equal to 160 dB re: 1 μPa during the proposed seismic survey.

Estimating Instances of Exposures: For the proposed Authorization, NMFS estimated the number of total exposures that could occur over 30 days by multiplying the following:

- The total ensonified area including overlap/contingency (72,348 km²; 27,934 mi²); by

- The available marine mammal densities derived from the SERDP SDSS Marine Animal Mapper Model summer NODES database (DoN, 2007); by
- An adjustment factor that assumes that (assumes that 25 percent of animals would move away from the survey area and would not experience a re-exposure. NMFS bases the turnover factor using information on baleen whales in the North Pacific (Wood *et al.*, 2012; Bailey *et al.*, 2010). NMFS' approach to accounting for time and instances of re-exposure better

captures the number of instances of take that could occur during the survey. Also, NMFS' use of the turnover factor recognizes some of the limitations of using a static density estimate as proposed in Lamont-Doherty's application. However, this approach, which represents a total number of exposures over 30 days of airgun operations, including extra contingency days, likely overestimates the numbers of individual animals taken because of the assumption of limited animal

movement and the absence of mitigation measures.
Estimating Take of Individuals: NMFS calculated the numbers of different individuals potentially taken by dividing the total number of instances of exposures that could occur over 30 days of airgun operations by the average number of re-exposures that a particular animal could experience within the ensonified area (in this case, Lamont-Doherty provided an estimate of 35.5 times which NMFS used for this calculation).

TABLE 6—DENSITIES, MEAN GROUP SIZE, AND ESTIMATES OF THE POSSIBLE NUMBERS OF MARINE MAMMALS EXPOSED TO SOUND LEVELS GREATER THAN OR EQUAL TO 160 dB re: 1 µPa OVER 30 DAYS DURING THE PROPOSED SEISMIC SURVEY IN THE NORTH ATLANTIC OCEAN, SUMMER 2015

Species	Density estimate ¹	Modeled number of instances of exposures to sound levels ≥160 dB	Modeled number of exposures accounting turnover	Modeled number of individuals exposed to sound levels ≥160 dB	Proposed take authorization ²	Percent of species or stock ³	Population trend ⁴
Blue whale	0	0	0	0	1	0.23	No data.
Fin whale	0.014	1.01	0.76	1	3	0.19	No data.
Humpback whale	0	0	0	0	3	0.36	Increasing.
Minke whale	0	0	0	0	2	0.01	No data.
North Atlantic right whale	0	0	0	0	3	0.65	Increasing.
Sei whale	0.74	53	40.15	3	3	0.84	No data.
Sperm whale	17.07	1,235	926.23	27	27	1.18	No data.
Dwarf sperm whale	0.004	0.29	0.22	0	2	0.05	No data.
Pygmy sperm whale	0.004	0.29	0.22	0	2	0.05	No data.
Cuvier's beaked whale	0.57	41.24	30.93	1	3	0.05	No data.
Gervais' beaked whale	0.57	41.24	30.93	1	4	0.06	No data.
Sowerby's beaked whale	0.57	41.24	30.93	1	3	0.04	No data.
True's beaked whale	0.57	41.24	30.93	1	3	0.04	No data.
Blainville beaked whale	0.57	41.24	30.93	1	3	0.04	No data.
Bottlenose dolphin (pelagic)	269	19,461.48	14,596.11	411	411	0.53	No data.
Bottlenose dolphin (coastal)	269	19,461.48	14,596.11	411	411	3.56	No data.
Pantropical spotted dolphin	0	0	0	0	6	0.18	No data.
Atlantic spotted dolphin	87.3	6,315.94	4,736.95	133	133	0.30	No data.
Striped dolphin	0	0	0	0	52	0.09	No data.
Short-beaked common dolphin	0	0	0	0	36	0.02	No data.
Clymene dolphin	0	0	0	0	27	0.44	No data.
White-beaked dolphin	0	0	0	0	16	0.80	No data.
Atlantic white-sided dolphin	0	0	0	0	53	0.11	No data.
Risso's dolphin	32.88	2,378.79	1,784.09	50	50	0.28	No data.
False killer whale	0	0	0	0	7	1.58	No data.
Pygmy killer whale	0	0	0	0	2	1.32	No data.
Killer whale	0	0	0	0	7	1.86	No data.
Long-finned pilot whale	0.444	32.12	24.09	1	20	0.08	No data.
Short-finned pilot whale	0.444	32.12	24.09	1	20	0.08	No data.
Harbor porpoise	0	0	0	0	4	0.005	No data.
Gray seal	0	0	0	0	2	0.001	Increasing.
Harbor seal	0	0	0	0	2	0.003	No data.
Harp seal	0	0	0	0	2	0.00003	Increasing.

¹ Except where noted, densities are the mean values for the survey area calculated from the SERDP SDSS NODES summer model expressed as number of individuals per 1,000 km² (Read *et al.*, 2009).

² Proposed take includes adjustments to modeled exposures of less than or equal to 1 instance of exposure for species with no density information. The SERDP SDSS NODES summer model produced a density estimate of zero, NMFS increased the take estimate from zero to the mean group size based on CETAP (1982) and the Atlantic Marine Assessment Program for Protected Species (AMAPPS) summer survey data (2010, 2011, and 2013).

^{3,4} Table 1 in this notice lists the stock species abundance estimates used in calculating the percentage of species/stock. Population trend information from Waring *et al.*, 2014. No data = Insufficient data to determine population trend.

Encouraging and Coordinating Research

Lamont-Doherty would coordinate the planned marine mammal monitoring program associated with the seismic survey in the northwest Atlantic Ocean with applicable U.S. agencies.

Analysis and Preliminary Determinations

Negligible Impact

Negligible impact' is "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival" (50 CFR 216.103). The lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population level effects) forms the basis of a negligible impact finding. Thus, an estimate of the number of takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, effects on habitat, and the status of the species.

In making a negligible impact determination, NMFS considers:

- The number of anticipated injuries, serious injuries, or mortalities;
- The number, nature, and intensity, and duration of Level B harassment; and
- The context in which the takes occur (*e.g.*, impacts to areas of significance, impacts to local populations, and cumulative impacts when taking into account successive/contemporaneous actions when added to baseline data);
- The status of stock or species of marine mammals (*i.e.*, depleted, not depleted, decreasing, increasing, stable, impact relative to the size of the population);
- Impacts on habitat affecting rates of recruitment/survival; and
- The effectiveness of monitoring and mitigation measures to reduce the number or severity of incidental take.

For reasons stated previously in this document and based on the following factors, Lamont-Doherty's specified activities are not likely to cause long-term behavioral disturbance, permanent threshold shift, or other non-auditory

injury, serious injury, or death. They include:

- The anticipated impacts of Lamont-Doherty's survey activities on marine mammals are temporary behavioral changes due to avoidance of the area.
- The likelihood that marine mammals approaching the survey area will be traveling through the area or opportunistically foraging within the vicinity, as no breeding, calving, pupping, or nursing areas, or haul-outs, overlap with the survey area.
- The low potential of the survey to cause an effect on coastal bottlenose dolphin populations due to the fact that Lamont-Doherty's study area is approximately 20 km (12 mi) away from the identified habitats for coastal bottlenose dolphins and their calves.
- The low likelihood that North Atlantic right whales would be exposed to sound levels greater than or equal to 160 dB re: 1 μ Pa due to the requirement that the *Langseth* crew must shutdown the airgun(s) immediately if observers detect this species, at any distance from the vessel.
- The likelihood that, given sufficient notice through relatively slow ship speed, NMFS expects marine mammals to move away from a noise source that is annoying prior to its becoming potentially injurious;
- The availability of alternate areas of similar habitat value for marine mammals to temporarily vacate the survey area during the operation of the airgun(s) to avoid acoustic harassment;
- NMFS also expects that the seismic survey would have no more than a temporary and minimal adverse effect on any fish or invertebrate species that serve as prey species for marine mammals, and therefore consider the potential impacts to marine mammal habitat minimal;
- The relatively low potential for temporary or permanent hearing impairment and the likelihood that Lamont-Doherty would avoid this impact through the incorporation of the required monitoring and mitigation measures; and
- The high likelihood that trained visual protected species observers would detect marine mammals at close proximity to the vessel.

NMFS does not anticipate that any injuries, serious injuries, or mortalities would occur as a result of Lamont-Doherty's proposed activities, and NMFS does not propose to authorize injury, serious injury, or mortality at this time. We anticipate only behavioral disturbance to occur primarily in the form of avoidance behavior to the sound source during the conduct of the survey activities.

Table 6 in this document outlines the number of requested Level B harassment takes that we anticipate as a result of these activities. NMFS anticipates that 33 marine mammal species could occur in the proposed action area. Of the marine mammal species under our jurisdiction that are known to occur or likely to occur in the study area, six of these species are listed as endangered under the ESA and depleted under the MMPA, including: The blue, fin, humpback, north Atlantic right, sei, and sperm whales

Due to the nature, degree, instances, and context of Level B (behavioral) harassment anticipated and described (see "Potential Effects on Marine Mammals" section in this notice), NMFS does not expect the activity to impact annual rates of recruitment or survival for any affected species or stock. The seismic survey would not take place in areas of significance for marine mammal feeding, resting, breeding, or calving and would not adversely impact marine mammal habitat, including the identified habitats for coastal bottlenose dolphins and their calves.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (*i.e.*, 24 hour cycle). Behavioral reactions to noise exposure (such as disruption of critical life functions, displacement, or avoidance of important habitat) are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.*, 2007). While NMFS anticipates that the seismic operations would occur on consecutive days, the estimated duration of the survey would last no more than 30 days but would increase sound levels in the marine environment in a relatively small area surrounding the vessel (compared to the range of the animals), which is constantly travelling over distances, and some animals may only be exposed to and harassed by sound for less than a day.

In summary, NMFS expects marine mammals to avoid the survey area, thereby reducing the risk of exposure and impacts. We do not anticipate disruption to reproductive behavior and there is no anticipated effect on annual rates of recruitment or survival of affected marine mammals.

Based on the analysis herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS finds that Lamont-Doherty's proposed seismic survey would have a

negligible impact on the affected marine mammal species or stocks.

Small Numbers

As mentioned previously, NMFS estimates that Lamont-Doherty's activities could potentially affect, by Level B harassment only, 33 species of marine mammals under our jurisdiction. For each species, these take estimates are small numbers relative to the population sizes and we have provided the regional population estimates for the marine mammal species that may be taken by Level B harassment in Table 6 in this notice.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action.

Endangered Species Act (ESA)

There are six marine mammal species listed as endangered under the Endangered Species Act that may occur in the proposed survey area: the blue, fin, humpback, north Atlantic right, sei, and sperm whales. Under section 7 of the ESA, the Foundation has initiated formal consultation with NMFS on the proposed seismic survey. NMFS (*i.e.*, National Marine Fisheries Service, Office of Protected Resources, Permits and Conservation Division) will also consult internally with NMFS on the proposed issuance of an Authorization under section 101(a)(5)(D) of the MMPA. NMFS and the Foundation will conclude the consultation prior to a determination on the issuance of the Authorization.

National Environmental Policy Act (NEPA)

The Foundation has prepared a draft EA titled "Draft Amended Environmental Assessment of a Marine Geophysical Survey by the R/V *Marcus G. Langseth* in the Atlantic Ocean off New Jersey, Summer 2015." NMFS has posted this draft amended EA on our Web site concurrently with the publication of this notice. NMFS will independently evaluate the Foundation's draft EA and determine whether or not to adopt it or prepare a separate NEPA analysis and incorporate relevant portions of the Foundation's draft EA by reference. NMFS will review all comments submitted in response to this notice to complete the NEPA process prior to making a final decision on the Authorization request.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes issuing an Authorization to Lamont-Doherty for conducting a seismic survey in the northwest Atlantic Ocean off the New Jersey coast June 1 through August 31, 2015, provided they incorporate the proposed mitigation, monitoring, and reporting requirements.

Draft Proposed Authorization

This section contains the draft text for the proposed Authorization. NMFS proposes to include this language in the Authorization if issued.

Incidental Harassment Authorization

We hereby authorize the Lamont-Doherty Earth Observatory (Lamont-Doherty), Columbia University, P.O. Box 1000, 61 Route 9W, Palisades, New York 10964-8000, under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1371(a)(5)(D)) and 50 CFR 216.107, to incidentally harass small numbers of marine mammals incidental to a marine geophysical survey conducted by the R/V *Marcus G. Langseth* (*Langseth*) marine geophysical survey in the northwest Atlantic Ocean off the New Jersey coast June 1 through August 31, 2015.

1. Effective Dates

This Authorization is valid from June 1 through August 31, 2015.

2. Specified Geographic Region

This Authorization is valid only for specified activities associated with the R/V *Marcus G. Langseth's* (*Langseth*) seismic operations as specified in Lamont-Doherty's Incidental Harassment Authorization (Authorization) application and environmental analysis in the following specified geographic area:

a. In the Atlantic Ocean bounded by the following coordinates: approximately 25 to 85 km (15.5 to 52.8 mi) off the coast of New Jersey between approximately 39.3-39.7° N and approximately 73.2-73.8° W, as specified in Lamont-Doherty's application and the National Science Foundation's environmental analysis.

3. Species Authorized and Level of Takes

a. This authorization limits the incidental taking of marine mammals, by Level B harassment only, to the following species in the area described in Condition 2(a):

i. Mysticetes—3 North Atlantic right whales; 3 humpback whales; 2 common minke whales; 3 sei whales; 3 fin whales; and 1 blue whale.

ii. Odontocetes—27 sperm whales; 2 dwarf sperm whales; 2 pygmy sperm whales; 3 Cuvier's beaked whales; 4 Gervais beaked whales; 3 Sowerby's beaked whales; 3 True's beaked whales; 3 Blainville beaked whales; 411 bottlenose dolphins (coastal and pelagic); 6 pantropical spotted dolphins; 133 Atlantic spotted dolphins; 52 striped dolphins; 36 short-beaked common dolphins; 16 white beaked dolphins; 53 Atlantic white-sided dolphins; 50 Risso's dolphins; 27 clymene dolphins; 7 false killer whales; 2 pygmy killer whales; 7 killer whales; 20 long-finned pilot whales; 20 short-finned pilot whales; and 4 harbor porpoises.

iii. Pinnipeds—2 gray seals; 2 harbor seals; and 2 harp seals.

iv. During the seismic activities, if the Holder of this Authorization encounters any marine mammal species that are not listed in Condition 3 for authorized taking and are likely to be exposed to sound pressure levels greater than or equal to 160 decibels (dB) re: 1 μPa, then the Holder must alter speed or course or shut-down the airguns to avoid take.

b. The taking by injury (Level A harassment), serious injury, or death of any of the species listed in Condition 3 or the taking of any kind of any other species of marine mammal is prohibited and may result in the modification, suspension or revocation of this Authorization.

c. This Authorization limits the methods authorized for taking by Level B harassment to the following acoustic sources:

i. a sub-airgun array with a total capacity of 700 in³ (or smaller);

4. Reporting Prohibited Take

The Holder of this Authorization must report the taking of any marine mammal in a manner prohibited under this Authorization immediately to the Office of Protected Resources, National Marine Fisheries Service, at 301-427-8401 and/or by email to Jolie.Harrison@noaa.gov and ITP.Cody@noaa.gov.

5. Cooperation

We require the Holder of this Authorization to cooperate with the Office of Protected Resources, National Marine Fisheries Service, and any other Federal, state or local agency monitoring the impacts of the activity on marine mammals.

6. Mitigation and Monitoring Requirements

We require the Holder of this Authorization to implement the following mitigation and monitoring

requirements when conducting the specified activities to achieve the least practicable adverse impact on affected marine mammal species or stocks:

Visual Observers

a. Utilize two, National Marine Fisheries Service-qualified, vessel-based Protected Species Visual Observers (visual observers) to watch for and monitor marine mammals near the seismic source vessel during daytime airgun operations (from civil twilight-dawn to civil twilight-dusk) and before and during start-ups of airguns day or night.

i. At least one visual observer will be on watch during meal times and restroom breaks.

ii. Observer shifts will last no longer than four hours at a time.

iii. Visual observers will also conduct monitoring while the *Langseth* crew deploy and recover the airgun array and streamers from the water.

iv. When feasible, visual observers will conduct observations during daytime periods when the seismic system is not operating for comparison of sighting rates and behavioral reactions during, between, and after airgun operations.

v. The *Langseth's* vessel crew will also assist in detecting marine mammals, when practicable. Visual observers will have access to reticle binoculars (7x50 Fujinon), and big-eye binoculars (25x150).

Exclusion Zones

b. Establish a 180-decibel (dB) or 190-dB exclusion zone for cetaceans and pinnipeds, respectively, before starting the airgun subarray (700 in³); and a 180-dB or 190-dB exclusion zone for cetaceans and pinnipeds, respectively for the single airgun (40 in³). Observers will use the predicted radius distance for the 180-dB or 190-dB exclusion zones for cetaceans and pinnipeds.

Visual Monitoring at the Start of Airgun Operations

c. Monitor the entire extent of the exclusion zones for at least 30 minutes (day or night) prior to the ramp-up of airgun operations after a shutdown.

d. Delay airgun operations if the visual observer sees a cetacean within the 180-dB exclusion zone for cetaceans or 190-dB exclusion zone for pinnipeds until the marine mammal(s) has left the area.

i. If the visual observer sees a marine mammal that surfaces, then dives below the surface, the observer shall wait 30 minutes. If the observer sees no marine mammals during that time, he/she should assume that the animal has

moved beyond the 180-dB exclusion zone for cetaceans or 190-dB exclusion zone for pinnipeds.

ii. If for any reason the visual observer cannot see the full 180-dB exclusion zone for cetaceans or the 190-dB exclusion zone for pinnipeds for the entire 30 minutes (*i.e.*, rough seas, fog, darkness), or if marine mammals are near, approaching, or within zone, the *Langseth* may not resume airgun operations.

iii. If one airgun is already running at a source level of at least 180 dB re: 1 μ Pa or 190 dB re: 1 μ Pa, the *Langseth* may start the second gun—and subsequent airguns—without observing relevant exclusion zones for 30 minutes, provided that the observers have not seen any marine mammals near the relevant exclusion zones (in accordance with Condition 6(b)).

Passive Acoustic Monitoring

e. Utilize the passive acoustic monitoring (PAM) system, to the maximum extent practicable, to detect and allow some localization of marine mammals around the *Langseth* during all airgun operations and during most periods when airguns are not operating. One visual observer and/or bioacoustician will monitor the PAM at all times in shifts no longer than 6 hours. A bioacoustician shall design and set up the PAM system and be present to operate or oversee PAM, and available when technical issues occur during the survey.

f. Do and record the following when an observer detects an animal by the PAM:

i. Notify the visual observer immediately of a vocalizing marine mammal so a power-down or shut-down can be initiated, if required;

ii. enter the information regarding the vocalization into a database. The data to be entered include an acoustic encounter identification number, whether it was linked with a visual sighting, date, time when first and last heard and whenever any additional information was recorded, position, and water depth when first detected, bearing if determinable, species or species group (*e.g.*, unidentified dolphin, sperm whale), types and nature of sounds heard (*e.g.*, clicks, continuous, sporadic, whistles, creaks, burst pulses, strength of signal, etc.), and any other notable information.

Ramp-Up Procedures

g. Implement a “ramp-up” procedure when starting the airguns at the beginning of seismic operations or any time after the entire array has been shutdown, which means start the

smallest gun first and add airguns in a sequence such that the source level of the array will increase in steps not exceeding approximately 6 dB per 5-minute period. During ramp-up, the observers will monitor the exclusion zone, and if marine mammals are sighted, a course/speed alteration, power-down, or shutdown will be implemented as though the full array were operational.

Recording Visual Detections

h. Visual observers must record the following information when they have sighted a marine mammal:

i. Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to the airguns or vessel (*e.g.*, none, avoidance, approach, paralleling, etc.), and including responses to ramp-up), and behavioral pace; and

ii. Time, location, heading, speed, activity of the vessel (including number of airguns operating and whether in state of ramp-up or shut-down), Beaufort sea state and wind force, visibility, and sun glare; and

iii. The data listed under 6(f)(ii) at the start and end of each observation watch and during a watch whenever there is a change in one or more of the variables.

Speed or Course Alteration

i. Alter speed or course during seismic operations if a marine mammal, based on its position and relative motion, appears likely to enter the relevant exclusion zone. If speed or course alteration is not safe or practicable, or if after alteration the marine mammal still appears likely to enter the exclusion zone, the Holder of this Authorization will implement further mitigation measures, such as a shutdown.

Power-Down Procedures

j. Power down the airguns if a visual observer detects a marine mammal within, approaching, or entering the relevant exclusion zones. A power-down means reducing the number of operating airguns to a single operating 40 in³ airgun. This would reduce the exclusion zone to the degree that the animal(s) is outside of it.

Resuming Airgun Operations After a Power-Down

k. Following a power-down, if the marine mammal approaches the smaller designated exclusion zone, the airguns must then be completely shut-down. Airgun activity will not resume until the

observer has visually observed the marine mammal(s) exiting the exclusion zone and is not likely to return, or has not been seen within the exclusion zone for 15 minutes for species with shorter dive durations (small odontocetes) or 30 minutes for species with longer dive durations (mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, killer, and beaked whales).

l. Following a power-down and subsequent animal departure, the *Langseth* may resume airgun operations at full power. Initiation requires that the observers can effectively monitor the full exclusion zones described in Condition 6(b). If the observer sees a marine mammal within or about to enter the relevant zones then the *Langseth* will implement a course/speed alteration, power-down, or shutdown.

Shutdown Procedures

m. Shutdown the airgun(s) if a visual observer detects a marine mammal within, approaching, or entering the relevant exclusion zone. A shutdown means that the *Langseth* turns off all operating airguns.

n. If a North Atlantic right whale (*Eubalaena glacialis*) is visually sighted, the airgun array will be shut down regardless of the distance of the animal(s) to the sound source. The array will not resume firing until 30 minutes after the last documented whale visual sighting.

Resuming Airgun Operations After a Shutdown

o. Following a shutdown, if the observer has visually confirmed that the animal has departed the 180-dB zone for cetaceans or the 190-dB zone for pinnipeds within a period of less than or equal to 8 minutes after the shutdown, then the *Langseth* may resume airgun operations at full power.

p. If the observer has not seen the animal depart the 180-dB zone for cetaceans or the 190-dB zone for pinnipeds, the *Langseth* shall not resume airgun activity until 15 minutes has passed for species with shorter dive times (*i.e.*, small odontocetes and pinnipeds) or 30 minutes has passed for species with longer dive durations (*i.e.*, mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, killer, and beaked whales). The *Langseth* will follow the ramp-up procedures described in Conditions 6(g).

Survey Operations at Night

q. The *Langseth* may continue marine geophysical surveys into night and low-light hours if the Holder of the Authorization initiates these segment(s)

of the survey when the observers can view and effectively monitor the full relevant exclusion zones.

r. This Authorization does not permit the Holder of this Authorization to initiate airgun array operations from a shut-down position at night or during low-light hours (such as in dense fog or heavy rain) when the visual observers cannot view and effectively monitor the full relevant exclusion zones.

s. To the maximum extent practicable, the Holder of this Authorization should schedule seismic operations (*i.e.*, shooting the airguns) during daylight hours.

Mitigation Airgun

t. The *Langseth* may operate a small-volume airgun (*i.e.*, mitigation airgun) during turns and maintenance at approximately one shot per minute. The *Langseth* would not operate the small-volume airgun for longer than three hours in duration during turns. During turns or brief transits between seismic tracklines, one airgun would continue to operate.

Special Procedures for Large Whale Concentrations

u. The *Langseth* will power-down the array and avoid concentrations of humpback (*Megaptera novaeangliae*), sei (*Balaenoptera borealis*), fin (*Balaenoptera physalus*), blue (*Balaenoptera musculus*), and/or sperm whales (*Physeter macrocephalus*) if possible (*i.e.*, avoid exposing concentrations of these animals to sounds greater than 160 dB re: 1 μ Pa). For purposes of the survey, a concentration or group of whales will consist of six or more individuals visually sighted that do not appear to be traveling (*e.g.*, feeding, socializing, etc.). The *Langseth* will follow the procedures described in Conditions 6(k) for resuming operations after a power down.

7. Reporting Requirements

This Authorization requires the Holder of this Authorization to:

a. Submit a draft report on all activities and monitoring results to the Office of Protected Resources, National Marine Fisheries Service, within 90 days of the completion of the *Langseth's* cruise. This report must contain and summarize the following information:

- i. Dates, times, locations, heading, speed, weather, sea conditions (including Beaufort sea state and wind force), and associated activities during all seismic operations and marine mammal sightings;
- ii. Species, number, location, distance from the vessel, and behavior of any

marine mammals, as well as associated seismic activity (number of shutdowns), observed throughout all monitoring activities.

iii. An estimate of the number (by species) of marine mammals with known exposures to the seismic activity (based on visual observation) at received levels greater than or equal to 160 dB re: 1 μ Pa and/or 180 dB re 1 μ Pa for cetaceans and 190-dB re 1 μ Pa for pinnipeds and a discussion of any specific behaviors those individuals exhibited.

iv. An estimate of the number (by species) of marine mammals with estimated exposures (based on modeling results) to the seismic activity at received levels greater than or equal to 160 dB re: 1 μ Pa and/or 180 dB re 1 μ Pa for cetaceans and 190-dB re 1 μ Pa for pinnipeds with a discussion of the nature of the probable consequences of that exposure on the individuals.

v. A description of the implementation and effectiveness of the: (A) Terms and conditions of the Biological Opinion's Incidental Take Statement (attached); and (B) mitigation measures of the Incidental Harassment Authorization. For the Biological Opinion, the report will confirm the implementation of each Term and Condition, as well as any conservation recommendations, and describe their effectiveness, for minimizing the adverse effects of the action on Endangered Species Act listed marine mammals.

b. Submit a final report to the Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, within 30 days after receiving comments from us on the draft report. If we decide that the draft report needs no comments, we will consider the draft report to be the final report.

8. Reporting Prohibited Take

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner not permitted by the authorization (if issued), such as an injury, serious injury, or mortality (*e.g.*, ship-strike, gear interaction, and/or entanglement), the Observatory shall immediately cease the specified activities and immediately report the take to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401 and/or by email to Jolie.Harrison@noaa.gov and ITP.Cody@noaa.gov and the Northeast Regional Stranding Coordinator at (978) 281-9300. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Name and type of vessel involved;
- Vessel's speed during and leading up to the incident;
- Description of the incident;
- Status of all sound source use in the 24 hours preceding the incident;
- Water depth;
- Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Lamont-Doherty shall not resume its activities until we are able to review the circumstances of the prohibited take. We shall work with Lamont-Doherty to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Lamont-Doherty may not resume their activities until notified by us via letter, email, or telephone.

9. Reporting an Injured or Dead Marine Mammal With an Unknown Cause of Death

In the event that Lamont-Doherty discovers an injured or dead marine mammal, and the lead visual observer determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.*, in less than a

moderate state of decomposition as we describe in the next paragraph), the Observatory will immediately report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401 and/or by email to Jolie.Harrison@noaa.gov and ITP.Cody@noaa.gov and the Northeast Regional Stranding Coordinator at (978) 281-9300. The report must include the same information identified in the paragraph above this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS would work with Lamont-Doherty to determine whether modifications in the activities are appropriate.

10. Reporting an Injured or Dead Marine Mammal Unrelated to the Activities

In the event that Lamont-Doherty discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (*e.g.*, previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Lamont-Doherty would report the incident to the Incidental Take Program Supervisor, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301-427-8401 and/or by email to Jolie.Harrison@noaa.gov and ITP.Cody@noaa.gov and the Northeast Regional Stranding Coordinator at (978) 281-9300, within 24 hours of the discovery.

The Observatory would provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS.

11. Endangered Species Act Biological Opinion and Incidental Take Statement

Lamont-Doherty is required to comply with the Terms and Conditions of the Incidental Take Statement corresponding to the Endangered Species Act Biological Opinion issued to the National Science Foundation and NMFS' Office of Protected Resources, Permits and Conservation Division (attached). A copy of this Authorization and the Incidental Take Statement must be in the possession of all contractors and protected species observers operating under the authority of this Incidental Harassment Authorization.

Request for Public Comments

NMFS invites comments on our analysis, the draft authorization, and any other aspect of the Notice of proposed Authorization for Lamont-Doherty's activities. Please include any supporting data or literature citations with your comments to help inform our final decision on Lamont-Doherty's request for an application.

Dated: March 11, 2015.

Donna S. Wieting,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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